

## **Summary of *Educational Rights and Responsibilities: Understanding Special Education in Illinois***

### **Educational Rights of Children with Disabilities**

Each child with a disability has the right to:

- A free, non-biased evaluation in the language he or she knows best
- An Individualized Family Service Plan (IFSP) for children younger than 3 years
- An Individualized Education Plan (IEP) for children and youth ages 3-21 years
- Receive special education and/or related services as described in the child's IFSP or IEP
- Be evaluated and receive services within a pre-set timeframe
- Participate in the general education curriculum and non-academic activities with non-disabled peers whenever possible
- Be part of the decision-making process and to attend IFSP or IEP meetings, if appropriate
- Free transportation to and from school
- Not be suspended from school for more than 10 consecutive days, if the behavior is related to the child's disability
- A longer school year, if the student would experience regression because of the summer break

### **Parental Rights**

Parents of children with disabilities have the right to:

- Be fully informed by the school regarding their rights in the special education process
- Be notified in writing before an evaluation, re-evaluation, or change in their child's classification or placement
- Give "informed consent" (this means that parents understand and agree with the decisions before an initial evaluation or placement)
- Attend and participate in any meetings in which their child's education is being discussed, including Individualized Family Service Plan (IFSP) or Individualized Education Plan (IEP)
- Invite others to participate in the meetings such as: teacher, translator, attorney or anyone who could facilitate the process
- Tape record meetings
- Request translations if English is not the primary language
- Be kept informed of their child's progress at least as often as parents of non-disabled children
- Examine their child's educational records, have them explained, and request that information that is inaccurate or inappropriate be corrected

### **Participate in decisions**

Parents of children with disabilities have the right to be involved in decisions about:

- Whether the child should be evaluated by a team of professionals who have knowledge about the child
- Whether the child should be classified as disabled
- Developing goals should be included on the child's IFSP or IEP
- Related services the child should receive
- Placement decisions

### **Disagree**

When parents do not agree with the school's recommendations about their child's education, they have the right to:

- Request that their child be re-evaluated or be evaluated by someone outside the school (which may be at the school's expense)
- Refuse to consent to decisions about their child's classification, evaluation, or placement
- Refuse to sign an IEP document; Parents have 10 school days to think about the IEP before signing it
- Request mediation as a way of resolving differences; this means that a meeting is held in which a neutral party listens to both sides and helps everyone come to an agreement
- Request an impartial due process hearing; this means that an impartial hearing officer listens to all parties and decides what is to be done, according to the law

Full document of *Educational Rights and Responsibilities: Understanding Special Education in Illinois* is available at: [http://www.isbe.net/spec-ed/html/parent\\_rights.htm](http://www.isbe.net/spec-ed/html/parent_rights.htm)