* **What are procedural safeguards in special education, and when will I receive a copy of them?**
* Procedural safeguards are parental rights outlined in the Individuals with Disabilities Education Act (IDEA). As a parent of a child with a disability, you are entitled to a copy of the Notice of Procedural Safeguards at least once per school year. You will also receive it upon initial referral or parental request for evaluation, upon receipt of the first administrative complaint or due process complaint in a school year, when a disciplinary action results in a change of placement for your child, and upon your request. The Notice of Procedural Safeguards is designed to help you understand your rights.
* **What is "Prior Written Notice," and what information should it include?**
* Prior Written Notice is a notification the school district must provide you whenever it proposes or refuses to take actions that will affect your child's special education services. This includes changes to your child's identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE). The notice must describe the proposed or refused action, explain the reasons for it, describe the evaluation procedures used, state that you have protections under IDEA, tell you how to obtain a description of the procedural safeguards, include resources for help in understanding Part B of the IDEA, describe any other choices that your child's IEP Team considered and the reasons why those choices were rejected, and provide a description of other reasons why your school district proposed or refused the action. The notice must be written in language understandable to the general public and in your native language.
* **What is parental consent, and when is it required?**
* Parental consent means that you have been fully informed of all information about the action in your native language or other mode of communication, you understand and agree in writing to that action, and your consent is voluntary and can be withdrawn at any time. Your written informed consent is required before the school district conducts an initial evaluation of your child to determine eligibility for special education services and before providing special education services to your child for the first time. If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district: Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested. The school district must also obtain your informed consent before it reevaluates your child, unless the school district can demonstrate that: It took reasonable steps to obtain your consent for your child's reevaluation; and You did not respond.
* **What is an Independent Educational Evaluation (IEE), and how can I obtain one?**
* An IEE is an evaluation of your child conducted by a qualified examiner who is not employed by the school district. You have the right to an IEE at public expense if you disagree with the school district's evaluation. To request an IEE at public expense, the school district must either file a due process complaint to defend its evaluation or provide the IEE, unless it demonstrates in a hearing that the evaluation you obtained did not meet the school district's criteria.
* **What rights do I have regarding the confidentiality of my child's education records?**
* You have the right to inspect and review your child's education records without unnecessary delay and before any IEP meeting or due process hearing, typically within 10 business days of your request. You have the right to explanations and interpretations of the records, copies if you cannot effectively review them otherwise, and the right to have a representative review the records. You can request amendments to records you believe are inaccurate or violate your child's privacy. The school district must obtain your consent before disclosing personally identifiable information to parties other than officials of participating agencies unless an exception applies under FERPA.
* **What options are available to resolve disagreements with the school district?**
* You have several options for resolving disagreements, including mediation, IEP facilitation, administrative complaints, and due process complaints. Mediation is a voluntary process involving an impartial mediator. IEP facilitation involves a neutral third party facilitating communication during IEP meetings. An administrative complaint alleges a violation of IDEA requirements by the school district or the Alaska Department of Education & Early Development. A due process complaint is filed on matters relating to a proposal or refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child. Each option has different rules and procedures.
* **What are my child's rights regarding discipline if they have a disability?**
* If your child with a disability violates a school code of conduct, school personnel may remove your child for up to 10 consecutive school days. After 10 cumulative days of removal in a school year, services must be provided to enable your child to continue to participate in the general education curriculum and progress toward their IEP goals. If a disciplinary change of placement exceeding 10 school days is proposed, a manifestation determination must be conducted to determine if the behavior was related to the child's disability or the school district's failure to implement the IEP. There are also special circumstances, such as weapons, drugs, or serious bodily injury, where a student can be removed to an interim alternative educational setting for up to 45 school days, regardless of whether the behavior was a manifestation of their disability.
* **What happens to my child's special education rights when they turn 18?**
* Under Alaska law, when your child reaches the age of 18, they are considered a legal adult, and the special education procedural safeguards transfer to them, unless a court has appointed a legal guardian to act on their behalf. This means your child will have the right to participate as the decision-maker in eligibility, IEP, and placement meetings, to consent or refuse consent for evaluation or reevaluation, and to exercise other special education rights.