

Procedural Safeguards: A Companion Guide for Parents



When a child qualifies for special education, families receive important rights under a federal law called the [Individuals with Disabilities Education Act \(IDEA\)](#). These rights, known as **procedural safeguards** or **parent rights**, are legal protections built into the special education process to support you and your child.

In California, these safeguards ensure you are informed and able to participate meaningfully in decisions about your child's education. This document provides an overview of those rights so you know what to expect and how to stay involved throughout the process. This companion guide is meant to accompany the procedural safeguards, and not replace them. You can receive a complete copy of the parent rights from your child's case manager, school*, or Special Education Local Plan Area (SELPA). You can also access a [copy](#) from the [California Department of Education \(CDE\)](#).

*Note: Within this resource, the term "school" refers to the local educational agency responsible for providing a free appropriate public education to your child. This may be a school district, charter school, or county office of education.

IDEA guarantees:

- A **free and appropriate public education (FAPE)**
- A **comprehensive evaluation** at no cost
- **Services and supports** from ages 3–21
- Learning in the **least restrictive environment (LRE)**

Let's explore what these rights mean one by one.

Free and appropriate public education (FAPE)

“Free”

- Services must be provided at **no cost** to families.

“Appropriate”

- An “appropriate” education means that students receive the instruction, supports, and services they need to make **meaningful progress**. This will look different for each student.
- Special education and related services are designed to help students:
 - make progress
 - build academic, social, and life skills
 - work toward IEP goals

“Public Education”

- Special education services are available to students enrolled in public schools, including charter schools.

*Note: If your child attends a private school, refer to the Students in Private Schools section below.

Comprehensive evaluation

- A comprehensive evaluation explores any areas where there are concerns related to a student's education. It is provided by the school at no charge and helps the IEP team understand a student's strengths and needs.

Supports and services

- If your child qualifies for special education, a written **Individualized Education Program (IEP)** is developed, which describes what will be provided to support your child within the school setting.
- Supports and services are the help your child receives at school to succeed and make progress toward their IEP goals. This may include specialized instruction, related services (such as speech or counseling), and supports that help your child participate in learning alongside peers as much as possible. These supports are written into the IEP so everyone knows what will be provided and when.
- This plan is created by an **IEP team** that includes you and, when appropriate, your child. The IEP is reviewed at least once a year and may be updated as necessary to support your child's progress.

Least restrictive environment (LRE)

- Students with disabilities have the right to learn **with their peers** as much as possible, with supports provided in a **general education setting whenever possible**. This is called the **least restrictive environment (LRE)**.

*Note: For students who are deaf or hard of hearing, the IEP team will also consider access to language in their mode of communication.



Procedural Safeguards

These safeguards are designed to keep parents informed, included, and able to participate meaningfully in decisions about their child's education. When families participate fully, it strengthens partnerships, improves teamwork, and supports clear communication. Parents have the right to take part in every IEP meeting and in every major decision about their child's assessments, services, and placement.

When will I receive them?

You will receive a copy of your Procedural Safeguards (Parent Rights) at certain times during the special education process, including:

- At least once each school year
- Any time you ask for a copy
- The first time your child is referred for a special education assessment
- Each time you receive an assessment plan to evaluate your child
- When a decision is made to change your child's educational placement
- When a complaint is filed with the state or a request for due process is made
- You will receive a copy with the first complaint or due process filing in the school year

Who do these rights apply to?

- The **parent** of a child with a disability (ages 3 to 21), which is defined as:
 - a child's biological or adoptive parent
 - a foster parent, if the birth/adoptive parent's decision rights are limited by a court
 - a guardian who can make educational decisions for the child
 - an adult caring for the child (e.g., a grandparent, stepparent, other relative, or someone legally responsible for the child's well-being)
 - an appointed surrogate parent
- Students with disabilities who are 18 and receiving special education services

Procedural Safeguards at a Glance



Participate

You have the right to **participate** in your child's education in a variety of ways:

- request a special education evaluation
- be involved in the development of your child's IEP
- learn about program options

The school must make sure you can fully participate in your child's IEP meeting. This includes providing an interpreter if you are deaf or hard of hearing, or if English is not your first language.

Did you know? You have the right to receive IEP information in your preferred language. Schools must provide an interpreter at meetings. If you request, a translated copy of the IEP will be provided after the meeting. These resources allow you to fully participate in decisions about your child's education.



Receive Prior Written Notice

A **prior written notice (PWN)** is a written explanation from the school that explains any important decisions that have been proposed—or refused—regarding your child's education. Schools must provide a PWN when they **propose or refuse** any of the following:

- an evaluation
- a change to your child's services
- a change to your child's identification as a student with a disability

The PWN includes the decision, why it was made, the data used, and your rights. You have the right to receive the PWN in your preferred language.



Give Consent

Consent means you understand and agree to the actions the school is proposing. The school must explain their request in a way you can understand—and you may always ask questions before signing. Your **written consent** is required before the school can:

- conduct an evaluation
- start special education services
- change services

Did you know? You may take time to review the proposed IEP and provide your consent after the meeting.



Refuse Consent

You have the right to say no to an evaluation or to special education services. You can also ask questions, request more information, or ask for changes at any time before making a decision.

Did you know? If you agree with some parts of the IEP but not others, you may consent to the portions with which you are in agreement. This allows the agreed upon portions to be implemented while you continue to work with the school to discuss the remaining areas and determine next steps.



Receive a Nondiscriminatory Assessment

Assessments must:

- be fair and unbiased
- consider your child's background, language, and culture when selecting assessment tools and interpreting their results



Access Educational Records

You may request copies of your child's school records at any time. The records must be provided within **five business** days of your request.



Discipline Protections

Students with disabilities can be suspended or removed from school if their behavior is serious. However, there are added protections:

- For **10 days of suspension or less in a school year**, the same rules generally apply for all students.
- After **10 days of suspension**, the school must continue services.

If your child is suspended or otherwise removed from their regular school placement for **more than 10 school days** in a row—or if there is a **pattern of removals adding up to more than 10 days**—the school must hold a **Manifestation Determination Review (MDR)**.

In rare cases that involve weapons, drugs, or serious injury, a student may be placed in an **interim alternative educational setting (IAES)** for up to **45 school days**; however, services must continue.



Students in Private Schools

If your child attends a private school, you still have the right to request a **special education evaluation** from your public school.

Schools must locate and assess students with disabilities in private schools within their boundaries. However, the following circumstances may apply:

- Private schools are not required to provide the same services as public schools.
- Students may receive limited services through a services plan.
- Students in private schools are not guaranteed FAPE.

Your Options When You Disagree

Families and schools sometimes see things differently when it comes to a child's evaluation, services, or IEP decisions. If this happens, you have several options to address concerns, ask questions, and work toward a solution.

These options are designed to protect your rights, keep communication open, and ensure your child continues to receive the support they need. The steps below explain the various ways you can respond when you disagree with the school—all with the goal of keeping you informed, empowered, and supported throughout the process. For more information, you can also access the California Department of Education's (CDE) [dispute resolution webpage](#).

Use alternative dispute resolution (ADR)

Parents and schools may not agree on a child's special education program. The [alternative dispute resolution \(ADR\) process](#) offers informal, voluntary ways to work through these disagreements that are positive and cooperative. This is an optional alternative that may be available to you before going through the formal dispute process of mediation.

ADR helps families and schools talk, listen, and find solutions together—without having to go through a formal or legal process. The goal is always to focus on what's best for the student and to maintain strong, respectful relationships between families and schools.

Benefits of ADR:

- Faster problem-solving
- Cost-effective
- Private and confidential
- Encourages teamwork
- Focuses on preserving relationships

ADR meetings may be led by a trained, neutral facilitator from your school, Special Education Local Plan Area (SELPA), or another agency.

To learn more or request support, contact your local SELPA or school. Together, educators and parents can use ADR to build understanding, strengthen relationships, and find the best solutions for students.

Under your parental rights, you may:

- ask for mediation through the Office of Administrative Hearings
- request an independent educational evaluation (IEE)
- file a state complaint
- request a due process hearing through the Office of Administrative Hearings

Let's explore these options one by one.

Use mediation

Mediation Options

Mediation is one type of ADR. This voluntary process allows parents and the school to meet with a neutral person—a mediator—to talk about their concerns and work toward an agreement.

There are several ways to take part in mediation:

- **Mediation of state complaints:** If a parent files a complaint with the CDE, alternative dispute resolution may be offered. Both the parent and the school must agree to participate.
- [Mediation only \(through the Office of Administrative Hearings\)](#): Parents or schools can ask for mediation without a hearing. Participation is voluntary, and it's your choice whether or not to take part.

Parents can choose mediation on its own, or they can try mediation while still waiting for a due process hearing. Mediation is meant to help resolve concerns efficiently—it cannot be used to delay a parent's right to due process.

If you disagree with the school's evaluation, you may ask your school for a free IEE—a second opinion from a qualified professional. After you request an IEE, the school must either:

- agree to pay for it, or
- file for a due process hearing to show their evaluation was appropriate

Request an IEE

You may request one free IEE each time the school completes an evaluation and you disagree with the findings. (Schools may set reasonable cost and location guidelines for IEEs.)

File a state complaint

If you believe the school did not follow the law, you may file a complaint with the CDE. Within 60 days, CDE will investigate and provide a report explaining its findings, as well as any actions the school may need to take. This process helps ensure that children receive the educational services they are entitled to under the law.

Request a due process hearing

If you disagree with any part of your child's IEP or services, you may request a **due process hearing**. This is a formal step that ensures disagreements about a child's education are reviewed fairly by an impartial decision-maker.

A few things to know before the hearing:

- You may bring a lawyer or advocate.
- You may invite your child, if appropriate.
- The hearing may be open to the public.
- In some cases, families may receive reimbursement for legal or private service costs.

If you would like to request a [due process hearing](#), please contact the [Office of Administrative Hearings](#) (search for the regional office in your area).

“Stay put” protection

If you and the school don't agree about your child's special education placement or a proposed change, your child will stay in their current program while the disagreement is worked out. Staying in their current program is referred to as “stay put.” This helps ensure your child's support and services aren't interrupted during the process.



Additional Resources:

- The [Constituent Support Services Office](#), part of [CDE's Special Education Division](#), is dedicated to improving communication and providing support for families. Their staff can answer questions, help you understand your rights, and connect you with the appropriate department if needed. To speak with someone in the Constituent Support Services Office, call **800-926-0648** Monday–Friday from 8 a.m. to 5 p.m. Calls outside these hours will go to voicemail—please leave a message, and your call will be returned within 24 hours. You may also contact the office by email at SEDCO@cde.ca.gov.
- [Seeds of Partnership](#), provides support, training, and resources for parents and professionals in the areas of family engagement and partnership, dispute resolution, parent input for compliance and improvement monitoring, early learning, secondary transition, youth leadership and self-advocacy, and statewide coordinated support to the California Family Empowerment Centers.
- [Family Empowerment Centers](#) provide support to parents of children and young adults with disabilities, ages 3-22 in California. They offer training, peer-to-peer support, information, resources and support with referrals and services to help parents better understand their child's educational and developmental needs, navigate the IEP process, access community supports, and promote positive relationships and effective communication with professionals. Use the online tool to find your local parent center by county or region within California.
- [Pathways to Partnership](#) is a statewide technical assistance provider supporting families and educational agencies across California with alternative dispute resolution (ADR) and conflict prevention in special education. Their services focus on strengthening communication, building collaboration, and helping IEP teams prevent and resolve disagreements while maintaining positive working relationships. For more information about Pathways to Partnership services and supports, visit their website at www.pathways2partnership.org or email at info@pathways2partnership.org.