

## ADDENDUM TO PRIOR WRITTEN NOTICE

You have rights available to you under Part B of the IDEA and DDOE regulations. *A full copy of your Delaware Special Education Procedural Safeguards for Parents and Children has been provided to you by your Local Education Agency (LEA) and can also be found at the following link <http://www.doe.k12.de.us/Page/2337>.* In addition, a summary of your rights and additional resources are included in this document.

### Summary of Delaware Special Education Procedural Safeguards for Parents and Children

#### Parent Participation

As a parent, you are an important member of the IEP Team. You have a right to participate in all decisions made regarding your child's special education program and placement. This includes being given information in your native language and/or preferred mode of communication and being invited to an IEP meeting at a time that is mutually agreeable to you and the other members of the IEP Team. In addition, you have the right to request any data relevant to your child's needs or disability and the presence of any staff member prior to an IEP meeting. The IEP Team must obtain your input prior to the development of an IEP and must send you a draft if one is available prior to the IEP meeting.

#### Prior Written Notice

Your child's school must give you notice before they propose (or refuse) to initiate or change the identification, evaluation, or educational placement of your child.

#### Consent

The school must obtain your written consent before conducting an initial or reevaluation for special education and/or related services. In addition, the school must obtain your written consent for the initial provision of special education and/or related services. At any time, you can withdraw your consent for an evaluation and/or the provision of services.

#### Surrogate Parent Appointment

An education surrogate parent must be appointed when the parents of a child with a disability cannot be identified, found, or when the child is in the custody of the Department of Services for Children, Youth, and their Families.

#### Independent Evaluation

You have the right to ask for and obtain an independent educational evaluation for your child at public expense if you disagree with an evaluation of your child conducted by the school. If you request an independent evaluation, the school must respond by either: 1) providing you with information about where to obtain the evaluation or 2) filing a due process complaint requesting a hearing to show its evaluation was appropriate. Once the school receives the independent evaluation, the IEP Team must consider the evaluation results when making decisions about your child's free appropriate public education.

#### Access to Educational Records

You have the right to review all of your child's education records without unnecessary delay, including prior to a meeting about your child's IEP, before a due process hearing, or before a resolution meeting.

#### Resolving Disagreements

- **Mediation.** Mediation is a voluntary way to resolve disagreements and is conducted by a qualified and impartial person trained in strategies that help people come to agreement over difficult issues. The DDOE offers mediation, at no cost to you, to assist you in resolving disagreements with the school concerning the provision of special education to your child. Parents are encouraged to request mediation prior to filing a state complaint or due process complaint.
- **State Complaint.** You have a right to file a State complaint alleging a violation of Part B of the IDEA or DDOE regulations. The DDOE must investigate and issue the findings of the investigation within a sixty (60) day timeline.
- **Due Process.** You have the right to request an impartial due process hearing regarding the identification, evaluation, and educational placement of your child, or the provision of a free appropriate education to your child. A due process hearing panel must hear a due

process complaint and issue a written decision within a forty-five day (45) timeline (following the expiration of the thirty (30) day resolution period). A child involved in any due process hearing or judicial proceeding regarding a due process complaint must remain in his or her current educational placement unless you and the school agree on another arrangement.

**School Discipline and Placement Procedures.** Children with disabilities *may* be suspended, expelled, or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities, but are subject to specific rules and requirements outlined in your procedural safeguards.

**Children Attending Private Schools.** If the school district made a free appropriate public education available for your child with a disability, and you choose to place your child at a private school or facility, the school district is not required to pay the cost of special education and related services for your child. School districts are required to spend a proportionate share of federal IDEA funds on consultation and special education services for parentally placed private school children attending private school in the school district, but these students do not have individual rights to IDEA services.

### **Additional Resources**

<b>Disabilities Law Program:</b> <a href="http://www.declasi.org/disabilities-law-program/">http://www.declasi.org/disabilities-law-program/</a>	
<p><b><u>New Castle County:</u></b>          100 W. Tenth St., Suite 801          Wilmington, DE 19801          (302) 575-0690          (302) 575-0696 (TTY/TDD)          (800) 292-7980</p>	<p><b><u>Kent County:</u></b>          840 Walker Road          Dover, DE 19904          (302) 674-8503 (TTY/TDD Also)          (800) 537-8383</p>
<p><b><u>Sussex County:</u></b>          Georgetown Professional Park          20151 Office Circle          Georgetown, DE 19947          (302) 856-3742 (TTY/TDD Also)          (800) 462-7070</p>	
<p><b>Delaware Volunteer Legal Services</b>  <a href="http://www.dvls.org/">http://www.dvls.org/</a>          Telephone: Wilmington (302) 478-8850          Sussex and Kent Counties (302) 225-0582          Email: <a href="mailto:tventresca@dvls.org">tventresca@dvls.org</a></p>	<p><b>Delaware Bar Association</b>  <a href="http://www.dsba.org/">http://www.dsba.org/</a>          405 North King Street, Suite 100          Wilmington, DE 19801          Telephone: (302) 658-5279          Fax: (302) 658-5212</p>
<p><b>Parent Information Center of Delaware, Inc.</b>  <a href="http://www.picofdel.org/">http://www.picofdel.org/</a>          404 Larch Circle          Larch Corporate Center          Wilmington, DE 19804          Email: <a href="mailto:picofdel@picofdel.org">picofdel@picofdel.org</a>          Telephone: (302) 999-7394          Toll Free: (888) 547-4412          Fax: (302) 999-7637</p>	<p><b>The Special Education Partnership for the Amicable Resolution of Conflict (SPARC) Mediation Program</b>  <a href="http://www.ipa.udel.edu/crp/sparc.html">http://www.ipa.udel.edu/crp/sparc.html</a>          177 Graham Hall          University of Delaware          Newark, DE 19716-7380          Telephone: (302) 831-8158          Fax: (302) 831-0450          Kathleen M. Murphy, Policy Scientist/CRP Coordinator e-mail: <a href="mailto:kmmurphy@udel.edu">kmmurphy@udel.edu</a>          Frances M. Fletcher, Associate Policy Scientist e-mail: <a href="mailto:franf@udel.edu">franf@udel.edu</a></p>