

Special Education Rights Explanation

- 1.) Provide prior written notice in regards to a meeting.
- 2.) Must obtain written consent before testing.
- 3.) Transfer of parental rights at the age of 19.
- 4.) We must consider independent evals (if it meets AL Criteria).
- 5.) State complaint- any individual or organization may file a state complaint.
- 6.) Due Process- Only you or your agency may file due process.
- 7.) During due process hearing, the child will remain in his/her current educational placement.
- 8.) Access to records- Your education agency must permit you to inspect education records of your child.
- 9.) Discipline- School personnel may remove a child with a disability who violates a code of student conduct from his/her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct.
- 10.) Manifestation Determination- within 10 school days, any decision to change placement of a child with a disability because of a violation of a code of student conduct, the education agency, the parent, and relevant members of the child's IEP team must review relevant info. To determine if the conduct was caused by the child's disability or was the direct result of the education agency's failure to implement the IEP.
- 11.) If the education agency, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the child's disability, the IEP team must conduct an FBA.
- 12.) School personnel may remove a student to an interim alternative educational setting for not more than 45 days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child carries a weapon to or possess a weapon at school, on school premises or at a school function; knowingly possesses or uses, sells or solicits illegal drugs on school premises; has inflicted serious bodily injury upon another person on school premises.