



Know Your Rights: DV Survivor IEP Protections

IEP Meeting Support for domestic violence survivors co-parenting with their abuser:

You have a right to bring a support person of your choosing.

Neither the school nor the other parent can deny you this right. IDEA (Section 1414(d)(1)(B)(iv)) “at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;”

In California, you have a right to audio record your child’s IEP meeting.

Neither the school nor the other parent can deny you this right. EDC § 56341.1 (g) (1) “Notwithstanding Section 632 of the Penal Code, the parent or guardian or local educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least 24 hours prior to the meeting.”

You have the right to request to attend the meeting via teleconference.

34 CFR § 300.322 (a)(2) “Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—Scheduling the meeting at a mutually agreed on time and place.” When you receive the meeting notice, check the box that says you plan to attend but are requesting that the meeting be held via teleconference (Zoom).

Ensure the district representative in your child’s IEP team has a current copy of your legal custody orders. This is important so the school district is informed of who has educational rights – and if you share joint legal custody, that they will need both signatures before proceeding with any changes to your child’s IEP or educational programming.