

Special Education Law: Major Themes

Numerous laws are in effect to protect the educational rights of students with disabilities. Knowing what these laws do for students and what rights students have is the first step towards advocating for students with disabilities.

IDEA-originally the Education for all Handicapped Children Act in 1975. In 1990, this law was renamed the Individuals with Disabilities Education Act. Amended again in 2004, it is now called the Individuals with Disabilities Education Improvement Act. This law provides:

Free Appropriate Public Education-appropriate can be a broad term, but what is usually meant by this is that students should receive the services that will help them learn the general education curriculum in the Least Restrictive Environment.

Least Restrictive Environment- the student is educated in the regular education environment as much as possible, with the support of supplementary aids and services if needed

If you suspect that a student may have a disability:

There must be parental consent to do any testing on a child, unless that testing is being done to every child in the class.

The evaluation process may take no more than sixty days (not counting summer months), and an evaluation report completed.

If the student is determined to have a disability that requires specially designed instruction, an Individualized Education Plan must be created and implemented.

IEP-Individualized Education Plan

An IEP team consists of an LEA representative, a special educator, a general educator, the parents, someone who can interpret assessments, and the child whenever possible. Prior written notice must be given to parents of any new action to be taken in the students IEP. Parents must also receive a Procedural Safeguards Notice of their rights one time per year.

The IEP must include the student's present levels of performance. The document must also have goals addressing each area of identified need.

The IEP must consider whether assistive technology will be of assistance to the student.

Chapter 14-some facts on how it addresses discipline and behavior issues on an IEP:

Positive Behavioral Supports help to change behaviors rather than punishments

Manifestation determination-when a student is being considered for a disciplinary change in placement, this must take place to determine if the behavior happened as a result of a disability. If it was a result of the disability, a functional behavioral assessment must be conducted or, if one was already done, the positive behavior support plan must be reviewed and revised, if needed. A functional behavioral assessment includes looking at what happens right before the behavior (antecedent), what happens right after (consequence), and what was the purpose of behavior.

As a parent, there are many things you can do if you disagree with school personnel on what is best for your child. Informally-talk with staff, request a meeting, or ask for an IEP facilitation. Formally- file a complaint, go through mediation, have a due process hearing.