



Goals

- Provide you with the legal basics of special education
- Allow time for open discussion
- Be available to answer individual questions

This publication is prepared by attorneys but is not legal advice. Laws and regulations change, as do court interpretations of applicable law. Consult qualified legal counsel for specific legal guidance tailored to your situation.

Introductions

- Mary Bowman: Physical Therapist
- Allison Boyll: Director of Programs, JMF
- Leah Seigel: Attorney, Former Teacher

Legal Framework

- The federal law was first called the Individuals with Disabilities Education Act (IDEA) in 1990 but it was enacted originally as the Education of the Handicapped Act (EHA), sometimes called the Education of All Handicapped Children's Act or P.L. 94-142. It was originally signed into law in November of 1975 by then President Ford.
- Enacted in 1990 and reauthorized in 1997 and 2004. Protects the rights of students with disabilities by ensuring a free appropriate education and related services regardless of ability.
- Applies to States and agencies accepting federal funding under the IDEA.
- Covers early intervention (birth through age two), then age 3 - the end of the school year in which the child turns 22 years old (Receipt of standard diploma will extinguish that right prior to age 22).

Who is covered?

- IDEA defines a "child with a disability" as a "child... with an intellectual disability, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance..., orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; AND, who... [because of the condition] needs special education and related services."

Core Principles of IDEA

- Free Appropriate Public Education (FAPE)
- Appropriate Educational Evaluation
- Individualized Education Program (IEP)
- Least Restrictive Environment (LRE)
- Procedural Safeguards
- Parental Participation in Decisions

The Basics

- Referral for an evaluation (made by parents or school personnel)
- Evaluation Report
- Case Conference Committee
- Independent Educational Evaluation
- Individualized Educational Program (IEP)
- Related Services
- Nonpublic Schools/Service Plans

Procedural Rights

- Notice
- Participation
- Confidentiality
- Access to Records
- Dispute Resolution

Practical Tips

- Recognize that you are in a budget-limited environment, but do not accept that as an excuse
- Be actively involved
- Educate yourself about your child's rights
- Know when to be friendly, when to be more assertive
- Prepare for each Case Conference

- *If you do not stand up for your student when required, who will?*

Resources

- Your state's Department of Education

- Each state has at least one **Parent Training and Information Center (PTI)**, which is funded in part by the US Department of Education, Office of Special Education, to assist parents of a child with a disability*

* More Information: <https://www.understood.org/en/school-learning/special-services/special-education-basics/parent-training-centers-a-free-resource>

Resources

- US Department of Education:
<http://idea.ed.gov/explore/home>

- Joseph Maley Foundation,
– Allison Boyll
aboyll@josephmaley.org

Websites:

- <https://www.understood.org/en>

- <http://www.wrightslaw.com/>

Discussion

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