



# The Clay Center for Young Healthy Minds

*Shining light on mental health through education.*

## Navigating Special Education in Schools

### Individuals with Disabilities Education ACT (IDEA):

- Groundbreaking Law and has existed in one form or another for about 50 years.
- State laws may provide additional protections not included in IDEA.
- Important Safeguards included: Free and Appropriate Public Education (FAPE), Least Restrictive Environment (LRE), Parental Participation, Right to Be Informed,
- Includes 15 Categories of Disability

### Important General Advice:

- Get evaluated early, as many parents regret not doing it sooner.
- Request evaluations in writing and be persistent in advocating for your child's needs.
- Get informed and know your rights, especially ones specific to your state.
- While it may sometimes be difficult, maintain civility when meeting with your child's team and administrators.
- There are no stupid questions when meeting with your child's team.
- Consider out-of-district experts for additional support, especially for help in interpreting the evaluation results.

### Individual Educational Plan (IEP):

- Often includes special instruction/programs.
- The focus is more on allowing the student to make effective progress in each of their identified areas of need.
- Team includes the parent, regular education teacher, special education teacher, usually a district representative qualified to supervise special ed, and the student if they are over the age of 16.

### Section 504 Plan:

- Section 504 of the Rehabilitation Act
- Applies to a range of issues such as employment, housing, and education.
- Guarantees children with disabilities a "level playing field", providing equal access to services as their non-disabled peers.
- 504 is about access while IDEA is more about progress.

### IEP versus a 504 Plan:

- Both may address emotional, psychological, behavioral, or academic issues.

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- IEPs require a condition affecting education, while 504 plans address emotional and psychological issues.
- 504 plan is to accommodate your child's learning while an IEP is used when a different program is needed for the child to learn.

### Evaluation Process:

1. Under IDEA, referrals can be made by a parent, state agency, school district, or other agencies.
2. Once the district receives the evaluation request, they send out a proposed consent to the evaluation which specifies which evaluations they intend to do.
3. Once they receive consent from the parents, the district has 60 days (under IDEA) to perform the evaluation.

### Important Rights:

- *Child Find Obligation:* School districts under IDEA are supposed to locate children within the district who need/or may need special education services and refer those students for evaluation.
- Right to request an evaluation
- Parental right to participate as a member of the IEP team.
- Right of prior written notice
- Parental Right to consent or withhold consent.

- *Stay put rights:* If invoked, the child will stay in the last agreed upon placement until either the school district or the parents reach an agreement.
- *Unilateral Placement:* Parents have the right to place the student in a program different from the school's recommendation.
- Right to dispute resolution, procedures, ideas, and specifics.
- *Right to mediation:* Needs to be provided by the states for free by the district.

### Differences at Private Schools:

- While they still have the right to an evaluation, private schools are not required to provide a student with an IEP.
- Private school students may receive services through consultation with their public school district, but this is not guaranteed.

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