



Understanding Your Child's Special Education Rights



Who is eligible for special education services?

- Any child between the ages of 3 and 22 is eligible for special education services if he has a qualifying disability.
 - The federal laws that provide special education and related services for students are the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504). *The differences between a special education plan under each of these laws are discussed on page 2 of this pamphlet.*
- Under **IDEA**, qualifying disabilities include only the following conditions - specific learning disabilities, other health impairments, autism, emotional disturbance, speech or language impairment, visual impairment, deafness, hearing impairment, deaf-blindness, orthopedic impairment, intellectual disability, traumatic brain injury, or multiple of the above disabilities.
- Under **Section 504**, a child qualifies if he has a "physical or mental impairment" that "substantially limits one or more major life activities" (such as walking, seeing, hearing, speaking, breathing, writing, reading, math calculations, caring for oneself, manual tasks, etc.).
- All children with disabilities have the right to a "free and appropriate public education" in the "least restrictive environment."



What can I do for my child?

- Make a written request that the school do an evaluation of your child for special education services.
- Provide written consent for the school to evaluate your child for special education services.
- Communicate with your child's teachers, intervention specialists, and school administrators to ensure that your child's needs are being met.
- If your child is on a special education plan and is still struggling, request that the school reevaluate the plan.
- Know that you have the right to disagree with the school's opinion of what is best for your child.
- Know that you have the right to an attorney at meetings regarding your child's special education needs.



What types of special education plans are there and what rights do they provide?

<u>Individualized Education Programs (IEPs)</u> (child has a disability covered by IDEA)	<u>Section 504 Plans</u> (child has a disability under Section 504)
<ul style="list-style-type: none"> • The school or a parent may request an evaluation for special education on behalf of a child. • The school must respond to a parent’s request for an evaluation in writing. • The parent is entitled to an Independent Educational Evaluation if they disagree with the school’s evaluation. The school must pay these costs. • Parents are entitled to participate in all stages of the special education process. • The child will be placed on an Individualized Education Program (IEP). This plan <u>must</u> be written down and include specific details on the child’s performance and the services he will receive. • The IEP is written by a team that <u>must</u> include the child’s parents, a general education teacher, a special education teacher, a specialist, and a district representative. • The IEP <u>must</u> be reviewed each year. • Parents <u>must</u> be notified <u>in writing</u> of <u>all</u> changes in the placement of their child, <u>before</u> the change is made. • The educational services that will be provided to the student will be provided at no cost to the parent. 	<ul style="list-style-type: none"> • The school must complete an evaluation to see if a child is eligible for a 504 Plan. • The parent is <u>not</u> entitled to an Independent Educational Evaluation if they disagree with the school’s evaluation. • Parents are <u>not</u> entitled to participate. Most schools allow parents to participate, but do not grant them decision-making authority. • The child will be placed on a 504 Plan. This plan does <u>not</u> need to be written down and <u>only</u> needs to include a list of provided accommodations and services. • The 504 Plan is created by a team of people who are familiar with the child and who understand the evaluation and service options. The parents do <u>not</u> need to be included. • The 504 Plan <u>must</u> be reviewed every three years. • Parents <u>must</u> be notified of any <u>significant</u> changes in the placement of their child. This notification does <u>not</u> need to occur before the change is made. • The educational services that will be provided to the student will be provided at no cost to the parent.



Can my child be suspended or expelled if he is on a special education plan?

- A child on an IEP or 504 Plan may be disciplined the same as any other student, until the school wants to out-of-school suspend or expel the child for more than 10 school days in an academic year.
- If the school wants to remove a child for more than 10 days, the school must hold a Manifestation Determination Review meeting.
 - If the behavior causing the removal is a manifestation of the child’s disability, the school may not remove him.
- The school is required to provide notice of the removal and a hearing for the child to dispute the removal. The school is required to inform the parent of the right to have an attorney at the hearing.



When should I contact LASC?

- You want help writing letters to your child’s teachers and school administrators to request needed special education evaluations for your child.
- You disagree with the school’s decision regarding your child’s eligibility for special education or related services, or you disagree with the services they are providing your child.
- You want an advocate for you and your child at the school if educators are not helping you to identify and address your child’s learning needs, or if the school is not implementing your child’s IEP or 504 Plan.
- Your child has been given an out-of-school suspension or expulsion and you believe the behavior causing the removal was due to your child’s disability.

How to Contact LASC:

FRANKLIN & MADISON

Call (614) 241-2001 or Toll Free 1-888-246-4420
 1108 City Park Avenue, Columbus, OH 43206
 Office Hours: 8:30am-5:00pm Monday-Friday

DELAWARE, MARION, MORROW, & UNION

Call (740) 383-2161 or Toll Free 1-888-301-2411
 150 Oak Street, Marion, OH 43302
 Office Hours: 9:00am-5:00pm Monday-Friday

Request Services Online at www.columbuslegalaid.org

LASC does not discriminate against any person on the basis of race, color, national origin, disability, or age in admission, treatment, or participation in its programs, services and activities, or in employment.

