



What rights does a child have?

Federal law lets children with disabilities start school younger, go to school for more years, and get extra help in school. The law says children with disabilities can get free services from birth through age 21 that they need in order to learn. School age children with disabilities should spend as much of the school day as possible with children without disabilities, even if they need extra help.

The child could receive special education and related services such as: special classroom equipment or materials, special rules for homework and tests, transportation, interpreters, aides, speech therapy, occupational therapy, physical therapy, counseling, psychological services, social work services, parent counseling and training, and other services. The necessary services should be on the child's IEP.

What rights does a parent have?

Until a child turns 18, a parent must give OK's for special education. Parents have the right to make sure the child gets a good education. Parents also have the right to be treated fairly by the school. The school needs the OK from a parent to:

- Test a child to see if special education is needed
- Put a child in special education
- Re-test a child
- Decide what a child will learn
- Start the services in the IEP
- Change the kind of class where a child learns
- Change what help a child gets
- Give a child help talking or using muscles
- Add a new service, or
- Stop a service completely

If the school needs a parent's OK and the parent won't give it, then the school may ask for mediation or due process. This means someone who does not work for the school listens to both sides. They decide who is right. The parent can ask for mediation or due process if the parent disagrees with the school about a special education decision.



Legal Aid Society
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Special Education

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E3: 1/21/2021

What is special education?

Special education is services for children with disabilities to help them learn. Disability means that a child's body or mind works differently from other children or that a child is unable to do things other children who are the same age can do. Special education laws make sure children with disabilities get the help they need to learn.

Special education is not just a class for students with disabilities. Special education is the service and support your child needs to learn. The extra help a child needs can happen in any class.

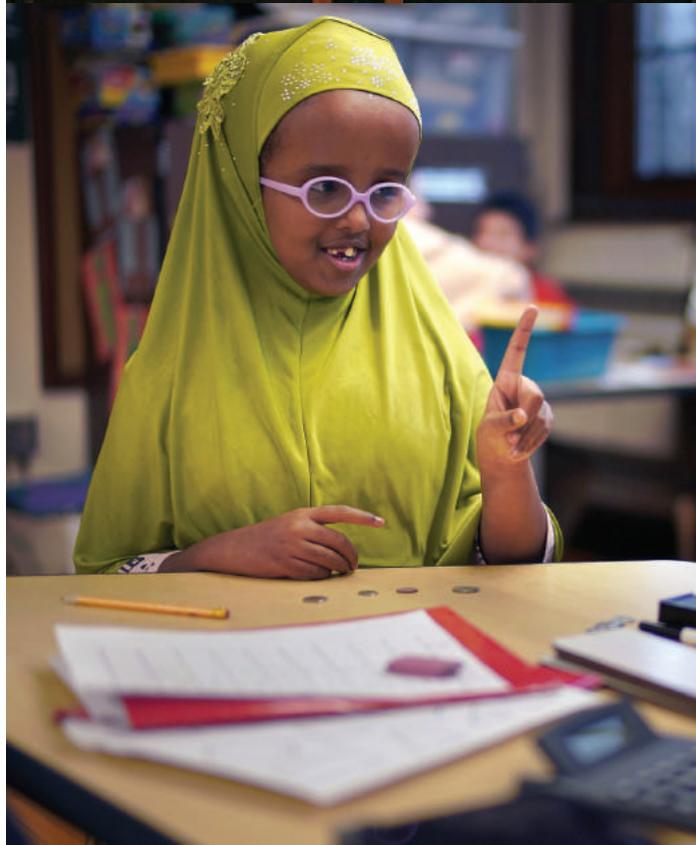
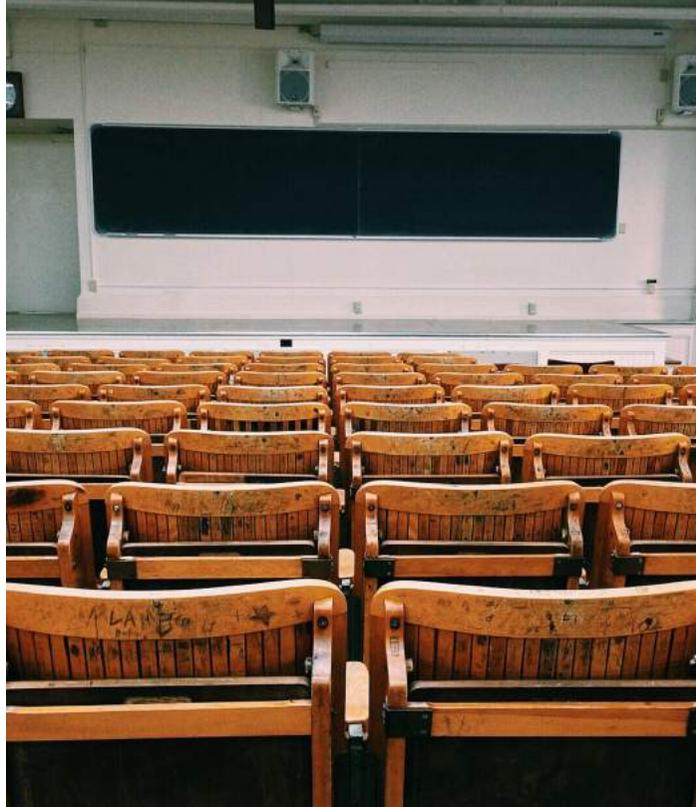
How can a child get special education?

There are several steps to go through before a child can get special education.

1. Testing

The first step is asking to have a child tested to see if he or she can get special education. The testing shows if a child has a disability. The testing is called an assessment or an evaluation. The school pays for testing. The school cannot test a child unless the parent (or someone else legally allowed to make education decisions for the child) gives the school an OK. If a parent agrees to testing, a Team will decide what tests need to be done.

The Individuals with Disabilities Education Act (IDEA) says that a child must be tested within 60 calendar days. The 60 days starts when the school gets a parent's OK for testing.



If a parent thinks the test results are wrong, then the parent can ask the school to re-test the child. The parent may also have the testing done by someone who doesn't work for the school. This is called an independent educational evaluation. Parents can only ask for the school to pay for the independent test if they disagree with the school's test. The school only has to pay for one independent test each time a parent disagrees with the school's test. If a parent wants more than one independent test, then the parent must pay for them.

2. Eligibility

The Assessment Team, including school people and the parents, decide if the child can get special education. This step is called eligibility. A child can only get special education if all three of these things are true:

- a. The child must have a disability. It must be one of the disabilities listed in the special education law. AND;
- b. The child must need special education due to the disability in order to learn. AND;
- c. The parent (or someone else legally allowed to make education decisions for the child) must give a written OK for the child to get special education.

There will be a meeting to talk about what the tests showed. If the Assessment Team says a child can get special education, then the team will write an Individualized Education Program for the child. This is also called an IEP. If the Assessment Team decides the child cannot get special education, the child may still be able to get help from Section 504, another federal law providing protections for children with disabilities. Ask the school for information about Section 504 services.