

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.



Children receiving special education and related services could receive help 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.



Until a child turns 18, a parent must give OK's for special education.

The school needs the OK from a parent to:

- test a child to see if special education is needed
- provide a child with 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.

The parent can ask for mediation or due process if the parent disagrees with the school about a special education decision.

Who We Are

Legal Aid Society is Tennessee's largest non-profit law firm. Our mission is to enforce, advance, and defend the legal rights of low income and vulnerable people to obtain the basic necessities of life.

Contact Us

We have offices in Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma.

**Call 1-800-238-1443
for free assistance**



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OF MIDDLE TENNESSEE AND THE CUMBERLANDS

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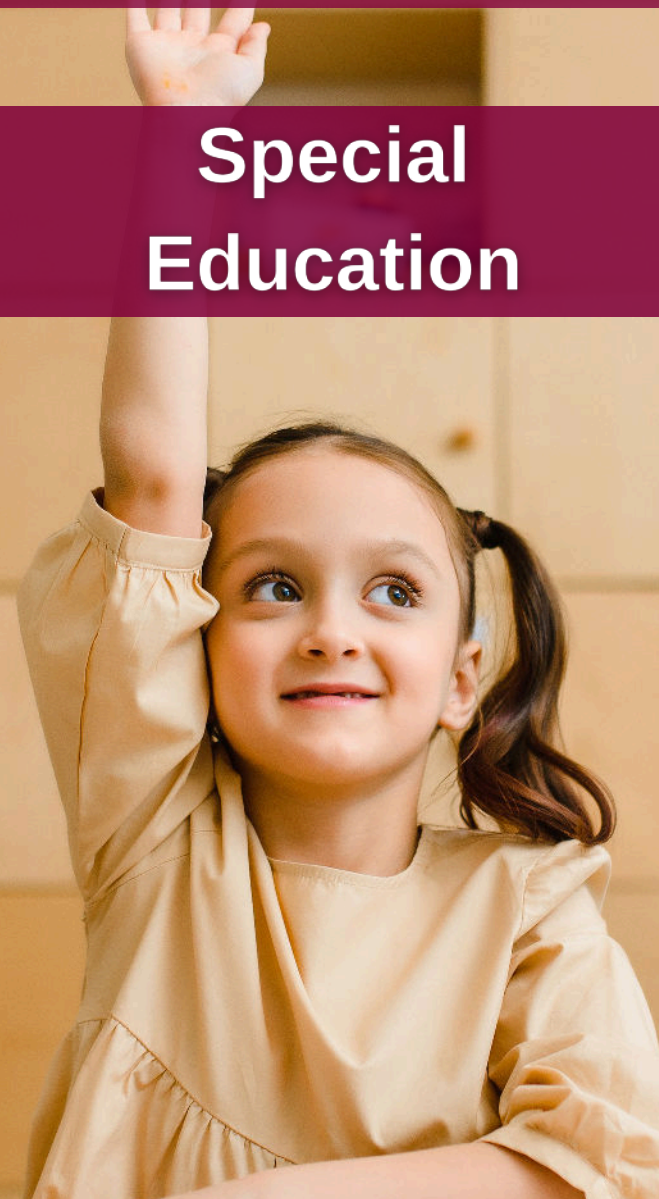


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Health, Benefits, and Education

Special Education



WHAT RIGHTS DOES A PARENT HAVE?

Parents have the right to:

- make sure the child gets a good education; AND
- ensure they themselves are treated fairly by the school



LEGAL AID SOCIETY
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

WHAT IS SPECIAL EDUCATION?



Special Education offers a wide range of individualized services designed to help children with disabilities learn in school. Special Education services can be provided in any class a child takes.

WHAT IS A DISABILITY?



Disability means that a person's body or mind works differently from other people. Special Education laws make sure students with disabilities get the help they need to learn.

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, also known as an **evaluation**, shows if a child has a disability. **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.

WHAT HAPPENS IF A PARENT AGREES TO HAVE THEIR CHILD TESTED?



If a parent agrees to testing, a Team will decide what tests need to be done. A child must be tested within 60 calendar days. The 60 days starts when the school gets a parent's OK for testing.

CAN A PARENT DISAGREE WITH A SCHOOL'S TESTING?

Yes. If the parent disagrees with the school's testing, then the parent may also have the testing done by someone who doesn't work for the school.

2. Eligibility

The Team, including the school and the parent, decides 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:**

1. The child must have a disability. It must be one of the disabilities listed in the special education law. AND;
2. The child must need special education to learn due to a disability. AND;
3. 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 Team says a child can get special education, then the Team will write an Individualized Education Program (**also known as an IEP**) for the child.

WHAT HAPPENS IF THE CHILD CANNOT GET SPECIAL EDUCATION?

If the 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.



WHAT RIGHTS DOES A CHILD HAVE?

The 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 needed for learning from birth through age 21.

Services for children under age 3 are called Early Intervention Services.