

# Special Education Law: Your Rights as a Parent of a Child with a Disability

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## Learning Knows No Bounds

“The beautiful thing about learning is that no one can take it away from you.”  
-B.B. King

## Understanding Your Rights

As the parent of a child with a disability, you and your child have several safeguards in place to help ensure that they receive a free, appropriate, and inclusive education. All children diagnosed with a disability are to receive funding for schools in a public education setting. Not only are children guaranteed a free and appropriate education (FAPE), but they are also ensured to receive it in the least restrictive environment

(LRE). This helps to make sure that children with disabilities get to learn alongside their peers in a general education classroom setting, this is known as inclusion. Inclusion has been proven to improve the academic and social experience in both children with and without disabilities.

Students with disabilities are also guaranteed their own individualized education

program (IEP). An IEP is a way to make sure your child receives a meaningful education that will help them learn in the best way possible.

As a parent, you are guaranteed a place at an IEP meeting where you will work with the child's teacher, therapists, a member of the local education agency (LEA), and the child when appropriate. The team will value your input (cont. pg. 2)

### Sources

1. Title 8 Education. (2010, May 1). Retrieved June 23, 2015, from [http://policy.microscribepub.com/cgi-bin/om\\_isapi.dll?clientID=1368000800&depth=2&infobase=vaser.nfo&record={3A4}&softpage=PL\\_frame](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=1368000800&depth=2&infobase=vaser.nfo&record={3A4}&softpage=PL_frame)
2. Special Education Caselaw. (2014, August 5). Retrieved June 23, 2015, from <http://www.wrightslaw.com/caselaw.htm>
3. Building the Legacy: IDEA 2004. (n.d.). Retrieved June 23, 2015, from <http://idea.ed.gov>
4. Understanding Special Education Law. (2010). Retrieved June 23, 2015, from [http://www.doe.virginia.gov/special\\_ed/parents/parents\\_guide.pdf](http://www.doe.virginia.gov/special_ed/parents/parents_guide.pdf)

### Important Laws and Court Cases that have Shaped Special Education:

- Section 504 of the Rehabilitation Act (1973)**- makes it illegal to discriminate, in any activity or program that is federally funded, because of a disability. Requires schools that receive federal money to provide a free, appropriate education to people with a disability no matter how severe.
- Individuals with Disabilities Education Act (IDEA) (1975)**- a law that guarantees services to children with disabilities throughout the United States. The IDEA governs the way states and public agencies provide special education, early intervention, and related services to children with disabilities.
- Virginia Department of Protection & Advocacy (VOPA) v. Stewart (2011)**- Supreme Court maintains that VOPA can sue state to fulfill job as advocates for people with disabilities.
- J.S. v. Isle of Wight VA Sch. Bd. (2005)**- Found that money damages are not available. Congress intended children with disabilities to get a free and appropriate education (FAPE) without money compensation.

(Source: Wrightslaw, 2014)



## Understanding Your Rights (continued)

since you know your child best.

It is also important to be an active part of the IEP process since you are protecting your child's rights. Often you are negotiating with the school system for services for your child. Knowing what services your child needs, and having proof to support those claims, will help you get your child the best education possible.

One of the most important safeguards for children with disabilities is the right to due process. Guaranteed under the Individuals with Disabilities Education Act (see left), or IDEA, due process occurs when

either the parents or school district has a dispute with the identification, evaluation, proposed or implemented IEP, or educational placement of the child. If an agreement cannot be reached, both you and the school district will meet with a hearing officer who will make a final ruling on the decision. Make sure you know your rights as the parent of a child with a disability so you can help give them an appropriate, meaningful education!

#### Sources

- (Title 8 Education, 2010)
- (Understanding Special Education Law, 2010)
- (Building the Legacy, 2004)



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