



Special Education Academy

Part 1 of 10: Introducing the IDEA
and Other Laws in Special Education

September 8, 2025

Today's Agenda

- Introductions and Expectations
- Understand the Laws
- Understand Your Rights and Your Students' Rights
- Advocacy Strategies
- Q&A

Information is POWER



Disability Rights Education & Defense Fund

- Unique alliance of people with disabilities and parents of children with disabilities.
- National law and policy center dedicated to protecting and advancing disability civil and human rights.
- Disability rights are civil rights
- **VISION:** a just world where all people live full and independent lives free of discrimination.
- Educate legislators and policy makers on issues (such as IDEA, ADA) affecting rights of people with disabilities.

Parent Training and Information Centers

DREDF is a federally-funded Parent Training and Information Center (PTI), funded through the U.S. Department of Education.

PTIs are in every state and territory. If you are outside DREDF's service area, please contact us and we will direct you to yours, or go to:

<https://www.parentcenterhub.org/find-your-center/>

What we do at a Parent Training and Information Center:

- **Work with families** of infants, toddlers, children, and youth with disabilities, birth-26
- **Help** parents participate effectively in their children's education and development
- **Partner** with professionals and policy makers to improve outcomes for all children with disabilities

Children with disabilities who have consistent, knowledgeable advocates are most likely to receive appropriate services & supports.

Expectations for Part I:

What we **WILL** talk about today:

- The laws about special education
- Six principles of the IDEA
- How the IEP is built
- Advocacy strategies

What we **will NOT** talk about today:

- Specific students and schools
- Please contact **iephelp@dredf.org** with specific questions.

What we **cannot** do:

- Provide a magic solution or quick fix - the process takes time!
- Provide legal or therapeutic advice: We are lay advocates.
- We are not attorneys, licensed therapists, or social workers.

How We'll Proceed:

Please help us keep to the topic and agenda.

- We will take **general questions at the end**. Be kind, courteous and respectful when asking questions.
- Assume positive intentions
- We all have something to learn from each other and what we share is valuable
- This is a collaborative, judgement-free zone.
- We will do our best to use plain language and explain unfamiliar terminology. Use the chat to ask about a new word or phrase.
- All acronyms will be explained (remind us if we forget, please!)

Why we use “Disability,” and not “Special Needs”

- “Special needs:” not a term coined by disabled people or the Disability Community.
- Everyone’s needs are valid; there is nothing “special” about having equal access.
- “Special needs” erases the expertise of disabled adults who find the phrase infantilizing and inappropriate.
- It is not a term defined in law. “**Disability**” has a **specific legal definition and meaning**.
- It does not cover all disabled people, because not all disabled students are in special education classrooms or receive special education services.
- Parents may worry about labeling or stigmatizing their child, but “disability” brings rights, services, and access.

“Special needs gives the impression that the rights of people with disabilities are ‘special’ or ‘extra.’ We have the same rights as everyone else. How we access those rights may differ, but disability rights are fundamentally the same civil rights as all people. When you imply that the act of accessing our rights is “special” it gives the rest of the public a pass to treat us as though our rights are a special privilege, and then we get harassed for it.”

- **Rebecca Cokley**
Disability Community Policy Expert
and Thought Leader

Laws to Learn and Know

FEDERAL LAWS	CALIFORNIA STATE LAWS
IDEA: Individuals with Disabilities in Education Act (special education law that governs IEPs) Every Student Succeeds Act Federal Education Records Privacy Act (FERPA) Section 504 of the Rehabilitation Act of 1973 Americans with Disabilities Act, Title II (broad disability rights law; Title II is for public entities) McKinney-Vento Act (unhoused students and families) Title VI, Civil Rights Act (language, religion, ethnicity) Title IX, (sex and gender)	California Education Code §56000 et seq. California Education Code §56504 (Records in 5 days) Unruh Act, California Disabled Persons Act Unruh Act Lanterman Act (Rights for developmentally disabled Californians)

The Six Principles of the IDEA

(Focus on FAPE and LRE)

The Six Principles of the IDEA (Part 1)

- 1. Evaluation and Child Find:** To determine if a child is eligible for special education, the school must evaluate the child to identify their educational needs. This obligation continues as long as the IEP team determines that the student is eligible.
- 2. FAPE:** A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school” [34 CFR 300.101]
- 3. IEP (Individualized Education Program):** Legal document that specifically lists the special education instruction, supports, and services a student need to access education (to receive FAPE)

The Six Principles of the IDEA (Part 2)

4. **LRE (Least Restrictive Environment):** “(i) children with disabilities... are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment ***occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.***” [34 CFR 300.114]
5. **Meaningful Participation:** ensures that the education rights holder (whether the parents or the student) is **actively involved in all aspects of the special education process** for their/their child’s IEP, from identification and evaluation to the development and implementation of the Individualized Education Program.
6. **Procedural Safeguards:** legal protections designed to ensure the rights of students with disabilities and their parents are upheld during the special education process.

Evaluation and Child Find

- District must “**locate, identify, and evaluate**” **all students** in their geographic boundary who might be eligible for special education services.
- This includes **all** children ages 3 through 21 who are suspected of having a disability, including children who receive **passing grades** and are "advancing from grade to grade." (34 CFR 300.111(c))
- Child Find applies to students in private, parochial, and charter schools just like students in public schools.
- Evaluation is a process that is ongoing

Join us for Parts 3 and 4 on Evaluations.

Free Appropriate Public Education - What is FAPE?

Free: No cost to the family

Appropriate: IEP contents meet the student's unique needs at school

Public: Must be provided by the public school district

Education: IEPs relate only to the student's educational needs; school districts are not required to provide access to life activities outside of education.

The IEP is the roadmap that describes how we will monitor progress and what services are needed to provide **educational benefit** and **equal access to education**

- Prepares students for further education, employment, and independent living as appropriate for the student.
- Education is a broad term: Anything that touches a student's school day (including before and after school); more than academic
- Remember: "Appropriate" isn't the same as "best"

NEEDS	GOALS	SERVICES
DATA-DRIVEN • Assessments • Grades • Test Scores • Behavior Reports • Observations • Independent Service Providers	ALL AREAS OF NEED • Academic • Social-emotional • Behavior • Daily Living Skills SMART GOALS: • Specific • Measurable • Achievable (yet Ambitious) • Relevant • Time-Bound	INDIVIDUALIZED • Accommodations • Adult Support • Related Services and Therapies • Specialized Academic Instruction • Counseling • Consultation with Outside Service Providers
...<u>THEN</u> we talk about placement!		

The IEP Contents

Present Levels of Academic Achievement and Functional Performance

Special Factors

Statewide Testing Accommodations

Offer of FAPE: Goals

Offer of FAPE: Accommodations / Modifications / Consultation

Offer of FAPE: Services (frequency, duration, location)

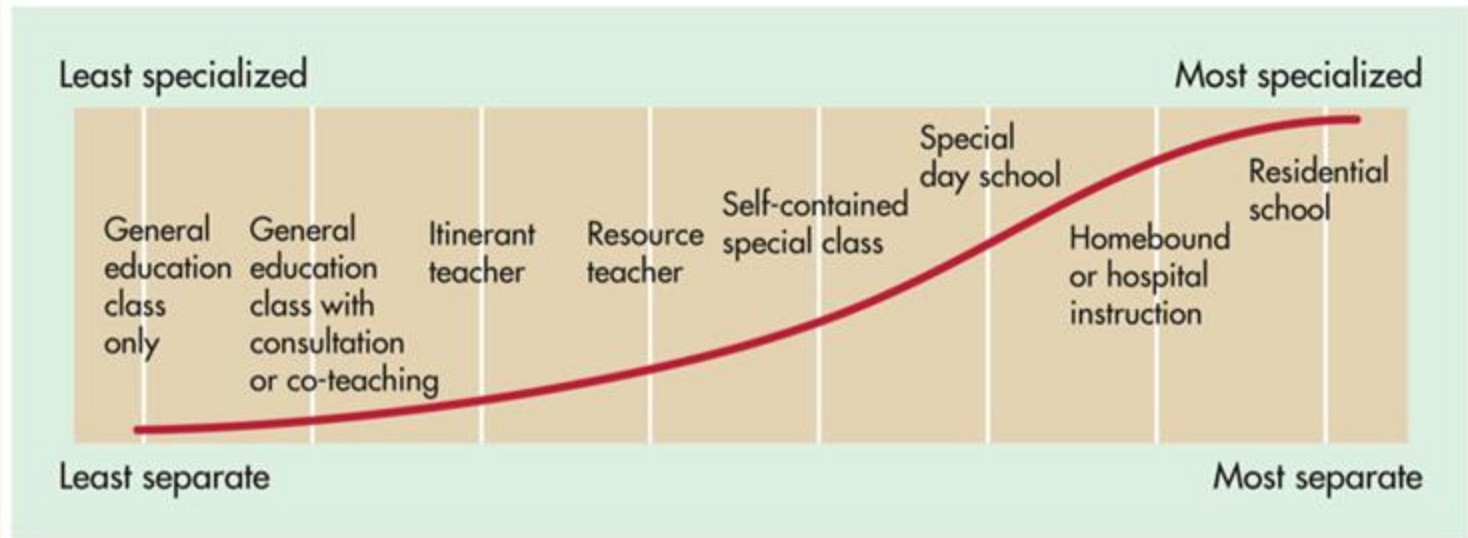
Offer of FAPE: Placement (% in/out of gen ed, diploma or certificate, etc.)

Individual Transition Plan / Behavior Intervention Plan / Emergency IEP

Least Restrictive Environment (LRE)

- **LRE includes the use of supplementary aids and services:** “Aids, services, and other supports provided in regular education classes or other education-related settings to allow children with disabilities to be *educated with nondisabled children to the maximum extent appropriate.*” [20 U.S.C. Sec. 1401(33); 34 C.F.R. Secs. 300.42 & 300.114.]
- Placement (in the LRE unique to that student) is the percentage of time a student is in the general education setting or outside the general education setting.
- The student can only be removed from the general education classroom if the parent provides consent. The school district must justify the reason for providing an Offer of FAPE in a more restrictive environment.
- Use **data** and **information** when making the case for a new/different/specific LRE setting.

“(i) children with disabilities... are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment ***occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.***” [34 CFR 300.114]



LRE Works – Data and Science Tell Us So!

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society.” (IDEA)

- Teachers learn universal teaching principles that apply to all students regardless of ability.
- All students have better social-emotional outcomes when disabled students and nondisabled students learn together.
- Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.
- All students benefit from learning, communicating, and interacting in different ways.

Advocacy Strategies

What You Can Use This Week

Strategies for Advocacy and Communication in IEPs

DOCUMENT EVERYTHING: If you didn't put it in writing, it didn't happen.

- Create a "2025-2026 IEP Journal" to document concerns, reported incidents, and communications.
- Keep a hard copy of all IEPs, assessments, forms, etc. in labeled folder or binder (or rubber band/clip) in reverse chronological order and by school year:
<https://www.understood.org/en/articles/how-to-organize-your-childs-iep-binder>
- Request all student records in 5 business days (including incident reports)
- What could you show with data if you couldn't verbally explain?
 - Over-communicate with all members of the team—reach out to related service providers with questions about reports or service provision and add "parent consultation time" to the service grid with each provider, including teachers.
- Request IEP meeting in writing as soon as IEP concerns arise
- Email the school that parent/guardian will audio record the IEP meeting with at least 24 hours' notice. (Use voice memo on smartphones or Otter.ai app to record and transcribe.)
- If you have a computer, label all documents the same way (e.g. "2025.03.24 Annual IEP" and "2025.03.24 Triennial Speech Report") and organize folders by IEPs, Assessments/Evaluations, Communications, etc.

Examples of Question Starters for Parents and Students

- Can you please tell me how... / Can you please review with me ...?
- What data are you basing your recommendation for that service / accommodation / goal / etc on?
- Have we considered (xxxx) as an area of need/service? Why or why not?
- How does (goal/service) address the need we identified in our present levels discussion?
- Can you please provide me a copy of that policy?
- How will that be implemented and by whom?
- What will the IEP team do to address (xxxx) concern that I (or the teacher, therapist, etc) have raised?

Also:

- Please send that to me in writing after this meeting.
- Please send me timely Prior Written Notice in response to my request.

Advocacy and Communication at IEP Meetings

UNDERSTAND THE PEOPLE AND THE PROCESS:

- This is a marathon, not a sprint. It takes patience, persistence, time, and lots of documentation.
- Get a copy of the contact list and organization chart for the district you are working with, and follow the chain of command
- Assume best intentions of staff and ask questions.
- Are there additional resources in the district (or SELPA) you can access, such as joining the CAC, having a Facilitated IEP meeting, or requesting ADR?
- Learn the policies and California Education Code
- The IDEA, ADA, Section 504 of the Rehabilitation Act, and all other federal laws supercede state and local code and school district policies

Questions?