

Special Education Law 101

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OVERVIEW

- Federal Individuals with Disabilities Education Act (IDEA)
- State Special Education Law
- Questions





Individuals with Disabilities Education Act (IDEA)

Est. 1975

Principal source of school districts' special education obligations

States agree to abide by IDEA by accepting associated federal funds



State Special Education Law

Est. 1967

Parallel law that has been amended over time to conform to IDEA

In some instances, goes beyond IDEA's requirements

IDEA's Six Key Principles

Free Appropriate Public Education (FAPE)



Least Restrictive Environment (LRE)



Appropriate Evaluation



Parent and Student Participation



Individualized Education Program (IEP)



Procedural Safeguards



Key Principle #1

F Free | No cost to families, except the school may charge fees it charges to nondisabled children (*e.g., sports or activities fees*)

A Appropriate | Specialized instruction and related services that are tailored to a child's unique needs and provided according to an IEP

P Public | Provided at public expense under public supervision

E Education | Meets state educational standards and includes preschool, elementary, and secondary education

Key Principle #2

Appropriate Evaluation

School district has affirmative duty to locate and evaluate children who may require special education

A child is eligible for special education under IDEA if:

✓ he or she has a qualifying disability,

✓ the disability adversely affects educational performance, AND

✓ he or she requires special education

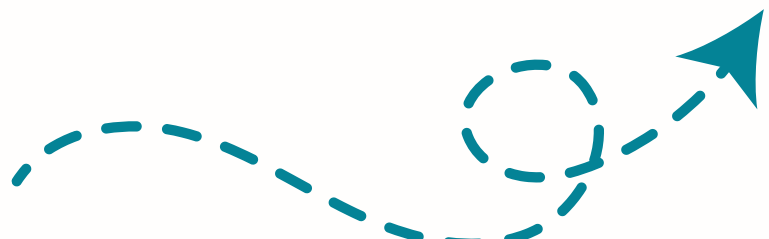
Qualifying Disabilities

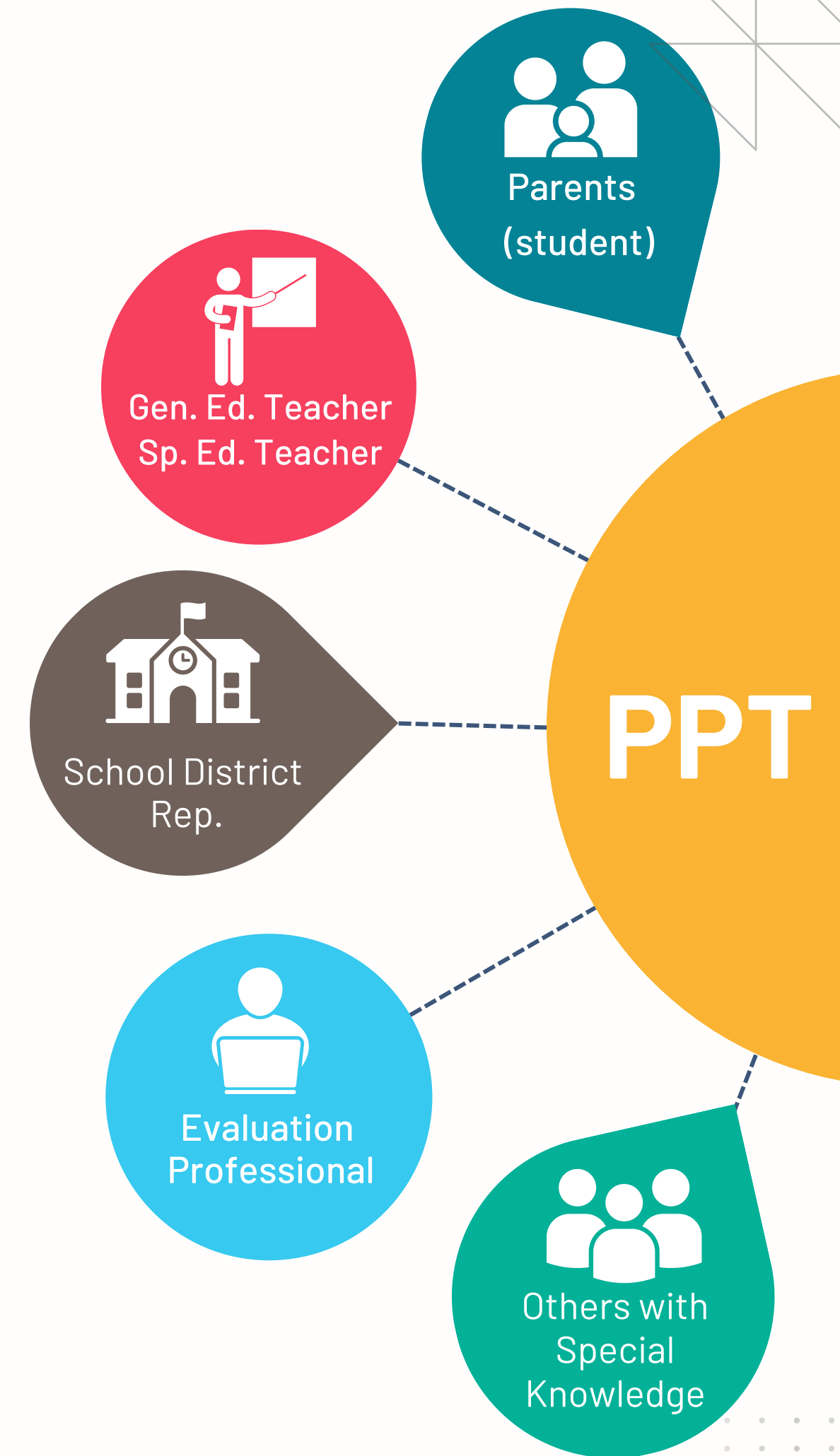
- Autism
- Deaf-Blindness
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment (OHI)
- Serious Emotional Disturbance
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Vision Impairment

Key Principle #3

Individualized Education Program

An IEP must

- ✓ be tailored to a child's specific needs
- ✓ be developed by a planning and placement team (PPT) 
- ✓ list the child's goals and the special education and other services he or she will receive
- ✓ be reasonably calculated to allow a child to make progress given their specific circumstances



Examples of Services Provided in IEP

Special Education

Instruction specifically designed to meet a child's unique needs

- In-school counseling
- One-on-one class support
- Resource room
- Special classes
- Extended school year

Related Services

Services that are necessary for a child to benefit from special education

- Physical, occupational, and speech therapy
- Transportation
- Psychological services
- Parent counseling

Supplemental Aids and Services

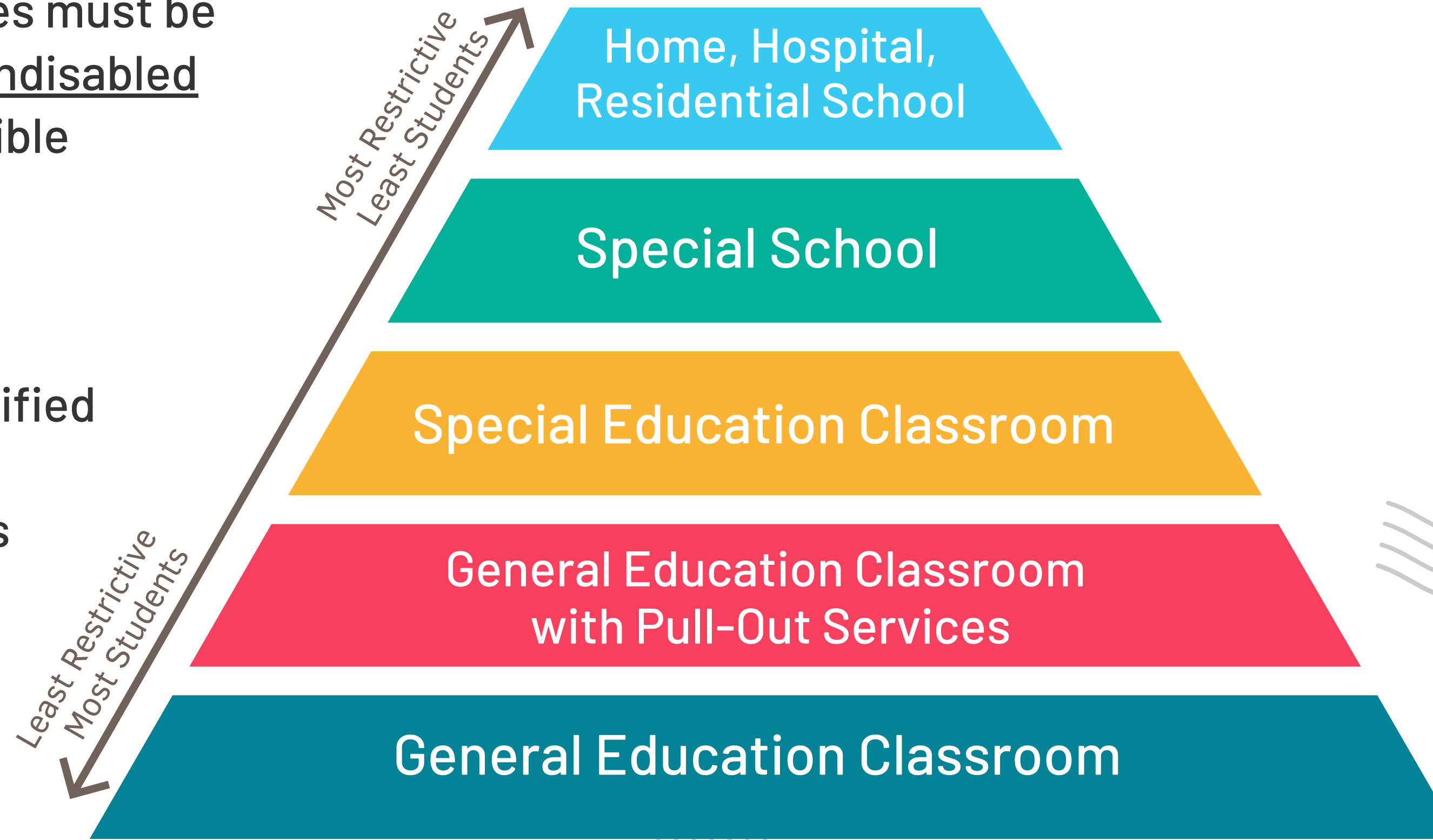
Supports provided to students in general education classes

- Accommodations
(e.g., preferred seating, extra test time)
- Modifications
(e.g., adjusted curriculum to meet student needs)
- Assistive technology
(e.g., digital recorders, text-to-speech technology)

Key Principle #4

Least Restrictive Environment (LRE)

- Children with disabilities must be educated with their nondisabled peers as much as possible
- Placement outside of a general education classroom must be justified by the child's individual disability-related needs



Parent and Student Participation

IDEA guarantees parents or guardians (and students where appropriate) a right to be part of the decision-making process

- Parents may request an evaluation from the school, which generally must grant the request
- Parental consent is required for evaluation and services
- Parents (and the student, where appropriate) are part of the PPT

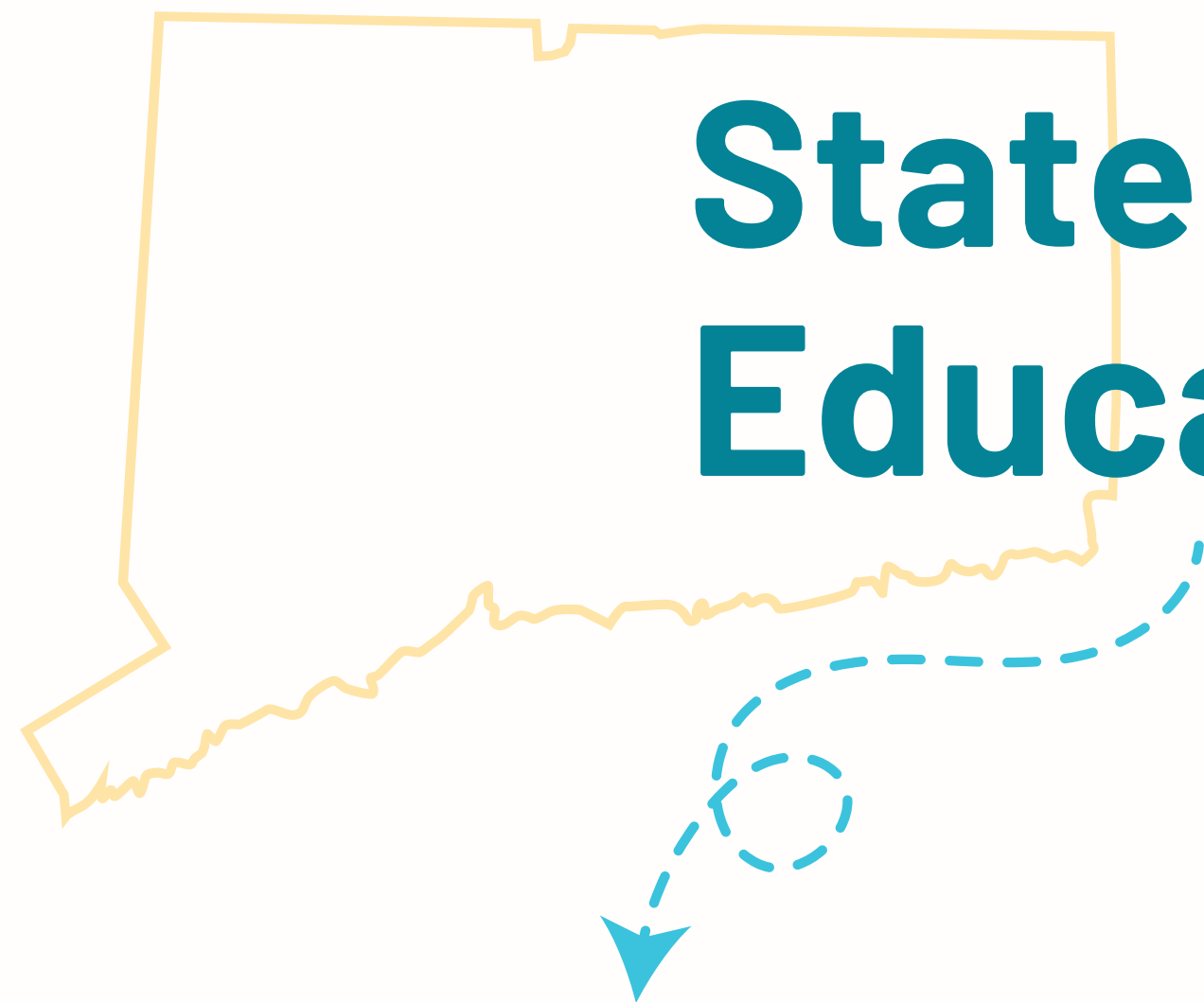


Procedural Safeguards

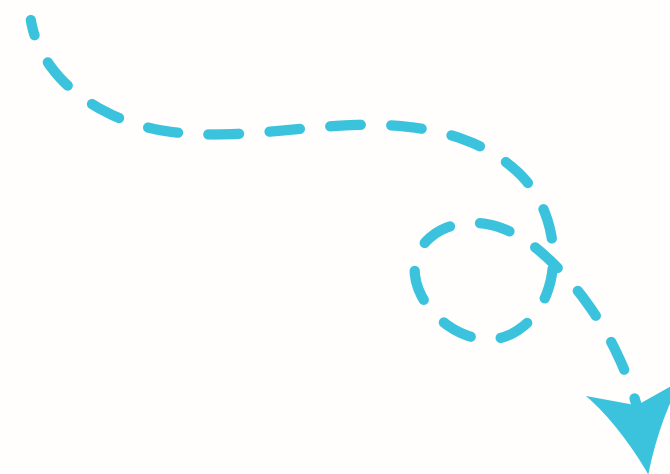
IDEA contains a number of safeguards to protect a child's access to FAPE and parental rights, including:

- Notice Requirements
- Right to Independent Evaluations
- Access to Educational Records
- Dispute Resolution





State Special Education Law



Conforms to federal law

State-specific additions



State Conformity with IDEA

Examples include:

- Districts must follow federal (and state) procedures for identifying eligible children
- Districts must give SDE data on eligible children's race, ethnicity, and disability category
- Parents must receive written notice before the districts propose or refuse an IEP change
- Districts must comply with due process hearing procedures when parents request a hearing



State Additions

Transition Services

School boards must appoint a districtwide transition services coordinator
For age 14+ (rather than 16+), an IEP must include transition services needs

PPT Meetings

Districts must offer parents/guardians a meeting before the PPT members to discuss the process and review any assessments
School boards may not take adverse action against an employee for making special education recommendations

Due Process

School boards have the burden of proof at due process hearings

Gifted and Talented

Districts must have a policy for identifying gifted and talented students

Private Providers

Districts must enter into contracts with private special education providers in order to be reimbursed

Special Education Responsibilities

Choice Schools

	Who Implements IEP?	Who Pays?
Magnet Schools	School	Sending District
Charter Schools	School	Sending District
Open Choice	School	Sending District
Vo-Ag	School	Sending District
CT Tech High Schools	School	CT Tech High Schools <i>(i.e., the state)</i>

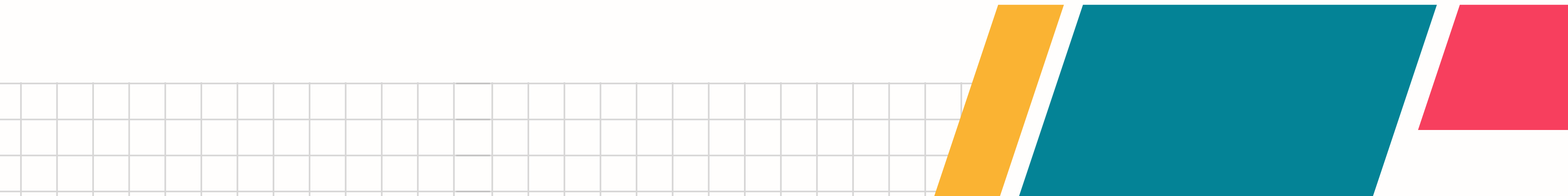


QUOTE

While these basic provisions [of the law] are fairly straightforward, the challenge will always be to determine what specific services are needed to meet the unique educational needs of an individual child.

Thomas B. Mooney

A Practical Guide to Connecticut School Law, 10th Edition



Thank You

Any questions?

Presented by

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