



# FAMILY DISABILITY AND CIVIL RIGHTS

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## About the Centers

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Great Lakes Equity Center (Center) is an educational research and service center located in Indiana University's School of Education at IUPUI. The Center engages in equity-focused technical assistance and related research with educational and community agencies focused on systemic improvements to serve all learners with particular focus on educational access, participation and outcomes for those who have been historically marginalized. Midwest and Plains Equity Assistance Center is a project of the Center and provides technical assistance related to educational equity based on student race, national origin, sex, and religion at no cost to public educational agencies throughout its 13-state region in the Midwest and Plains.



## Introduction

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Approximately 1 in 11 students receive special education services under the Individuals with Disabilities Education Improvement Act (IDEA; U.S. Department of Education [USDOE], 2018). Schools are obligated to identify and evaluate all eligible students and, for those who qualify, to provide free, appropriate, public education in the least restrictive environment. However, schools' requirements and families' rights under the law can be confusing for both families (Fish, 2008) and educators (O'Connor, Yasik, & Horner, 2016). On one hand, states and schools have considerable latitude in how they implement requirements, which means state laws and district or school procedures can vary widely, and the federal Department of Education is frequently called on to clarify the law. In addition, disability rights can intersect in complicated ways with other federal laws, particularly civil rights laws intended to prevent discrimination on the basis of race, nationality, sex, or religion.



## About This Tool

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To help families navigate these processes, this tool is intended to introduce students and families to their rights in common scenarios, promote educational equity for students with disabilities, describe potential recourse or remedies for educational discrimination, and provide resources to enhance equity within schools. Families' rights and options under the law are extensive, so this tool highlights some common concerns for students or families about students' disability or civil rights throughout the process of qualifying for and receiving special education services<sup>1</sup>. In all cases, open communication, such as requesting a meeting, can be helpful. Where the alternatives

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<sup>1</sup> The following examples are not exhaustive of situations that may jeopardize civil rights within education and anyone with additional questions is encouraged to contact governing authorities for guidance regarding specific concerns.



## About This Tool (Continued)

described do not lead to satisfactory outcomes, you may also consider:

- requesting a meeting to discuss your concerns.
- requesting a mediation meeting with a third party.
- filing a complaint with the Office of Civil Rights within 180 days of the incident.
- writing a complaint letter to the state education agency within one year of the incident.
- requesting a due process hearing within two years. If you disagree with the due process decision, you can file a civil lawsuit within 90 days of that decision.

### General Resources

- [Ideas to Improve Parent-to-Professional Communication with School Staff](https://www.pacer.org/parent/improve-communications.asp)<sup>2</sup>
- [Parent Training Center](https://www.understood.org/en/school-learning/special-services/special-education-basics/parent-training-centers-a-free-resource)<sup>3</sup>
- [Find Your Parent Training Center](https://www.parentcenterhub.org/find-your-center/)<sup>4</sup>
- [US DOE Office of Civil Rights \(OCR\)](https://www2.ed.gov/about/offices/list/ocr/index.html)<sup>5</sup>
- [How to File a US DOE OCR Discrimination Complaint](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html)<sup>6</sup>
- [Ideas to Improve Parent-to-Professional Communication with School Staff](https://www.pacer.org/parent/improve-communications.asp)<sup>7</sup>
- [Dispute Resolution Information from PACER](https://www.pacer.org/disputeresolution/)<sup>8</sup>
- [Dispute Resolution Options](https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/6-options-for-resolving-an-iep-dispute)<sup>9</sup>
- [Dispute Resolution Option Facts](https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/at-a-glance-options-for-dispute-resolution)<sup>10</sup>
- [Tips on Informal Negotiation](https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/11-tips-on-informal-negotiation-strategies)<sup>11</sup>
- [Sample Letters for Dispute Resolution](https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/download-sample-letters-for-dispute-resolution)<sup>12</sup>

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<sup>2</sup> <https://www.pacer.org/parent/improve-communications.asp>

<sup>3</sup> <https://www.understood.org/en/school-learning/special-services/special-education-basics/parent-training-centers-a-free-resource>

<sup>4</sup> <https://www.parentcenterhub.org/find-your-center/>

<sup>5</sup> <https://www2.ed.gov/about/offices/list/ocr/index.html>

<sup>6</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

<sup>7</sup> <https://www.pacer.org/parent/improve-communications.asp>

<sup>8</sup> <https://www.pacer.org/disputeresolution/>

<sup>9</sup> <https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/6-options-for-resolving-an-iep-dispute>

<sup>10</sup> <https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/at-a-glance-options-for-dispute-resolution>

<sup>11</sup> <https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/11-tips-on-informal-negotiation-strategies>

<sup>12</sup> <https://www.understood.org/en/school-learning/your-childs-rights/dispute-resolution/download-sample-letters-for-dispute-resolution>



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## I. Scenario: My child's school says my child needs special education/has a disability, but I disagree.

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>• refuse consent for an evaluation.</li> <li>• refuse special education services if your child is found eligible.</li> <li>• remove your child from receiving special education services at any time.</li> <li>• refuse a request for a reevaluation for special education services. However, schools have a right to reevaluate students if they choose.<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• request a meeting to discuss alternative supports.</li> <li>• discuss concerns with your child's teacher(s) and other school personnel (e.g., case manager, school administrator, school psychologist, counselor, interventionist/specialist, social worker).</li> <li>• refuse consent to evaluation.</li> <li>• seek an independent educational evaluation.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Can You Refuse and Evaluation?</u></a><sup>2</sup></li> <li>• <a href="#"><u>What Is Consent?</u></a><sup>3</sup></li> </ul>

### Notes

<sup>1</sup>34 CFR § 300.300 (Individuals with Disabilities in Education Act, Section 300.300)

<sup>2</sup><https://www.understood.org/en/school-learning/your-childs-rights/evaluation-rights/can-i-refuse-to-let-the-school-evaluate-my-child>

<sup>3</sup><https://www.parentcenterhub.org/consent/>

**II. Scenario: I am concerned that the evaluation plan proposed by my child's school will not collect enough information to make a decision of special education eligibility.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>be included on the evaluation team and actively participate in meetings regarding evaluation, identification, and placement issues.<sup>1</sup></li> </ul> <p><b>Schools must:</b></p> <ul style="list-style-type: none"> <li>use a variety of technically sound instruments to conduct an evaluation for special education services.</li> <li>not use a single test or measure to decide whether a child is a child with a disability.</li> <li>Students have the right to receive a comprehensive evaluation to identify all service needs, but services are <i>not</i> determined by the eligibility category selected as a result of the evaluation.<sup>2</sup> Comprehensive evaluations could evaluate health, vision, hearing, intelligence, academic achievement, communication, motor ability, and social/emotional functioning.<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>request a meeting/consult with other member of the evaluation team to discuss your concerns about your child's learning and development, including what you think might be missed by the current plan.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#"><u>National Counsel for Learning Disabilities Parent Guide Chapter 5 and Questions to Ask about Evaluation Plan</u></a><sup>4</sup></li> </ul>

**Notes**

<sup>1</sup>34 CFR § 300.501(b) (Individuals with Disabilities in Education Act, Section 300.501)

<sup>2</sup>34 CFR § 300.304(c)(6) (Individuals with Disabilities in Education Act, Section 300.304)

<sup>3</sup>34 CFR § 300.304 (Individuals with Disabilities in Education Act, Section 300.304)

<sup>4</sup><https://www.nclد.org/wp-content/uploads/2014/11/IDEA-Parent-Guide1.pdf> Chapter 5 (Evaluation) begins on page 25, Questions to Ask About Evaluation Plans on page 90

**III. Scenario: My child’s school says my child does not qualify for special education, but I think they are denying my child services they need to be successful in school.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>request clarification on why your child is not eligible. Families have the right to be active members of evaluation teams.<sup>1</sup></li> <li>request an evaluation by the school or independent educational evaluation.<sup>2</sup></li> <li>request alternative services or accommodations such as the school’s consideration eligibility under Section 504 of the Americans with Disabilities Act.</li> </ul>	<ul style="list-style-type: none"> <li>request a copy of the evaluation report.</li> <li>request to review test protocols.</li> <li>email or submit a letter formally requesting additional testing by the school, an independent educational evaluation, or consideration of Section 504 eligibility.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#"><u>National Center for Learning Disabilities Parenting Guide Ch. 3</u></a><sup>3</sup></li> <li><a href="#"><u>6 Steps to Request an Evaluation</u></a><sup>4</sup></li> <li><a href="#"><u>10 Steps to Take for Denied Services</u></a><sup>5</sup></li> <li><a href="#"><u>10 Responses for Denied/Cut Services</u></a><sup>6</sup></li> </ul>

**Notes**

<sup>1</sup>34 CFR § 300.321 (Individuals with Disabilities in Education Act), 34 CFR § 300.501(b) (Individuals with Disabilities in Education Act, Section 300.501)

<sup>2</sup>34 CFR § 300.502 (Individuals with Disabilities in Education Act)

<sup>3</sup><https://www.ncl.org/wp-content/uploads/2014/11/IDEA-Parent-Guide1.pdf>

<sup>4</sup><https://www.understood.org/en/school-learning/evaluations/evaluation-basics/6-steps-for-requesting-a-school-evaluation>

<sup>5</sup><https://www.understood.org/en/school-learning/your-childs-rights/if-losing-services/10-steps-to-take-if-your-child-is-denied-services>

<sup>6</sup><https://www.understood.org/en/school-learning/your-childs-rights/if-losing-services/10-smart-responses-for-when-the-school-cuts-or-denies-services>

**IV. Scenario: I think my child may have been unfairly identified as needing special education services because of our/their race, nationality, language, gender, sexuality, or disability.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>• not be discriminated against based on your race, nationality, language, gender, sexuality, or disability.<sup>1</sup></li> <li>• refuse an educational evaluation.</li> <li>• refuse consent for an individual educational plan (IEP) or a 504 plan.</li> <li>• withdraw your child from receiving special education services at any time.<sup>2</sup></li> <li>• request an independent evaluation.<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• email or submit a letter formally requesting additional testing by the school, an independent educational evaluation, or consideration of Section 504 eligibility.</li> <li>• request a meeting with your child’s teacher(s) and school psychologist to discuss your concerns and perspective.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Fact Sheet: Preventing Racial Discrimination in Special Education</u></a><sup>4</sup></li> <li>• <a href="#"><u>Dear Colleague Letter: Preventing Racial Discrimination in Special Education</u></a><sup>5</sup></li> <li>• <a href="#"><u>Title IX and Sex Discrimination</u></a><sup>6</sup></li> </ul>

**Notes**

<sup>1</sup>42 U.S.C § 2000d (Title IV of the Civil Rights Act of 1964, Pub. L. 88–352, Title VI, § 601), 20 U.S.C. § 1681 et seq. (Title IX of the Education Amendments of 1972), 28 CFR Part 35 (Title II of the Americans with Disabilities Act), Section 504(a) of the Rehabilitation Act of 1973

<sup>2</sup>34 CFR § 300.300 (Individuals with Disabilities in Education Act, Section 300.300)

<sup>3</sup>34 CFR § 300.304 (Individuals with Disabilities in Education Act, Section 300.304b)

<sup>4</sup><https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-racedisc-special-education.pdf>

<sup>5</sup><https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-racedisc-special-education.pdf>

<sup>6</sup>[https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

**V. Scenario: I think my child’s school should be providing translators/ interpreters while testing my child or during our meetings regarding special education or discipline, but they said it is not possible.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>• an evaluation for your child that will yield reliable and valid results.<sup>1</sup> The evaluation materials should be nondiscriminatory and administered in the child's native language or language most likely to provide accurate information.</li> <li>• be provided an interpreter to ensure you understand the content of educational meetings.<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• refuse to consent to the evaluation without the use of translators/interpreters.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Dear Colleague Letter: English Learner Students and Limited English Proficient Parents</u></a><sup>3</sup></li> <li>• <a href="#"><u>Can You Refuse and Evaluation?</u></a><sup>4</sup></li> <li>• <a href="#"><u>What is consent?</u></a><sup>5</sup></li> </ul>

**Notes**

<sup>1</sup>34 C.F.R. §300.304(c)(1)(ii) (Individuals with Disability in Education Act)

<sup>2</sup>34 C.F.R. §300.322(e) (Individuals with Disability in Education Act Section 300.322)

<sup>3</sup><https://www.justice.gov/sites/default/files/crt/legacy/2015/01/07/eldcleng.pdf> (evaluation information page 24-28)

<sup>4</sup><https://www.understood.org/en/school-learning/your-childs-rights/evaluation-rights/can-i-refuse-to-let-the-school-evaluate-my-child>

<sup>5</sup><https://www.parentcenterhub.org/consent/>

**VI. Problem: I think my child’s school is disciplining my child when they should be providing special education services, therapy, or other support, not punishment.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>• contest/appeal the disciplinary action under the requirement that schools provide due process for all students.<sup>1</sup></li> <li>• request an evaluation of special education eligibility if your child does not have an IEP and you believe that your child’s behavior may be attributable to a disability.<sup>2</sup></li> <li>• If your child has an IEP, the school must determine that their behavior is not caused by their disability if suspended for more than 10 days or for offenses that constitute a pattern.</li> <li>• If your child has an IEP and is suspended for more than 10 days, schools must conduct a functional behavior analysis (FBA) and develop a behavior intervention plan (BIP) or review the implementation of an existing FBA and BIP.<sup>3</sup> BIPs should emphasize <i>positive behavior supports</i>.</li> <li>• You have the right to request to amend an existing IEP.<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>• request an evaluation of special education/Section 504 eligibility.</li> <li>• request a meeting to discuss discipline of your child.</li> <li>• keep detailed records on each incident and any communication with the school.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#"><u>School Discipline: The Rights of Students with IEPs and 504 Plans</u></a><sup>5</sup></li> <li>• <a href="#"><u>School Discipline: The Rights of Students without IEPs and 504 Plans</u></a><sup>6</sup></li> <li>• <a href="#"><u>Quick Guide: School Discipline For Special Education Students</u></a><sup>7</sup></li> <li>• <a href="#"><u>Restraint and Seclusion: Resource Document</u></a><sup>8</sup></li> <li>• <a href="#"><u>Dear Colleague Letter: Nondiscriminatory Administration of School Discipline</u></a><sup>9</sup></li> <li>• <a href="#"><u>6 Steps to Request an Evaluation</u></a><sup>10</sup></li> <li>• <a href="#"><u>Record/Documents to Keep</u></a><sup>11</sup></li> <li>• <a href="#"><u>Keeping Good Records</u></a><sup>12</sup></li> <li>• <a href="#"><u>Organize an IEP Binder</u></a><sup>13</sup></li> <li>• <a href="#"><u>IEP Binder Checklist</u></a><sup>14</sup></li> </ul>

**VI. Problem (cont.):** I think my child's school is disciplining my child when they should be providing special education services, therapy, or other support, not punishment.

**Notes**

<sup>1</sup>14<sup>th</sup> Amendment of the United States Constitution

<sup>2</sup>34 CFR § 300.300 (Individuals with Disabilities in Education Act)

<sup>3</sup>34 CFR § 300.530 (Individuals with Disabilities in Education Act)

<sup>4</sup>34 CFR § 300.324 (Individuals with Disabilities in Education Act)

<sup>5</sup><https://www.understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/school-discipline-the-rights-of-students-with-ieps-and-504-plans>

<sup>6</sup><https://www.understood.org/en/school-learning/your-childs-rights/evaluation-rights/school-discipline-the-rights-of-kids-without-an-iep-or-504-planf>

<sup>7</sup><https://law.duke.edu/childedlaw/schooldiscipline/downloads/QUICKGUIDE1-3.pdf>

<sup>8</sup><https://sites.ed.gov/idea/files/restraints-and-seclusion-resources.pdf>

<sup>9</sup><https://www2.ed.gov/ocr/letters/colleague-201401-title-vi.pdf>

<sup>10</sup><https://www.understood.org/en/school-learning/evaluations/evaluation-basics/6-steps-for-requesting-a-school-evaluation>

<sup>11</sup><https://www.understood.org/en/learning-attention-issues/understanding-childs-challenges/observing-taking-notes/why-certain-school-records-are-important-to-keep>

<sup>12</sup><http://www.pacer.org/parent/php/php-c155.pdf>

<sup>13</sup><https://www.understood.org/en/school-learning/special-services/ieps/how-to-organize-your-childs-iep-binder>

<sup>14</sup> <https://www.understood.org/en/school-learning/special-services/ieps/download-iep-binder-checklist>

## VII. Scenario: My child is being bullied because of their disability and the school is not doing enough to help.

<b>You have the right to:</b>	<b>You may:</b>	<b>Resources</b>
<ul style="list-style-type: none"> <li>Your child has a right to schooling without discrimination.<sup>1</sup></li> </ul> <p>Schools have a responsibility to provide students with disabilities with a free and appropriate public education (FAPE).<sup>2</sup> Bullying related to a student's disability may constitute a denial of FAPE.<sup>3</sup> There is no federal legislation that relates explicitly to bullying, but bullying that may be considered discriminatory can be addressed via legislation. Case law establishes that school staff must address known or suspected discrimination or harassment and should have procedures in place.</p>	<ul style="list-style-type: none"> <li>seek assistance from the school's administrators or mental health provider(s), such as the school counselor, school psychologist, or school social worker.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#"><u>Dear Colleague Letter: Bullying Students with Disabilities</u></a><sup>4</sup></li> <li><a href="#"><u>Dear Colleague Letter: Harassment and Bullying</u></a><sup>5</sup></li> <li><a href="#"><u>Dear Colleague Letter: Prohibited Disability Harassment</u></a><sup>6</sup></li> <li><a href="#"><u>Bullying and Harassment of Students with Disabilities</u></a><sup>7</sup></li> <li><a href="#"><u>Bullying and Youth with Disabilities and Special Health Needs</u></a><sup>8</sup></li> </ul>

### Notes

<sup>1</sup>Section 504(a) of the Rehabilitation Act of 1973

<sup>2</sup>34 CFR § 300.101 (Individuals with Disabilities in Education Act)

<sup>3</sup><https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>

<sup>4</sup><https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>

<sup>5</sup><https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

<sup>6</sup><https://www2.ed.gov/about/offices/list/ocr/docs/disabharassltr.html>

<sup>7</sup><https://www.pacer.org/bullying/resources/students-with-disabilities/>

<sup>8</sup><https://www.stopbullying.gov/at-risk/groups/special-needs/index.html>

**VIII. Problem: My child was told that they may not participate in a school or extracurricular activity because of accommodations that would be necessary.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>Your child with a disability has a right to equal opportunities to participate in nonacademic and extracurricular services to the maximum extent appropriate. Examples of services may include clubs, athletic groups, counseling services, recreational activities, employment, among others.<sup>1</sup></li> <li>Students with 504 Plans have the right to participate in educational and extracurricular settings to the maximum extent appropriate.<sup>2</sup></li> </ul> <p>Schools must provide equal opportunity to non-academic services to students with 504 Plans.<sup>3</sup></p>	<p>See general alternatives</p>	<ul style="list-style-type: none"> <li><a href="#"><u>Office of Civil Rights Frequently Asked Questions About Section 504 and the Education of Children with Disabilities</u></a><sup>4</sup></li> <li><a href="#"><u>Extracurricular Activities and Students with Disabilities</u></a><sup>5</sup></li> <li><a href="#"><u>Dear Colleague Letter: Students with Disabilities in Extracurricular Athletics</u></a><sup>6</sup></li> </ul>

**Notes**

<sup>1</sup>34 CFR § 300.107 (Individuals with Disabilities in Education Act)

<sup>2</sup>34 CFR § 104.34 (Section 504 of the Rehabilitation Act of 1973)

<sup>3</sup>34 CFR § 104.37 (Section 504 of the Rehabilitation Act of 1973)

<sup>4</sup><https://www2.ed.gov/about/offices/list/ocr/504faq.html>

<sup>5</sup><https://www.pacer.org/parent/php/PHP-c195.pdf>

<sup>6</sup><https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>

**IX. Problem: My child’s school said that my child needs to be medicated (e.g., taking Adderall to treat ADHD symptoms).**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>• make independent medical decisions regarding whether or not your child takes psychotropic medication to treat symptoms related to a disability or other psychological condition.</li> <li>• request school support to manage and administer medication if your child does take any.<sup>1</sup></li> </ul> <p>Public schools cannot require students to be medicated in order to attend school or receive special education services .<sup>2</sup></p>	<ul style="list-style-type: none"> <li>• Talk to the school’s mental health provider(s), such as the school counselor, school psychologist, or school social worker, or behavioral interventionist about other ways to support your child’s behavior.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Can the school require my child to take ADHD medication?</u><sup>3</sup></li> </ul>

**Notes**

Empty space for notes.

<sup>1</sup>Section 504 of the Rehabilitation Act of 1973

<sup>2</sup>34 CFR § 300.174 (Individuals with Disabilities in Education Act)

<sup>3</sup><https://www.understood.org/en/learning-attention-issues/treatments-approaches/medications/can-a-school-make-medication-a-requirement-for-my-child-to-attend>

**X. Scenario: I do not believe that my child is being provided the services that are specified in their IEP or 504 Plan.**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>• receive regular updates on your child's academic or behavioral progress within special education (i.e., progress towards annual goals specified on IEP).<sup>1</sup></li> <li>• request amendments to your child's IEP.<sup>2</sup></li> </ul> <p>Schools are responsible for providing services included on a child's IEP.<sup>3</sup> Schools have a responsibility to review IEP's no less than annually.</p>	<ul style="list-style-type: none"> <li>• meet with your child's case manager to discuss what services are and aren't provided.</li> <li>• ask for progress reports.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Record/Documents to Keep</u></a><sup>4</sup></li> <li>• <a href="#"><u>Keeping Good Records Helps Special Education Stay on Track</u></a><sup>5</sup></li> <li>• <a href="#"><u>How to Organize an IEP Binder</u></a><sup>6</sup></li> <li>• <a href="#"><u>IEP Binder Checklist</u></a><sup>7</sup></li> <li>• When IEP Services are NOT Delivered<sup>8</sup></li> </ul>

**Notes**

<sup>1</sup>34 CFR § 300.320 (Individuals with Disabilities in Education Act)

<sup>2</sup>34 CFR § 300.324 (Individuals with Disabilities in Education Act)

<sup>3</sup><https://www.wrightslaw.com/info/iep.replace.services.crabtree.htm>

<sup>4</sup><https://www.understood.org/en/learning-attention-issues/understanding-childs-challenges/observing-taking-notes/why-certain-school-records-are-important-to-keep>

<sup>5</sup><http://www.pacer.org/parent/php/php-c155.pdf>

<sup>6</sup><https://www.understood.org/en/school-learning/special-services/ieps/how-to-organize-your-childs-iep-binder>

<sup>7</sup><https://www.understood.org/en/school-learning/special-services/ieps/download-iep-binder-checklist>

<sup>8</sup>34 CFR § 300.501(b) (Individuals with Disabilities in Education Act, Section 300.501)

**XI. Problem: I feel that my child is being educated in a more restrictive environment than necessary (i.e., too much time spent in special classes).**

<b><i>You have the right to:</i></b>	<b><i>You may:</i></b>	<b><i>Resources</i></b>
<ul style="list-style-type: none"> <li>to be included on the evaluation team and participate in meetings regarding your child’s individual placement.<sup>1</sup> Your child has the right to be educated in the least restrictive environment (i.e., one that prioritizes general education and inclusion with nondisabled children to the maximum extent appropriate).</li> </ul> <p>Schools may place students in more restrictive environments if their needs cannot be met with supplementary aids and services.<sup>2</sup></p>	<ul style="list-style-type: none"> <li>ask for a meeting to discuss and/or reconsider your child’s placement.</li> </ul>	<ul style="list-style-type: none"> <li><u>Least Restrictive Environments</u><sup>3</sup></li> <li><u>Starter Set of Resources on LRE</u><sup>4</sup></li> <li><u>Inclusion, Least Restrictive Environment (LRE), Mainstreaming</u><sup>5</sup></li> </ul>

**Notes**

<sup>1</sup>34 CFR § 300.501(b) (Individuals with Disabilities in Education Act, Section 300.501)

<sup>2</sup>34 CFR § 300.114 (Individuals with Disabilities in Education Act)

<sup>3</sup><https://www.pacer.org/ec/early-intervention/least-restrictive-environments.asp>

<sup>4</sup><https://www.parentcenterhub.org/lre-resources/>

<sup>5</sup><https://www.wrightslaw.com/info/lre.index.htm>

## XII. Problem: I am concerned that the services on my child’s IEP are ineffective and not meeting their individual needs.

<i><b>You have the right to:</b></i>	<i><b>You may:</b></i>	<i><b>Resources</b></i>
<ul style="list-style-type: none"> <li>receive regular updates on your child’s academic or behavioral progress within special education (i.e., progress towards annual goals specified on IEP).<sup>1</sup></li> <li>request amendments to your child’s IEP at any time.<sup>2</sup></li> </ul> <p>Schools have a responsibility to review IEP’s no less than annually.</p>	<ul style="list-style-type: none"> <li>request an amendment to current IEP to better meet the needs of your child.</li> <li>keep records to track IEP/504 plans to provide evidence and clarification.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#"><u>Record/Documents to Keep</u></a><sup>3</sup></li> <li><a href="#"><u>Keeping Good Records Helps Special Education Stay on Track</u></a><sup>4</sup></li> <li><a href="#"><u>How to Organize an IEP Binder</u></a><sup>5</sup></li> <li><a href="#"><u>IEP Binder Checklist</u></a><sup>6</sup></li> </ul>

### Notes

<sup>1</sup>34 CFR § 300.320 (Individuals with Disabilities in Education Act)

<sup>2</sup>34 CFR § 300.324 (Individuals with Disabilities in Education Act)

<sup>3</sup><https://www.understood.org/en/learning-attention-issues/understanding-childs-challenges/observing-taking-notes/why-certain-school-records-are-important-to-keep>

<sup>4</sup><http://www.pacer.org/parent/php/php-c155.pdf>

<sup>5</sup><https://www.understood.org/en/school-learning/special-services/ieps/how-to-organize-your-childs-iep-binder>

<sup>6</sup><https://www.understood.org/en/school-learning/special-services/ieps/download-iep-binder-checklist>

### XIII. Problem: My child's school is requesting personal information I don't feel comfortable sharing.

<b>You have the right to:</b>	<b>You may:</b>	<b>Resources</b>
<ul style="list-style-type: none"> <li>refuse to provide this information</li> <li>Schools cannot:</li> <li>deny enrollment if you or your child cannot prove residency due to homelessness.<sup>1</sup></li> <li>ask about citizenship or request for citizenship verification.<sup>2</sup></li> <li>deny or discourage enrollment due to lack of birth certificate or a foreign birth certificate.</li> <li>require your or your child's social security number.<sup>3</sup></li> <li>require information regarding a student's race or ethnicity during school enrollment.</li> </ul> <p>Schools must seek parental consent prior to surveying students about their or their family's: political beliefs, psychological problems, sexual behaviors or attitudes, illegal behavior, critical views of family, privileged relationships (e.g., medical providers), religious practices or beliefs, or income. Schools seeking to survey students about any of the above information must allow parents to opt out their children.<sup>4</sup></p>	<ul style="list-style-type: none"> <li>omit any information you don't feel comfortable providing.</li> <li>opt out of surveys that seek to collect information for which you are not comfortable or aligns with the Protection of Pupil Rights Act.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#"><u>Fact Sheet: Information on the Rights of All Children to Enroll in School</u></a><sup>5</sup></li> <li><a href="#"><u>Dear Colleague Letter on Rights of All Children to Enroll in Schools</u></a><sup>6</sup></li> <li><a href="#"><u>Know Your Rights: Achieving Academic Success for Undocumented in the P-20 Pipeline</u></a><sup>7</sup></li> </ul>

<sup>1</sup>42 U.S.C. § 11432(g)(3)(C)(1) (McKinney-Vento Homeless Assistance Act)

<sup>2</sup>42 U.S.C. § 2000c-6 (Title IV)

<sup>3</sup>5 U.S.C. § 552a with exception (The Freedom of Information Act)

<sup>4</sup>20 U.S. Code § 1232h (Protection of Pupil Rights Act of 1978, Pub. L. No. 107-110 § 1061)

<sup>5</sup><https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf>

<sup>6</sup><https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerletter.pdf>

<sup>7</sup>[https://greatlakesequity.org/sites/default/files/20182706615\\_equity\\_tool.pdf](https://greatlakesequity.org/sites/default/files/20182706615_equity_tool.pdf)

**Notes**



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# IMPACT:

*Educate, Engage, Empower — For Equity*



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