



# Legal Standards in Special Education

March 2016 Board of Education Meeting

# Legal Standards

- o IDEA: Federal mandate that requires states and LEAs to provide an individually tailored education to each eligible student, at no cost to the parent, that allows the student to receive educational benefit from attending school
- o Each state must have in place mandatory procedures to protect the rights of students with disabilities.

# IDEA Procedural Safeguards

- o Notice provided at least yearly to parents and addresses:
  - o Informed Consent
  - o Unilateral Placements
  - o Discipline Procedures
  - o Independent Education Evaluations
  - o Prior Written Notice
  - o Confidentiality
  - o Compliant and Due Process procedures

# Consent Requirements

- o The parent is fully informed and agrees in writing to:
  - o Initial Evaluations
  - o Provision of Initial Services
  - o Re-evaluations
  - o Private School Placement

# Unilateral Placements

- o When a parent enrolls his/her child in a private school program without consent or referral from the school district, they can request reimbursement if:
    - o The district did not make FAPE (Free and *Appropriate* Public Education) available to the student
- And
- o The private school program is deemed appropriate

# Independent Education Evaluation

- o When a parent disagrees with an evaluation conducted by the school district, and they are not required to provide a reason, they have a right to request an IEE.
- o An IEE is provided at district expense. If the district refuses this request, they need to move to due process.

# Confidentiality

- o Parents have a right to:
  - o Inspect all education records
  - o Request an amendment to the record
  - o Receive one free copy of education records
  - o Provide consent for disclosing information

# Complaint Procedures

- o The state has a process for investigating any alleged violations of IDEA.



# Due Process Procedures

- o Can be initiated by the parent or the district when a student's identification, evaluation, placement or provision of FAPE is in dispute.
- o The district is required to offer a dispute resolution process before going to a hearing
  - o Resolution meeting
  - o Mediation
    - o The parent may choose to waive these meetings and go straight to a hearing

# Burden of Proof

- o U.S. Supreme Court ruling in 2005
  - o Parents who challenge the IEP have the burden of proving the IEP is not appropriate
- o In Connecticut, the the burden of proof is always upon the district, not the parents.