

# Special Education: Your Rights and Responsibilities



## Who has a right to special education?

Any Ohioan between the ages of 3 and 21 with a disability is entitled to special education services under the federal Individuals with Disabilities Education Act (IDEA). IDEA requires that all children get a “free, appropriate public education” regardless of physical, mental or emotional disability. The free, appropriate public education must be provided by the state through the child’s local school district.

Some of the disabilities that can qualify for an IEP include ADHD, autism, deafness, emotional disturbance, language impairment, learning disabilities, orthopedic impairment, and visual impairment.

If you have a child with a disability, he or she may be eligible for an Individual Education Program (IEP). Special education services can include in-class help by an intervention specialist, at-home meetings with a professional, separate classes for one or more school subjects, extended time for certain assignments, or anything else the IEP team can come up with.



## What is an IEP and what does it require?

An IEP is a program tailored to meet a student’s individualized educational needs. The written document will set realistic goals for the student to meet and list the services the school district is required to provide to help the student meet those goals.

The IEP is written by a special IEP team composed of (1) a representative of the school district, other than the child’s teacher, who is qualified to provide or supervise special education; (2) a regular classroom teacher if the child is or may be participating in the regular educational environment; (3) a special education teacher or provider; (4) one or both of the child’s parents; (5) other individuals who have knowledge or special expertise regarding the child when other members of the team think such a person would be helpful; and (6) when appropriate, the student with a disability.

The IEP must include several items:

- A statement of the child’s present levels of educational performance, including how the child’s disability affect it;
- A statement of reasonable measurable goals;
- A statement of the special education and related services;
- A statement of supplementary aids and services to be provided to the child;
- An explanation of how much, if any, time the child will spend in the regular classroom and in a specialized setting; and
- A statement of any accommodations the child will receive for assessments.

The IEP team must review the IEP at least once a year.



## The Four Steps for Getting an IEP

1. **Identification.** Before a child can get an IEP, someone – usually the child’s teacher or parent – has to identify the child as a candidate for an IEP. Once a child has been identified, the school and the parent must both agree that the child might benefit from an IEP before going on to step two.
2. **Evaluation.** Someone – usually a school psychologist – undertakes an evaluation of the child, looking at the child’s school records, talking with parents and teachers, and giving the child tests. This information will be put together in a report.
3. **Decision of Eligibility.** After the evaluation is completed, the IEP team will discuss the evaluation report and determine whether the child needs an IEP.
4. **Creating an IEP.** At this point, the child has been deemed eligible for an IEP and the team will get to work creating a program to suit the child’s individualized needs.



## Non-IEP Options: 504 Plans

While IEPs can be a great tool, they are not the perfect fit for every child. Many children need assistance but do not qualify for an IEP. One alternative is getting a 504 Plan. Just like students on an IEP, students with 504 Plans are entitled to a free, appropriate public education. This means they must get the same opportunity as nondisabled students, though 504 Plans involve fewer services.



## How can a lawyer help?

Most students with IEPs and 504 Plans get appropriate educations without a lawyer. However, you have the right to consult with an attorney about the matter. This includes if you face roadblocks at any stage in the process, what to change the IEP, or otherwise need help. If you retain a lawyer, you may have that lawyer attend IEP meetings, help you understand alternatives to inadequate accommodations, and encourage your school to better implement services.

For more information, see the Ohio Department of Education’s *A Guide to Parents Rights in Special Education*, which is [available online](#) in several languages.

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