



The RITES FACTS

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Legal Terms Used in the Special Education Process

As a parent, you may hear many unfamiliar terms when you attend meetings at your child's school. Often teachers and other school personnel are so familiar with the terminology, they forget that parents may not know what these words or phrases mean. Here are some commonly used legal terms that will help you better understand your child's rights in the special education process:

Due Process: Due process is protected under IDEA and provides parents with the right to resolve disputes with their school district. Disputes can be resolved through mediation or a due process hearing in which a parent and the school district present written evidence about the disputed issue and have witnesses testify before a hearing officer.

Educational Advocate: Educational advocates are knowledgeable about special education law and the services that schools can provide for students with disabilities. They work on the child's behalf to ensure that the student is provided with the services, accommodations, and modifications that he/she is entitled to by law.

Evaluation: An evaluation involves a series of assessments to determine if a child has a disability and is eligible for special education services. Evaluations include IQ testing, academic achievement tests, a review of a child's school records, and input from parents and teachers. Parents must provide written consent in order for an evaluation to take place.

FAPE: FAPE is the acronym for a Free and Appropriate Public Education. Federal law requires that children with disabilities receive support that is designed to meet their individual needs and is free of charge like the education provided to non-disabled students.

504 Plan: This is a document that outlines the specific educational accommodations to which an individual student is entitled. It protects students who have a disability that substantially limits one or more major life activity, including learning, reading, thinking, writing and concentrating. Some students who do not qualify for an IEP do meet the requirements for a 504 Plan.

IDEA: IDEA stands for the Individuals with Disabilities Education Act. It is a federal law that ensures special education services to students with disabilities throughout the nation. IDEA outlines specific requirements including having an IEP for each student with a disability.

IEP: An Individualized Education Program is a legal document specified in IDEA. When it is determined that a student has a disability, an IEP is created to outline the special education services that the student will receive. Information on an IEP includes a student's current performance, annual goals, special education and related services, accommodations, participation in state and district-wide tests, needed transition services and measured progress.

Least Restrictive Environment: This term is part of the Individual with Disabilities Education Act that requires that each special education student is placed in the least restrictive environment in which he/she can be successful. This means that school districts must educate students with disabilities along with their nondisabled peers in the general education classroom with appropriate supports in their home school, unless the student's IEP specifies otherwise.

Mediation: This is a means of settling a dispute between a parent and a school district about some aspect of a child's special education plan or placement. A neutral third party helps the parent and the school district reach an agreement on the disputed issue.