

Education for Children with Disabilities

There are two laws you should know about. Most parents know that federal law requires schools to give children/students with disabilities special help. The Individuals with Disabilities Education Improvement Act (IDEA 2004) is a well-known law requiring this type of special education. Another law also affects the education of children with a disability. It is Section 504 of the rehabilitation Act of 1973. This fact sheet will give you information about these two laws.

Both laws require:

- Schools to identify every child with a disability who needs more than the regular school program to learn.
- Testing and evaluation of a child's educational needs.
- Students with disabilities and students without disabilities attend school together.
- Schools to provide every child with a free and appropriate public education (FAPE).

There are also differences in the laws. Section 504 makes it illegal for any group receiving federal money to be unfair to a person with a disability. It applies to any school that receives federal money. This includes all public schools in Iowa. Under IDE 2004, schools receive money that they must use for students with disabilities.

For more information on special education issues, please contact our agency at:

**Disability Rights IOWA
400 East Court Avenue, Suite 300
Des Moines, IA 50309
1-800-779-2502 Voice/1-866-483-3342 TTY
www.DRIowa.org**

This publication provides legal information but is not intended to be legal advice. The information was based on the law at the time it was written and distributed. As the law may change, please contact Disability Rights IOWA.

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	IDEA	SECTION 504
Who is covered?	<p>Students who need special education and related services to learn.</p> <p>A child must have one of the following conditions: intellectual disability, hearing problem, speech or language problem, visual problem, serious emotional problem, physical disability, autism, traumatic brain injury, a learning disability, or other health problem, such as Attention Deficit Hyperactivity Disorder.</p> <p>*The problem must affect the student’s ability to learn.</p>	<p>Students who do not need special education but still need changes in the regular school program to learn.</p> <p>A child must have a physical or mental problem which limits a major life activity such as:</p> <ul style="list-style-type: none"> • Caring for one’s self, doing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. • HIV positive and the AIDS virus are considered physical disabilities. <p>*The problem does not have to affect a student’s ability to learn.</p>
What ages?	3-21 years (3 rd birthday – 22 nd birthday)	Anyone who attends any school that receives federal money, preschool through college. Parents with a physical or mental disability must also have their needs met; such as an interpreter for a deaf parent at a teacher conference.
How do you know if a child needs special education?	<p>A child must:</p> <ul style="list-style-type: none"> • Be evaluated and found to need special education; • Have a written individualized education program (IEP); and • Be placed in a special education program in the least restrictive class as possible. 	<p>A child must:</p> <ul style="list-style-type: none"> • Be evaluated and found to have a disability; and • Need changes to the regular school program to benefit from it.
What type of education must be provided?	<p>A variety of classroom situations must be available for every child. The child should be placed in the program that will best fit his or her educational needs.</p> <p>A child should be education as much as possible in the regular school programs, including extracurricular activities and field trips.</p>	<p>A child’s special needs must be met through accommodations in the regular school program, including extracurricular activities and field trips.</p> <p>Examples of necessary accommodations are curb cuts for a wheelchair, classroom aides, special equipment and smaller class size.</p>
What is a parent’s role?	<p>A parent <u>should</u> take part in any decisions made about the child, including:</p> <ul style="list-style-type: none"> • Agreeing to the first evaluation of the child for special education; 	<p>A parent <u>should</u> take part in any decisions made about the child, including:</p> <ul style="list-style-type: none"> • Sharing information about the child; • Helping to prepare the 504 plan; and

	<ul style="list-style-type: none"> • Discussing plans for special education; • Helping prepare the IEP; • Sharing information about their child; and • Being told of any changes in the child’s school program. 	<ul style="list-style-type: none"> • Being told of any changes in the child’s school program.
<p>What if a parents does not agree?</p>	<p>When parents and the school do not agree about what is best for the child, parents have a right to:</p> <ul style="list-style-type: none"> • Through a formal complaint, ask the Iowa Department of Education to help reach an agreement; • Request mediation; • Ask for a due process hearing to present the issues; • Appeal a due process hearing decision to the Iowa Department of Education; and • Appeal the State’s decision by filing a civil lawsuit. 	<p>When parents and the school do not agree about that is best for the child, parents have a right to:</p> <ul style="list-style-type: none"> • Ask the Office of Civil Rights to look into the problem and offer a solution. • Ask for an administrative hearing.