

## Support or Related Services

For some students, non-educational services are also needed to help them meet the IEP goals and to benefit from special education. Non-educational services are often provided to students in the regular classroom, allowing them to stay in the regular classroom environment. Such services may include:

- Speech/language and audiology (hearing) services
- Psychological services
- Physical and occupational therapy
- Recreation and therapeutic recreation
- Social work services
- Counseling services
- Orientation and mobility services
- Nursing care
- Medical services for diagnostic and evaluation purposes
- Sign language or oral interpreter
- Psychotherapy
- One-to-one instructional aide
- Transportation
- Art therapy
- Technological devices, such as FM/AM systems or special computers

See also **KNOW YOUR RIGHTS: SPECIAL EDUCATION: REQUESTING AN IMPARTIAL HEARING.**

## Due Process

Due process refers to a student's right to be tested or evaluated, receive an appropriate education, be educated in the least restrictive environment, have an IEP, and receive notice of any changes in that IEP.

You have the right to take any disagreement you have with your child's school district to a *mediator* who will try to help you and the school resolve your disagreements. If that doesn't work, you may request an *impartial hearing* before a judge who will hear both sides and issue an order. If you don't agree with the judge's decision, you may appeal to a federal or state court, and as far as the U.S. Supreme Court.

If your school cannot provide an appropriate education for a child in the public school, the IEP can specify that your child be enrolled in a private school setting that must be paid for by the public school district. But if parents enroll a child without the district's approval, the district is not required to pay.

## Helpful Numbers

- Legal Services for Children .....(212) 683-7999
- Legal Services for New York .....(212) 431-7200
- The Legal Aid Society .....(212) 577-3300
- New York Lawyers for the Public Interest .....(212) 244-4664
- Advocates for Children .....(212) 947-9779
- New York City Department of Education .....311
- The Children's Aid Society .....(212) 358-8930

For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of **KNOW YOUR RIGHTS** brochures and other legal advocacy publications in both English and Spanish. You may also log onto [www.childrensaidsociety.org](http://www.childrensaidsociety.org).



For over 150 years, The Children's Aid Society has been assisting New York City's children and their families without regard to race, religion, nationality or socio-economic status. Children's Aid helps children in every aspect of their lives from infancy through adolescence, providing guidance and resources to ensure a child's current well-being and future potential. With over 100 programs and 40 locations in New York that touch the lives of more than 150,000 children every year, Children's Aid is one of the country's largest and most innovative child and family social service agencies.

[www.childrensaidsociety.org](http://www.childrensaidsociety.org)

THE CHILDREN'S AID SOCIETY  
KNOW YOUR RIGHTS

special  
education:  
access and  
eligibility



The Department of Education (DOE) has a legal duty to evaluate students who may be in need of special education and provide appropriate services to all eligible students, regardless of immigration, housing or language status. This flyer describes some of the rights and responsibilities of parents and the DOE to ensure that this happens.

### Individuals with Disabilities Education Act (IDEA)

Congress passed the Individuals with Disabilities Education Act to give protection to students with disabilities. The law says schools must have a process for evaluating students who are referred by their parents, teachers or social workers to determine if they are eligible for specialized instruction.

### Who is eligible for services?

Under IDEA, students between the ages of 3 and 22 who have one or more of the following conditions are eligible for special education. To qualify for special services, the disability must interfere with the student's ability to learn in the regular school setting.

- Mental retardation
- Hearing impairment (including deafness)
- Speech or language impairment
- Visual impairment (including blindness)
- Serious emotional disturbance
- Orthopedic impairment
- Autism
- Traumatic brain injury
- Specific learning disability
- Attention Deficit Disorder (ADD)
- Attention Deficit Hyperactivity Disorder (ADHD)
- Other health impairments

### What services are available?

Students who are found eligible for special education are entitled to free appropriate public education at no cost to the parent and education specifically designed to meet their learning needs.

Although the law says the school must provide an *appropriate* education based on the student's disability, it does *not* require the *highest quality* education that is available.

### Individualized Education Program (IEP)

By law, parents must be included in writing the IEP for their children and none of it can be implemented without their approval. *Parents should always ask for a copy of the IEP.* The IEP should include:

- Educational goals and objectives
- Specific programs and placement
- Related services the student needs to learn
- Other materials, methods and descriptions of program components

All of the following persons should be present at the meeting to write the IEP:

- The parent(s)
- The student, if appropriate and at least 14 years of age
- Someone from the school district who is qualified to supervise the student's special education
- The student's special education teacher
- The student's regular education teacher if the student has any regular classes
- A person who can interpret the tests the student took to qualify for services, such as the school psychologist
- Any others who know the student that the parent would like to have present

### Educational Placement or Program

#### Least Restrictive Environment

Students with special needs should not be separated from students in regular education classes unless absolutely necessary. The law states that a student with disabilities should not be removed from a regular classroom unless he or she cannot learn satisfactorily even with the use of supplementary materials. The student should also be allowed to go to school as close to home as possible. If the student is not in regular classes, he or she must have access to the same subjects that are taught in the regular classroom.

#### Range of Placements

The student should be educated in the least restrictive environment possible (see above) in order to meet his or her disability. This means that if he or she can be in the regular classroom with some help from special teachers, that is better than being in a program that has no regular education students. If the services the student needs require full-time special education, it must be free appropriate public education at no cost to the parent and education specifically designed to meet his or her unique learning needs.

The services students might receive in special education cover a range that goes from being in the regular classroom with support services (least restrictive) to institutional placement (most restrictive). The range includes:

- Regular classes for part of the school day
- Special classes in regular schools
- Special public or private schools for children with significant difficulties
- Charter schools
- Residential programs
- Home instruction
- Hospital or institutional placement

*Continued on following panel*