

# Federal Laws in Special Education Course Guide



## Purpose

With millions of students in U. S. public schools receiving special education services, the demand on you to skillfully provide these services to students is increasing.

Your work with students with disabilities can be rewarding ... and also challenging. Luckily, specific laws exist to guide you in serving students with special needs. These laws — designed to protect the rights of people with disabilities — help to ensure that these students receive the education and services they require. **You need to know the basics of these laws.**

## Summary

This course:

- clarifies the difference between IDEA and Section 504, and what the two laws do and do not require
- describes how school staff members must ensure the rights and educational opportunities of students with special needs
- details how discipline for students with disabilities compares with discipline for other students
- explains why compliance with federal laws is important and ways you can strengthen your ability to comply with those laws

## Basic Rules

You and other school staff are responsible for compliance with the laws. Here are the basic rules to keep in mind:

- Remember that students' Section 504 plans or IEPs may apply not only during the school day, but also during activities before or after school, such as transportation to and from school and extra-curricular activities. They may also apply in school settings such as the cafeteria or playground.
- Consult the student's case manager or team when you have a question about your role before implementing a Section 504 plan or an IEP.
- Communicate to parents that their requests or demands are not to be automatically added to a Section 504 plan or IEP. Any changes must be discussed with and determined by the planning team, which includes the parents.

## Students' Rights

Students protected under either IDEA or Section 504 are entitled to:

- free appropriate public education (FAPE)
- individual plans to meet their educational needs: an Individualized Education Plan (IEP) or a 504 plan
- information about their rights provided to parents, and trained, qualified personnel to work with the students, with proper supervision
- procedural safeguards, including certain protections for the child in discipline situations
- education in the least restrictive environment (LRE)

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## Next Steps

### Understand Key Terms

**ADA (Americans with Disabilities Act)** – landmark legislation passed in 1990 that allows all Americans with disabilities access to public accommodations (including buildings), public transportation, employment opportunities and more, which would have previously been unavailable

**IDEA (Individuals with Disabilities Education Act)** – a law revised in 2004 to ensure that all children with disabilities in the U.S. receive a free appropriate public education, including early intervention, special education and related services throughout state and public agencies

**Section 504** – section of the Rehabilitation Act of 1973 that prohibits discrimination based on disability by any agency or organization that receives or benefits from federal funds

**FAPE** – a free appropriate public education, ensured for all students with disabilities in the U.S. under IDEA

### Explore Resources

Office of Special Education Programs (OSEP):  
<http://www.ed.gov/about/offices/list/osers/osep/index.html>

IDEA Partnership (alliance of the OSEP):  
<http://www.ideapartnership.org>

### Take Related Courses

Learn more with other Exceptional Child courses, including:

- Special Education Introduction: Elementary
- Special Education Introduction: Secondary
- FAPE
- LRE and Placement
- IDEA Overview
- Transition Services

## About the Authors



*"Any school staff member will benefit from knowing basic information about these important laws."*

**Dr. Barbara Bateman, Ph.D., J.D.**, is a nationally recognized leader in special education law. With more than 40 years of experience as an educator, author and researcher, she has written more than 100 books, monographs, book chapters and articles on special education and legal issues.

## Questions or Concerns

### Contact Us

Find us: [www.exceptionalchild.com](http://www.exceptionalchild.com)  
[www.scenariolearning.com](http://www.scenariolearning.com)

Call us: 800.434.0154

Email us: [info@exceptionalchild.com](mailto:info@exceptionalchild.com)

