

Act (IDEA) Addresses Racial Inequities in Special Education: A Guide for Families

What is IDEA?

The nation's special education LAW

- All states are participants
- Covers children from birth to graduation
- Provides early intervention services up to age 3
- Provides special education services for older kids in publicly funded schools

Provides access to an APPROPRIATE evaluation

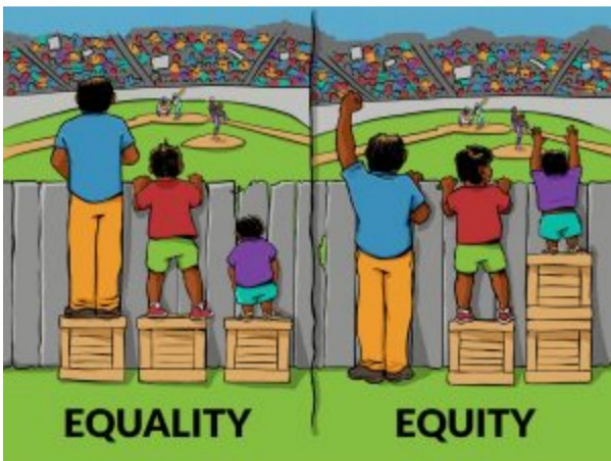
- Parents and teachers can request a child be evaluated at any time.
- After the evaluation, the school will hold an eligibility meeting to decide if the child meets the requirements for special education.
- If yes, then the team will develop an Individualized Education Program (IEP)

Schools MUST provide children with a disability, a Free and Appropriate Public Education (FPE)

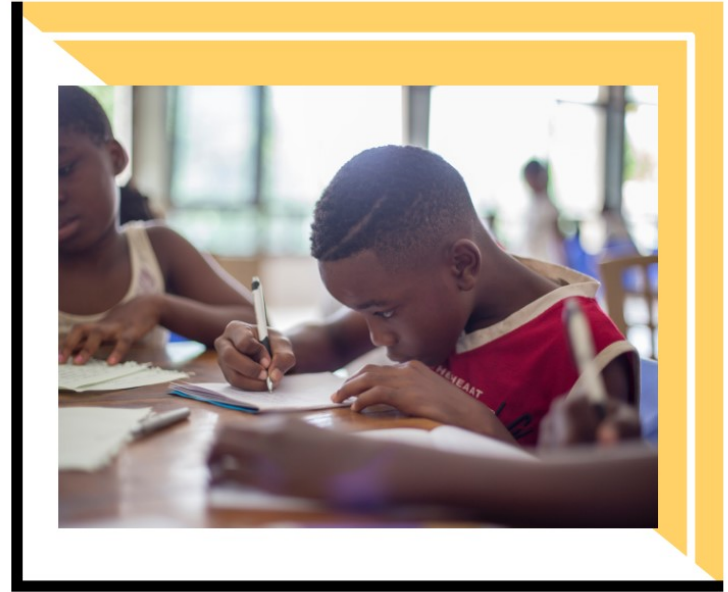
- Specially designed education to help your child exceed
- Ex: Counseling, Occupational Therapy, Speech Therapy, and Physical Therapy

Least Restrictive Environment

- According to IDEA, a child with a disability has every right to be in regular education classes with their same-aged peers "to the maximum extent appropriate."



"Disability is a natural part of the human experience and in no way diminishes the right of individuals to take part in or contribute to society."



Inequities in Special Education



Black students with a disability are more likely to be suspended than their White counterparts.



Black students are both under and over-represented in special education services, based on the school's racial makeup.



Black students with a disability are more likely to be taught in separate classrooms. Which violates their right to a LRE.



There are greater disparities in identification among subjective disabilities such as specific learning disabilities, intellectual disabilities, and emotional disturbances.

you advocate for your child:



- The school must provide you with a notice containing a **FULL** explanation of your rights.
- Parent and Student Rights | OSPI (www.k12.wa.us).



- The school **MUST** get your consent for the following:
 - The initial evaluation
 - Special education services
 - Re-evaluation of services
 - Disclosure of identifiable information on your child
 - You can revoke it



- You have the right to obtain an independent educational evaluation (IEE) if you disagree with the evaluation conducted by the school district.



- You have a right to inspect, review and request a change to your child's educational records and IEP **ANY TIME**



- You have the right to participate in any disciplinary decisions:
 - <https://mcandrewslaw.com/publications-and-presentations/articles/discipline-of-special-education-students/>



- If you believe there is a problem involving the identification, evaluation, educational placements, and the provided FAPE services to your child, you have the right to:
 - **Mediation**
 - **File a Citizen Complaint**
 - **Due Process**

Equity in IDEA

- IDEA **REQUIRES** state education departments to review districts for problematic racial discipline disparities, and for disproportionality in identification and placement.

- Districts flagged for disparities **MUST** reserve 15% of their funds for comprehensive, coordinated early intervening services to find and address the underlying issues.

- For more information: - <https://www.education.pa.gov/K-12/Special%20Education/IDEA/Pages/Significant-Disproportionality.aspx>



"Punishing a student for behavior caused by the student's disability is the equivalent of denying that student access to education based on disability, or denying them Free Appropriate Public Education, which violates IDEA."