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Six Laws that Shape Special Education in the United States

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As a parent of a child with disabilities, your days are hectic and your energy is spent taking care of your child's daily needs.

It can seem like school is another obstacle, a force to struggle with rather than a force to help your child thrive to the fullest degree.

You may be so busy that you don't have time to study it, but you should know that federal law includes many protections that you can assert for your child.

And if you're not getting access to the proper special education services, [special education lawyers](#) can help. The attorneys at the [Cuddy Law Firm](#) focus on this area of law. We help families in multiple states navigate the education system to secure brighter futures for their children.

In this post, we want to give you an idea of the laws in the United States that may reinforce your drive to secure the right opportunities for your child.

Here are six top laws that shape special education law:

NO. 1: INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

This law is central to the concept of special education in America.

The **Individuals with Disabilities Education Act (IDEA)** was originally known as the Education of Handicapped Children Act, passed in 1975. In 1990, Congress passed amendments to the law, and most recently re-authorized it in 2004.

IDEA provides funding for special education services and lays out key principles protecting the rights of children with disabilities, including:

- **All children are entitled to a "Free Appropriate Public Education," which people commonly call FAPE.**
- **Education for students with disabilities should happen in the "least restrictive environment," or LEP, which can mean including children with special needs in regular classrooms as much as possible.**
- **Every child receiving special education services must get an Individualized Education Program (IEP), which is a guiding plan that should be regularly revisited and updated, tailored to each child and describing what services they must receive.**

Having a plan for your child seems simple enough. Giving them access to an education at no cost, like other children, only seems right. Striving to avoid isolating them from traditional school experiences seems healthy.

But unfortunately, it quickly gets complicated.

Schools sometimes fall short on meeting the "appropriate" part of Free Appropriate Public Education. Sometimes they don't develop IEPs properly. Sometimes they fail to carry out the requirements of an otherwise strong-looking IEP.

But you don't have to find your way through the tangle of school district bureaucracy on your own. Special education attorneys—who know your child's rights under IDEA—can help you secure the services your child needs to learn and grow.

NO. 2: SECTION 504 OF THE REHABILITATION ACT OF 1973

Outside of special education itself as described by IDEA, the next federal law you've likely heard about for students with disabilities is Section 504 of The Rehabilitation Act of 1973.

This is a civil rights law, meaning its focus is on prohibiting discrimination against children based on disability.

Section 504 provides for the creation of supports and accommodations for children with disabilities, in many cases through modifications to educational programs.

While IDEA has specific definitions for the disabilities that qualify a child for special education services, Section 504 is more general, covering multiple impairments that can affect a child's ability to access education. And it provides that there must be equal access to educational services for students with disabilities.

The rules for 504 plans and challenges to the plans are very different from the [due process](#) rights afforded under IDEA.

While every student entitled to special education services is entitled to protections under Section 504 of the Rehabilitation Act, not every student under Section 504 is entitled to special education services.

NO. 3: THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990

The Americans with Disabilities Act (ADA) is another breakthrough civil rights law for people with disabilities—targeting discrimination.

It covers all people with disabilities, not just school-age children. But its requirements of public accommodations for people with disabilities also applies in schools.

For many people, the first thoughts that come to mind regarding the ADA are ramps at buildings that are accessible to wheelchairs, parking spaces for people with disabilities, and accessible bathroom stalls.

This law strengthens protections for people with disabilities, allowing them to participate fully in their communities.

NO. 4: FAMILY AND EDUCATIONAL RIGHTS PRIVACY ACT (FERPA)

If you're struggling with the school district to get the proper services for your child, this federal law could be an important tool to help you build your case. And it protects a student's right to privacy in some situations.

It affords parents the right to have access to their children's educational records—and to have information amended if it's deemed incorrect.

The law protects privacy by requiring written permission to share information from a child's educational records to anyone other than a select group of people with legitimate needs to be able to review the records.

NO. 5: THE ASSISTIVE TECHNOLOGY ACT

This law, first passed in 1998 and reauthorized in 2004, provides funding for technology that helps people with disabilities get equal access to educational, career and other opportunities available to people without disabilities.

Technologies available under The Assistive Technology Act could include large-format computer keyboards, voice recognition software, voice amplifiers, hearing aids, magnification devices, reaching devices, walkers, medical equipment, adaptive sports gear and more.

Many devices, as long as their purpose is to help people with disabilities function, could qualify.

NO. 6: EVERY STUDENT SUCCEEDS ACT (ESSA)

The Every Student Succeeds Act (ESSA) from 2015 is the primary federal law laying out how public schools are measured and held accountable for student achievement.

It's not just for special education. It's for all public education. But an overarching goal of the law is to make sure all students have equal opportunities.

Under the ESSA, the job a school is doing is partly assessed by how different groups of students perform. One of the groups the law uses to evaluate schools is students in special education.

So if you think your school is falling short of its obligations to students with special needs, this is a law that could help you advocate for improvements.

LET THE CUDDY LAW FIRM GUIDE YOU TO BETTER UNDERSTAND THE SPECIAL EDUCATION SYSTEM

Understanding how these laws work, and how they relate to each other, can be a major help when you're trying to get school districts to provide all the services your child should receive.

With the right resources, you can feel confident you are doing everything possible to position your child for success.

If you need help dealing with the special education system, [contact Cuddy Law Firm](#).

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