

## An Overview of Special Education Law

By Adrienne Arkontaky

Many parents of children with special needs find themselves overwhelmed by the many needs of children with disabilities and the inaccessibility of appropriate education services to meet their child's needs. In many cases, parents are unaware of services available and the laws enacted to protect the rights of children with disabilities.

This column will provide an overview of the laws that protect a child's right to receive a Free Appropriate Public Education (FAPE).

As a parent of a child with special needs, I personally have been involved with special education for sixteen years. I believe that parents must be at least familiar with the laws that govern special education. There are many such statutes that address such issues, including Individuals with Disabilities Education Act of 2004 (IDEA) and Section 504 of the Rehabilitation Act. In New York state, Part 200 and 201 of the Regulations of the Commissioner of Education's Regulations govern what educational and related services school districts must provide to children with disabilities that affect their ability to access education. Many families have no idea of what the law requires school districts to do in order to offer an appropriate education to children with special needs. The laws governing special education may be very confusing and change rapidly. It is important that families have at least a basis understanding of the laws.

The IDEA was enacted to not only allow children access to a "free appropriate education," but also to provide a basis for success for children with special needs after high school. The law mandates that the behavioral, academic, social and emotional needs of a child must be considered when developing an Individualized Education Program (IEP) for children with special needs. This tool is crucial in providing educational services to children with special needs.

The IEP must include the child's present levels of performance, including the levels of academic achievement and function performance. The IEP must indicate the needs of the student. This IEP generally is developed by a Committee on Special Education (CSE). It is very important that parents realize they have a right to voice their opinion in these meetings and they are members of the CSE. They also may bring advocates with them to assist in their quest to develop a plan for their children.

If parents disagree with the plan implemented by the school district they have a right to request an impartial hearing where an Impartial Hearing Officer (IHO) will hear both the school district's and the parent's arguments and make a determination regarding the services or program being recommended.



There are very specific requirements for submitting a request for due process. We recommend that parents consult with an attorney specializing in education law prior to filing a request for due process. A parent may not be able to sufficiently protect the interests of their child without legal representation.

Information regarding the rights of parents of students with disabilities may be found on the New York State Department of Education's Web site at [www.Newyorkstatedepartmentofeducation.org](http://www.Newyorkstatedepartmentofeducation.org).

The New York State Department of Education Web site provides guidance on the various laws and procedural safeguards available to parents. Wrightslaw.com is also a very informative Web site that provides parents, advocates and attorneys a wealth of information on special education issues. I also recommend that attorneys and advocates read "The Special Education Battlefield A Guide to the Due Process Hearing" by Andrew Cuddy Esq. for an overview of due process proceedings and how professionals and parents can prepare for these proceedings.

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*Adrienne lectures to parents and organizations throughout New York State on issues affecting families of loved ones with special needs. She earned her J.D. from Pace University. Prior to joining Littman Krooks, she served as Pro Bono Coordinator for the Financial Products Practice Group at Duane Morris and as a Service Coordinator for families of children with disabilities for Family Connection, a service coordination agency in Westchester. She is the mother of three children, one with severe disabilities.*

## Toys"R"Us - 2008 Catalog for Differently-Abled Kids

By Jeanette V. Tully

Toys"R"Us has an online catalog for special children. that can be viewed at [www.toysrus.com/differentlyabled](http://www.toysrus.com/differentlyabled). You can download the 57-page catalog, or shop online. Or, you can request a copy by writing to: Toys "R" Us, P.O. Box 3019, Edison, NJ 08818-3019.

On pages 52-55 of the guide, there is a Skill-Building Toy Finder Index that places every toy into separate skill-building categories to help choose appropriate toys for each child's specific needs and interests. There is also an Easy-to-Use Toy Selection Guide on page 2. Be sure to read the FAQ or Frequently Asked Questions section.

Jerry Storch, Chairman and CEO of Toys"R"US, Inc. says:

*Dear Parents and Friends,*

*Each year, we have the unique opportunity to present a collection of toys for children with special needs, appropriately selected for their play and skill-building value. Our commitment to fulfilling that goal continues with this 15<sup>th</sup> edition of the Toys"R"Us Toy Guide for Differently-Abled Kids. Once again, we are proud to be supported by the experts at the National Lekotek Center, renowned for their work in evaluating the best play opportunities for differently-abled children.*

Check out the Web site for National Lekotek at [www.lekotek.org](http://www.lekotek.org) and for Able Play, which lists independent ratings and reviews of toys for children with special needs: [www.ableplay.org](http://www.ableplay.org).

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