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## An Overview of Special Education Law

By Adrienne Arkontaky, Esq.

Many parents of children with special needs find themselves overwhelmed by the needs of their children with disabilities. In many cases, families are unaware of the laws that protect a child's right to a free appropriate public education ("FAPE").

There are many statutes that address access to special education services, including The Individuals with Disabilities Education Act of 2004 ("IDEA"), Section 504 of the Rehabilitation Act and in New York State, Part 200 and 201 of the Regulations of the Commissioner of Education's Regulations. The laws governing special education may be very confusing and often families need help navigating the system.

The law mandates that local school districts develop an Individualized Education Program ("IEP") for children with special needs. The IEP must address the unique educational needs of the student and is developed by a Committee on Special Education ("CSE"). It is very important that parents understand that they have a voice in the development of the IEP. Parents also have a right to bring advocates, other family members and professionals to these meeting. If parents disagree with the proposed program recommended by the school district parents have a right to request an impartial hearing. In New York State, an Impartial Hearing Officer ("IHO") is assigned to the case to decide whether the school district has acted appropriately to provide for the student's needs.

We recommend that parents consult with a lawyer familiar with the process before filing a request for a due process hearing. Information regarding the rights of parents of students with disabilities may be found on the New York State Department of Education's website at [www.newyorkstatedepartmentofeducation.org](http://www.newyorkstatedepartmentofeducation.org).

The New York State Department of Education website provides guidance on the various laws and procedural safeguards available to parents. Wrightslaw.com is also a very informative website that provides parents, advocates and attorneys a wealth of information on special education issues. For practitioners who work with families of loved ones with special needs, I believe it to be imperative to at least have a basic understanding of special education law and the protections available to students with disabilities.

*Adrienne Arkontaky is an attorney with Littman Krooks LLP with offices in New York City, Westchester and Dutchess counties. Adrienne's areas of practice include Special Needs Planning, Special Education Law and Guardianship. She represents parents of children with special needs throughout New York State in Special Education advocacy matters. She is a member of the New York State Bar Association, Westchester Bar Association and Westchester Women's Bar Association. She is also a member of the Council of Parent, Advocates and Attorneys (COPM). 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 a major law firm and as a Service Coordinator for families of children with disabilities for Family Connection, a service coordination agency in Westchester. She serves on the Board of Trustees of the John A. Coleman School and Family Ties of Westchester.*

*She is the mother of three children, one with severe disabilities.*