

Educational System Overview

The Individuals with Disabilities Education Act (IDEA), first passed in 1975, guarantees certain rights to all children with disabilities age three years to twenty-two years of age. These rights include the right to a Free Appropriate Public Education (FAPE); the right to be educated in the Least Restrictive Environment (LRE); the right to receive Supplementary Aids and Services such as physical therapy, occupational therapy, speech therapy, counseling, and classroom aids; and the right to receive a Fair Assessment of the child's needs.

To protect these basic rights, the law requires that there must be an Individualized Educational Plan (IEP). The IEP meeting(s) are the discussion where parents and school personnel jointly make decisions about an educational program for a child with a disability. The IEP document is the written record of the decisions made at an IEP meeting for the child's educational program. The IEP is the "instruction sheet" for the child's educational plan for the duration of that IEP, which must be written each year, but may be altered with the agreement of the parents and school personnel. Due Process rights protect the child's IEP from being changed without notifying the child's parents, and provide the parents with a mechanism to dispute and resolve any issues that arise regarding the child's education.

Your first contact with the school system will probably be shortly before your child turns three years old when your Regional Center will schedule a "Transition Meeting" with you, the Regional Center caseworker, and a representative of your child's school district. The school district may arrange for various therapists to assess your child's needs as they relate to your child's ability to productively participate in his school environment. These assessments will probably include physical, occupational, speech, and social/emotional development. Your child's therapeutic services as they relate to helping your child meet his or her educational needs should be provided by your school district.

Your child may not need to receive special education services, but you should know that any child younger than three years who is potentially eligible for special education shall be afforded the protections provided pursuant to the California Early Intervention Services Act, and that early educational opportunities must be made available to all children between the ages of three to five years who require special education services. Special education is a crucial component of the total public education system and is designed to provide education in a way that promotes maximum interaction between children with disabilities and children who are not disabled, in a manner that is appropriate to the needs of both. Special education programs are supposed to provide a full continuum of program options to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment, including instruction conducted in the classroom, in the home, or even in hospital or institution settings.

Current law does not require a school district to pay for the cost of your child's education, including special education and related services, at a private school or facility if a free appropriate public education is available to your child and you elect to place your child in the private school or facility. If you want your child to attend a private school setting and your child requires special education services, you will need to research the options available to you for the provision of these services.

The educational system, as well as the system of special education, is filled with many complicated laws, rules, and regulations. You are encouraged to ask questions of other parents, parent advocacy groups, teachers, administrators, and participate in workshops designed to help keep you informed of your rights your child's rights to not only a free and appropriate public education, but one that is enjoyable and rewarding to your child.