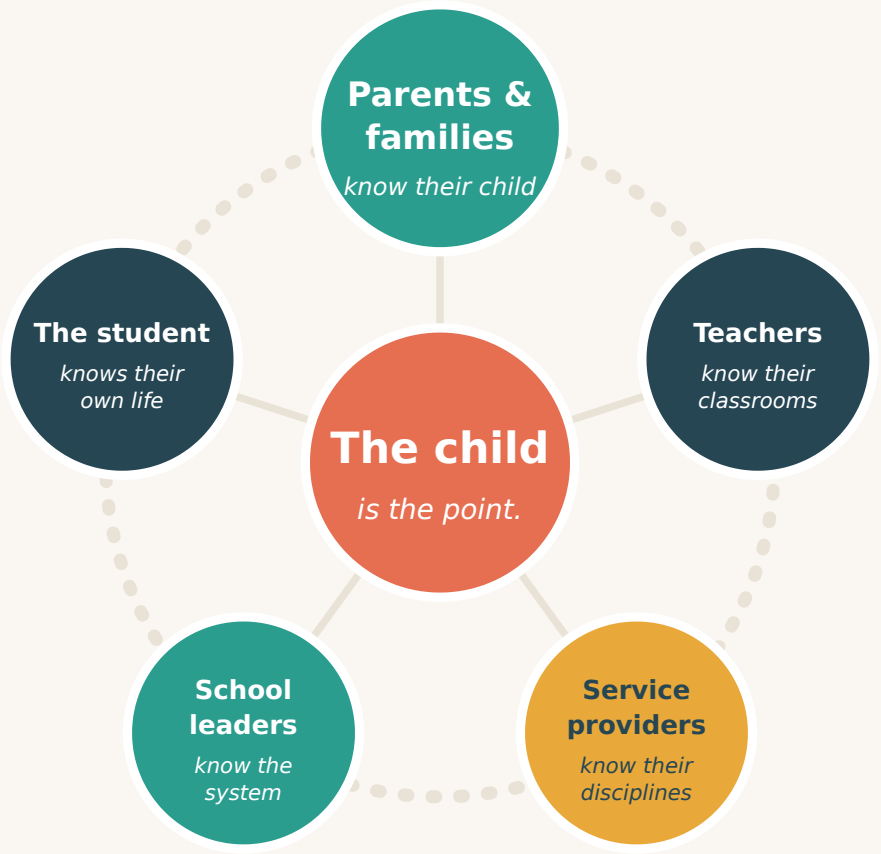
SAME TEAM

A handbook series for teachers, administrators, and families

The Parent and Family Guide to IDEA and Section 504

Plain-language answers for families, from a first worry to life after high school.



Elizabeth Long, Ph.D.

32 years as a special education director, on both the district side and the parent side of the IEP table

A Same Team Handbook
Version 1.0 · October 2026

The child is the point. Always.

Contents

		Start Here	4
	I	Partners on the Same Team	7
	II	The Legal Foundation	11
	III	From Concern to Evaluation	17
	IV	Eligibility and the 13 Disability Areas	25
	V	The IEP	47
	VI	Services, Supports, and Placement	55
	VII	Section 504 for Families	65
	VIII	Behavior, Discipline, and Safety	71
	IX	Mental Health and Your Child's Rights	88
	X	When You Disagree	104
	XI	Special Situations	110
	XII	From Preschool to Adulthood	118
	XIII	Your Child's Voice	127
		Case Study: A Parent's Story	132
		Family Q&A	135
		Family Toolkit	140
		Family Forms and Letters	144
		Glossary and Acronyms	151
		Resource Directory	156
		Federal References	159

WELCOME

About This Guide

SAME TEAM · Parent and Family Guide

A Same Team guide for parents, guardians, and families. Companion to *On the Same Team: A Teacher's Guide to Special Education and Section 504* and *The Administrator's Guide to Special Education and Section 504*.

Plain-language answers for families, from someone who has sat on both sides of the table. This guide explains IDEA and Section 504, walks through every step from a first worry to life after high school, and answers the questions parents ask most. Parents and schools want the same thing, and students do best when both sides bring what they know to the table.

By **Elizabeth Long, Ph.D.**, a career educator with 32 years as a special education director, who has worked on both the district side and the parent side of the IEP table, including as a parent.

The Family's Roadmap

Where each stage of your child's journey lives in this guide.



The child is the point. Always.

The Same Team guide series

Guide	For
The Parent and Family Guide to IDEA and Section 504	Parents, guardians, and families
On the Same Team: A Teacher's Guide to Special Education and Section 504	Teachers
The Administrator's Guide to Special Education and Section 504	Principals and district leaders
The Assessment Key: A Same Team Guide to Psychometric Testing in Special Education	Anyone reading an evaluation report

The parent, teacher, and administrator guides use the same language on purpose, so everyone at the table starts from the same information.

Important notice. This guide is educational information for families. It is not legal advice and does not replace your state's rules, your district's policies, or advice from an attorney or advocate. Federal law sets the floor; your state may give you more.

Version 1.0 — October 2026. © 2026 Same Team. Families, schools, and parent organizations may share this guide with attribution.

The child is the point. Always.

Start Here

SAME TEAM · Parent and Family Guide

Start with whatever is on your mind today. Each Part stands on its own, so you don't have to read this guide in order. Find your situation below and go straight to the Part that answers it.

Where to begin

If this is you…	Start here
You want quick answers to the most common questions	Family Q&A
You've been told something at school that doesn't sound right	Family Q&A (Things you might hear)
You're new to all of this and want the big picture	Part I: Partners on the Same Team and Part II: The Legal Foundation
You think your child may have a disability and want the school to evaluate	Part III: From Concern to Evaluation
You have an evaluation report and want to understand it, or you disagree with it	Part III: From Concern to Evaluation
The team is talking about a disability category, or you want to know your state's rules	Part IV: Eligibility and the 13 Disability Areas
Your child may need accommodations but not special education	Part VII: Section 504 for Families
You have an IEP meeting coming up	Part V: The IEP
You're not sure the IEP is working, or services are being missed	Part V: The IEP
You have questions about where your child is taught, related services, an aide, assistive technology, ESY, or a health plan	Part VI: Services, Supports, and Placement
Your child has meltdowns or behavior incidents, or the team is discussing an FBA or BIP	Part VIII: Behavior, Discipline, and Safety
Your child was restrained or secluded, or is being suspended or expelled	Part VIII: Behavior, Discipline, and Safety
Your child is being bullied, or you're in Texas and want to know about classroom cameras	Part VIII: Behavior, Discipline, and Safety
Your child has anxiety, depression, ADHD, trauma, or another mental health need	Part IX: Mental Health and Your Child's Rights

If this is you…	Start here
You and the school don't agree, or services may end	Part X: When You Disagree
You're moving, considering a charter, private, or home school, or your child is on a shortened day, homebound, or virtual	Part XI: Special Situations
You'd like to communicate with the school in another language	Part XI: Special Situations
You're a grandparent, foster parent, or co-parent, or custody is involved	Part II: The Legal Foundation
Your child is under 5, or 14 and older, or heading to college	Part XII: From Preschool to Adulthood
You want to explain your child's disability to them, or your child wants to speak up	Part XIII: Your Child's Voice
You'd like to see how the whole process can unfold for one family	Case Study: A Parent's Story

The tools

Tab	What's in it
Family Toolkit	Key timelines, the meeting prep worksheet, checklists, and logs
Family Forms and Letters	Sample letters and ten fill-in forms
Glossary and Acronyms	Terms, who's who, and names that vary by state
Resource Directory	Who to call for help beyond your school
Federal References	Every law, regulation, case, and guidance document cited

Five things every family should know

1. **You are a member of the team, not a guest.** The law requires schools to include you in every decision about your child's evaluation, eligibility, services, and placement.
2. **Put it in writing.** A short, polite email creates a record and starts timelines.
3. **Your child doesn't have to be failing.** Passing grades don't rule out a disability, a 504 plan, or an IEP.
4. **You don't have to wait.** You can ask for an evaluation, a meeting, or your child's records at any time.
5. **You can ask questions until you understand.** "Can you explain that another way?" is always a fair question.

How each Part is built

Every Part follows the same pattern, so you always know where to look:

- **The main point first**, in bold, at the top
- **Questions and answers** in plain language, grouped by topic
- **Pictures and tables** for timelines, steps, and comparisons
- **Questions to ask your team**, ready to bring to a meeting
- **Same Team tips** from someone who has sat on both sides of the table
- **Where this comes from**: the laws and guidance behind each answer

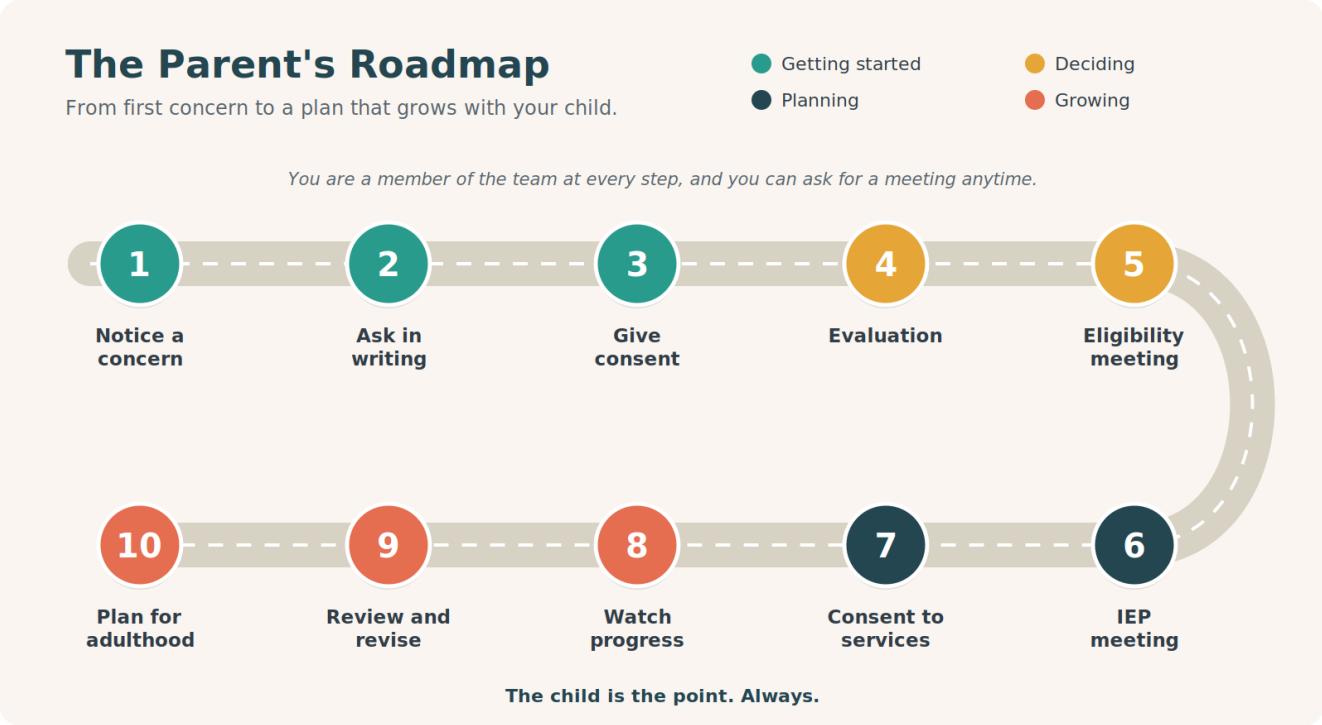
Important notice. This guide is educational information, not legal advice. Federal law sets the floor; your state may give you more. Check your state's rules, and talk with an advocate or attorney about your specific situation.

PART I

Partners on the Same Team

SAME TEAM · Parent and Family Guide

Parents and schools want the same thing, and students do best when both sides bring what they know to the table. That is the Same Team idea, and it runs through every Part of this guide. This Part explains your role, what you bring that no one else can, and how to keep the partnership strong even when you disagree.



Three things to know before you start

1. **You are a member of the team, not a guest.** Federal law requires schools to include you in decisions about your child's evaluation, eligibility, services, and placement.
2. **Put it in writing.** A short, polite email creates a record and starts timelines. Keep copies of everything you send and receive.

3. **You can ask questions until you understand.** If a meeting moves too fast or uses too much jargon, it's fine to say, "Can you explain that another way?" or "Can we pause and come back to this?"

What you bring to the table

You know	Why it matters to the team
Your child's strengths and interests	Teams sometimes focus on gaps; strengths help set goals that are ambitious for your child
What happens at home	You see skills, struggles, and triggers the school never sees
What has worked before	Home successes are some of the best evidence for what will work at school
Your child's history	Development, health, family history, and past services shape the evaluation
What your child says	Your child's own words keep the meeting about a real person
Your hopes for the future	A goal your child cares about gives every year of planning a purpose

What the school brings

Teachers, specialists, and administrators bring knowledge of the curriculum, how your child does in a classroom of peers, evaluation and instruction expertise, and the school's resources. The best plans happen when both kinds of knowledge sit side by side. Your child's teachers have a matching guide, *On the Same Team: A Teacher's Guide to Special Education and Section 504*, and administrators have *The Administrator's Guide to Special Education and Section 504*. All three use the same language on purpose, so everyone at the table starts from the same information.

How the partnership works

What does "equal member of the team" really mean?

You take part in every meeting that decides your child's evaluation, eligibility, IEP or 504 plan, and placement. The school must schedule meetings at a time and place you can attend, help you understand them (including an interpreter if needed), and consider your input. Your consent is required before the first evaluation and before services first begin.

How do I build a good working relationship?

- **Start with a strength.** Open meetings by sharing one thing your child did well recently.
- **Assume good intent.** Most staff want to help. A calm question usually works better than a correction.
- **Be specific.** "He hasn't received speech services since October" moves things forward.

- **Share what works at home.** Teachers often don't know until a parent tells them.
- **Follow up in writing.** "Thank you for meeting today. To confirm, I asked... and you said..."
- **Thank people** for what's working, even while you push on what isn't.

What if we disagree?

Disagreeing doesn't make you difficult, and it doesn't have to end the partnership. Most disagreements are resolved by talking, putting concerns in writing, and meeting again. When they aren't, the law gives you formal options. Part X walks through every step.

Can I bring someone with me?

Yes. You can bring a spouse, friend, relative, advocate, or anyone with knowledge or expertise about your child.

Should my child be part of the team?

Yes, when it fits. Your child must be invited when the team plans for life after high school, and even young children can share one thing that helps them learn. Part XIII has ideas for every age.

About this guide

Written by Elizabeth Long, Ph.D., a career educator with 32 years as a special education director. Dr. Long has worked on both the district side and the parent side of the IEP table, including as a parent.

This guide brings together the full Same Team Parent Q&A Series, *Mental Health, Discipline & Your Child's Rights*, and *The 13 Areas of Disability Under IDEA* into one reference, organized to match the teacher and administrator guides.

Important notice. This guide is educational information for families. It is not legal advice and does not replace your state's rules, your district's policies, or advice from an attorney or advocate. Federal law sets the floor; your state may give you more. Laws and guidance change, so check the date on this guide.

Version 1.0 — October 2026. © 2026 Same Team. Families, schools, and parent organizations may share this guide with attribution.

> ★ **Same Team tip**
>
> Write your requests as a partner, not an opponent. "I'm seeing this at home and want to understand what's going on" invites collaboration and still starts the legal clock.

The child is the point. Always.

PART II

The Legal Foundation

SAME TEAM · Parent and Family Guide

Two federal laws protect students with disabilities at school: IDEA, the special education law, and Section 504, a civil rights law. Federal law sets the floor; your state may give you more. This Part explains what each law does, how they fit together, the rights you have as a parent, and who counts as "the parent" when families look different.

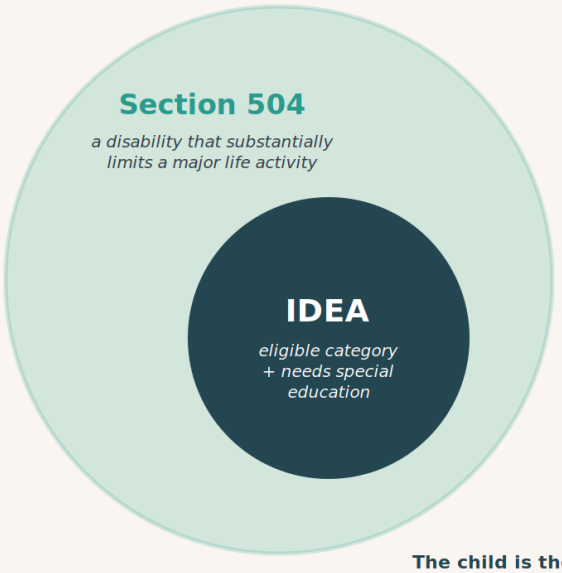
Two laws, one goal

	IDEA	Section 504
Full name	Individuals with Disabilities Education Act	Section 504 of the Rehabilitation Act of 1973
Kind of law	Special education law, with federal funding	Civil rights law: no discrimination by schools that receive federal money
Who qualifies	A disability in one of 13 categories (Part IV) *and* a need for special education	A physical or mental impairment that substantially limits a major life activity
Plan	Individualized Education Program (IEP)	504 plan
What it provides	Specially designed instruction, related services, accommodations, and modifications	Accommodations, aids, and services for equal access
Goals and progress reports	Required	Not required
Parent consent	Required for the first evaluation and first services	Notice required; many districts also ask for consent
Disputes	Mediation, state complaint, due process hearing	District grievance, impartial hearing, Office for Civil Rights complaint
Ages	3 through 21 (birth to 3 under Part C early intervention)	All ages, including college and work, with the ADA

Every student with an IEP is also protected by Section 504. Not every student with a 504 plan needs an IEP. Part VII covers Section 504 in depth.

IDEA and Section 504

Every student with an IEP is also protected by Section 504. Not every 504 student has an IEP.



Section 504 plan

Civil rights law. Accommodations, aids, services, and equal access. Examples: diabetes, food allergies, or ADHD without a need for special education.

IEP under IDEA

Special education law. Specially designed instruction and related services, plus every Section 504 protection.

Found not eligible for an IEP?

Ask whether the student still has access needs under Section 504.

The child is the point. Always.

The six pillars of IDEA

IDEA rests on six principles. Each one is a right your child has, and each shows up somewhere in this guide.

The Six Pillars of IDEA

Six rights hold up your child's education.

Your child's education: a program built for them, at no cost

FAPE	Evaluation	IEP	LRE	Your voice	Safeguards
Free and appropriate	Full and fair, in all areas	A written plan for your child	With peers as much as fits	An equal team member	Notice, consent, dispute options
PART V	PART III	PART V	PART VI	PART I	PARTS II, X

Foundation: IDEA (20 U.S.C. §1400) and its regulations, 34 CFR Part 300

Pillar	What it means for your child	Where to read more
Free Appropriate Public Education (FAPE)	Special education and related services at no cost to you, designed so your child can make appropriately ambitious progress	Part V
Appropriate evaluation	A full, individual evaluation in all areas of suspected disability, using more than one tool, in your child's language	Part III
Individualized Education Program (IEP)	A written plan built for your child, reviewed at least once a year	Part V
Least Restrictive Environment (LRE)	Learning with classmates without disabilities to the maximum extent appropriate	Part VI
Parent participation	You are an equal member of every team that decides your child's evaluation, eligibility, services, and placement	Part I
Procedural safeguards	Notice, consent, access to records, and ways to resolve disagreements	This Part and Part X

Your rights as a parent

What are procedural safeguards?

The rules that protect your part in your child's education. The school must give you a written **procedural safeguards notice** once a year, and also when you first ask for an evaluation, when you file a complaint, when a disciplinary change of placement is decided, and whenever you ask for a copy. It must be in your native language unless that clearly isn't feasible.

What rights do I have?

Right	What it means
Prior written notice	The school must explain in writing whenever it proposes or refuses to start or change your child's identification, evaluation, placement, or services, and why
Informed consent	Your written consent is required before the first evaluation and before services first begin. Consent is voluntary and can be revoked in writing
Participation	You must be invited to meetings at a time and place you can attend, and the school must take steps to help you understand them, including an interpreter
Access to records	You can inspect and review your child's education records, usually within 45 days of asking and before any IEP meeting or hearing, and request changes to records you believe are inaccurate

Right	What it means
Independent evaluation	If you disagree with a school evaluation, you can ask for an IEE at public expense
Stay put	During a due process dispute, your child generally stays in their current placement
Dispute resolution	Mediation, state complaints, and due process hearings
Confidentiality	Your child's records are protected under FERPA and IDEA

What is FAPE, in plain words?

A free appropriate public education. "Free" means at no cost to your family. "Appropriate" means designed for your child: in *Endrew F. v. Douglas County School District* (2017), the Supreme Court said an IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. It doesn't mean the best possible program, but it does mean more than minimal progress.

Do I have to accept everything the school offers?

No. You can agree with some parts and disagree with others, ask for time, ask for more data, or use the options in Part X. For the first IEP, services can't begin without your written consent.

Who counts as the parent?

Grandparents, foster parents, stepparents, and other caregivers often raise children with disabilities. Special education law recognizes many of them.

Who counts as a "parent" under IDEA?

Who	Can act as the parent?
Biological or adoptive parent	Yes
Foster parent	Yes, unless state law or a contract says otherwise
Legal guardian	Yes, if authorized to make educational decisions (but not the state, if the child is a ward of the state)
Grandparent, stepparent, or other relative the child lives with	Yes, if acting in the place of a parent
Someone legally responsible for the child's welfare	Yes
Surrogate parent appointed by the school	Yes

What if more than one person qualifies?

The biological or adoptive parent is generally presumed to be the parent, as long as they are trying to act as the parent and have legal authority to make educational decisions. A court order can name a specific person to make education decisions, and the school must follow it.

My child's other parent and I are divorced. Do we both have rights?

Generally yes. Both parents keep the right to see education records and take part in their child's education unless a court order or other legally binding document limits that. If you have a court order about educational decisions, give the school a copy.

What if we disagree about special education?

It depends on your custody order and state law. Some orders give one parent final say on education; others require joint decisions. Share the relevant part of your order with the school so everyone knows the rules.

I'm raising my grandchild without guardianship. Can I sign for special education?

Often, yes, if your grandchild lives with you and you're acting in the place of a parent. Your state may have a caregiver authorization affidavit or similar form. Ask the school what documentation it needs before a consent form is signed.

Who makes education decisions for a child in foster care?

It depends on your state and the child's situation. A foster parent may act as the parent; the biological parent may still hold rights; or the court may appoint someone. Every district has a foster care point of contact who can help sort this out.

What is a surrogate parent?

When no parent can be identified or located, the child is a ward of the state, or the child is an unaccompanied youth experiencing homelessness, the school must appoint a surrogate parent to protect the child's rights. A surrogate can't be an employee of the school or state agency involved in the child's education or care, and must have no conflicting interest. A foster parent may serve in some cases.

What about students experiencing homelessness?

Under the McKinney-Vento Act, they must be enrolled immediately, even without records or proof of residence, and can often stay at their school of origin. Each district has a homeless liaison. Unaccompanied youth may need a surrogate parent for special education decisions.

What happens when my child turns 18?

In most states, educational rights transfer to your child at the age of majority unless a court has appointed a guardian. See Part XII for alternatives to guardianship.

Questions to ask

- Can I have a copy of the procedural safeguards notice?
- Who is the district's special education director and 504 coordinator?
- What documentation do you need to show I can make education decisions?
- Who receives notices and progress reports in our family?
- Who is the district's foster care point of contact or homeless liaison?
- How will you handle disagreements between the child's parents?
- What does our state add to the federal rules?

> ★ **Same Team tip**
>
> Clarify roles at the start of the school year, not in the middle of a crisis. A quick meeting about who signs, who gets notices, and who to call saves confusion later.

Where this comes from

Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.) and its regulations (34 CFR Part 300), including definition of parent (§300.30), FAPE (§300.17, §300.101), evaluation (§§300.301–300.311), IEP (§§300.320–300.324), LRE (§§300.114–300.117), parental consent (§300.300), prior written notice (§300.503), procedural safeguards notice (§300.504), access to records (§300.613), independent evaluations (§300.502), stay put (§300.518), surrogate parents (§300.519), transfer of rights (§300.520); Section 504 of the Rehabilitation Act (29 U.S.C. §794; 34 CFR Part 104); Americans with Disabilities Act; FERPA (34 CFR Part 99, including §99.4); *Endrew F. v. Douglas County School District RE-1*, 580 U.S. 386 (2017); McKinney-Vento Homeless Assistance Act; state caregiver and custody laws.

PART III

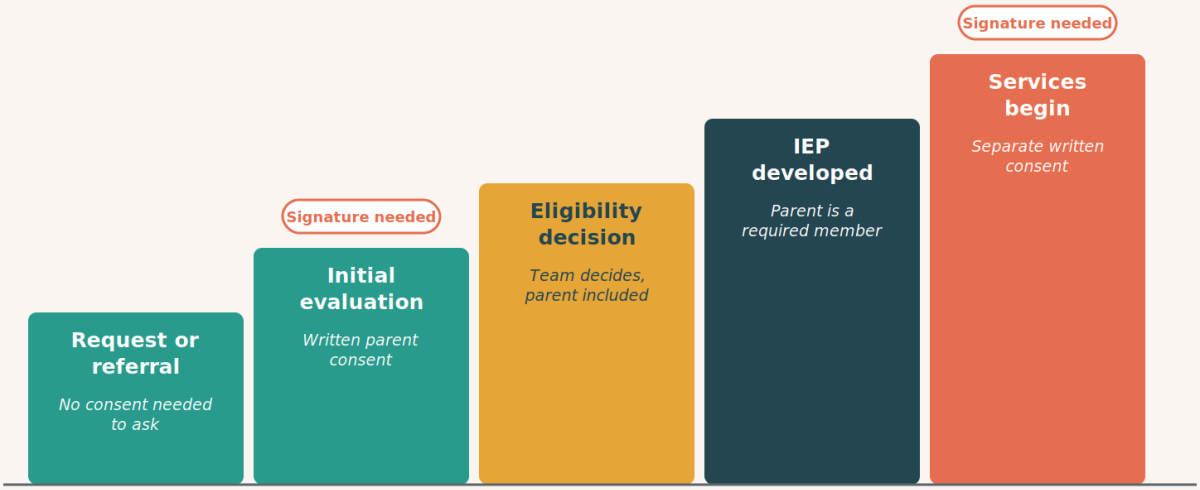
From Concern to Evaluation

SAME TEAM · Parent and Family Guide

If you think your child may have a disability that affects school, you can ask for an evaluation, and you don't have to wait for the school to suggest it. This Part explains how to ask, what happens next, how to read the report, how eligibility is decided, and how to get an independent evaluation.

Don't Confuse the Steps

One signature does not cover everything. Consent is needed at two separate points.



Reevaluation also generally requires parent consent. When unsure which consent applies, ask your case manager.

The child is the point. Always.

At a glance: the key timelines

Step	What the law requires	Your move
You ask in writing	The school must respond: ask for consent to evaluate, or send prior written notice refusing	Keep a dated copy of your request
You sign consent	The evaluation must be finished within **60 days** (federal), unless your state sets its own timeline	Ask for the exact deadline in writing

Step	What the law requires	Your move
Report is ready	You're entitled to a copy of the report and eligibility paperwork	Ask for it **before** the eligibility meeting
Eligibility meeting	The team, including you, decides eligibility	Bring your own summary of strengths and struggles
If eligible	The IEP meeting is held within 30 days of the eligibility decision	See Part V
You disagree	You can request an IEE at public expense	See "Independent evaluations" below

Before you ask

When should I ask for an evaluation?

When you see a pattern that worries you and that isn't going away: trouble learning to read, write, or do math; difficulty paying attention, communicating, or getting along with others; behavior or emotional struggles; or a medical diagnosis that affects school. Your child doesn't have to be failing. Passing grades don't rule out a disability.

Do I need a doctor's diagnosis first?

No. A school evaluation is an educational process. A diagnosis can be helpful information, but it isn't required, and it doesn't guarantee eligibility.

What is Child Find?

Federal law requires schools to identify, locate, and evaluate children who may have disabilities and need special education, including children who are passing from grade to grade. Your request helps the school meet that duty.

How to ask

How do I request an evaluation?

Put it in writing (email is fine) to the principal, the special education office, or the person your district designates. Keep a copy.

> *Sample:* "I am requesting a full and individual evaluation for special education for my daughter, [name], in [grade] at [school]. I am concerned about [specific concerns, such as reading, attention, behavior, speech]. I am also requesting an evaluation under Section 504.

> Please send me the consent form and let me know the next steps."

What should I include?

- Your child's name, grade, and school
- Specific concerns and examples
- What you've already tried and any outside evaluations or diagnoses
- A request for the consent form and a copy of your procedural safeguards

What happens next

How does the school respond?

The school must either ask for your written consent to evaluate or give you **prior written notice** explaining why it refuses, what information it used, and what other options it considered. It can't simply ignore the request.

What does consent mean?

Your signature allows the school to evaluate. It doesn't mean you agree to special education services; that's a separate consent later. You can ask questions before signing, including which tests will be used.

How long does it take?

Federally, the evaluation must be completed within **60 days** of receiving your consent, unless your state sets its own timeline. Many states use a different number of days or count school days. Ask your district for the exact timeline in writing.

What will the evaluation include?

It must look at all areas of suspected disability and use a variety of tools, not a single test. It often includes cognitive and academic testing, observations, speech-language or motor assessments, rating scales from you and teachers, and a review of records and health history.

Can I share my own information?

Yes, and the school must consider it. Share outside evaluations, doctor's notes, work samples, and your observations from home.

If the school hesitates

The school says to wait until we finish intervention (MTSS or RTI). Do we have to?

No. Intervention can provide useful information, but federal guidance says an intervention process can't be used to delay or deny an evaluation when a disability is suspected. You can ask the school to evaluate while intervention continues.

The school refused. What now?

Ask for the prior written notice if you didn't receive it. Then you can request a meeting to discuss it, ask for a Section 504 evaluation, or use the dispute options in Part X, such as mediation, a state complaint, or a due process hearing.

Getting the report

An evaluation report can run 30 pages of scores and jargon. You don't need to understand every number, but you should understand what it says about your child.

When do I get the report?

You're entitled to a copy of the evaluation report and the eligibility documentation. Ask for the report **before** the eligibility meeting so you have time to read it. Many states require this; even where they don't, most schools will share it if you ask.

Can I meet with the evaluator first?

You can ask. A short call or meeting to walk through the results before the full team meeting often helps parents come prepared.

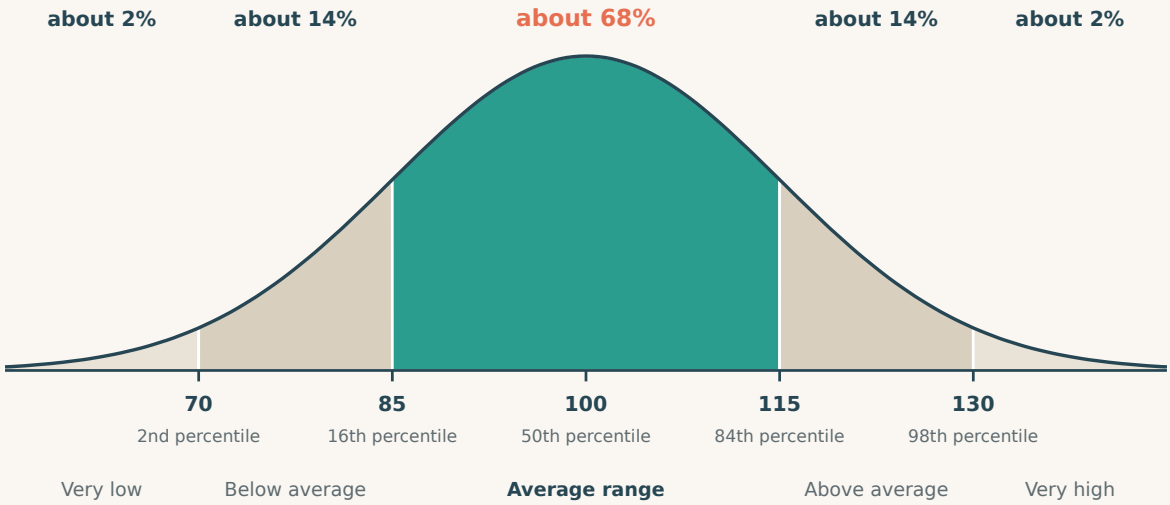
Reading the scores

What is a standard score?

Most tests report standard scores that compare your child to others the same age. On many tests, the average is 100, and most children score between 85 and 115.

Reading Standard Scores

On many tests the average is 100. About two in three children score between 85 and 115.



Standard score	Percentile (about)	Often described as
130 and above	98th and above	Very high
115–129	84th–97th	Above average
85–114	16th–83rd	Average range
70–84	2nd–15th	Below average
Below 70	Below 2nd	Very low

Labels vary by test, so read how each test describes its ranges.

What is a percentile?

The percentage of same-age children who scored at or below your child. The 25th percentile means your child scored as well as or better than 25 out of 100 children. It is not a percentage of questions answered correctly.

Why are there ranges instead of one number?

Every test has some measurement error. Good reports give a confidence interval, a range where your child's true score most likely falls. Look at patterns across tests, not one number.

What should I look for?

- **Patterns:** strengths and weaknesses across areas, not just the lowest score
- **Consistency:** do the scores match what you and the teachers see?

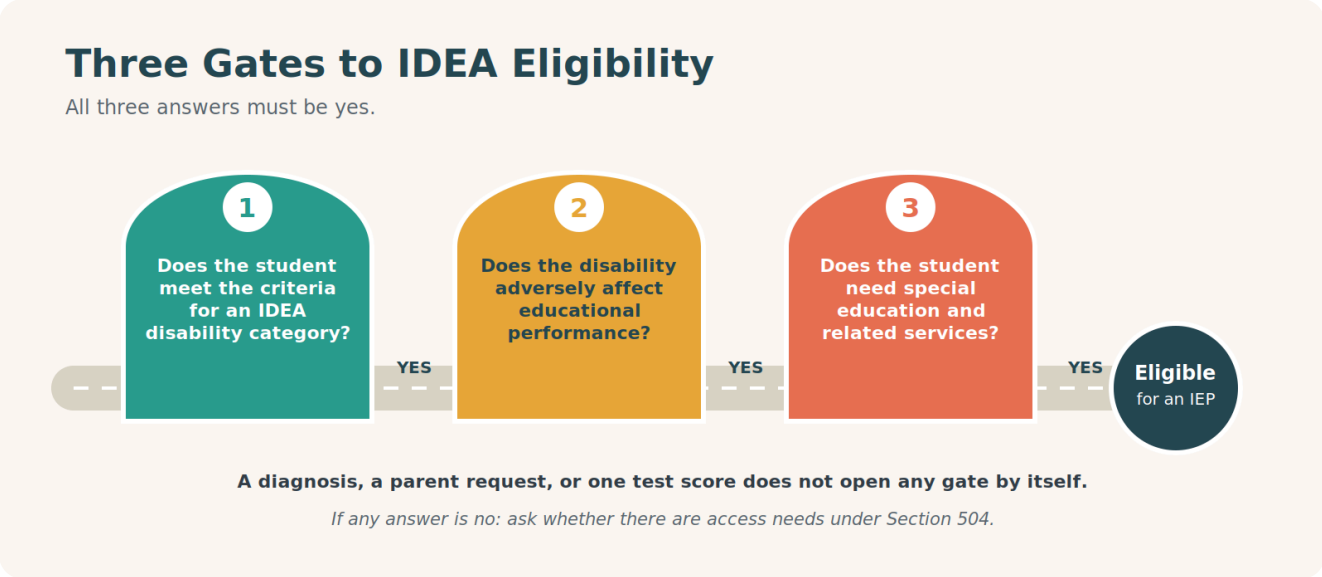
- **Conditions:** was your child tired, anxious, sick, or tested in a second language?
- **Recommendations:** what does the evaluator suggest the team do?

Same Team's *The Assessment Key* explains the tests schools commonly use and how each is scored, and the Same Team score tool converts standard scores to percentiles.

Eligibility

How does the team decide eligibility?

The team, including you, reviews all the information and answers three questions:



1. Does your child meet the criteria for one of IDEA's disability categories?
2. Does the disability adversely affect your child's education?
3. Does your child need special education and related services?

All three answers must be yes for an IEP. If not, ask whether your child qualifies for a Section 504 plan (Part VII).

What if my child doesn't qualify?

You should receive the decision in writing. Ask what supports the school will provide anyway, whether a 504 plan fits, and when the team will look again if problems continue.

Independent evaluations

What is an IEE?

An Independent Educational Evaluation is an evaluation by a qualified examiner who doesn't work for your school district.

When can I get one at public expense?

If you disagree with an evaluation the school did, you can ask for an IEE at public expense. The school must, without unnecessary delay, either pay for the IEE or file for a due process hearing to show its evaluation was appropriate. The school may ask why you disagree, but it can't require you to explain before it responds. You're generally entitled to one publicly funded IEE each time the school conducts an evaluation you disagree with.

Are there rules about who does the IEE?

The school can share its criteria, such as the examiner's qualifications and location and reasonable cost limits, and the IEE must meet the same criteria the school uses for its own evaluations. Ask for the criteria in writing.

What if I pay for a private evaluation myself?

The school must consider it in any decision about your child's education, as long as it meets the school's criteria. It doesn't have to adopt every recommendation.

Questions to ask your team

About the evaluation

- Who is my point of contact for the evaluation?
- What is the exact deadline for completing it?
- Which areas will be assessed, and by whom?
- When will I get a copy of the report?
- Can we meet to go over the results before the eligibility meeting?

About the results

- Can you explain this score in plain language?
- What does this mean for my child in the classroom?
- Does this match what teachers see? Why or why not?
- Which areas weren't assessed, and why?
- What do you recommend the team do next?

★ Same Team tips

Write your request as a partner, not an opponent. "I'm seeing this at home and want to understand what's going on" invites collaboration and still starts the legal clock.

Bring your own summary to the eligibility meeting: three things your child does well and three things that are hardest. It keeps the discussion anchored in your real child, not just the numbers.

Where this comes from

IDEA regulations: Child Find (34 CFR §300.111), initial evaluations and the 60-day timeline (§300.301), parental consent (§300.300), evaluation procedures (§§300.304–300.305), eligibility determination and copy of the report (§300.306), IEP meeting within 30 days of eligibility (§300.323(c)), independent educational evaluations (§300.502), prior written notice (§300.503); OSEP Memo 11-07 (2011) on intervention and evaluation.

PART IV

Eligibility and the 13 Disability Areas

SAME TEAM · Parent and Family Guide

A child qualifies for special education under IDEA when two things are both true: the child has a disability in one of the listed categories, and because of it needs special education and related services. This Part explains the 13 disability categories, how a child qualifies under each one, how the rules differ across the 50 states and Washington, DC, and what parents most often ask about intellectual disability, learning disabilities and dyslexia, autism, speech and language, and twice-exceptional students.

Eligibility is where the partnership begins: it is a conversation about what your child needs, not a contest over a label. Three ideas to carry through this Part:

- Federal law (IDEA) sets the categories and their definitions. States decide how each one is measured, and that is where the differences come from.
- A category is a doorway into services, not a ceiling on them.
- State rules change. Use this guide to prepare, then confirm your state's current regulations.

The basics: what the categories mean

A child also cannot qualify when the main reason for the struggles is a lack of appropriate reading or math instruction, or limited English proficiency.

Does a medical diagnosis automatically qualify my child?

No. A diagnosis such as ADHD, autism or dyslexia is valuable evidence, but a school team makes the eligibility decision. The team must find that the condition affects your child's educational performance and calls for specialized instruction.

What does "adverse effect on educational performance" mean?

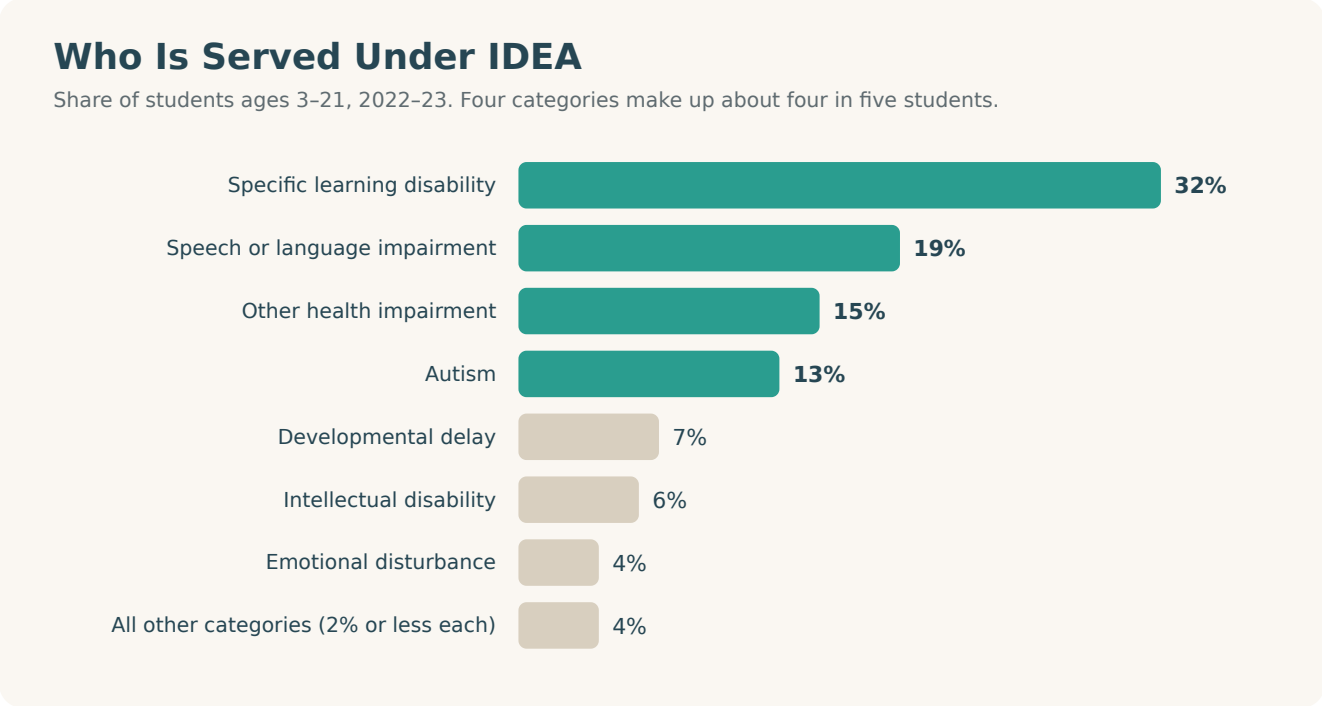
Every category definition includes it. IDEA does not give one formula, so states and teams decide how it is measured, and it can reach beyond test scores to how a child functions at school.

Does the category decide what services my child gets?

No. The IEP decides services, based on your child's needs, not the label. In most states the IEP lists one primary category, largely for data-tracking (Iowa does not use categories at all).

How common is each category?

In 2022-23, about 7.5 million students ages 3-21, or 15% of public school students, were served under IDEA, and the count reached about 7.9 million in 2023-24. Four categories make up roughly four in five of those students. Autism's share keeps rising: the fall 2024 federal data show it at nearly 15% of school-age students served.



The 13 areas, starting with the most common

Each area below answers three questions: what it is, how a child qualifies, and what can look different from state to state. The definitions come from the federal regulations (34 CFR 300.8), put in plain words.

#	Category	In one line
1	Specific learning disability (SLD)	Trouble with reading, writing, spelling, or math from a language-processing disorder
2	Speech or language impairment	A communication disorder: articulation, fluency, voice, or language

#	Category	In one line
3	Other health impairment (OHI)	A health condition, such as ADHD or diabetes, that limits strength, vitality, or alertness
4	Autism	A developmental disability affecting communication and social interaction
5	Intellectual disability	Below-average intellectual functioning plus deficits in everyday adaptive skills
6	Emotional disturbance	One or more of five emotional or behavioral characteristics, over a long time and to a marked degree
7	Multiple disabilities	Two or more impairments whose combination creates severe needs
8	Hearing impairment	Hearing loss that affects learning but is not deafness
9	Deafness	Hearing loss so severe that language can't be processed through hearing
10	Visual impairment, including blindness	Vision loss that affects learning even with correction
11	Deaf-blindness	Combined hearing and vision loss with severe communication needs
12	Orthopedic impairment	A severe physical impairment
13	Traumatic brain injury	An acquired brain injury from an external physical force
Optional	Developmental delay	For young children, ages 3 through 9 or part of that range, if the state uses it

1. Specific learning disability (SLD)

What is it? A disorder in one or more of the basic processes involved in understanding or using language, spoken or written. It can show up as difficulty listening, thinking, speaking, reading, writing, spelling or doing math. Dyslexia is named in the federal definition, and states commonly place dysgraphia and dyscalculia here too. SLD does not cover learning problems that come mainly from vision, hearing or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural or economic disadvantage.

How does a child qualify? The team must find that the child is not achieving adequately for age or grade-level standards, despite appropriate instruction, in at least one of eight areas: oral expression, listening comprehension, written expression, basic reading, reading fluency, reading comprehension, math calculation and math problem solving. The team must then find either that the child is not making enough progress with research-based intervention, or that the child shows

a pattern of strengths and weaknesses relevant to SLD. The team must also observe the child in class, document the instruction the child received, and rule out the excluded causes above, including limited English proficiency.

What varies by state? This is the most varied category. Federal law says states may not *require* an IQ-achievement "severe discrepancy," but may allow it or prohibit it, and must allow a response-to-intervention (RTI) process. A state may also allow other research-based methods, such as a pattern of strengths and weaknesses (PSW).

- Rhode Island required a severe discrepancy until 2008. Since then it has permitted RTI data, barred a required discrepancy, and (from 2010) allowed PSW.
- Washington allows discrepancy or RTI today but has set 2028-29 as the end of the discrepancy method.
- Texas may not require a severe discrepancy, and districts there may use RTI or PSW.
- In a 2008 national survey, Colorado, Delaware, Georgia, Indiana, Iowa and West Virginia required RTI and did not allow discrepancy.
- Even the RTI rules differ. One state requires at least seven weeks of intervention with 12 data points; another requires at least 12 weeks.

2. Speech or language impairment (SLI)

What is it? A communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects educational performance. A child can qualify for speech-only services under this category.

How does a child qualify? A speech-language pathologist evaluates the child using standardized tests, language samples and observation. The team then decides whether the disorder affects education and calls for specially designed instruction.

What varies by state? States are most specific about articulation and language. Two states use a score at least two standard deviations below the mean on a norm-referenced test, and one allows two documented measures when no suitable test exists. Some states split the label: Florida lists speech impaired and language impaired separately, and Massachusetts uses "communication impairment."

3. Other health impairment (OHI)

What is it? Limited strength, vitality or alertness, including heightened alertness to surroundings, that limits alertness in the school setting. It must be due to a chronic or acute health problem, such as asthma, ADHD, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia or Tourette syndrome. The list gives examples and is not exhaustive.

How does a child qualify? The health condition is documented, usually by a medical professional. The school evaluation then shows how the condition affects education and that the child needs specialized instruction. ADHD may be diagnosed by a school psychologist or licensed psychologist in some states.

What varies by state? Some states add ADHD-specific criteria. One requires the highest level of significance on teacher and parent rating scales; another requires scores at least two standard deviations from the mean, with ratings from three independent raters, one of whom may be the parent. California's rules list attention deficit disorder, ADHD, Tourette syndrome, dysphagia, fetal alcohol syndrome and bipolar disorders as examples. Massachusetts calls this area "health impairment."

4. Autism

What is it? A developmental disability that significantly affects verbal and nonverbal communication and social interaction, generally evident before age 3, and adversely affects educational performance. Other common features are repetitive activities or movements, resistance to change in routines, and unusual responses to sensory experiences. A child who shows these traits after age 3 can still qualify. Autism does not apply if the child's educational performance is affected primarily by an emotional disturbance.

How does a child qualify? A multidisciplinary team evaluates communication, social skills and behavior, often with a psychologist, speech-language pathologist and occupational therapist. The team uses observation, developmental history and rating scales. A clinical diagnosis is helpful evidence, but the school team makes its own eligibility decision.

What varies by state? Autism criteria are usually behavior checklists, and states differ on how many behaviors must be present.

- One state requires a rating scale that indicates the presence of an autism spectrum disorder.
- Another requires at least two social-interaction behaviors, one communication behavior and one restricted or repetitive behavior.
- A third uses DSM-5 criteria: three social-communication behaviors and at least two restricted or repetitive behaviors.

5. Intellectual disability (ID)

What is it? Significantly below-average general intellectual functioning that exists together with deficits in adaptive behavior and appears during the developmental period. Adaptive behavior means everyday skills such as communication, self-care and social skills. Federal law changed the term from "mental retardation" in 2010. Children with Down syndrome often qualify under this category.

How does a child qualify? The school gives an individual intelligence test and an adaptive behavior assessment, usually with parent and teacher input. States commonly require intellectual functioning at least two standard deviations below the mean, which is a standard score of about 70 on most IQ tests.

What varies by state? The adaptive behavior rules differ most. Two states require deficits in two adaptive skill areas, and one requires adaptive scores at least two standard deviations below the mean. Others only require deficits "consistent with" the intellectual scores. One state sets levels of severity at two, three and four standard deviations for mild, moderate and severe. Massachusetts calls this area "intellectual impairment."

6. Emotional disturbance (ED)

What is it? A condition showing one or more of five characteristics over a long period of time and to a marked degree that adversely affects educational performance:

- An inability to learn that intellectual, sensory or health factors cannot explain
- An inability to build or keep satisfactory relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances
- A general, pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears tied to personal or school problems

ED includes schizophrenia. It does not apply to children who are "socially maladjusted" unless they also have an emotional disturbance. Conditions such as anxiety disorders or bipolar disorder may be placed here or under other health impairment, depending on the evaluation.

How does a child qualify? The team gathers rating scales, classroom observations, interviews and records, often with a school psychologist and sometimes clinical information. "Long period of time" is commonly read as about six months.

What varies by state? The name and the measures both change. Texas uses "emotional disability," Minnesota "emotional or behavioral disorders" (EBD), and Massachusetts "emotional impairment." Minnesota's EBD category also acknowledges children described as socially maladjusted. Among states with detailed criteria, one lists the behaviors without rating scales, and two require a norm-referenced behavior scale at least two standard deviations from the mean.

7. Multiple disabilities

What is it? Two or more impairments together, such as intellectual disability with blindness or with an orthopedic impairment, that cause such severe educational needs that a program built for just one of them cannot meet them. It does not include deaf-blindness, which has its own category. Having two diagnoses does not automatically place a child here.

How does a child qualify? The child meets the criteria for each impairment, and the team finds that the combination creates needs beyond what single-disability programs can address.

What varies by state? The allowed combinations have no common pattern. In one state a child must meet two or more categories. In another the child must have intellectual disability plus another category, except SLD, developmental delay or SLI. A third requires intellectual functioning at least three standard deviations below the mean, with deficits in at least two adaptive areas, plus autism, deafness, hearing impairment, orthopedic impairment, OHI or visual impairment.

8. Hearing impairment

What is it? A hearing impairment, permanent or fluctuating, that adversely affects educational performance and is not severe enough to be deafness.

How does a child qualify? An audiologist tests hearing, and the team then decides whether the loss affects learning and calls for specialized instruction.

What varies by state? Hearing criteria are measured in decibels (dB) and differ on several points: the type of loss (sensorineural or conductive), one ear or both, how long the loss lasts, and how severe it is. Examples range from a loss of 20 dB at any single frequency to a pure tone average of 30 to 65 dB. Some states include fluctuating loss in their criteria.

9. Deafness

What is it? A hearing impairment so severe that the child cannot process linguistic information through hearing, with or without amplification, and it adversely affects educational performance.

How does a child qualify? Audiological testing documents the level of loss, and the team documents the effect on communication and learning.

What varies by state? Deafness criteria are fairly consistent, with a pure tone average of roughly 66 to 70 dB or greater. Many states report hearing impairment and deafness together, and some combine them into one label: Texas and Florida both use "deaf or hard of hearing."

10. Visual impairment, including blindness

What is it? A vision impairment that, even with correction, adversely affects educational performance. It includes both partial sight and blindness.

How does a child qualify? An eye care professional documents visual acuity and visual field. When acuity cannot be measured, a functional vision assessment can show how the child uses vision.

What varies by state? Among states with detailed criteria, acuity thresholds range from 20/50 to 20/70 or worse in the better eye with correction. Visual field thresholds range from 40 degrees or less to 20 degrees or less. Blindness is typically 20/200 or worse. Some states also name cortical visual impairment or progressive vision loss.

11. Deaf-blindness

What is it? Hearing and vision impairments together that cause such severe communication and other developmental and educational needs that programs for children who are only deaf or only blind cannot meet them.

How does a child qualify? The child has hearing and vision data showing both impairments, plus evidence of severe communication and educational needs.

What varies by state? Criteria usually build on the state's own hearing and vision definitions, so they vary as those do. Massachusetts uses "deafblind" as one of its sensory categories, and Florida uses "dual sensory impaired."

12. Orthopedic impairment

What is it? A severe orthopedic impairment that adversely affects educational performance. It includes impairments from a congenital anomaly, from disease (such as polio or bone tuberculosis), and from other causes (such as cerebral palsy, amputations, and fractures or burns that cause contractures).

How does a child qualify? A medical professional documents the condition, and the team, often with physical and occupational therapists, evaluates its effect on school participation and learning.

What varies by state? Some states require only evidence of a "severe" impairment. Others list specific conditions, such as muscular dystrophy or osteogenesis imperfecta. One state requires motor deficits at least two standard deviations below the mean in fine motor, gross motor or self-help skills, expected to last more than 60 days. Massachusetts calls this area "physical impairment."

13. Traumatic brain injury (TBI)

What is it? An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both. It covers open or closed head injuries and can affect areas such as memory, attention, reasoning, judgment, problem solving, speech, sensory and motor abilities, and behavior. It does not apply to brain injuries that are congenital, degenerative or caused by birth trauma.

How does a child qualify? Medical records document the injury, and the school evaluation documents how it affects learning.

What varies by state? TBI is one of the more consistent categories: states generally follow the federal definition without setting a severity level. Massachusetts includes TBI within its "neurological impairment" category.

The optional 14th area: developmental delay

Developmental delay is an optional category that states may use for young children, ages 3 through 9 or any part of that range. It is the only IDEA category with an age limit, and states are not required to adopt it. If a state uses it, districts must follow the state's definition and age range, and a state may not require a district to use it.

What is it? A delay, as defined by the state and measured with appropriate instruments, in one or more of five areas: physical, cognitive, communication, social or emotional, or adaptive development. The child must also need special education and related services.

How does a child qualify? The team measures development in each area. States set the severity, and the same pattern appears across states: a larger delay in one area, or smaller delays in several.

- Texas: at least two standard deviations below the mean in one area, or 1.5 standard deviations in two areas, or a documented body of evidence of atypical development.
- West Virginia: functioning at or below 75% of the typical rate of development, or 1.5 standard deviations below the mean, in two or more areas.
- One other state uses 2.5 standard deviations in one area, 2 in two areas, or 1.5 in three areas.

Why does it exist? It lets a young child get services when the evaluation shows a need but the child is too young for a specific label to be confirmed. Before a child turns 10, the team must find another category that fits or the child leaves special education. Texas describes a child as able to keep the DD label until the re-evaluation before age 10.

What varies by state? Whether the category exists at all, and the age range. Most states use it, three did not as of the 2020-21 federal data, and the ages run from 3-4 in New York to 3-9 in 18 states in the 2020-21 federal data; Florida and Texas now list 3-9. The state-by-state table below shows each one.

Why your state's rules may look different

Federal law sets the categories, but each state writes its own eligibility criteria, and states do not have to submit those criteria to the U.S. Department of Education. Many states copy the federal wording. Others add measurable cutoffs, which is where a child can qualify in one state and not in another.

The gap shows in the numbers. In 2022-23 the share of public school students served under IDEA ranged from 12% in Idaho and Hawaii to 21% in Pennsylvania, New York and Maine. Eligibility rules are one explanation, alongside how actively each state finds children, where special programs exist, and where families move for services.

These are the seven places states most often differ:

What can differ	How it shows up	Examples
Category names and groupings	Same definitions, different labels, or fewer categories	Massachusetts uses 10 categories, including neurological, communication and health impairment. New York says "learning disability." Florida adds homebound or hospitalized.
Developmental delay	Whether the category exists and the age range	Ages 3-4 in New York, 3-9 in many states, not used in California or Iowa
How SLD is identified	Discrepancy, RTI, PSW, or a combination	Washington phasing out discrepancy by 2028-29; Rhode Island moved from a required discrepancy to RTI and PSW
Numeric cutoffs	Standard deviations, decibels, visual acuity	Vision acuity thresholds from 20/50 to 20/70; hearing loss from 20 dB to a 30-65 dB average
Evidence and who provides it	Medical statement vs. school evaluation; rating scales; number of raters	Some states set ADHD criteria within OHI; others leave it to the team
Ages served	Where eligibility starts and ends	Federal law covers ages 3-21, subject to state law for ages 18-21; Iowa serves birth to 21; California's rules cover ages 3-22; Massachusetts serves until the 22nd birthday
Extra pathways	Categories or programs beyond the 13	California's established medical disability (ages 3-5); West Virginia includes gifted students in its special education policy; New York's noncategorical preschool classification

Iowa is the most different. It does not assign disability categories at all. Every child from birth to 21 is identified as an "eligible individual," though the team must still confirm that the child fits one of IDEA's categories. New York's preschool system is similar in spirit: a preschool student with a disability qualifies through a significant delay (2.0 standard deviations below the mean in one area or 1.5 in two), without a specific label.

State-by-state reference: 50 states and DC

States build on the same 13 federal definitions, so the clearest state-to-state differences are the developmental delay age range and a handful of state-specific structures. Developmental delay ages come from 2020-21 federal reporting, updated where a newer state source could be confirmed. A blank note means no distinct feature was confirmed, not that the state has none.

Jurisdiction	Developmental delay ages	Distinctive rules confirmed
Alabama	3-8	

Jurisdiction	Developmental delay ages	Distinctive rules confirmed
Alaska	3-8	
Arizona	3-9	
Arkansas	3-5	
California	Not used	Uses "established medical disability" for ages 3-5 instead; eligibility rules cover ages 3-22; OHI examples include ADHD, Tourette syndrome and bipolar disorders
Colorado	3-8	
Connecticut	3-5	
Delaware	3-8	
District of Columbia	3-7	
Florida	3-9 (state rule; 2020-21 federal data listed 3-5)	Lists speech impaired and language impaired separately; "deaf or hard of hearing"; "dual sensory impaired"; "emotional or behavioral disabilities"; adds homebound or hospitalized
Georgia	3-9	
Hawaii	3-8	
Idaho	3-9	
Illinois	3-9	
Indiana	3-8	
Iowa	Not used	Noncategorical: children birth to 21 are "eligible individuals" rather than assigned a category
Kansas	3-9	
Kentucky	3-8	
Louisiana	3-8	
Maine	3-6	
Maryland	3-7	
Massachusetts	3-9	Ten categories: autism, developmental delay, intellectual, sensory, neurological (includes TBI), emotional, communication, physical, health and specific learning disability; eligible from age 3 until the 22nd birthday

Jurisdiction	Developmental delay ages	Distinctive rules confirmed
Michigan	3-7	
Minnesota	3-9	"Emotional or behavioral disorders" (EBD) category
Mississippi	3-9	
Missouri	3-6	
Montana	3-8	
Nebraska	3-8	
Nevada	3-5	
New Hampshire	3-9	
New Jersey	3-5	
New Mexico	3-9	
New York	3-4	13 classifications, with "learning disability" as the label; noncategorical preschool classification based on developmental delay
North Carolina	3-7	
North Dakota	3-9	
Ohio	3-6	
Oklahoma	3-9	
Oregon	3-9	
Pennsylvania	3-6	
Rhode Island	3-8	SLD: discrepancy no longer required since 2008; RTI permitted; PSW allowed since 2010
South Carolina	3-9	
South Dakota	3-5	
Tennessee	3-9	
Texas	3-9 (added by state rule after 2020-21)	Noncategorical early childhood (ages 3-5) phased out after 2024-25; "emotional disability"; "deaf or hard of hearing"; "speech impairment"; SLD may use RTI or PSW
Utah	3-7	
Vermont	3-9	

Jurisdiction	Developmental delay ages	Distinctive rules confirmed
Virginia	Age 2 by September 30 through 6 (state rule)	
Washington	3-8	SLD: discrepancy or RTI today; discrepancy method ends 2028-29
West Virginia	3-7 (state guidance; raised from 3-5 in 2023)	Lists blindness/low vision, deaf/blind and deafness/hard of hearing separately; policy also covers gifted students
Wisconsin	3-9	
Wyoming	3-9	

How to check your own state. Search your state education agency's website for its special education regulations and the eligibility criteria for the category you want to understand. Your state's Parent Training and Information center can also help you find current rules.

Intellectual disability: eligibility and placement

An intellectual disability label describes how your child learns right now. It doesn't set a ceiling, and it doesn't decide where they're taught.

What does "intellectual disability" mean in school?

Under IDEA, intellectual disability means significantly below-average general intellectual functioning that exists **together with** deficits in adaptive behavior, shows up during the developmental period, and adversely affects educational performance. Your state may add its own criteria.

What is "adaptive behavior"?

The everyday skills people use to function at home, at school, and in the community: communicating, taking care of personal needs, social skills, safety, using money and time, and getting around. Adaptive behavior is usually measured with rating scales that parents and teachers complete.

Is it just an IQ score?

No. An IQ score alone can never establish intellectual disability. Both intellectual functioning **and** adaptive behavior must be significantly below average. A student with a low IQ score but typical everyday skills does not meet the definition. Test scores also have a margin of error, so teams look at a range, not a single number.

What should the evaluation include?

- A cognitive (intelligence) test chosen and given so it isn't biased by language or culture
- Adaptive behavior rating scales from you and from teachers
- Academic testing
- Developmental and medical history
- Observations in more than one setting
- Speech-language, motor, or other assessments if needed
- Consideration of vision, hearing, language background, and school attendance

Why do my ratings matter so much?

You see your child's skills in places the school never does. If your child dresses independently, uses a phone to text family, or manages a bedtime routine, say so. If they need help with things peers do alone, say that too. Answer honestly for how your child does most of the time, not on their best day or their worst.

What if I disagree with the results?

You can ask questions, share additional information, and request an Independent Educational Evaluation (IEE) at public expense. The school must either pay for the IEE or request a due process hearing to show its evaluation was appropriate.

Does an intellectual disability mean my child goes to a separate classroom?

No. Placement is decided by the IEP team **after** the IEP is written, based on your child's individual needs, not on the disability label. Federal law requires that students be educated with classmates without disabilities to the maximum extent appropriate, with supports and services. (The placement options are in Part VI.)

What should the team consider before a more restrictive placement?

Whether your child could make progress in general education with the right supplementary aids and services, the benefits of each setting (academic, social, communication, and modeling from peers), and any effect on your child's learning. Removing your child from general education is not appropriate just because the curriculum would need to be modified.

Can my child be with classmates without disabilities outside class?

Yes, and the team must plan for it. Lunch, recess, assemblies, clubs, field trips, and electives are all places for meaningful inclusion.

Will my child take state tests?

Most students take the regular state test, with accommodations if needed. A small number of students with the most significant cognitive disabilities take an alternate assessment. The IEP team decides, and the IEP must explain why. Ask how the choice may affect your child's path to a diploma in your state.

What about a diploma?

Diploma rules vary by state. Ask early (middle school is not too soon) which diploma options your child is working toward and how course choices affect them.

Can the label change?

Yes. Reevaluations happen at least every three years, and the team looks again at whether the label and services still fit.

Learning disabilities and dyslexia

Learning disabilities are the most common reason students receive special education, and with the right instruction, children with them can thrive.

What are common types?

Area	Often called	What you might see
Reading (word level)	Dyslexia	Trouble sounding out words, slow reading, poor spelling
Reading comprehension		Reads words but struggles to understand
Writing	Dysgraphia	Labored handwriting, trouble organizing written ideas
Math	Dyscalculia	Trouble with number sense, facts, or calculation

Is dyslexia a learning disability under IDEA?

Yes. Dyslexia is named in the federal definition of SLD. Federal guidance says nothing in IDEA prevents schools from using the word "dyslexia" in evaluations, eligibility decisions, or IEPs.

Do state dyslexia laws matter?

Yes. Most states have laws on dyslexia screening, intervention, or teacher training. Some require screening in early grades; some describe specific kinds of reading instruction. Ask your district about your state's requirements.

How do schools identify a learning disability?

States set the method, and it usually combines several kinds of information: how your child responds to research-based instruction and intervention; a pattern of strengths and weaknesses across tests; academic testing in the areas of concern; classroom observation; and confirmation that your child has had appropriate instruction. Some states still allow comparing IQ with achievement (a "discrepancy"); federal law doesn't require it.

My child's school wants to wait and see. Should we?

Early help matters, especially for reading. If your child isn't responding to intervention, you can request an evaluation in writing at any time (Part III). Intervention can't be used to delay an evaluation when a disability is suspected.

What does effective reading instruction look like for dyslexia?

Explicit, systematic instruction in how sounds and letters work (phonics), often called **structured literacy**, with lots of practice, feedback, and review. Ask what program or approach is being used, how often, in what group size, and by whom.

What accommodations help?

Audiobooks and text-to-speech, speech-to-text for writing, extended time, reduced copying, and tests read aloud when reading isn't the skill being measured. Accommodations give access to grade-level content while instruction builds skills.

Will my child always need support?

Many students make strong progress with good instruction, and many use accommodations into college and adulthood. Learning disabilities are lifelong, but they don't limit intelligence or potential.

Autism

Every autistic child is different, so every plan should be too.

My child has a medical diagnosis of autism. Do they automatically qualify?

No. A medical diagnosis (autism spectrum disorder) is important information, but school eligibility is a separate educational decision. The team looks at whether autism affects your child's education and whether your child needs special education. A child can also qualify under autism without a medical diagnosis.

What should the evaluation include?

Communication (including social communication), social interaction, behavior, sensory needs, adaptive skills, academics, and, often, rating scales and observations in more than one setting. Share what you see at home, including strengths and special interests.

What if my child does well academically?

Autism can affect education even when grades are strong, through social communication, flexibility, anxiety, sensory needs, or independence. These are part of education too.

What supports often help autistic students?

Area	Examples
Communication	Speech-language services, AAC devices, visual supports, clear and literal language
Social	Explicit social skills instruction, peer supports, structured group activities
Predictability	Visual schedules, advance notice of changes, consistent routines
Sensory	Sensory breaks planned with an OT, quiet spaces, headphones, flexible seating
Behavior and regulation	FBA and BIP, teaching coping skills, calm-down plans
Academics	Using special interests to motivate, breaking tasks into steps
Independence	Task checklists, self-monitoring, planning for fading adult support

What about ABA at school?

Some schools use applied behavior analysis (ABA) strategies, often designed by a Board Certified Behavior Analyst (BCBA) and carried out by trained staff such as Registered Behavior Technicians (RBTs). Whether a specific method is used is an IEP team decision based on your child's needs. Ask what approach will be used, who designs and supervises it, and how progress will be measured.

Does autism mean a separate classroom?

No. Placement is based on your child's needs, not the diagnosis. Many autistic students learn in general education with supports; others need more specialized settings for part of the day. The least restrictive environment applies (Part VI).

My child is nonspeaking. How will they communicate at school?

The team must consider your child's communication needs and whether assistive technology is needed. An AAC device or system should be available all day, and adults should model it (Part VI).

How can I help the school understand my child?

Share a one-page profile: strengths and interests, how your child communicates, sensory preferences, early signs of stress, and what calms them. (A template is in the Family Toolkit.)

Speech and language

Communication is at the heart of learning, friendships, and independence.

What's the difference between speech and language?

Area	What it involves	What you might notice
Articulation	Making speech sounds	Sound errors that make speech hard to understand
Fluency	The flow of speech	Stuttering: repeating, stretching, or getting stuck on sounds
Voice	Pitch, volume, quality	Hoarseness or an unusual voice quality
Receptive language	Understanding	Trouble following directions or understanding stories
Expressive language	Using words and sentences	Short sentences, trouble finding words or explaining ideas
Pragmatics (social communication)	Using language with others	Trouble with conversation, taking turns, or reading social cues

Who provides services?

A speech-language pathologist (SLP). Some districts also use speech-language pathology assistants who work under an SLP's supervision.

How does a child qualify?

A child can receive speech-language services in two ways:

1. **As the main disability:** under IDEA's speech or language impairment category, when a communication disorder adversely affects educational performance
2. **As a related service:** when a child qualifies under another category, like autism or a learning disability, and needs speech-language therapy to benefit from special education

My child has good grades. Can they still qualify?

Yes. "Educational performance" includes more than grades. A communication disorder that affects participating in class, reading aloud, making friends, or being understood can affect education.

What does a speech-language evaluation include?

Standardized tests, language samples, observation in class and social settings, and input from you and teachers. Share how your child communicates at home and with family.

What does therapy at school look like?

It can happen in a therapy room, in the classroom, or both; one on one or in small groups. The IEP must state how often, how long, and where. Ask how the SLP will connect therapy to what your child does in class.

How do skills carry over?

Skills practiced only in a therapy room often don't show up elsewhere. Ask for strategies teachers can use in class, short, specific home practice activities, and goals that describe communication in real situations.

What if my child uses AAC?

The SLP often leads AAC evaluation and training. The device should be available all day, and adults should model it (Part VI).

When do services end?

When goals are met and your child no longer needs services to benefit from their education, the team may propose ending them after a reevaluation (Part X).

Twice-exceptional (2e) students

A child can be gifted and have a disability at the same time. These "twice-exceptional" students are often overlooked because their strengths hide their struggles, or their struggles hide their strengths.

What does twice-exceptional mean?

A student who has high ability or talent in one or more areas **and** a disability, such as a learning disability, ADHD, autism, anxiety, or a speech or language impairment.

Why are 2e students missed?

- **Masking:** strengths compensate for the disability, so the child looks "average" and neither need is noticed
- **Disability-first:** the disability is identified, and the child's gifts are overlooked
- **Gifts-first:** the child is identified as gifted, and struggles are blamed on laziness, boredom, or behavior

What are signs my child might be 2e?

A big gap between what your child can explain out loud and what they can write; advanced ideas with poor organization or follow-through; strong reasoning with weak reading or math facts; frustration, perfectionism, or anxiety; or high test scores with low grades.

Can a high-performing student qualify for special education?

Yes. Federal guidance is clear that students with high cognitive ability can have disabilities and may need special education. Strong grades or high test scores don't rule out eligibility, and schools can't refuse to evaluate a student just because they're doing well academically.

What should the evaluation look at?

Patterns of strengths **and** weaknesses, not just averages. A child with a very high reasoning score and an average writing score may have a real disability, even though every score is "in range." Ask the team to compare your child to their own abilities, and to consider effort, time, and anxiety.

Can my child receive gifted services and special education?

In most places, yes, though gifted education rules are set by each state. Ask how your district serves students who qualify for both, and make sure a disability doesn't keep your child out of advanced classes or gifted programs.

What supports tend to help?

- Instruction that challenges strengths while supporting weak areas
- Assistive technology like speech-to-text or audiobooks, so gaps don't block advanced work
- Organization and executive-function support
- Flexibility in how your child shows what they know
- Attention to social and emotional needs, including anxiety and self-esteem

Should accommodations lower expectations?

No. For a 2e student, accommodations should give access to challenging work, not replace it.

Questions to ask your team

Intellectual disability

- What did the adaptive behavior ratings show at home versus school?
- What supports would my child need to learn in general education, and did we try them?
- How much of the day will my child spend with classmates without disabilities, and when?
- How does the state test decision affect my child's diploma options?

- What skills are you teaching now that will matter when my child is an adult?

Learning disabilities and dyslexia

- What screening or testing identified the concern?
- What specific reading (or math or writing) instruction will my child receive, and how often?
- How will progress be measured, and how often will I see data?
- What accommodations will give my child access to grade-level work?
- What does our state's dyslexia law require?

Autism

- How does the evaluation describe my child's communication and social needs?
- Which supports address sensory needs and changes in routine?
- Who designs behavior supports, and what training do staff have?
- How much time will my child spend with classmates without disabilities, and with what support?
- How will my child's strengths and interests be used?

Speech and language

- What area of communication is my child working on, and why?
- Where will therapy happen, how often, and in what size group?
- How will teachers support these skills in class?
- What can I do at home?
- How is progress measured?

Twice-exceptional

- Does the evaluation look at the gap between my child's strengths and weaknesses?
- How will my child access advanced or gifted programming with their disability?
- What supports let my child show their ability without the disability getting in the way?
- Who on the team understands both gifted education and special education?

★ Same Team tips

Bring a list of what your child *can* do. Teams sometimes focus on gaps; a clear picture of strengths helps everyone set goals that are ambitious for your child.

Read with your child for enjoyment, and let them listen to books above their reading level. Keeping a love of stories alive while skills catch up matters as much as any worksheet.

Prepare your child for change together with the school. A photo of a new teacher or classroom, sent home before the first day, can prevent a hard morning for everyone.

Ask the SLP for one "word of the week" or strategy to practice at home. Small, consistent practice in real life often does more than long sessions.

Lead with your child's strengths in every meeting. Teams sometimes see only one side of a 2e child; your stories about what your child can do help everyone keep both in view.

Where this comes from

IDEA regulations: disability definitions (34 CFR §300.8, including autism §300.8(c)(1), intellectual disability (c)(6), specific learning disability (c)(10), speech or language impairment (c)(11), and developmental delay §300.8(b)), evaluation procedures (§300.304), eligibility determination including the reading, math and English proficiency rule (§300.306), SLD identification (§§300.307–300.311), least restrictive environment and continuum (§§300.114–300.116), speech-language pathology as a related service (§300.34(c)(15)), special factors including communication and AT (§300.324(a)(2)), independent educational evaluations (§300.502). Rosa's Law (2010); OSERS Dear Colleague Letter on dyslexia, dyscalculia, and dysgraphia (October 23, 2015); OSEP Memo 11-07 (2011); OSEP Letter to Delisle (December 20, 2013); state dyslexia and gifted education laws.

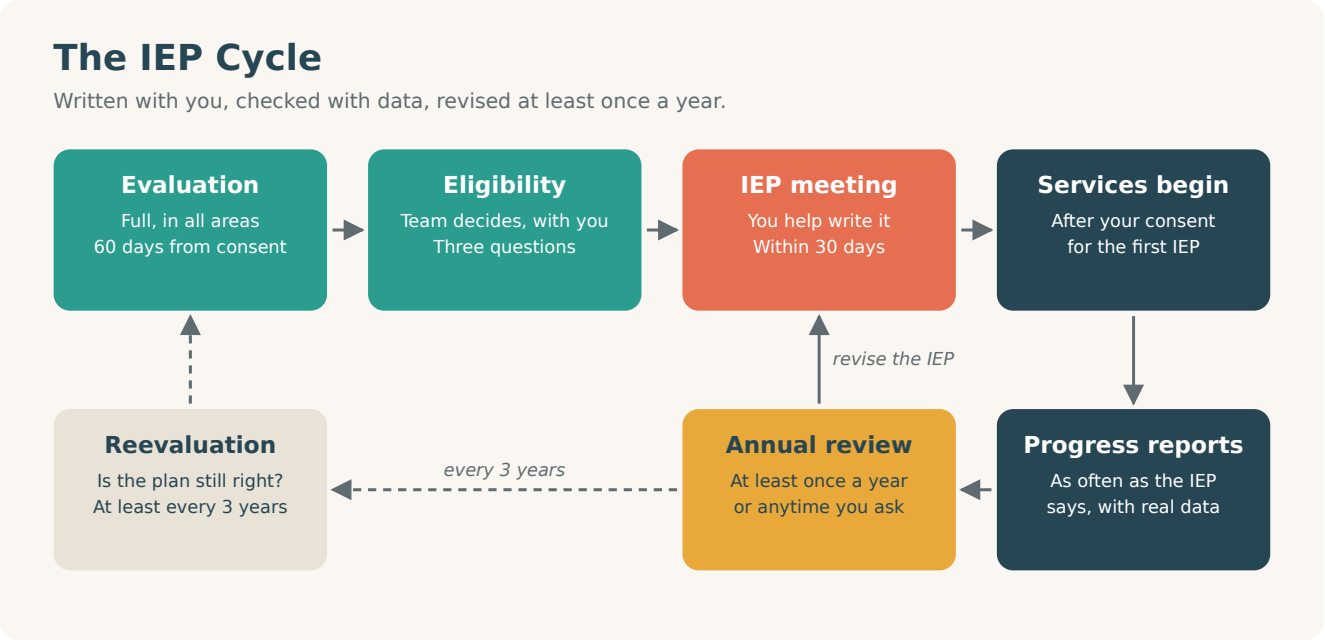
State data: National Center for Education Statistics, *Condition of Education: Students With Disabilities* (2024); Advocacy Institute, *Number of IDEA-eligible Students Increases 3 Percent in 2024* (2026); Congressional Research Service, *The IDEA: A Comparison of State Eligibility Criteria* (2020); ECTA Center, Part B Section 619 eligibility (2020-21 OSEP data); NASDSE Project Forum, *State Eligibility Requirements for Specific Learning Disabilities* (2008); Texas Education Agency, *Developmental Delay Quick Guide* (2024); Florida Department of Education, *Ages Three Through Nine*; West Virginia and Virginia Departments of Education, *Developmental Delay*; Washington OSPI, SLD eligibility changes for 2028-29; Wong, Griffin and Gage, *Linking RTI and Identification of SLD* (2025). Consulted through search excerpts, confirm before relying on them: Iowa IDEA Information; Massachusetts 603 CMR 28.02; Disability Rights California; New York 8 NYCRR 200.1. State-level details reflect sources dated from 2008 to 2026; the SLD state survey is from 2008, so treat its state lists as history.

PART V

The IEP

SAME TEAM · Parent and Family Guide

The IEP is the most important document in your child's education, and you help write it. This Part explains who will be at the meeting, how to prepare, what each part of the IEP means, what you're agreeing to when you sign, and how to tell whether the plan is working.



Before the meeting

Who will be there?

At a minimum: you; at least one of your child's general education teachers (if your child is or may be in general education); a special education teacher or provider; a district representative who can commit resources; and someone who can explain evaluation results. Your child should attend when appropriate, and must be invited when transition is discussed. You can bring anyone with knowledge or expertise about your child, including an advocate.

Required team member	Why they're there
You, the parent	You know your child best and are an equal member of the team
General education teacher	Knows the grade-level curriculum and classroom

Required team member	Why they're there
Special education teacher or provider	Designs and delivers specialized instruction
District representative	Can commit the school's resources
Someone who can interpret evaluations	Explains what the results mean for instruction
Your child, when appropriate	Must be invited when transition is discussed
Others you or the school invite	People with knowledge or expertise about your child

Can a team member skip the meeting?

Only with your written agreement. If the member's area will be discussed, they must also give written input ahead of time.

How should I prepare?

- Ask for a draft IEP, evaluation results, and progress data a few days ahead
- Write down your child's strengths, your concerns, and your hopes for this year
- Fill out the Same Team meeting prep worksheet in the Family Toolkit tab
- Bring work samples, outside reports, and notes from home
- Decide what matters most to you, and put it first

Can I record the meeting?

Federal law doesn't address it, so it depends on your state and district policy. Ask in advance. If you need a recording to understand the meeting, for example because of a disability or a language barrier, tell the school.

What if I need an interpreter?

The school must take whatever steps are needed for you to understand the meeting, including arranging an interpreter if you are deaf or your native language isn't English. Ask ahead of time.

The parts of the IEP

Section	What to look for
Present levels	A clear, specific picture of where your child is now, with data and strengths, and how the disability affects school
Annual goals	Measurable goals: what your child will do, under what conditions, how well, and by when

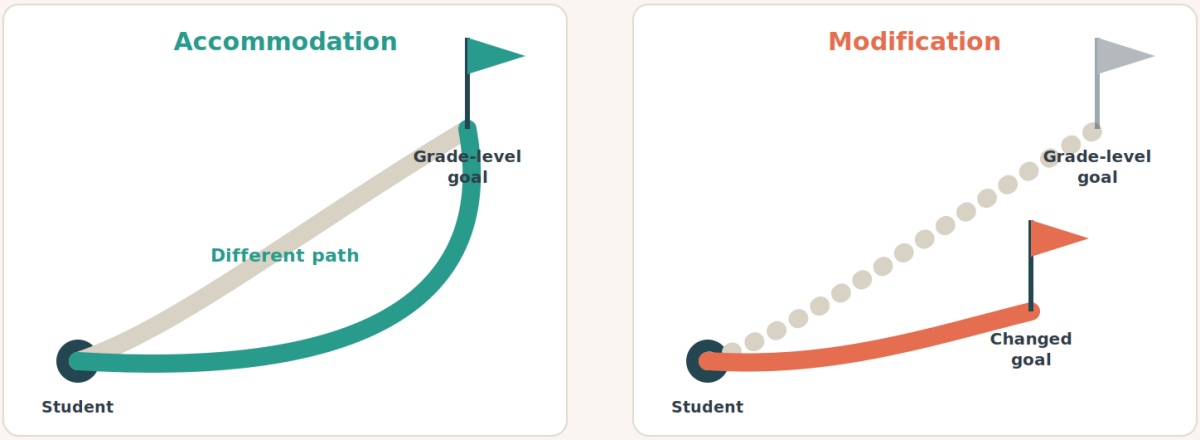
Section	What to look for
Specially designed instruction	How teaching will be adapted for your child
Accommodations	Changes to how your child learns or shows learning
Modifications	Changes to what your child is expected to learn
Related services	Speech, OT, counseling, transportation, and other services, with how often and how long
Supplementary aids and supports	Supports that help your child learn alongside classmates
Placement and LRE	Where your child will be taught, and how much time with classmates without disabilities
State tests	Whether your child takes the regular test, with which accommodations, or an alternate test
Progress reporting	How and how often you'll hear about progress
Transition	Transition planning: must be in the IEP that will be in effect when your child turns 16, usually the IEP written at age 15. The team can start sooner if that makes sense for your child.

What's the difference between an accommodation and a modification?

An **accommodation** keeps the same learning goal but changes the path, like extended time or having a test read aloud. A **modification** changes the goal itself, like fewer answer choices or a different standard. The difference matters: modifications can affect grades, credits, diploma options, and state testing. Ask which is which.

Accommodation or Modification?

Ask one question: is the destination the same?



Same destination. Changes how a student learns or shows learning.

Different destination. Changes what the student is expected to learn.

Modifications can affect grading, credits, diplomas, and state testing. Ask when unsure.

What makes a goal measurable?

Any two people should be able to agree on whether it was met. Compare:

- *Vague:* "Will improve reading skills."
- *Measurable:* "By May, given a 3rd grade passage, will read 90 words correct per minute with 95% accuracy on 3 of 4 weekly checks."

At the meeting

Do I have to decide everything that day?

No. You can ask for time to review the IEP, take a draft home, or schedule a follow-up meeting. Speak up if the meeting is moving too fast.

What am I agreeing to when I sign?

For the **first** IEP, your written consent is required before special education services begin. Signing an attendance page shows you were there; it isn't the same as agreeing. After the first IEP, the school gives you prior written notice of changes. Ask how consent and disagreement work in your state.

What if I disagree with part of the IEP?

Say so, and ask that your concerns be recorded. You can ask for more data, another meeting, or use the options in Part X. You'll receive prior written notice explaining any proposal or refusal.

Can the IEP be changed later?

Yes, anytime. You can request a meeting whenever something isn't working. You and the school can also agree to make certain changes in writing without a full meeting. The team must review the IEP at least once a year.

After the meeting

- Get a complete copy of the IEP (it's free)
- Make sure every teacher and provider knows their part
- Mark progress report dates on your calendar
- Check in after a few weeks: are services and accommodations happening?

Is my child making progress?

An IEP should be designed to help your child make real progress, not just get by.

How much progress is my child entitled to?

In *Endrew F. v. Douglas County School District* (2017), the U.S. Supreme Court said an IEP must be reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. Goals should be **appropriately ambitious**. A program aimed at barely more than trivial progress isn't enough.

What does that mean in practice?

- Goals should stretch your child, not be set low so they're easy to meet
- For a student who can learn at grade level in general education, the IEP should generally aim for passing grades and moving from grade to grade
- Progress should be measured with real data, not impressions
- The same goal repeated year after year with little movement is a warning sign

How often will I get a progress report?

As often as the IEP says, often with report cards. The IEP must describe how progress will be measured and when you'll receive reports.

How do I read a progress report?

Look for:

- **Data:** numbers that match how the goal is measured, not just "progressing"
- **Direction:** is your child moving toward the goal fast enough to meet it by the end date?
- **Conditions:** is your child doing it independently, or with help?

- **Comments:** what is working, and what isn't

The report just says "progressing." Is that enough?

Ask for the data behind it: "Can you share the scores or tallies you used?" You have a right to inspect your child's education records, including progress-monitoring data.

When progress stalls

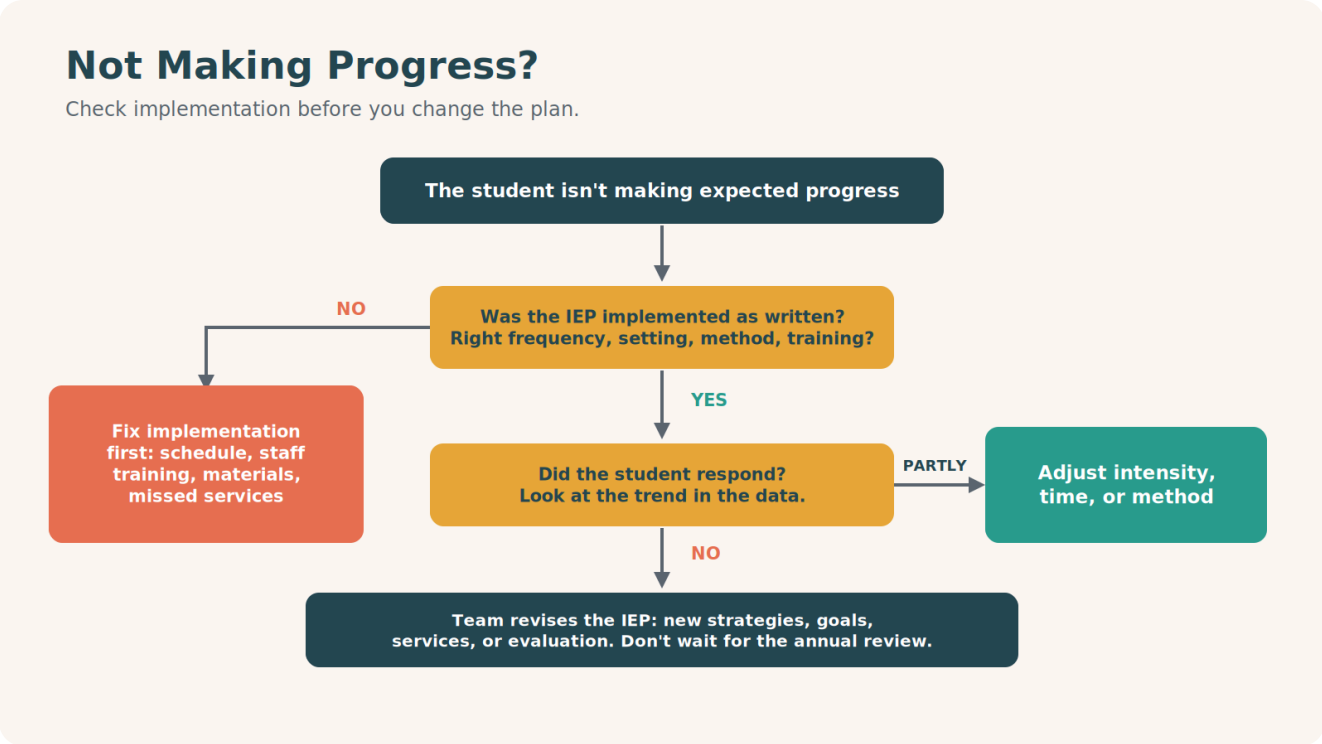
What should happen if my child isn't making progress?

The team must revise the IEP to address any lack of expected progress. You don't have to wait for the annual review. Ask for a meeting in writing.

What will the team look at?

A good team checks two things before changing the plan:

1. **Was the IEP carried out as written?** Were services delivered at the right frequency, in the right setting, by trained staff?
2. **Did your child respond?** If the plan was followed and progress is still slow, the team may need to change the intensity, method, goals, or services, or reevaluate.



What about grades versus IEP goals?

Both matter. A student can pass classes and still not be meeting IEP goals, or struggle in classes while progressing on goals. Ask the team to explain both.

Missed services

What if my child's services aren't being provided?

Ask for the service log showing sessions delivered and missed. Missed sessions happen because of provider absences, testing, assemblies, or scheduling conflicts, and they add up.

Will missed services be made up?

They generally should be. When significant services aren't provided, the team may need to consider **compensatory services** to make up for the lost instruction. Put your request in writing.

Questions to ask your team

About the IEP

- Can I have a draft and the progress data a few days before the meeting?
- Which supports are accommodations, and which are modifications?
- How will each teacher and provider learn their part of the IEP?

About progress

- How is each goal measured, and how often?
- At this rate, will my child meet the goal by the end date?
- Were all services delivered as written? Can I see the service log?
- What will change if progress stays slow?
- Is it time to reevaluate?

★ Same Team tips

Start the meeting by sharing one thing your child did well recently. It sets the tone, reminds everyone who the meeting is about, and makes the harder conversations easier.

Keep a simple folder or spreadsheet of progress reports year by year. Seeing three years side by side makes patterns clear, and helps the team see them too.

Where this comes from

IDEA regulations: IEP definition and content (34 CFR §300.320), IEP Team and excusal (§300.321), parent participation, interpreters, and copy of the IEP (§300.322), when IEPs must be in effect (§300.323), development, review, and revision (§300.324), consent for initial services (§300.300(b)), prior written notice (§300.503), access to records (§300.613); *Endrew F. v. Douglas County School District RE-1*, 580 U.S. 386 (2017).

PART VI

Services, Supports, and Placement

SAME TEAM · Parent and Family Guide

Where your child learns, and the services that help them learn, are decided by the IEP team based on your child's needs, not on their label or what's convenient. This Part covers the least restrictive environment, related services, paraprofessionals, assistive technology, Extended School Year, and health plans.

Placement and the least restrictive environment

What is the least restrictive environment (LRE)?

Federal law requires that children with disabilities learn alongside classmates without disabilities **to the maximum extent appropriate**. A student moves to a separate class or school only when they can't make satisfactory progress in general education even with supplementary aids and services.

How is placement decided?

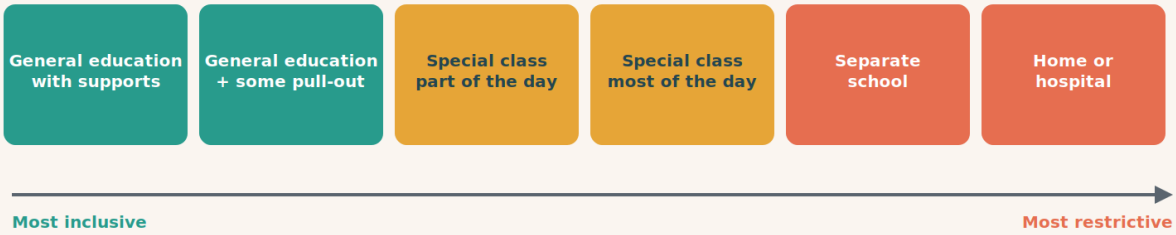
By a group that includes you, after the IEP is written. Placement must be based on the IEP, reviewed at least once a year, and as close to home as possible. Unless the IEP requires otherwise, your child attends the school they would attend if they didn't have a disability.

What settings are possible?

Schools must offer a range, from general education with supports, to part-time special education classes, to full-time special classes, special schools, and home or hospital instruction. Most students with IEPs spend most of their day in general education.

The Placement Continuum

Placement is decided by the team, based on the IEP, starting with general education.



Move right only when the team decides supports in a less restrictive setting won't meet your child's needs.

The child is the point. Always.

Setting	What it looks like
General education with supports	Your child learns in the regular class with accommodations, modifications, co-teaching, or an aide
General education with pull-out	Most of the day in regular class, with some instruction in a smaller setting
Special education class for part or most of the day	Specialized instruction in a smaller class, with time in general education for some subjects, lunch, electives, or activities
Separate school, home, or hospital	Used only when a student's needs can't be met in a regular school

What are supplementary aids and services?

Supports that help your child succeed in general education: co-teaching, an aide, modified materials, assistive technology, behavior supports, training for teachers, and more. The team should consider these before deciding a more separate setting is needed.

Can my child be removed because the work needs to be modified?

No. A student can't be removed from general education solely because the curriculum would need to be modified.

What about lunch, recess, and activities?

Your child must have an equal chance to take part in meals, recess, clubs, sports, field trips, and other activities with classmates without disabilities, with supports if needed.

Related services

What are related services?

Services your child needs to benefit from special education. The list includes:

Service	What it addresses
Speech-language therapy	Speech, language, social communication, AAC
Occupational therapy	Fine motor skills, sensory needs, daily-living skills for school
Physical therapy	Gross motor skills, mobility, positioning
Counseling and psychological services	Emotional, social, and behavioral needs
Social work services	Family and community connections, attendance
School health and nursing	Health procedures during the school day
Audiology and interpreting	Hearing and communication access
Orientation and mobility	Safe travel for students with visual impairments
Transportation	Getting to and from school and services
Parent counseling and training	Helping you support your child's IEP

The list isn't exhaustive. If your child needs a service to benefit from their education, the team should consider it.

How does the IEP describe a service?

It must state the service, how often, how long each session lasts, and where. For example: "Speech-language therapy, 2 times per week, 30 minutes, small group in the therapy room." Vague language like "as needed" makes it hard to know what your child is supposed to get.

Should services pull my child out of class?

Not always. Many services work well in the classroom, where skills get practiced in real situations. Ask how the service will carry over into your child's classes and home.

My child needs special transportation. Is that covered?

If your child needs it to get to school or services, transportation is a related service provided at no cost. The IEP should describe it, including any equipment or adult assistance.

Paraprofessionals and one-to-one aides

An aide can open doors for a child, but the goal is always more independence, not permanent adult help.

What is a paraprofessional?

A paraprofessional (also called an aide, para, or instructional assistant) works under a teacher's direction to support students. Some support a whole class; a **one-to-one aide** is assigned to a single student for part or all of the day.

Can an aide be part of the IEP?

Yes. An aide can be a supplementary aid and service that helps your child take part in general education, or support for health, safety, behavior, or personal care. If the team decides your child needs it, the IEP should describe it.

How does the team decide if my child needs an aide?

By looking at your child's specific needs, not at the label or at what's easy. Helpful questions include:

- What exactly would the aide do, and during which parts of the day?
- Could other supports (visual schedules, AT, peer support, co-teaching, a behavior plan) meet the need?
- Is the need about safety, health, communication, behavior, or learning?
- What data show the need?

How should the IEP describe aide support?

Clearly enough that everyone knows what to expect: the purpose, the times or activities, and whether the support is for your child alone or shared. "Adult support during transitions, lunch, and recess for safety and communication" is more useful than "1:1 aide."

The school says it can't afford an aide. Is that a valid reason?

No. If the team determines your child needs an aide to receive FAPE, cost can't be the reason to deny it. The school can choose among options that meet your child's needs.

Who trains and supervises the aide?

IDEA requires paraprofessionals to be appropriately trained and supervised. A certified teacher should plan and direct instruction. Ask what training the aide has for your child's needs, such as behavior plans, health procedures, or a communication device.

Can an aide get in the way?

Sometimes. Constant adult presence can reduce interaction with classmates, create prompt dependence, and slow independence. Watch for signs like your child waiting for the aide before starting work or peers talking to the aide instead of your child.

How do we plan to fade support?

Ask the team to set goals for independence and to track how much help your child needs. Fading might mean the aide steps back physically, supports several students, or checks in instead of staying beside your child. Fading should be based on data, not on a staffing change.

Assistive technology

The right tool can let a child show what they know, say what they need, or get where they're going.

What is assistive technology?

Assistive technology (AT) is any item, piece of equipment, or software that helps a child with a disability do something they otherwise couldn't do, or couldn't do as well. It can be simple or sophisticated.

Low-tech	Mid-tech	High-tech
Pencil grips, slant boards, picture schedules, highlighted paper, fidgets, timers	Calculators, audiobooks, recorders, simple communication buttons, noise-canceling headphones	Text-to-speech and speech-to-text software, communication devices (AAC), eye-gaze systems, power wheelchairs, hearing assistive systems

What is an "AT service"?

Any help with choosing, getting, or using a device. That includes evaluating your child's needs, buying or leasing equipment, fitting and repairing it, training your child, and training you and school staff. A device without training often ends up in a backpack.

Does every IEP have to consider AT?

Yes. Federal law requires the IEP team to consider whether your child needs AT devices or services at **every** IEP meeting. Students with 504 plans can also receive AT as an aid or service.

How does the school decide what my child needs?

Through an AT evaluation or assessment, usually by a specialist, speech-language pathologist, or occupational therapist. A good evaluation looks at your child's abilities, the tasks they need to do, and the settings where they'll use the tool, and often includes trying several options before

choosing one.

How do I ask for an AT evaluation?

Put it in writing to your child's case manager or special education office. Describe the barrier: "My daughter understands the stories but can't get her ideas onto paper," or "My son can't tell us what he needs at school." The school must respond, and evaluations generally require your written consent.

Who pays for it?

If the IEP team decides your child needs AT to receive a free appropriate public education, the school provides it at no cost to you. The school may use other funding sources, such as Medicaid, only with your informed consent, and it can't cost your family anything.

Can my child take the device home?

If your child needs it at home to benefit from their education, such as for homework or to communicate outside school, the IEP team must decide that and write it into the IEP. Many communication devices go home every day because communication doesn't stop at 3 p.m.

Who owns the device?

Usually the school district. If your child moves to another district, ask early about transferring or buying the device; some states and districts have programs to help.

My child's device isn't being used at school. What should I do?

Ask the team specific questions: Where is it during the day? Is it charged? Who is trained to use it? Are adults modeling it? If the answer shows gaps, ask for training or an IEP meeting. A device that isn't used isn't being provided in any meaningful way.

My child uses a communication device. What should I expect?

The device should be available all day, in every setting, including lunch, recess, and the bus. Adults should talk *using* the device (modeling), not just ask your child to use it. Your child should never be without their voice because a device was left in another room.

What training should I get?

IEPs can include training for parents so you can support your child's device at home. Ask for it if you need it.

Can AT be used on state tests?

Some AT counts as a testing accommodation, but states set strict rules about which tools are allowed. The IEP must list testing accommodations, and your child should practice with them in class long before test day.

Extended School Year (ESY)

What is ESY?

Special education and related services provided beyond the regular school year, usually in summer, at no cost to you, when the IEP team decides your child needs them to receive a free appropriate public education.

Is ESY summer school?

No. Summer school is usually open to many students and focuses on catching up or getting ahead. ESY is individualized: it provides the specific services in your child's IEP that are needed to maintain progress.

Who qualifies for ESY?

The IEP team decides each year, one student at a time. Schools can't limit ESY to certain disabilities or offer only a set number of hours to everyone. States set the factors teams consider, which commonly include:

- **Regression and recoupment:** whether your child loses significant skills over breaks and takes a long time to regain them
- **Emerging skills:** whether your child is at a critical point in learning a skill, like reading or communication
- **Nature and severity of the disability**
- **Behavior or self-sufficiency** skills at risk of being lost

How do I show my child needs ESY?

Data helps most. Ask the team to track your child's skills before and after long breaks like winter and spring break. Share what you see at home over breaks, too.

When is the ESY decision made?

Usually in spring, at the annual IEP meeting or a separate meeting. Ask early so there's time to gather data. If you disagree with the decision, you can use the options in Part X.

Health plans

What kinds of health plans are there?

Plan	What it is	Examples
Individualized Health Plan (IHP)	A nursing plan for managing a health condition during the school day	Diabetes care, tube feeding, catheterization, medications
Emergency Action Plan (EAP)	Step-by-step instructions for staff during an emergency	Seizures, severe allergies, asthma attacks, low blood sugar
Section 504 plan	Accommodations for equal access	Snacks or water in class, rest breaks, elevator access, excused absences
IEP	Special education and related services, which can include school health services	Nursing services written into the IEP

Many students have more than one, and the plans should work together.

How do I set up a health plan?

Contact the school nurse before the school year starts, or as soon as a diagnosis happens. Bring your child's medical orders, medications in original containers, and signed authorization forms. The nurse writes the plan with you and your child's health care provider.

Who is trained to follow the plan?

Ask. Staff who work with your child (teachers, aides, bus drivers, coaches, and cafeteria staff) should know the emergency steps. Many states require training for certain conditions, such as diabetes, seizures, and severe allergies.

Does the plan apply on field trips, the bus, and after school?

It should. Section 504 covers field trips and school-sponsored activities. Ask how medications, supplies, and trained staff will be available off campus.

Can my child carry their own medication?

Many states allow students to carry and self-administer certain medications, like inhalers and epinephrine auto-injectors, with a provider's and parent's authorization. Ask the nurse about your state's rules.

Questions to ask your team

Placement and services

- What supports did we consider before a more separate setting?
- How much time will my child spend with classmates without disabilities, and doing what?
- How will each related service connect to what happens in class?
- Who provides each service, and how will I hear about progress?
- What happens when a session is missed?

Aides

- What will the aide do, and when?
- What training has the aide had for my child's needs?
- Who supervises the aide and plans their work?
- How will we measure my child's independence?
- What's the plan for fading support?

Assistive technology

- What tasks are hardest for my child right now, and have we tried AT for them?
- Who will train my child, the teachers, and me, and when?
- Where will the device be during the day, and who makes sure it's charged?
- Will it come home? If so, how do we handle repairs and charging?
- How will we measure whether it's helping?

ESY and health

- What data will you use to decide whether my child needs ESY?
- What services would ESY include, and where?
- Who is trained on my child's health and emergency plans?
- How will the plan work on the bus, on field trips, and at after-school activities?
- How will substitutes know about my child's health needs?

★ Same Team tips

Ask to visit a proposed classroom before agreeing to a placement. Seeing the room, the routine, and the other students makes the conversation concrete for everyone.

Get to know your child's aide. They often see the most of your child's day, and a quick, friendly check-in can tell you more than any report.

Tell the team what your child already uses at home, even if it seems small, like a tablet app, a visual timer, or a favorite pen grip. Home successes are some of the best evidence for what will work at school.

> Meet the school nurse before the first day, and bring your child. A face-to-face introduction builds trust and helps the nurse notice when something isn't right.

Where this comes from

IDEA regulations: least restrictive environment (34 CFR §§300.114–300.117), placements (§300.116), nonacademic settings (§300.117), related services including school health and nurse services (§300.34), supplementary aids and services (§300.42), IEP service descriptions (§300.320(a)(4), (7)), paraprofessional training and supervision (§300.156(b)), AT devices and services (§§300.5–300.6), availability of AT including home use (§300.105), consideration of special factors (§300.324(a)(2)(v)), use of public benefits (§300.154), extended school year services (§300.106); Section 504 (34 CFR Part 104), including nonacademic services (§104.37); state laws on medication and health care at school. Your state's AT Act program can also lend or demonstrate devices.

PART VII

Section 504 for Families

SAME TEAM · Parent and Family Guide

A Section 504 plan can give your child the supports they need to access school, even if they don't need special education. This Part explains who qualifies, how the process works, what a plan can include, and what to do if the plan isn't being followed.

The basics

What is Section 504?

Section 504 of the Rehabilitation Act is a federal civil rights law. It says schools that receive federal money can't discriminate against students with disabilities, and must give them equal access to education. The Americans with Disabilities Act (ADA) adds similar protections.

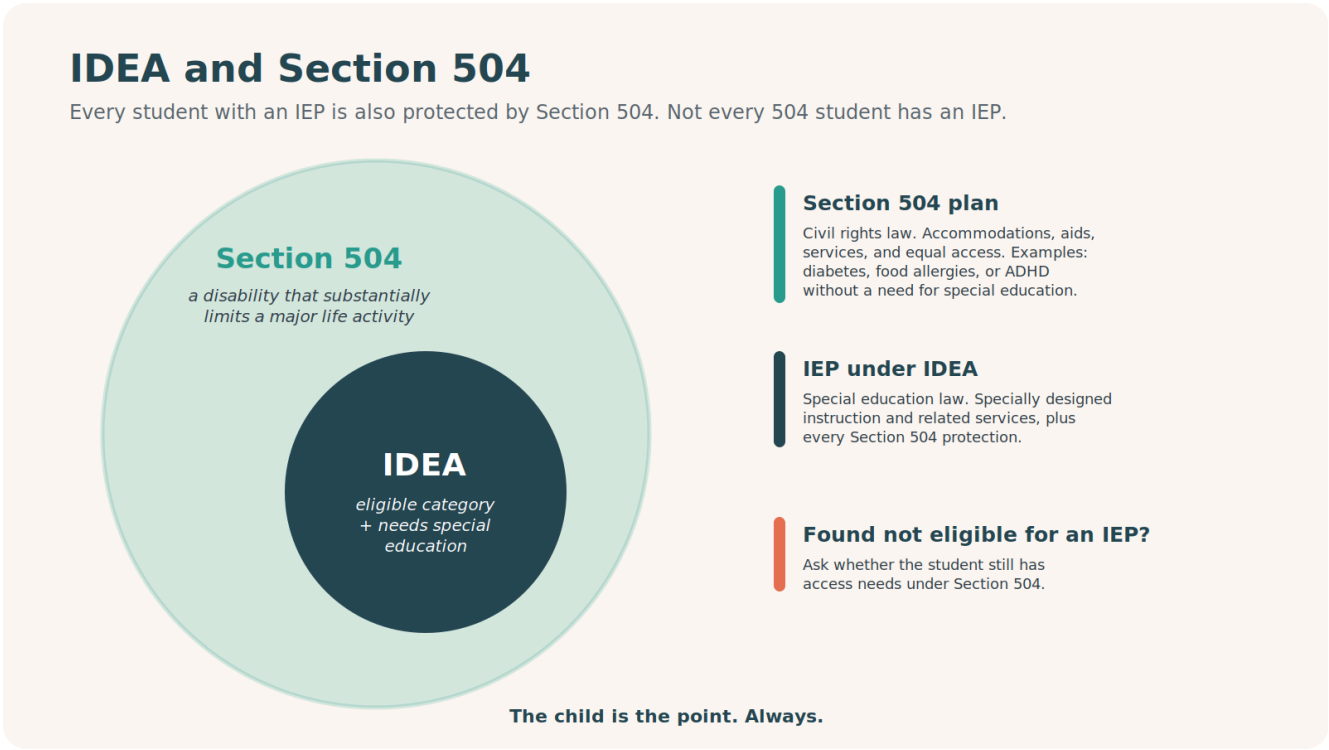
What is a 504 plan?

A 504 plan is a written description of the accommodations, aids, and services your child needs to access school on the same footing as classmates. Common supports include extra time on tests, preferential seating, breaks, access to water or snacks for a health condition, a nurse's care plan, or a copy of class notes.

How is a 504 plan different from an IEP?

	504 plan	IEP
Law	Section 504 (civil rights)	IDEA (special education)
Who qualifies	A disability that substantially limits a major life activity	A disability in one of IDEA's categories *and* a need for special education
What it provides	Accommodations, aids, services, and equal access	Specially designed instruction, related services, and accommodations
Goals and progress reports	Not required	Required

Every student with an IEP is also protected by Section 504. Not every student with a 504 plan needs an IEP.



Does my child qualify?

Who is eligible?

Your child qualifies if they have a physical or mental impairment that **substantially limits one or more major life activities**. Major life activities include learning, reading, concentrating, thinking, communicating, eating, sleeping, and breathing, as well as major bodily functions like the immune, digestive, and neurological systems.

My child gets good grades. Can they still qualify?

Yes. Good grades don't rule out a 504 plan. A student can earn A's and still be substantially limited, for example if they need far more time or effort than classmates, or if a health condition keeps them out of class.

My child's medication works well. Does that count against them?

No. The school must decide eligibility **without** considering the helpful effects of medication, hearing aids, learned coping strategies, or similar supports. (Ordinary eyeglasses are the one exception.)

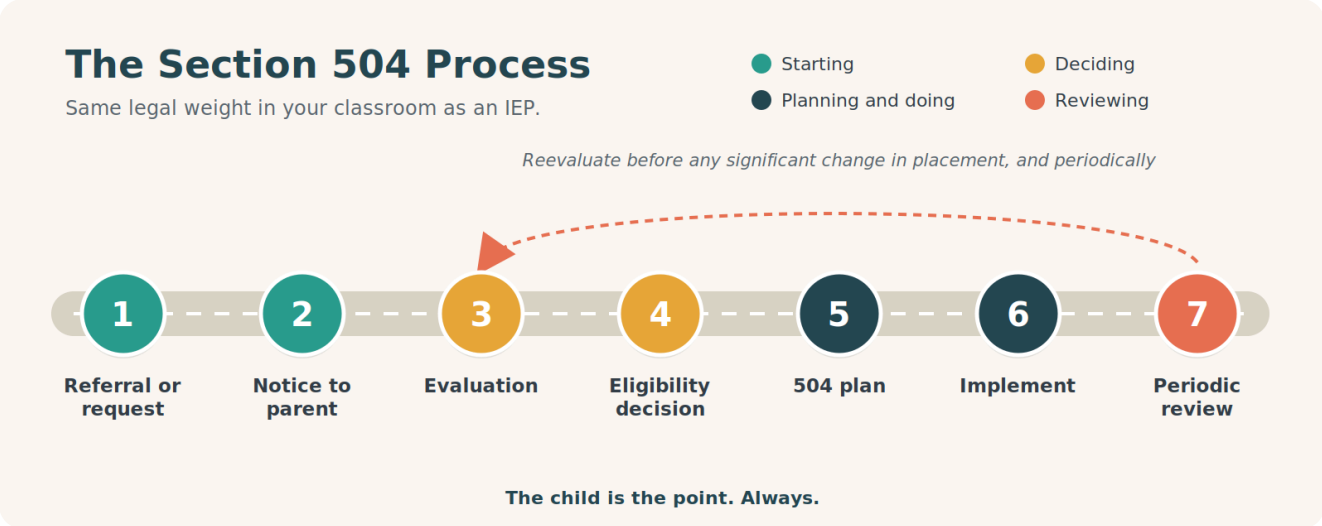
Do conditions that come and go count?

Yes. A condition that is episodic or in remission qualifies if it would substantially limit a major life activity when active, such as epilepsy, bipolar disorder, or recurring depression.

What conditions often lead to a 504 plan?

ADHD, anxiety, depression, diabetes, food allergies, asthma, epilepsy, dyslexia, Crohn's disease, and temporary conditions that are severe enough, like a serious injury. A diagnosis alone doesn't guarantee a plan; the question is whether the condition substantially limits a major life activity.

The process



How do I ask for a 504 plan?

Send a short written request to the principal, counselor, or your district's Section 504 coordinator. Say what you're seeing and ask for a 504 evaluation. Include any medical information you're comfortable sharing.

> *Sample:* "I'm requesting a Section 504 evaluation for my son, [name], in [grade]. He was diagnosed with [condition], and I'm concerned it is affecting [his attention in class / his attendance / his ability to finish tests]. Please let me know the next steps."

What happens next?

The school gives you notice, gathers information from several sources (grades, teacher input, health records, observations, sometimes testing), and a team of people who know your child decides whether they qualify. If they do, the team writes the plan.

Do I get a say?

Yes. You can share information, ask questions, and suggest accommodations. Bring notes about what helps at home and what your child's doctor recommends.

How often is the plan reviewed?

The school must reevaluate before any significant change in placement and periodically after that. Many districts review 504 plans every year. You can ask for a meeting anytime something isn't working.

What a 504 plan can include

Need	Examples of accommodations and services
Attention and focus	Preferential seating, movement breaks, chunked assignments, check-ins
Testing	Extended time, a quiet room, tests read aloud, breaks during tests
Health	Snacks or water in class, rest breaks, a nurse's care plan, elevator access, excused absences
Emotional needs	A calm-down pass, a trusted adult, advance notice of schedule changes, a plan for missed work
Reading and writing	Copies of class notes, audiobooks, text-to-speech, reduced copying
Assistive technology	AT devices and services as an aid or service
Counseling	Counseling services when needed for equal access

The same plan should also cover state tests, field trips, extracurricular activities, and athletics.

When things go wrong

The teacher isn't following the plan. What do I do?

Start with a friendly conversation or email to the teacher, naming the specific accommodation. If it continues, contact the 504 coordinator. A 504 plan is legally enforceable, and not following it can be disability discrimination.

What if the school says my child doesn't qualify?

Ask for the decision and the reasons in writing. You can ask for a meeting to review it, request an impartial hearing, use the district's grievance procedure, or file a complaint with the U.S. Department of Education's Office for Civil Rights (generally within 180 days).

Does a 504 plan protect my child in discipline?

Yes. Before a removal of more than 10 school days in a row, or a pattern of removals, the school must hold a review to decide whether the behavior was caused by the disability. The school may not discipline a student for behavior it knows is caused by the disability. But 504 protections are not identical to an IEP's: if the behavior was not a manifestation, federal law does not require services during an expulsion. See Parts VIII and IX.

Does the 504 plan apply on field trips and in sports?

Yes. Section 504 covers field trips, extracurricular activities, athletics, and other school programs.

Does my child's 504 plan transfer if we move?

Section 504 protects your child in every public school. The new school should review the existing plan and evaluation and decide how to meet your child's needs. Share the plan right away and ask for a 504 meeting (Part XI).

Does a 504 plan go to college?

No, not as written. Colleges have their own disability services office and set up accommodations under Section 504 and the ADA. Your child must ask for them (Part XII).

Questions to ask your team

- Which of my child's major life activities are affected, and how?
- Which accommodations will each teacher provide, and how will substitutes know?
- How will we know if the plan is working?
- Does the plan cover state tests, field trips, and after-school activities?
- Who is our 504 coordinator, and how do I reach them?

> **★ Same Team tip**
>
> Share what works at home. If your child focuses better after a movement break, or needs a quiet spot to take medicine, say so. Teachers often don't know these things until a parent tells them.

Where this comes from

Section 504 of the Rehabilitation Act (29 U.S.C. §794) and its regulations (34 CFR Part 104, including §104.35 evaluation and placement and §104.36 procedural safeguards); Americans with Disabilities Act Amendments Act of 2008 (42 U.S.C. §12102); U.S. Department of Education, Office

for Civil Rights, *Parent and Educator Resource Guide to Section 504* (2016).

PART VIII

Behavior, Discipline, and Safety

SAME TEAM · Parent and Family Guide

Behavior is communication, and the law gives students with IEPs and 504 plans real protection when behavior leads to discipline. This Part covers behavior plans, de-escalation, restraint and seclusion, discipline and expulsion, bullying, and Texas classroom cameras.

Behavior plans (FBA and BIP)

A good behavior plan starts by asking why, and then teaches your child a better way to get what they need.

What is a Functional Behavioral Assessment?

An FBA is a process for understanding why a behavior happens. The team gathers information through interviews, observations, records, and data on what happens before and after the behavior. The goal is a hypothesis about the behavior's **function**: what your child gets, avoids, or communicates through it.

Why does function matter?

Two children can throw a pencil for opposite reasons: one to escape a hard assignment, one to get a classmate's attention. The same consequence would help one and backfire with the other. Knowing the function points to the right support.

When should my child have an FBA?

- When behavior gets in the way of your child's learning or others' learning
- When behavior is persistent, happens across settings, or is getting worse
- When the team decides a disciplinary removal was a manifestation of your child's disability, an FBA is required (see "Discipline and expulsion" below)

You can request an FBA in writing at any time.

Do I have to consent?

When an FBA is an individual evaluation of your child, your written consent is generally required. If you disagree with the school's FBA, you may be able to request an independent evaluation (Part III).

What should I share?

What you see at home: when the behavior happens, what seems to set it off, what calms your child, and anything that has changed recently, such as sleep, medication, health, or family events.

What is a Behavior Intervention Plan?

A written plan, based on the FBA, that describes how the team will prevent the behavior, teach new skills, and respond consistently. A strong BIP includes:

Part	What it answers
Target behavior	Exactly what behavior are we working on, described so anyone would recognize it?
Function	Why do we think it happens?
Prevention	What will adults change in the environment, schedule, or demands?
Replacement skill	What will your child do instead, and how will it be taught?
Reinforcement	How will using the new skill pay off for your child?
Adult responses	What will every adult do when the behavior happens?
Crisis plan	What happens if safety is at risk?
Data and review	How will we measure progress, and when will we revise?

Is a BIP just a list of consequences?

No. A plan that only lists punishments isn't a BIP. Most of a good plan is about prevention and teaching.

What is a replacement behavior?

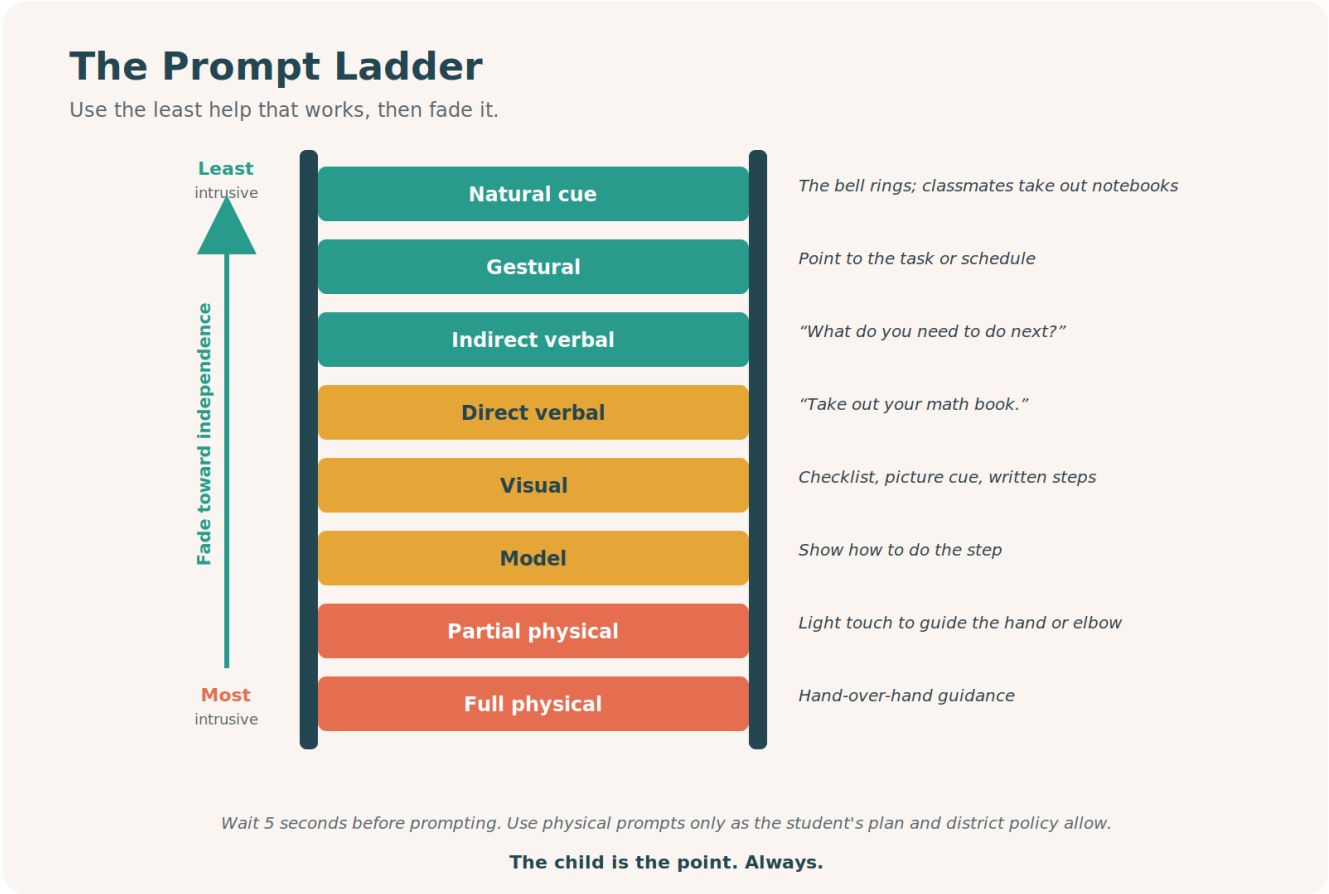
A safer way for your child to get the same need met. If your child throws materials to escape hard writing tasks, the replacement might be asking for a break or for help with a card or a phrase. The plan should say how that skill will be taught and practiced.

Who follows the plan?

Every adult who works with your child: teachers, aides, specials teachers, lunch and recess staff, bus staff, and substitutes. Ask how each of them will learn the plan.

How do adults help without doing it for my child?

Many plans describe how adults will prompt a new skill, starting with the least help that works and fading it over time so your child becomes independent. Ask how prompts will be faded, and how the team will know your child is doing the skill on their own.



How will I know if it's working?

The plan should say what data will be collected and how often. Ask to see graphs or summaries. You should see the target behavior going down and the replacement skill going up over weeks, not overnight.

What if it isn't working?

Ask two questions: Is the plan being followed consistently? And is the hypothesis about function right? If adults aren't following it, they may need training. If they are and nothing is changing, the FBA may need another look.

De-escalation

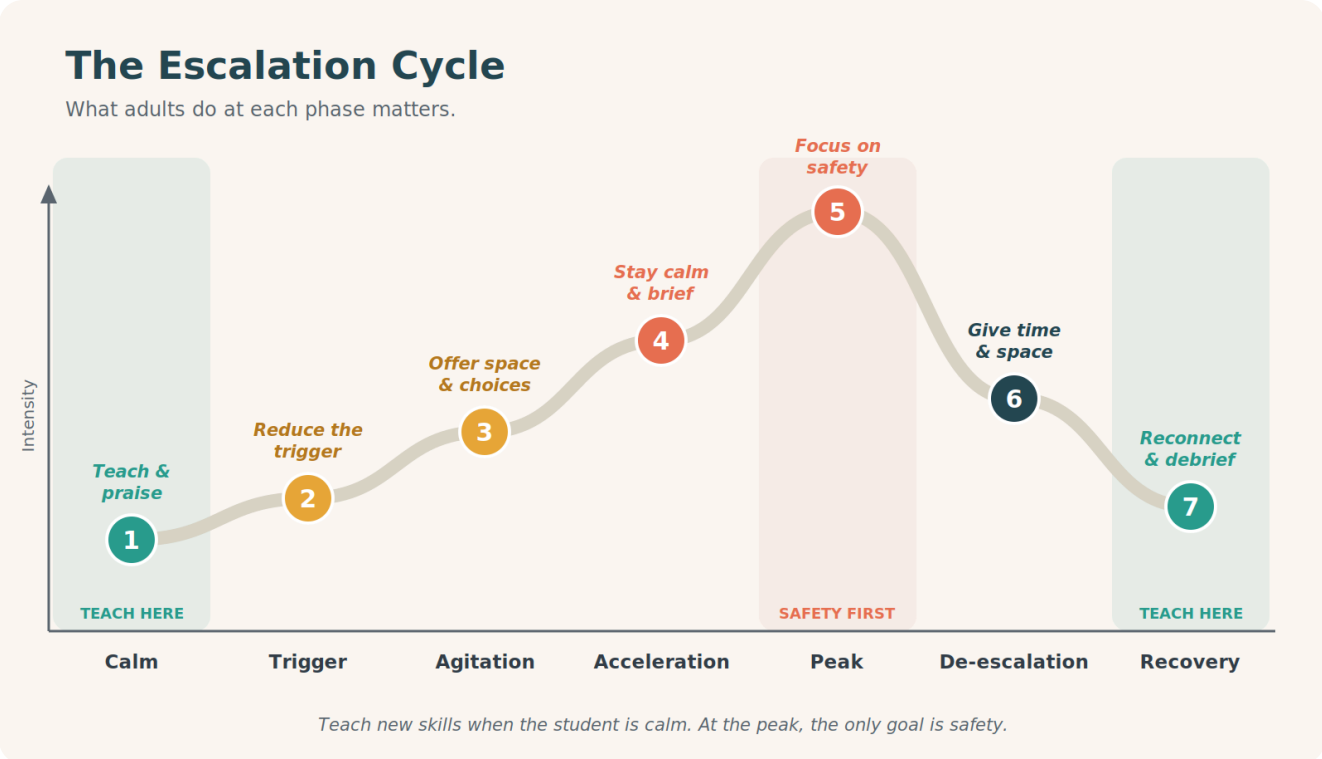
How adults respond in the first few minutes of a hard moment often decides whether it becomes a crisis.

Why does my child's behavior escalate at school?

Behavior is communication. A student who shouts, runs, throws things, or shuts down is usually trying to escape something hard, get help or attention, or cope with feelings they can't put into words. Common triggers include difficult work, transitions, noise, being corrected in front of peers, hunger, fatigue, and unexpected changes.

Is there a predictable pattern?

Yes. Many schools use a seven-phase model of the escalation cycle. Knowing it helps you ask better questions.



Phase	What you may see	What adults should do
1. Calm	Cooperative, working	Teach skills, praise, build the relationship
2. Trigger	Something hard happens	Reduce or remove the trigger; offer help or a choice
3. Agitation	Fidgeting, withdrawing, off task	Offer space, a break, or an easier task; talk less

Phase	What you may see	What adults should do
4. Acceleration	Arguing, refusing, provoking	Stay calm and brief; state limits and choices once; avoid power struggles
5. Peak	Unsafe behavior; can't reason	Keep everyone safe; follow the crisis plan
6. De-escalation	Confused, withdrawn, may blame others	Give time and space; no lectures or consequences yet
7. Recovery	Wants to do simple tasks	Welcome back; talk it through; practice a better way

The most important idea: **teaching happens in calm and recovery, not at the peak.** A child in the middle of a crisis can't process reasoning or consequences.

How can adult responses make things better or worse?

Adults escalate situations, often without meaning to, by raising their voices, standing over a child, making demands in front of peers, arguing, threatening consequences, or touching a child who is upset. Adults de-escalate by staying calm and quiet, giving space, using few words, offering choices, and acknowledging feelings ("I can see this is really frustrating").

What does good de-escalation look like?

- A low, slow, calm voice
- Respectful distance, standing to the side rather than face to face
- Few words, one direction at a time
- Two acceptable choices: "You can take a break in the reading corner or at your desk."
- Removing the audience rather than removing the child, when possible
- Waiting: time is one of the best tools

Is de-escalation just letting my child get away with it?

No. De-escalation restores safety so learning and accountability can happen later. Once your child is calm, the team can talk through what happened, repair harm, and practice a better response.

What should be in my child's plan?

If behavior gets in the way of learning, the IEP team must consider positive behavioral supports. A strong plan often includes an **FBA** to understand why the behavior happens, a **BIP** with prevention strategies, skills to teach, and exactly how adults will respond, a **crisis plan** for the rare times safety is at risk, and a way to share data with you.

Should staff be trained?

Yes. Ask what de-escalation training the adults working with your child have had, and whether substitutes and specials teachers know the plan.

What should the school tell me after an incident?

At a minimum, what happened, what came before it, how adults responded, and how your child recovered. If restraint or seclusion was used, your state likely has specific notification rules (see below).

What should I ask after an incident?

- What was happening right before it started?
- What did adults do at each stage? What did they try first?
- Was the BIP followed? If not, why not?
- How long did it take my child to calm down, and what helped?
- How was my child welcomed back, and was there a debrief?
- Does the plan need to change?

Incidents keep happening. What now?

Ask in writing for an IEP meeting to review the FBA and BIP, and for data on the frequency of incidents. Repeated incidents are a sign the plan isn't working, not that your child can't succeed.

Restraint and seclusion

Restraint and seclusion are emergency measures, not teaching tools. You have the right to know when they're used with your child and why.

What is physical restraint?

Physical restraint means an adult using their body to restrict a student's ability to move freely, such as holding a child's arms or body. Briefly touching or guiding a student, or holding a hand to cross a street safely, usually doesn't count. Your state's law defines it precisely.

What is seclusion?

Seclusion means involuntarily confining a student alone in a room or area they are prevented from leaving. A student choosing to go to a calm-down space they can leave is generally not seclusion. States define and regulate this term differently, and some ban seclusion entirely.

What about mechanical and chemical restraint?

Mechanical restraint uses a device, like straps, to restrict movement. Chemical restraint uses medication to control behavior that isn't prescribed for that purpose. Federal guidance says schools should never use either one, and many states prohibit them.

Is there a federal law on restraint and seclusion in schools?

There is no single federal law that sets the rules for all schools. Instead:

- **State laws and regulations** set most of the requirements, and they vary a lot.
- **Federal guidance** from the U.S. Department of Education (2012) sets out principles, including that restraint and seclusion should only be used when a student's behavior poses an imminent danger of serious physical harm, never as punishment or for convenience, and should end as soon as the danger passes.
- **Civil rights law** applies. Using restraint or seclusion in ways that discriminate against students with disabilities, or that deny them an appropriate education, can violate Section 504 and the ADA.
- **Federal data collection.** Schools report restraint and seclusion data to the Office for Civil Rights.

When is restraint allowed?

Under most state laws and federal guidance, only in an emergency when a student's behavior poses an imminent risk of serious physical harm to themselves or others, and other approaches haven't worked. It should last only as long as the danger does, and be carried out by trained staff.

Are some types of restraint banned?

Many states prohibit restraints that restrict breathing, prone restraint (holding a child face down), and restraint that puts pressure on the head, neck, or chest. Ask your district what techniques staff are trained in.

Can restraint or seclusion be written into my child's IEP?

State rules differ. Federal guidance says these should never be planned as a routine behavior intervention. If your child's plan mentions restraint, ask why, what comes first, and how the team will reduce the need for it.

Will the school tell me if my child is restrained or secluded?

Most states require it. Typical requirements include notice to you on the **same day** or within a short time; a **written report** within a set number of days; what happened before, the type and length of the restraint or seclusion, who was involved, and any injuries; and a **debrief** or meeting, sometimes on request. Ask your district for its written policy so you know your state's timelines.

What records can I ask for?

As a parent, you have the right to inspect your child's education records under FERPA. Ask for incident reports, behavior data, the behavior plan, and staff training records if your state requires them. Make your request in writing.

What should I do right after an incident?

1. Check on your child. Look for injuries and ask what happened in their own words, if they can tell you.
2. Take photos of any marks and seek medical care if needed.
3. Request the written incident report and any related data in writing.
4. Write down what you were told, by whom, and when.
5. Ask for a meeting to review what happened and what will change.

What should the team do after a restraint or seclusion?

Review what led up to it, whether the behavior plan was followed, and what could prevent it next time. Repeated incidents are a strong sign your child needs a new or revised FBA and BIP.

What can I request?

- An IEP or 504 meeting to review the plan
- An FBA if one hasn't been done recently
- Changes to prevention strategies and adult responses
- More staff training
- Regular data on incidents

What if I believe restraint was misused?

You can file a complaint with the district, with your state education agency, or with the Office for Civil Rights. If you believe your child was abused, you can also report it to your state's child protective services agency or to law enforcement.

Discipline and expulsion

Students with IEPs and 504 plans can be disciplined. But the law gives them extra protection, especially when removals add up.

Can my child with an IEP or 504 plan be suspended?

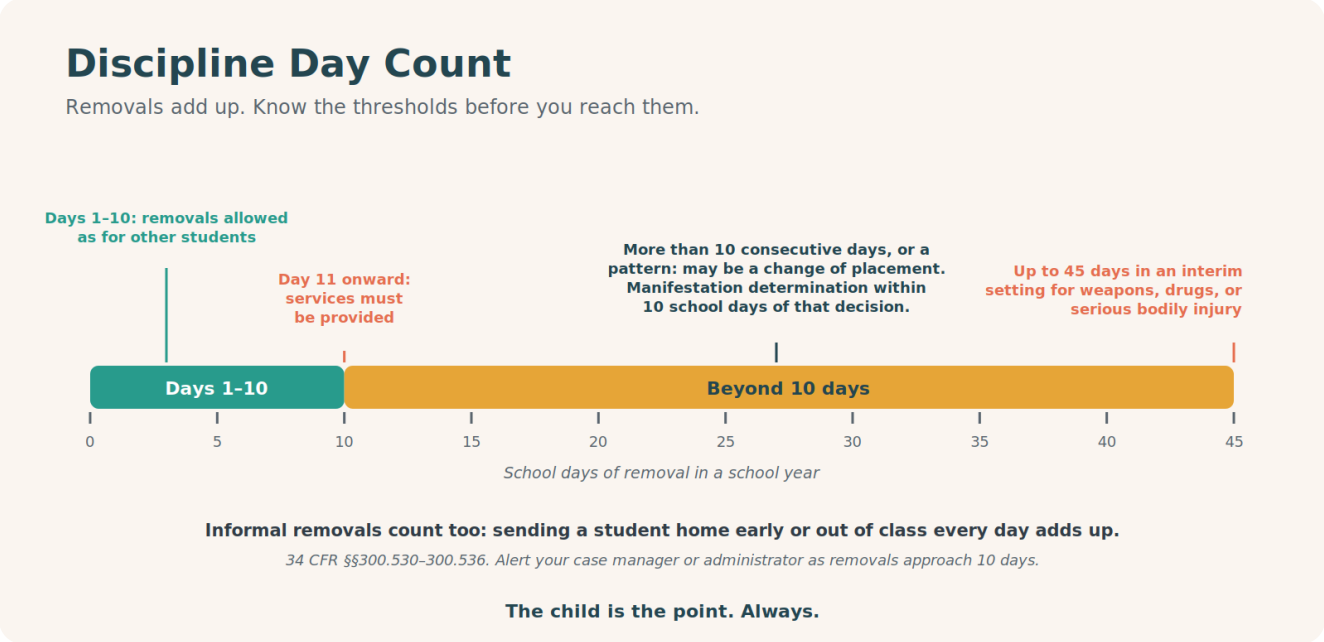
Yes. Your child follows the same school rules as other students. The school can remove your child for up to 10 school days in a school year, the same as any student.

What changes after 10 days?

For students with IEPs, once removals add up to more than 10 school days in a year, the school must keep providing services. Your child should keep learning and working on IEP goals, even while removed.

Do early pick-ups count?

They can. If your child is sent home early, told to stay home, or often pulled out of class, those days can count as removals, even if no one calls it a suspension. Keep a log of every time it happens.



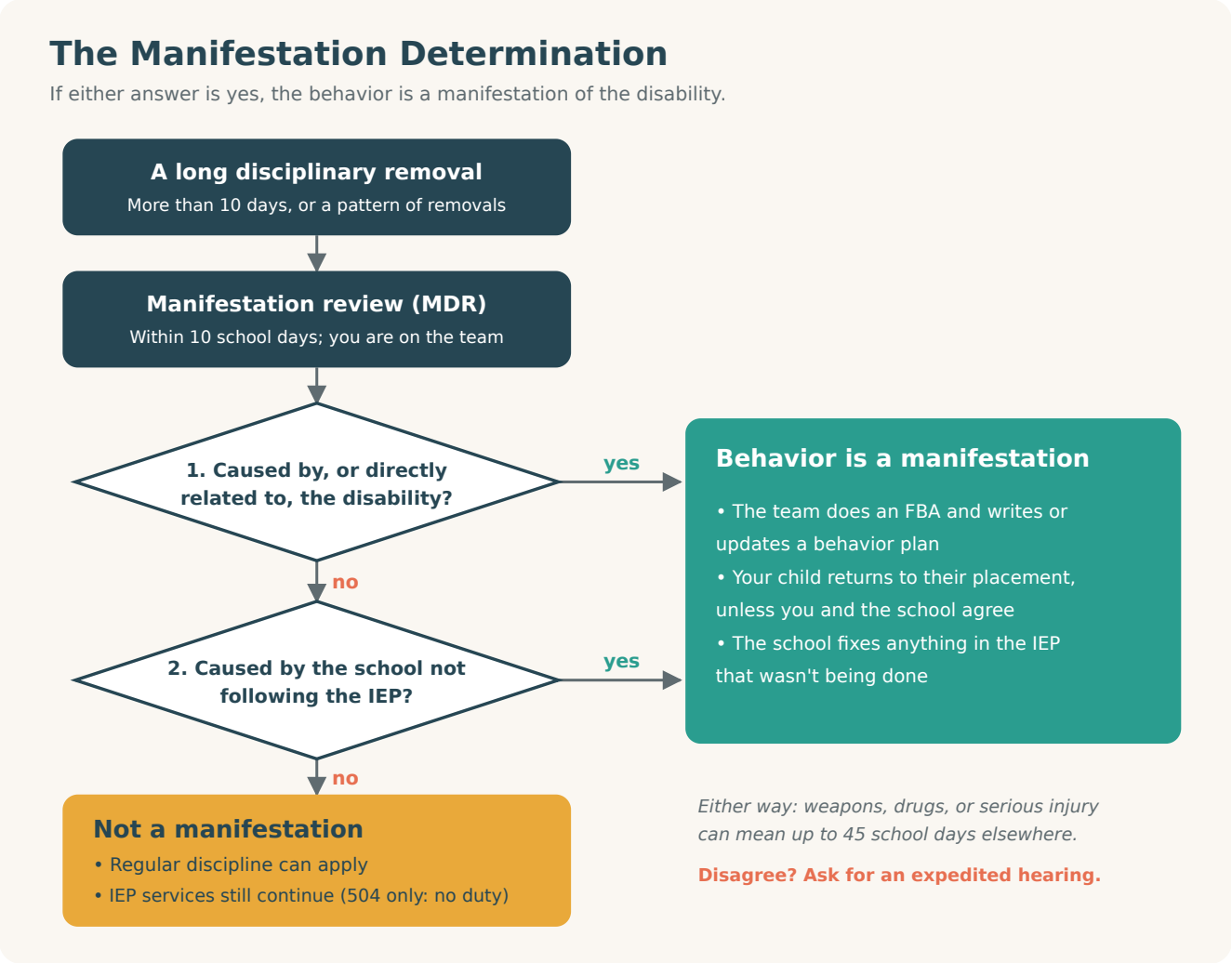
What is a "change of placement"?

It's a big disciplinary removal. It happens when your child is removed for **more than 10 school days in a row**, or when **shorter removals add up** to more than 10 days and form a pattern.

What is a manifestation review?

Within **10 school days** of deciding on a change of placement, the school must hold a meeting with you and other team members. The team looks at your child's records, IEP, and what teachers and you have seen. Then it answers two questions:

1. Was the behavior caused by your child's disability, or closely connected to it?
2. Did the behavior happen because the school didn't follow the IEP?



What if the answer to either question is yes?

Then the behavior is a "manifestation" of the disability. The team must:

- Do an FBA and write a behavior plan, or review the one your child has
- Return your child to their usual school program, unless you and the school agree to a change
- Fix anything in the IEP that wasn't being done

What if the answer to both is no?

The school can discipline your child the same way as other students. This can include a long suspension or expulsion. For a student with an IEP, **services must continue** during the removal.

Are there exceptions?

Yes. If the incident involved a **weapon, illegal drugs, or serious bodily injury** at school, the school can move your child to a different setting for up to **45 school days**. This can happen even if the behavior was related to the disability. Services continue there.

Can a student with an IEP be expelled?

Yes, if the behavior was not related to the disability and the school would expel any other student for the same thing. But your child must still get special education services, often at another location or at home.

What about a student with a 504 plan?

Students with 504 plans also get a manifestation review before a big removal. If the behavior was related to the disability, the school generally can't expel your child for it. If it wasn't, the school can discipline your child like other students. Unlike an IEP, a 504 plan does not require services to continue during an expulsion. Students who are currently using illegal drugs or alcohol can be disciplined for that like any other student.

	Student with an IEP	Student with a 504 plan
Up to 10 days of removal	Same as any student	Same as any student
More than 10 days	Services must continue	No federal requirement to continue services
Manifestation review	Required before a change of placement	Required before a significant change in placement
Behavior is a manifestation	Returns to placement; FBA and BIP	Generally can't be expelled for it
Not a manifestation	Can be disciplined like others; services continue	Can be disciplined like others

My child doesn't have an IEP yet. Do these protections apply?

They might. If the school already knew your child might have a disability, your child may still be protected. For example, you asked in writing for an evaluation, or teachers told administrators about specific concerns. Ask for an evaluation in writing right away.

How do I challenge the decision?

You can ask for a fast-track ("expedited") due process hearing. It must happen within 20 school days of your request. The decision comes within 10 school days after the hearing. During the appeal, your child usually stays where the school placed them, unless you and the school agree otherwise.

How should I prepare for the review?

- Get copies of the incident report, discipline records, IEP, behavior plan, and progress reports
- Bring anything that connects the behavior to the disability, like a letter from a doctor or therapist

- Write down any IEP supports that weren't provided
- Bring someone with you if it helps, like an advocate
- Ask for the team's decision in writing

Bullying

Students with disabilities are bullied more often than their peers, and when bullying interferes with their education, schools have legal duties to respond.

What are signs my child is being bullied?

Children with disabilities may not tell you directly, or may not realize what's happening. Watch for:

- Not wanting to go to school, or to certain places like the bus, lunch, or recess
- Unexplained injuries, or lost or damaged belongings
- New fears, sleep problems, stomachaches, or headaches
- Dropping grades or skipped classes
- Withdrawal, sudden changes in behavior, or new outbursts
- Changes in online activity or reactions to their phone

What is disability-based harassment?

Bullying or harassment because of a child's disability: name-calling, imitating how a child talks or moves, excluding them, or targeting their equipment or supports. When it's serious enough to interfere with a student's ability to participate in school, federal civil rights law requires the school to respond.

How should I report bullying?

In writing, to the principal (and your child's case manager or 504 coordinator). Include what happened, when, where, who was involved, any witnesses, and how it's affecting your child. Keep a copy and a log of every incident.

What must the school do?

The school should investigate promptly, take steps to stop the bullying, prevent it from recurring, and address its effects on your child. Most states also have their own anti-bullying laws and require district policies. Ask for a copy of your district's policy.

Will the school tell me what happened to the other student?

Usually not in detail. Privacy laws protect other students' records. But the school should tell you what it's doing to keep your child safe.

When is bullying a FAPE problem?

Federal guidance says that when bullying of a student with an IEP or 504 plan, for any reason, results in the student not receiving meaningful educational benefit, the school must address it as a matter of your child's free appropriate public education. Signs include falling grades, missed school, lost progress on goals, or new behavior or emotional needs.

What should the team do?

The IEP or 504 team should meet to decide whether your child's needs have changed and whether the plan needs new supports, such as counseling, social skills instruction, a safe adult or safe place, changes to supervision, or a safety plan.

Can the school move my child to stop the bullying?

It shouldn't solve the problem by changing your child's placement or services in ways that reduce their education, such as moving them to a more restrictive setting or cutting services. Changes to your child's program go through the team, with you.

What if my child with a disability is bullying others?

The team should look at whether the behavior relates to the disability and whether your child's behavior supports need to change (see "Behavior plans" above).

What if the school doesn't respond?

You can use the district grievance process, file a complaint with your state education agency, or file a complaint with the U.S. Department of Education's Office for Civil Rights. If your child is in danger, contact law enforcement.

Classroom cameras (Texas only)

Texas law lets parents request video and audio cameras in certain special education classrooms to help keep students safe. This section applies only to Texas public schools and open-enrollment charter schools.

What does the law say?

Texas Education Code §29.022 requires school districts and open-enrollment charter schools, when they receive an authorized written request, to place video cameras with audio in certain special education classrooms and settings. The purpose is student safety, especially for students who may not be able to report mistreatment themselves.

Which classrooms are covered?

After the 2025 legislative changes, the law uses the term **"special education classroom"**: a classroom or setting primarily used to deliver special education services to students who spend, on average, less than half of the instructional day in general education. Rooms attached to the classroom that are used for time-out are covered too. The law applies during the regular school year and extended school year.

Who can request cameras?

- A parent (including a guardian or person in parental relation) of a student who receives special education services in the classroom
- A school board trustee
- The campus principal or assistant principal
- A staff member assigned to work in the classroom

A parent can request cameras only for a classroom their child attends.

How do I ask?

Submit a **written request** following your district's policy. Most districts have a form, available from the principal or the special education office. Keep a copy and note the date you submitted it.

> *Sample:* "Under Texas Education Code §29.022, I request video and audio surveillance in [teacher's] special education classroom at [campus], where my child, [name], receives special education services. Please confirm receipt and let me know the timeline."

How long does installation take?

Under state rules, cameras generally must be in place and operating within 45 school business days after the request is authorized, unless the Texas Education Agency grants the district an extension.

Will other families be told?

Yes. Before cameras are turned on, the school must give written notice to campus staff and to the parents of students in the classroom.

How long do the cameras stay on?

Throughout the school year while the classroom still qualifies. Districts must tell families at the end of the year whether cameras will continue; generally, a new request is needed for the following school year. Check your district's policy.

What areas are recorded?

Cameras must capture video and audio of all areas of the classroom, including attached time-out rooms. The inside of a bathroom and any area where students change clothes may not be visually monitored.

Who watches the video?

No one watches it routinely. The law prohibits regular or continual monitoring and prohibits using the recordings for teacher evaluation or any purpose other than student safety.

How long is video kept?

At least **three months** after it's recorded. If someone with the right to view a recording asks to see it, the district must keep it until the recording has been viewed and a decision is made about whether it shows an alleged incident.

Can I watch the video of my child's classroom?

Only in limited circumstances. Recordings are confidential. A parent of a student involved in an **alleged incident** that has been reported to the district can request to view the relevant recording. Certain school employees, investigators, and law enforcement may also view recordings in the course of an investigation.

What counts as an "incident"?

Under state rules, generally an event involving alleged **abuse or neglect** of a student by a school employee, or alleged **physical or sexual abuse** of a student by another student, in a classroom with cameras.

How do I request to view a recording?

Report the incident to the principal in writing as soon as possible, then submit a written request to view the recording following your district's procedures. Some districts set short deadlines for reporting, so act quickly and keep copies.

What happens if the recording shows possible abuse?

School staff who view it and believe it shows possible abuse or neglect must report it to the Texas Department of Family and Protective Services. You can also report abuse directly to DFPS at any time.

What if my request is denied?

First use your district's grievance process. After that, you can appeal a denial of a camera request or a request to view a recording to the Texas Education Agency.

Questions to ask your team

Behavior plans

- What function do you think the behavior serves, and what's that based on?
- What replacement skill are you teaching, and when is it practiced?
- Who has been trained on the plan, including substitutes?
- How will you share data with me, and how often?
- Can we use the same language and strategies at home?

Restraint and seclusion

- What is our state's definition of restraint and seclusion?
- Which staff working with my child are trained, and in what?
- How and when will you notify me if restraint is ever used?
- What does my child's plan say adults will do before a situation gets unsafe?
- How many times has restraint or seclusion been used with my child this year?

Discipline

- How many days has my child been removed this year, including early pick-ups?
- Was the IEP or behavior plan being followed before this happened?
- When was the last FBA? Does it cover this behavior?
- If my child is removed, what services will they get, and where?
- What will change so this doesn't happen again?

Bullying

- What is the district's bullying policy and reporting process?
- Who will investigate, and when will I hear back?
- What is the plan to keep my child safe during unstructured times?
- Should the IEP or 504 team meet to review my child's needs?
- How will we know the bullying has stopped?

Texas classroom cameras

- Does my child's classroom qualify under the current definition?
- Where is the district's camera request form and policy?
- Who will notify me when cameras are active?
- How do I report an incident, and what are the deadlines?
- Will I need to submit a new request next school year?

★ Same Team tips

Consistency across home and school is powerful. If the plan uses a break card or a specific phrase, ask for a copy to use at home too, and tell the team what's working for you.

Tell the team what calms your child at home: a phrase, a place, an object, a routine. And ask them what they've learned. Parents and teachers sharing strategies is one of the fastest ways to reduce incidents.

Most adults in schools want to avoid restraint as much as parents do. A calm, specific review meeting (what happened, what was tried, what will change) usually does more for your child than a heated one. Bring your questions in writing.

The manifestation review is also a planning meeting. Even when feelings run high, ask the team to spend time on what will prevent the next incident. That's where real progress happens.

Keep a simple bullying log with dates, what happened, who you told, and what they said. It turns a painful situation into clear facts the team can act on.

Cameras are a safety net, not a replacement for communication. The strongest protection for your child is a team that talks often: daily notes, regular check-ins, and a quick call when something seems off.

Where this comes from

IDEA regulations: considering positive behavioral interventions and supports (34 CFR §300.324(a)(2)(i)), discipline procedures (§300.530), manifestation determination (§300.530(e)), FBA and BIP after a manifestation determination (§300.530(f)), special circumstances (§300.530(g)), expedited hearings (§300.532), protections for children not yet eligible (§300.534), change of placement (§300.536), evaluation and consent (§§300.300, 300.304); Section 504 (34 CFR §104.35 and Part 104) and Title II of the ADA; FERPA (34 CFR Part 99); U.S. Department of Education, *Restraint and Seclusion: Resource Document* (2012); OSEP *Questions and Answers on IDEA's Discipline Provisions* and OCR *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504* (both July 2022); OSERS/OSEP Dear Colleague Letter on bullying (August 20, 2013); OCR Dear Colleague Letter: Responding to Bullying of Students with Disabilities (October 21, 2014); Office for Civil Rights, Civil Rights Data Collection; Colvin and Scott, *Managing the Cycle of Acting-Out Behavior in the Classroom*; Texas Education Code §29.022, as amended through the 89th Legislature (2025), including HB 2 and SB 568; Texas Administrative Code, Title 19, §103.1301, amended 2026; Texas Family Code §261.406; state anti-bullying and restraint laws.

PART IX

Mental Health and Your Child's Rights

SAME TEAM · Parent and Family Guide

Anxiety, depression, ADHD, trauma, and other mental health conditions can affect learning just as much as a physical disability, and they bring the same legal protections. A diagnosis does not have to become a barrier at school, and it does not have to become a secret. When families and schools share the right information and use it well, students get support before behavior turns into discipline.

This Part answers the questions parents ask most often: what to tell the school, whether a school can require medication, how the code of conduct applies, and what legal protections apply when a student with a mental health condition gets in trouble. It covers both IEPs (under IDEA) and 504 plans (under Section 504), including where their protections differ. States can add protections, so check your state's rules too.

Sharing information

Share enough for the school to support your child well, and put it in writing. You are never legally required to disclose a diagnosis, but information the school doesn't have can't be used to help your child or to protect them in a disciplinary situation.

Do I have to tell the school about my child's diagnosis?

No. It's your choice. But the school can only provide supports and legal protections for needs it knows about. Consider the trade-off: under IDEA, a manifestation determination looks at "relevant information provided by the parents," and protections for students not yet identified depend partly on what the school knew. Information you never shared can't count. Many families find that sharing at least the basics (the diagnosis, how it shows up at school, and what helps) leads to better support.

What is most useful to share?

Schools act on how a condition shows up, not on a label alone. Share what the school needs to help your child, not every detail:

- **The diagnosis and who made it** (psychiatrist, psychologist, pediatrician, therapist), and how long your child has had it
- **What it looks like for your child at school**: worry before tests, shutting down, trouble starting work, irritability, avoiding certain places; early warning signs, triggers, and what escalation looks like
- **What helps**: calming strategies, words or approaches that work, and what makes things worse
- **Medications that affect the school day**: side effects like drowsiness, appetite changes, or irritability, and any recent changes in medication or dose
- **Recent changes**: a hospitalization, a crisis, a new therapist, a family loss or move
- **Safety concerns**, if any, so the school can plan ahead rather than react
- **Who to call** if there's a concern

How should I share it?

- **In writing**, dated, to the special education case manager or coordinator, with a copy to the principal. Email is fine; keep a copy.
- **Ask that it be considered by the IEP or 504 team** and placed in your child's education record.
- **Share outside evaluations.** If a private evaluation you share meets the district's criteria for evaluations, the IEP team must consider it when making decisions about your child (34 CFR 300.502(c)).

Who at school will see the information, and is it private?

School staff who have a legitimate educational need to know. Records are protected by the Family Educational Rights and Privacy Act (FERPA); most others cannot see them without your consent. HIPAA generally does not govern school records, so don't assume medical privacy rules apply once information is at school. You can ask who will have access and how the information will be stored.

Can the school talk to my child's therapist or doctor?

Only with your written permission. A signed release lets them coordinate, which can be very helpful, but you control the scope. Make any release:

- **Specific**: name the provider and the school contact.
- **Limited**: say what can be shared (for example, "strategies and school-related concerns," not full treatment notes).
- **Time-bound**: set an end date, such as the end of the school year.

You can revoke a release in writing at any time.

Medication at school

Can the school require my child to take medication?

No. A school cannot make medication a condition of attending school, being evaluated, or receiving special education services. Medication decisions belong to families and their medical providers. IDEA directly prohibits schools from requiring a child to obtain a prescription for a controlled substance (such as many ADHD stimulants) as a condition of attending school, receiving an evaluation, or receiving services (34 CFR 300.174). For other medications, Section 504 and the ADA prohibit excluding or treating a student differently because of a disability, and many states have their own laws on this.

What *can* the school say about medication?

The same regulation allows teachers and staff to share what they observe in the classroom about your child's academic and functional performance and behavior, and to raise concerns about whether an evaluation is needed. That information can be useful to you and your child's doctor. What staff should not do is recommend a specific medication, suggest a dose, or imply your child can't return until they are "back on their meds."

How does medication at school work?

Most schools require a written order from the prescriber, a signed parent authorization, and the medication in its original pharmacy container. The school nurse or trained staff give it and keep a log. Rules on self-carrying and specific medications vary by state and district, so ask the nurse for your district's forms. If your child has an IEP or 504 plan, medication administration or monitoring can be written into the plan.

What if my child stops taking medication and behavior changes?

Tell the school, especially if the change is recent or temporary. The team may need to add supports for a period of time. The school must still serve your child; it cannot exclude them because they are not medicated.

Getting supports

What plan fits a child with a mental health need?

It depends on how much the condition affects school.

Plan	When it fits	Examples of support
Section 504 plan	The condition substantially limits learning, concentrating, or another major life activity	Breaks, a calm-down pass, extended time, reduced homework during flare-ups, a check-in adult

Plan	When it fits	Examples of support
IEP	Your child also needs specialized instruction, such as teaching coping, social, or organizational skills	IEP goals, counseling as a related service, a behavior plan, social-emotional instruction

Students with mental health needs may qualify for an IEP under categories such as Emotional Disturbance or Other Health Impairment. The category is less important than getting the right services.

Does a diagnosis automatically make my child eligible?

No. For an IEP, the condition must fit an eligibility category (often Emotional Disturbance or Other Health Impairment for mental health conditions) and the child must need specially designed instruction. For a 504 plan, the condition must substantially limit a major life activity, such as learning, concentrating, thinking, or communicating. Many students with mental health diagnoses qualify for one or the other.

Can counseling be part of an IEP?

Yes. Counseling, psychological services, and social work services are "related services" under IDEA (34 CFR 300.34) and can be written into an IEP when your child needs them to benefit from their education. They can also be part of a 504 plan.

Should my child's eligibility category be changed to reflect the mental health condition?

Not necessarily. What matters most is that the IEP addresses every area of need, including behavior and emotional regulation, through goals, services, and supports. If the current category is leading the team to overlook those needs, ask for a reevaluation. Some students are best served with an additional or different category, such as Emotional Disturbance or Other Health Impairment.

My child is missing a lot of school. What can we do?

Attendance problems can be part of the disability, not only a truancy issue. Share what's happening with the team. A plan might include a gradual return, a morning check-in, a safe place to go when anxiety rises, or a plan for making up missed work.

My child was hospitalized. What happens when they return to school?

Ask for a re-entry meeting before or right at your child's return. Share discharge recommendations (with your consent and at the level of detail you choose), and ask the team to plan for a gradual return, check-ins, a safe person and place, and help catching up on missed work. If the IEP or 504 plan needs changes, the team can meet to revise it.

My child can't attend school right now because of their mental health. What are the options?

Ask about homebound or hospital-based instruction, which most states offer with a medical provider's statement. For a student with an IEP, a change to a homebound setting is a placement decision made by the IEP team, and services must continue. It should be temporary, with a plan to return (see Part XI).

Section 504 and mental health

Section 504 protects many students with mental health conditions who don't need an IEP, and it has its own discipline protections. Those protections are real, but they are not identical to IDEA's.

Who qualifies for a 504 plan?

A student with a physical or mental impairment that substantially limits one or more major life activities. Anxiety, depression, ADHD, bipolar disorder, PTSD, DMDD, and ODD can all qualify, depending on how they affect the student. A diagnosis alone isn't enough, but no specific category is required either. Two rules from the ADA Amendments Act (2008) matter a lot for mental health:

- **Medication doesn't disqualify a student.** Eligibility is decided without considering the helpful effects of "mitigating measures" like medication or therapy. A student whose depression is well managed on medication can still qualify.
- **Episodic conditions count.** A condition that comes and goes, or is in remission, qualifies if it would substantially limit a major life activity when active (for example, bipolar disorder or recurring depression).

What can a 504 plan include for mental health?

Common supports include a pass to a designated calm space or trusted adult, check-ins with a counselor, extended time or reduced workload during flare-ups, preferential seating, advance notice of schedule changes, a plan for missed work after absences, and a crisis or safety plan. A 504 plan can also include counseling services.

What discipline protections does Section 504 provide?

- **Manifestation determination.** Before a significant change in placement (generally more than 10 consecutive school days, or a pattern of removals), the school must reevaluate the student, which includes deciding whether the behavior was caused by the disability (34 CFR 104.35(a)). This decision is made by a group of people knowledgeable about the student.
- **No discipline for known disability-based behavior.** The U.S. Department of Education states that Section 504 prohibits disciplining a student for behavior the school knows is a manifestation of the disability. That knowledge can come from a parent's information, prior

evaluations, the 504 plan, or teacher observations. This is another reason to share information in writing.

- **Equal treatment.** A school can't discipline a student more harshly than peers for comparable behavior because of a disability.
- **Shortened days.** A school generally can't shorten a student's day for behavior unless the 504 team decides the student needs it.

Where are 504 protections weaker than IDEA's?

Protection	IEP (IDEA)	504 plan only
Services after day 10 of removal	Required, no matter what	Not required by federal law if the behavior is not a manifestation (state law or district policy may require them)
FBA and BIP after a manifestation finding	Required	Not spelled out; you can request one
Current illegal drug or alcohol use	IDEA protections still apply	May be disciplined like any student for those offenses (29 U.S.C. 705(20)(C)(iv))
Procedures	Detailed federal rules	Notice, records review, impartial hearing, and review procedure (34 CFR 104.36); states and districts set many details

Should I ask for an IEP evaluation instead?

Consider it if the 504 plan isn't enough, behavior is escalating, or discipline is becoming frequent. If your child needs specially designed instruction (such as direct instruction in social or emotional skills), an IEP may be the better fit, and IDEA's stronger discipline protections come with it.

What if I disagree with a 504 decision?

You can request an impartial hearing through your district's 504 procedures. You can also file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR), generally within 180 days of the discrimination.

Discipline protections

Students with IEPs or 504 plans can be disciplined, but once removals pass 10 school days in a year, federal law adds protections. A mental health diagnosis is covered the same way as any other disability. (The full discipline rules, with a day-count picture, are in Part VIII.)

Which laws protect my child?

- **IDEA** protects students with an IEP (34 CFR 300.530–300.536).

- **Section 504 and the ADA** protect students with a 504 plan, and also protect students with IEPs. Under 504, a school must reevaluate before a significant change in placement (34 CFR 104.35(a)), which in practice includes a manifestation review.

What is the "10-day rule"?

A school can remove a student with a disability for up to 10 school days in a school year, the same as any other student. After that, protections apply:

- **Services continue.** From the 11th day of removal, the school must provide services so your child can keep progressing in the general curriculum and toward IEP goals, even in a different setting.
- **A "change of placement" triggers a manifestation determination.** That happens when a removal is more than 10 consecutive school days, or when a series of shorter removals adds up to more than 10 days in a school year, the behavior is substantially similar to earlier incidents, and factors like the length of each removal, total time removed, and how close together they are show a pattern. The school decides whether a pattern exists, and parents can challenge that decision (34 CFR 300.536).

Do "informal" removals count?

They can. Being sent home early, asked to stay home to "cool off," placed on a shortened day outside the IEP process, or repeatedly picked up for behavior can all count as removals, according to the U.S. Department of Education's July 2022 IDEA discipline Q&A. A bus suspension counts if transportation is in the IEP and no alternative is provided. In-school suspension generally does not count if your child keeps receiving IEP services and working in the general curriculum. Keep a written log of every date, time, and reason.

Are there exceptions?

Yes. For three serious offenses, a school can place a student in an interim alternative setting for up to 45 school days even if the behavior was caused by the disability (34 CFR 300.530(g)):

1. Carrying or possessing a weapon at school or a school function. (The legal definition is narrow and excludes, for example, a pocket knife with a blade under 2.5 inches.)
2. Knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, at school or a school function.
3. Inflicting serious bodily injury on another person (a narrow legal definition: substantial risk of death, extreme pain, disfigurement, or lasting impairment).

Services must still continue during those 45 days. Separately, a hearing officer can order up to 45 school days in an interim setting if keeping the student in the current placement is substantially likely to result in injury (34 CFR 300.532).

The code of conduct

Students with disabilities are expected to follow the district's code of conduct, and they can be disciplined for breaking it. What the law adds is how the code is applied: fairly, case by case, and with the disability and the IEP or 504 plan in view.

Does my child have to follow the same code of conduct as everyone else?

Generally, yes. Neither IDEA nor Section 504 exempts a student from school rules. But the rules can't be applied in a way that discriminates, and the student's plan shapes how they apply. For example:

- **Using an accommodation is not misconduct.** If the 504 plan or IEP allows your child to leave class for a calm space, they shouldn't be marked for skipping class or leaving without permission when they use it.
- **The plan can set different expectations or responses.** An IEP team can write behavior goals, a BIP, or specific responses to behavior into the plan, and staff must follow them. This does not require waiving the code, but the plan controls how staff respond.
- **Neutral rules can still discriminate.** A rule applied the same way to everyone can be discriminatory if it unfairly penalizes disability-based behavior. OCR's example is an automatic detention for profanity applied to a student whose Tourette's sometimes causes cursing. The same reasoning can apply to a student whose anxiety or DMDD predictably shows up in certain behavior.
- **No harsher consequences.** A school can't discipline a student more severely than peers for the same conduct because of a disability.

What conduct can a district discipline?

The code of conduct and state law define it, but it generally covers:

- **At school and school activities**: on campus, at school-sponsored events and trips, and usually on school transportation and at bus stops.
- **Some off-campus conduct**: schools have limited authority over off-campus behavior and speech, including social media. In *Mahanoy Area School District v. B.L.* (2021), the U.S. Supreme Court held a school went too far in punishing a student's off-campus post. The Court also recognized that schools may still address some off-campus conduct, such as serious bullying, harassment, or threats aimed at students or staff.
- **Conduct covered by state law**: many states require specific consequences for things like weapons, drugs, or threats, and some allow districts to discipline off-campus felonies.

Ask for a copy of the current code of conduct and read it with your child's plan in hand.

Do "zero tolerance" policies apply to my child?

They apply, but not automatically. IDEA allows school personnel to consider unique circumstances case by case when deciding whether a disciplinary change of placement is appropriate (34 CFR 300.530(a)). A mandatory consequence in the code still has to go through the manifestation determination and other protections before a student with a disability is removed for more than 10 days.

If the behavior was a manifestation, can my child still receive any consequence?

Sometimes. But when behavior comes from a disability, the conversation should shift from "What's the consequence?" to "What support will prevent this next time?"

What the law allows. Under IDEA, a school can still use short removals (up to 10 school days in a school year) and consequences that don't change placement, such as detention or loss of a privilege, even when the behavior is disability-related. Section 504 goes further: the U.S. Department of Education says a school may not discipline a student for behavior it knows is caused by the disability.

What that means for your family. Read the two laws together. A consequence may be allowed, but that doesn't make it helpful. Punishing behavior a child can't yet control rarely changes it. Teaching skills and adjusting supports usually does. School staff want the behavior to stop too, so this is common ground.

How to use this at the table:

- Ask: "Since we agree this behavior is connected to my child's disability, what will we change so it's less likely to happen again?"
- Request an FBA if one hasn't been done, or a review of the current BIP if it has.
- If a consequence is proposed, ask how it will help your child learn a different response, and whether it fits the IEP or 504 plan.
- Ask that any new supports or agreed responses be written into the plan, so every adult responds the same way.

Can my child or our family be held financially responsible for damage?

Possibly. Many states have parental responsibility laws that let schools recover the cost of property damage caused by a minor, often up to a set dollar cap. A disability doesn't automatically cancel that liability, but the circumstances can matter. Check your state's law and your district's policy on restitution.

What about threat assessments?

Many districts use a threat or risk assessment process after concerning statements or behavior. That process doesn't replace your child's rights. The Department of Education's IDEA discipline guidance says the procedural safeguards and the right to FAPE must be protected throughout any threat assessment, including services during removals beyond 10 days. Ask that someone who knows your child and their disability take part.

Can the school call the police or involve juvenile court?

Yes, a school can report a crime. IDEA does not stop a school from reporting a crime to law enforcement. If it does, the school must send copies of your child's special education and disciplinary records to the authorities, as permitted by FERPA (34 CFR 300.535). A police or court matter is separate from school discipline. If your child faces charges, talk with a lawyer, and share the IEP or 504 plan and any diagnosis information with them so it can be considered. Ask the team to plan ahead for how staff will respond to a crisis so police are a last resort.

The manifestation determination

The team must review all relevant information, and the question is whether the behavior is related to the child's disability, not only the eligibility category on the IEP. A student found eligible under Specific Learning Disability who also has ODD, DMDD, anxiety, or ADHD brings all of that to the table.

What is a manifestation determination review (MDR)?

A meeting held within 10 school days of any decision to change a student's placement for discipline (34 CFR 300.530(e)). The school, the parent, and relevant members of the IEP team (chosen by the parent and the school together) answer two questions:

1. Was the conduct **caused by, or did it have a direct and substantial relationship to,** the child's disability?
2. Was the conduct the **direct result of the school's failure to implement the IEP**?

If the answer to either is yes, the behavior is a manifestation of the disability. The child generally returns to their placement (unless the parent and school agree otherwise, or one of the 45-day exceptions applies), and the team conducts a functional behavioral assessment and writes or revises a behavior intervention plan (34 CFR 300.530(f)). If it is not a manifestation, the school may apply its regular discipline, but IEP services must continue. In either case, the 45-day exceptions can still apply, and a parent who disagrees can request an expedited due process hearing. Part VIII has a picture of this decision flow.

What information must the team review?

The regulation requires the team to review **all relevant information in the student's file**, including the IEP, teacher observations, and any relevant information provided by the parents. That includes:

- Outside diagnoses and private evaluations in the file or brought by the parent
- Medical or psychiatric records the parent has shared
- Discipline history and patterns (time of day, setting, triggers)
- Prior FBAs, BIPs, and progress data
- Recent changes: medication, hospitalization, family events
- Whether the IEP, BIP, and accommodations were actually carried out

My child's eligibility is SLD, but the team knows about ODD or DMDD. Can the MDR look only at the learning disability?

No. The team must review all relevant information, including every condition the school knows about or the parent has shared, not only the eligibility category. The law asks whether the behavior relates to "the child's disability," and the category is simply how a student qualified for services. Section 504 points the same way: a school may not discipline a student for behavior it knows is disability-based. IDEA also requires evaluations to identify all of a child's needs, whether or not they are commonly linked to the category (34 CFR 300.304(c)(6)).

So if the school knows a student has DMDD, and the behavior was an explosive outburst after a frustrating moment, a team that asks only "Is hitting a peer related to a reading disability?" is asking the wrong question. If the team declines to consider a known condition, ask that its reasoning be written into the prior written notice. Two more points:

- **A known condition not addressed in the IEP is a red flag.** If the school knew about emotional or behavioral needs and the IEP has no behavior goals, supports, or BIP, the team should look hard at question 2 and at whether the IEP was appropriate.
- **The team can order an evaluation.** If the team suspects a disability it hasn't evaluated, it can reevaluate. Don't let the MDR be the only moment the full picture gets examined.

Can the team conclude the behavior wasn't related even with a diagnosis?

Yes. A diagnosis doesn't automatically mean every behavior is a manifestation. The team has to look at the specific conduct and how the condition affects this child. That's why the functional information you share (triggers, warning signs, what escalation looks like) matters as much as the label.

How should I prepare for an MDR?

- **Request the file in advance**, including discipline records, incident reports, and any witness statements.
- **Bring or resend outside records** and ask that they be considered on the record.
- **Ask your child's provider for a short letter** describing how the condition can show up in behavior like the incident in question.
- **Bring notes on recent changes** in medication or symptoms, and any earlier warnings you shared with the school.
- **Ask how the IEP and BIP were implemented** on the day of the incident and the days before.
- **Bring someone with you** if it helps: a spouse, advocate, or trusted friend.

What if I disagree with the decision?

You can request an expedited due process hearing, which must be held within 20 school days of the request, with a decision within 10 school days after the hearing (34 CFR 300.532). Your child generally remains in the interim setting until the hearing officer decides or the removal period ends, whichever comes first, unless you and the school agree otherwise (34 CFR 300.533).

If your child doesn't have an IEP or 504 plan yet

Your child may still be protected if the school "knew or should have known" about a possible disability before the behavior happened (34 CFR 300.534).

When is the school considered to have known?

If, before the incident, any of these happened:

- You expressed concern **in writing** to a teacher or administrator that your child needs special education.
- You **requested an evaluation**.
- A teacher or other staff member expressed **specific concerns about a pattern of behavior** directly to the special education director or other supervisory staff.

This is one more reason to put concerns in writing.

When don't these protections apply?

If you refused an evaluation or refused services, or your child was evaluated and found not eligible.

Can I ask for an evaluation during a disciplinary process?

Yes, and the school must conduct it on an expedited basis. Your child can be disciplined in the meantime, but if found eligible, IDEA protections then apply. Tell the school right away and request an evaluation in writing.

Safety and crisis

What happens if my child says something about hurting themselves or others?

Schools have protocols for these situations. Usually staff keep your child safe, notify you, and connect your family with mental health resources. Ask the counselor to walk you through your school's protocol now, before you need it.

Should my child have a crisis or safety plan at school?

If your child has had a mental health crisis, a written plan helps everyone respond calmly: warning signs, what helps, who to contact, and a safe adult and place at school. It can be part of the IEP, 504 plan, or health plan.

Can my child be restrained or secluded?

Rules are set mostly by state law. See the restraint and seclusion section of Part VIII for your notification and documentation rights.

Does my child's mental health information follow them to a new school?

Education records, including the IEP, evaluations the school holds, and discipline records, transfer with your child. Private records you shared stay in the file if the school kept them as part of the education record. Ask what is in the file before a move.

What should I do right now if I'm worried?

Put your concerns in writing, request a meeting, and ask for an FBA or evaluation if needed. Early, written, collaborative action prevents far more problems than any hearing solves.

Questions to ask at the table

These work at an IEP meeting, a 504 meeting, or an MDR.

- Who is my child's go-to adult at school, and where can they go when overwhelmed?
- How will teachers know about my child's plan, including substitutes?
- How will you tell me if you notice warning signs?

- Does my child's plan address attendance and making up work?
- What is the school's crisis protocol?
- Does the team have all the information I've shared, including outside evaluations and diagnoses?
- Does the IEP or 504 plan address my child's emotional and behavioral needs, not just academics?
- Has an FBA been done? When was the BIP last updated, and is it working?
- How many days has my child been removed this year, including early pick-ups and shortened days?
- Were the IEP or 504 plan, BIP, and accommodations followed on the day of the incident?
- What did staff see before the behavior started? What happened right before?
- Does my child's plan say how school rules apply when they use an accommodation, such as leaving class for a calm space?
- Is the proposed consequence the same one a student without a disability would receive for the same conduct?
- Should the team reevaluate to look at needs we haven't assessed, or consider whether an IEP is needed instead of a 504 plan?
- What will services look like if my child is removed for more than 10 days? (For a 504-only student: will any services continue?)
- What is the plan for helping my child return and succeed?

Quick reference: federal rules

Topic	What the law says	Citation
Medication	School can't require a controlled-substance prescription to attend, be evaluated, or get services	34 CFR 300.174
Code of conduct	Schools may consider unique circumstances case by case before a disciplinary change of placement	34 CFR 300.530(a)
Short removals	Up to 10 school days a year allowed, same as peers	34 CFR 300.530(b)
Services after day 10	Services continue from the 11th day of removal in a school year	34 CFR 300.530(d)
Change of placement	More than 10 consecutive days, or a pattern of removals totaling more than 10	34 CFR 300.536
MDR timeline	Within 10 school days of the decision to change placement	34 CFR 300.530(e)
MDR review	All relevant information, including parent-provided information	34 CFR 300.530(e)

Topic	What the law says	Citation
If a manifestation	FBA/BIP; return to placement	34 CFR 300.530(f)
45-day exceptions	Weapons, drugs, serious bodily injury	34 CFR 300.530(g)
Expedited hearing	Hearing within 20 school days; decision within 10 more	34 CFR 300.532
Placement during appeal	Interim setting until decision or end of removal, unless agreed otherwise	34 CFR 300.533
Not yet eligible	Protected if school had a "basis of knowledge"	34 CFR 300.534
Police referrals	Schools may report crimes; must send special education and discipline records	34 CFR 300.535
504 eligibility	Decided without considering medication or other mitigating measures; episodic conditions count	42 U.S.C. 12102(4)
504 discipline	Reevaluation before a significant change in placement	34 CFR 104.35(a)
504 drugs and alcohol	Current users may be disciplined for those offenses like any student	29 U.S.C. 705(20)(C)(iv)
504 safeguards	Notice, records review, impartial hearing, review procedure	34 CFR 104.36
OCR complaint	Generally within 180 days of the discrimination	OCR complaint process

State law may add protections or timelines. Federal guidance documents can change between administrations; the statutes and regulations cited here are what bind schools.

★ Same Team tip

Keep a short one-page profile of your child: strengths, triggers, early warning signs, and what helps. Give it to each new teacher. It saves time and helps adults respond well from the first day. (A template is in the Family Toolkit.)

Where this comes from

IDEA Part B regulations, 34 CFR Part 300 (especially §300.8(c)(4) and (c)(9) definitions of Emotional Disturbance and Other Health Impairment, §300.34, §300.174, §300.304, §300.502, §§300.530–300.536); Section 504 regulations, 34 CFR Part 104 (especially §§104.35 and 104.36); ADA Amendments Act of 2008, 42 U.S.C. 12102; Rehabilitation Act, 29 U.S.C. 705(20)(C)(iv); FERPA (34 CFR Part 99); *Mahanoy Area School District v. B.L.*, 594 U.S. 180 (2021); U.S. Department of Education, OSEP, *Questions and Answers: Addressing the Needs of Children with Disabilities and*

IDEA's Discipline Provisions (July 2022); OCR, *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504* (July 2022); OCR, *Frequently Asked Questions: Disability Discrimination*.

PART X

When You Disagree

SAME TEAM · Parent and Family Guide

Disagreeing with the school doesn't make you difficult, and it doesn't have to end the partnership. This Part explains your options, from a simple conversation to a formal hearing, so you can choose the one that fits. It also covers what happens when the school proposes ending services, or when you decide to revoke consent.



Start close to your child

What should I try first?

Most disagreements are resolved informally. Try these first:

1. **Talk with the teacher or case manager.** Be specific about the concern and what you'd like to see.
2. **Put it in writing.** A short email creates a record: what you asked, when, and what you were told.
3. **Ask for an IEP or 504 meeting.** You can request one anytime.
4. **Go up a level.** Contact the principal, then the district special education director.

What is prior written notice?

When the school proposes or refuses to start or change your child's identification, evaluation, placement, or services, it must give you prior written notice explaining what it proposed or refused and why. If you didn't receive one after a decision you disagree with, ask for it. It clarifies exactly what you're disagreeing with.

What is a facilitated IEP meeting?

Many states offer a neutral facilitator, free of charge, to help run a difficult IEP meeting. The facilitator doesn't decide anything; they keep the meeting focused and productive. Ask your district or state education agency whether it's available.

Formal options under IDEA

Option	What it is	Good for	Timeline
Mediation	A voluntary, confidential meeting with a trained, neutral mediator, at no cost to you	Working out an agreement while keeping the relationship	Scheduled promptly; agreements are written and legally binding
State complaint	A written complaint to your state education agency that the school violated IDEA	Clear violations of the law, like missed timelines or services not provided	Generally must be filed within 1 year; the state usually decides within 60 days
Due process complaint	A request for a hearing before an impartial hearing officer	Serious disputes about eligibility, services, placement, or FAPE	Generally within 2 years (your state may differ); a resolution meeting within 15 days; hearing decision about 75 days after filing if not resolved

How does mediation work?

Both you and the school must agree to participate. A neutral mediator helps you talk through the issues. Discussions are confidential and can't be used later in a hearing. If you reach agreement, it's written down and signed, and it's enforceable.

How does a state complaint work?

You send a signed, written complaint to your state education agency describing the violation, the facts, and a proposed resolution. The state investigates and issues a written decision, and can order the school to fix the problem, including providing compensatory services. It's free and doesn't require a lawyer.

How does due process work?

You file a written complaint with the school and the state. Unless both sides agree to skip it or use mediation, the school must hold a **resolution meeting** within 15 days. If the dispute isn't resolved within 30 days, the case goes to a hearing where each side presents evidence and witnesses. The hearing officer's decision can be appealed to court. If you win, you may be able to recover attorney's fees.

What happens to my child's services during a dispute?

During due process, your child generally stays in their current placement ("stay put") unless you and the school agree otherwise. Discipline disputes have special rules; see Part VIII.

Section 504 and civil rights

What if the issue is a 504 plan or discrimination?

You can use your district's 504 grievance procedure or request an impartial hearing. You can also file a complaint with the U.S. Department of Education's Office for Civil Rights, generally within **180 days** of the discrimination.

Choosing a path

Do I need a lawyer?

Not for talking with the school, a facilitated meeting, mediation, or a state complaint. Many families use a free Parent Training and Information Center or an advocate. For due process, many families work with an attorney; your state's Protection and Advocacy organization may help.

How do I keep the relationship intact?

Stay focused on your child and on specifics. "He hasn't received speech services since October" moves things forward. Thank people for what's working, even while you push on what isn't.

When the school proposes ending services

Special education isn't meant to last forever for every child, but ending it is a big decision.

How does a child leave special education?

In one of three ways:

1. **The team finds your child is no longer eligible**, after a reevaluation
2. **Your child graduates with a regular high school diploma**

3. **Your child ages out**, usually at 21 or 22 depending on your state

Can the school just stop services?

No. Before deciding your child is no longer eligible, the school must **reevaluate**. It must also give you prior written notice explaining its proposal and reasons. The exceptions are graduation with a regular diploma and aging out, when the school instead gives your child a Summary of Performance.

What should the reevaluation show?

That your child no longer has a disability that needs special education. Ask: Is my child succeeding **because** of the supports? What happens if they're removed? Would a 504 plan still be needed?

What if I disagree?

Say so in writing, ask for the data, and consider requesting an independent evaluation. If you file for due process, your child generally stays in their current program ("stay put") while the dispute is decided.

Does my child lose all protections?

Not necessarily. A student who leaves special education may still qualify for a Section 504 plan (Part VII). Ask the team to consider it before services end.

When a parent wants to end services

Can I stop special education services for my child?

Yes. You can revoke your consent for special education and related services **in writing** at any time. The school must give you prior written notice and then stop services. It can't use mediation or due process to override your decision.

Can I revoke consent for just one service?

Under IDEA, revoking consent ends **all** special education and related services. If you disagree with one part of the IEP, such as a particular service or placement, use the IEP process or the dispute options above instead.

What happens after I revoke consent?

- Your child becomes a general education student
- The IEP no longer applies
- The school doesn't have to remove special education records
- In most cases, your child no longer has IDEA's discipline protections

- Your child may still qualify for a 504 plan

Can we change our minds later?

Yes. You can request a new evaluation at any time. It's treated as an initial evaluation, which means new consent and new timelines.

Why might a family consider revoking consent?

Some families feel services aren't helping, worry about stigma, or want a different approach. Before deciding, talk with the team about your concerns. Often the answer is changing the IEP, not ending it.

Questions to ask

When you disagree

- What exactly are we disagreeing about?
- Can I have the prior written notice for this decision?
- Does our state offer facilitated IEP meetings?
- Who is the district's 504 coordinator and special education director?
- What is my state's timeline for complaints and hearings?

When services may end

- What data show my child no longer needs special education?
- What supports will my child have after services end?
- Should we consider a 504 plan?
- How will we know if my child starts struggling again?
- If I revoke consent, what protections will my child lose?

★ Same Team tips

Write down the outcome you want before you escalate. If you can describe it in one or two sentences ("I want her to receive the 30 minutes of speech her IEP says, and make-up sessions for what she missed"), you're much more likely to get it.

Plan exits gradually when you can. Fading supports over a semester, with data along the way, gives everyone confidence that your child is ready.

Where this comes from

IDEA regulations: revocation of consent (34 CFR §300.300(b)(4)), reevaluation before a change in eligibility and Summary of Performance (§300.305(e)), prior written notice (§300.503), procedural safeguards notice (§300.504), mediation (§300.506), due process complaints and resolution process (§§300.507–300.510), hearing timelines (§300.515), attorney's fees (§300.517), stay put (§300.518), protections for children not yet eligible (§300.534(c)), state complaints (§§300.151–300.153); Section 504 procedural safeguards (34 CFR §104.36); OCR complaint process.

PART XI

Special Situations

SAME TEAM · Parent and Family Guide

Your child's rights travel with them, but how they apply depends on where and how your child is learning. This Part covers moving schools, charter, private, and home school, shortened days, homebound and virtual instruction, attendance, and language access.

At a glance: your child's rights by setting

Setting	IEP and full IDEA rights?	What the school must do
Public school in a new district, same state	Yes	Provide comparable services right away until it adopts the IEP or writes a new one
Public school in a new state	Yes	Provide comparable services right away until it evaluates (if needed) and writes a new IEP
Public charter school	Yes	Same as any public school; can't turn your child away because of a disability
Private school you chose	Usually no	District where the private school sits must find and evaluate, and may offer "equitable services" in a services plan
Private school the IEP team chose	Yes	The district pays; all IEP rights continue
Homeschool	Depends on your state	Every state must still find and evaluate children who may have disabilities
Public virtual school	Yes	Same rights to an IEP, services, and accommodations, delivered online
Homebound or hospital	Yes	A placement decision by the IEP team; the IEP still applies

Moving schools

Your child's services shouldn't stop because your family moved.

We're moving to a new district in the same state. What happens?

The new district must provide your child a free appropriate public education, including services **comparable** to those in the current IEP, in consultation with you, until it either adopts the existing IEP or develops a new one. Services start when your child starts.

We're moving to a different state. What happens?

The new district must provide services comparable to those in the current IEP, in consultation with you, until it conducts an evaluation (if it decides one is needed) and develops a new IEP. Because each state has its own eligibility rules, the new state may want its own evaluation.

What does "comparable" mean?

Similar or equivalent services. The new school doesn't have to use the same program or provider, but it can't simply stop services or wait for a new evaluation before providing anything.

What if the new school says we have to wait?

Politely point out that comparable services are required right away. Bring a copy of the IEP, and ask for the name of the person responsible for providing services while the new plan is being developed.

Does my child's 504 plan transfer?

Section 504 protects your child in every public school. The new school should review the existing plan and evaluation and decide how to meet your child's needs. Share the plan right away and ask for a 504 meeting.

How do records get to the new school?

Both schools must take reasonable steps to promptly request and send your child's records, including the IEP, supporting documents, and evaluations. Don't count on it happening quickly.

What should I bring myself?

A **moving folder** with copies of:

- The current IEP or 504 plan
- The most recent evaluation reports
- Recent progress reports and report cards
- Behavior plans, health plans, and medication forms
- Any outside evaluations or medical documentation
- Contact information for the previous case manager

We're a military family. Is there extra help?

The Interstate Compact on Educational Opportunity for Military Children, adopted by every state, helps with enrollment, records, placement, and graduation for children of active-duty families. Ask the new school for its military liaison.

What if we're moving because of homelessness?

Under the McKinney-Vento Act, children experiencing homelessness must be enrolled immediately, even without records, and can often stay in their school of origin. Contact the district's homeless liaison (see Part II, "Who counts as the parent").

We're moving in the middle of an evaluation. Does it start over?

The old and new schools should coordinate to finish it quickly. The new district can take a little longer than the usual timeline only if it's making sufficient progress and you agree to a specific completion date.

Charter, private, and home school

Your child's rights depend on the type of school and on who chose it.

Do charter schools have to follow special education law?

Yes. Public charter schools are public schools. Your child has the same rights there as in any public school: evaluation, an IEP, services, and a free appropriate public education.

Can a charter school turn my child away because of a disability?

No. A charter school can't refuse your child, or push them to leave, because of a disability. It must provide the services in your child's IEP.

My child goes to a private school we chose. Do they get an IEP?

Usually not. When parents choose a private school, the child doesn't get the full set of rights they'd have in public school. But the public school district where the private school is located must:

- **Find and evaluate** private school students who may have disabilities
- Talk with private schools and parents about how it will spend a set amount of federal money
- Offer some eligible students **"equitable services,"** written in a **services plan**

These services may be limited. The district decides which services to offer.

Can I still get an evaluation?

Yes. Contact the school district where the private school is located. If you're thinking about public school, you can also ask your home district to evaluate your child and offer an IEP.

What if I think the public school can't meet my child's needs?

Some families move their child to a private school and ask the public district to pay. A hearing officer or judge may order the district to repay tuition if:

1. The district didn't offer an appropriate program in time, **and**
2. The private school is appropriate for your child

Do I have to tell the district first?

Yes, and this step matters. Before you move your child, you must tell the district that you reject its offer and plan to enroll your child in private school at public expense. You can say this at the last IEP meeting, or write to the district at least **10 business days** before your child leaves. If you don't, the district may not have to repay you. Talk with a lawyer or advocate before taking this step.

What if the IEP team places my child in a private school?

If the public school team decides your child needs a private or special school, the district pays. Your child keeps all their IEP rights.

Can a homeschooled child get special education?

It depends on your state. Some states treat homeschools like private schools, so the private school rules above apply. Other states let homeschooled children get some public school services. In every state, the public school must still find and evaluate children who may have disabilities. Ask your district and your state education agency how it works where you live.

Shortened days, homebound, and virtual instruction

Your child has a right to a full school day, just like classmates without disabilities, unless the IEP team decides otherwise for your child's own needs.

The school keeps calling me to pick my child up early. Is that allowed?

Repeated early pick-ups for behavior can count as **disciplinary removals**, even if no one calls them suspensions. They add up toward the 10-day limit and can trigger IDEA's discipline protections (Part VIII). Log every call and pick-up, and ask for an IEP meeting.

Can the school put my child on a shortened day?

Only if the IEP team decides it's necessary because of your child's individual needs, such as a medical condition or a carefully planned, temporary transition. A shortened day should never be used because of staffing shortages, lack of a program, or to manage behavior the school hasn't planned for.

What should a shortened-day plan include?

- The reason, based on your child's needs
- The exact schedule
- How your child will get the services in the IEP
- A plan and timeline to return to a full day
- Dates for the team to review progress

What if I didn't agree to a shortened day?

Say so in writing, ask for prior written notice explaining the decision, and request an IEP meeting to plan for a full day with the supports your child needs. You can use the options in Part X if needed.

What is homebound instruction?

Instruction at home or in a hospital for a student who can't attend school, usually for medical or mental health reasons. Most states require a doctor's statement and set a minimum number of hours.

Is homebound a placement decision?

Yes. For a student with an IEP, moving to homebound instruction is a change in placement that the IEP team must decide, with you. The IEP still applies, and the team decides how services will be delivered at home. Homebound should not be used as a substitute for discipline procedures.

Does the IEP apply in virtual school?

Yes. Students with disabilities in public virtual or online schools have the same rights to an IEP, services, and accommodations. The team decides how each service and accommodation will work online.

What should I watch for in virtual school?

Whether related services actually happen, whether your child can use the platform independently, and whether you're being expected to deliver services yourself. Parents can support learning at home, but they shouldn't be expected to replace school staff.

My child is missing a lot of school. Is it a truancy problem?

It may be connected to the disability, such as anxiety, a health condition, or bullying. Share what's happening with the team and ask for a meeting. The IEP or 504 plan can include a plan for attendance, such as a gradual return, a morning check-in, a safe place, or modified workload.

Can the school file truancy charges?

State truancy laws still apply. But when absences are disability-related, the team should address them through the IEP or 504 plan. Keep records of medical appointments and illnesses.

Language access for families

You have the right to understand and take part in your child's education in the language you understand best.

Does the school have to provide an interpreter?

Yes. Federal law requires schools to communicate meaningfully with parents who have limited English proficiency, including at IEP and 504 meetings, conferences, and discipline meetings. For special education meetings, the school must take whatever action is needed to make sure you understand, including arranging an interpreter. This is free.

Do documents have to be translated?

Important notices, such as prior written notice and the procedural safeguards notice, must be provided in your native language unless that's clearly not feasible. Consent is only valid if you were informed in your native language. Many districts also translate IEPs or provide an interpreter to read them with you. Ask for what you need.

Can my child interpret for me?

The school shouldn't rely on your child, other students, or untrained staff to interpret. Interpreters should be trained and able to handle special education terms.

What if I'm deaf or hard of hearing?

The school must provide a sign language interpreter or other communication access for meetings at no cost.

How do I ask?

Tell the school which language you prefer, in writing if you can, and ask for an interpreter at every meeting. If an interpreter isn't provided, you can ask to reschedule.

Can a child learning English also have a disability?

Yes. Learning a new language and having a disability can happen at the same time. A child shouldn't be kept from evaluation just because they're learning English, and they shouldn't be identified as having a disability just because of language differences.

How should my child be evaluated?

In the language and form most likely to give accurate information about what your child knows and can do, usually their native language, unless that's clearly not feasible. Evaluators should consider your child's language history, schooling, and culture. Share what you see at home, including how your child uses your family's language.

Can my child get both English learner services and special education?

Yes. A student who qualifies for both must receive both. Special education doesn't replace English language services, and the IEP should consider your child's language needs.

Questions to ask

A new school

- Who is my child's case manager, and when do services begin?
- What comparable services will my child receive right now?
- Do you plan to adopt the current IEP, write a new one, or evaluate?
- Have you received my child's records?
- How will teachers and providers learn about my child before the first day?

Charter, private, or home school

- Which district is responsible for evaluating and serving my child?
- What services are available to private school students?
- Can I see my child's services plan?
- If we come back to public school, how soon can an IEP be in place?

Shortened days and attendance

- How many days or partial days has my child been sent home this year?
- What is the plan to return my child to a full day, and by when?
- How will IEP services be delivered at home or online?
- What supports can help my child attend more consistently?

Language access

- Will an interpreter be at every meeting?

- Can I get the IEP and notices in my language?
- Was my child evaluated in their native language? If not, why?
- How is the team making sure my child's struggles aren't only about learning English?
- How will my child receive both language services and special education?

★ Same Team tips

Ask the old case manager to call the new one. A 15-minute conversation between professionals often shares more than a stack of paperwork.

If you're thinking of leaving public school because of a disagreement, try one more meeting first. Put your specific requests in writing. It may solve the problem, and if not, it creates the record you'll need.

If you're being called to pick up your child often, ask for a meeting framed around a shared goal: "Let's make a plan so my child can stay all day." It turns the calls into data the team can use.

Before a meeting, ask for a few minutes alone with the interpreter to review key words. It helps the whole meeting go more smoothly.

Where this comes from

IDEA regulations: transfers within and between states and records transmittal (34 CFR §300.323(e)–(g)), evaluation timelines when a child transfers (§300.301(d)–(e)), charter schools (§300.209), parentally placed private school children (§§300.130–300.144), placement of children by parents when FAPE is at issue (§300.148), children placed in private schools by public agencies (§§300.145–300.147), placement and continuum including home and hospital instruction (§§300.115–300.116), disciplinary removals (§§300.530, 300.536), native language (§300.29), consent (§300.9), interpreters (§300.322(e)), notices in native language (§300.503(c)), nondiscriminatory evaluation (§300.304(c)(1)), limited English proficiency and eligibility (§300.306(b)), language needs in the IEP (§300.324(a)(2)(ii)); Section 504 (34 CFR Part 104); Title VI of the Civil Rights Act and U.S. Departments of Education and Justice, *English Learner Students and Limited English Proficient Parents* guidance (2015); Interstate Compact on Educational Opportunity for Military Children; McKinney-Vento Homeless Assistance Act; state homeschool, homebound, and attendance laws.

PART XII

From Preschool to Adulthood

SAME TEAM · Parent and Family Guide

The two biggest handoffs in special education happen at age 3 and at the end of high school. Planning early keeps support from falling through the cracks. This Part covers the move from early intervention to preschool, the transition plan in the IEP, turning 18, SSI benefits, vocational rehabilitation, and preparing for college.

Early childhood: from early intervention to preschool

When your child turns 3, services move from early intervention to the public school system.

What's the difference between early intervention and preschool special education?

	Early intervention (Part C)	Preschool special education (Part B)
Ages	Birth to 3	3 to 5 (and on through school age)
Run by	A state lead agency (varies by state)	Your local school district
Plan	Individualized Family Service Plan (IFSP)	Individualized Education Program (IEP)
Focus	The child and family, often at home or in daily routines	The child's learning and development for school
Services	Delivered in natural environments like home and child care	Delivered in preschool settings, ideally with children without disabilities

My child isn't in early intervention. Can the school still help?

Yes. School districts must find and evaluate children ages 3 to 5 who may have disabilities, even if they've never received services. You can request an evaluation in writing from your district (see Part III).

When does transition planning start?

The early intervention program must develop a transition plan with you at least 90 days before your child's third birthday (and up to nine months before). With your consent, it holds a **transition conference** with the school district at least 90 days before the birthday.

What happens next?

The school district evaluates your child (with your consent) to decide whether they're eligible for preschool special education. Eligibility for early intervention doesn't automatically mean eligibility at 3; the criteria are different.

When must services start?

By your child's third birthday, the school must have an IEP (or, in some states, an IFSP) in place for an eligible child. If your child's birthday falls in the summer, the IEP team decides when services begin.

What disability categories apply at this age?

Many states use **developmental delay** for young children, covering delays in physical, cognitive, communication, social-emotional, or adaptive development. Your child may also qualify under a specific category, such as autism or speech-language impairment.

Where will my child receive services?

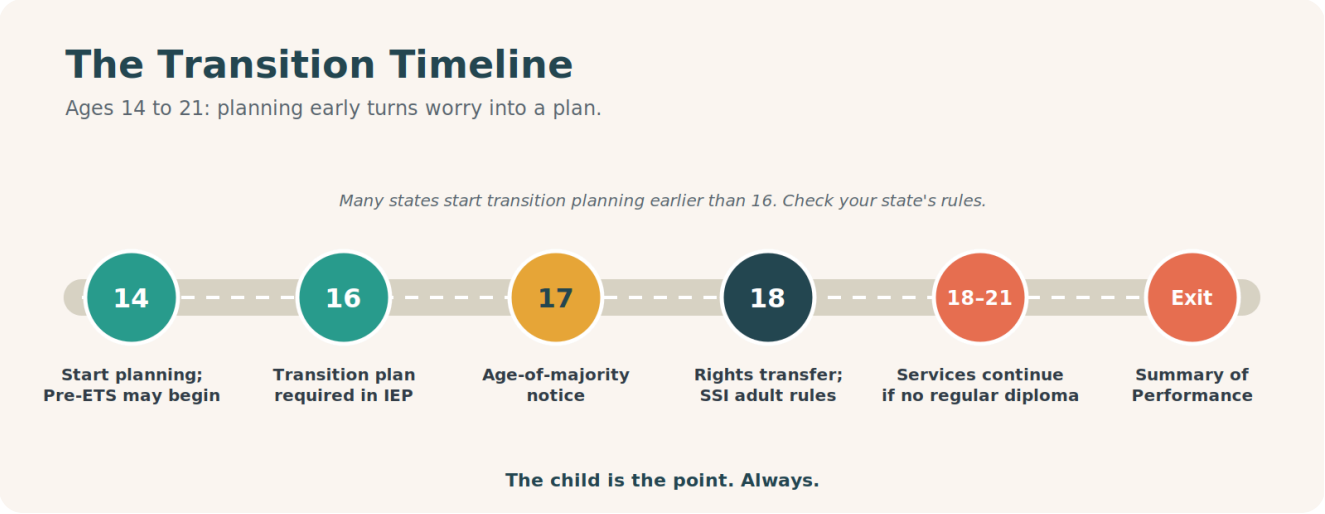
The least restrictive environment applies to preschoolers too. Options can include a public preschool classroom with children without disabilities, a community child care or Head Start program with services brought in, a special education preschool class, or services at home. Ask what inclusive options your district offers.

Can my child keep an IFSP after 3?

Some states let families choose to continue early intervention services under an IFSP past age 3. Ask your early intervention coordinator whether your state offers this.

Transition to adulthood

The teen years go fast. Planning early helps your child move from school to work, more learning, and adult life.



When does planning start?

The law says the IEP must include a transition plan by the time your child turns **16**. Many states start at 14. You can ask to start sooner. It takes years to build the skills your child will need.

What goes in the plan?

- **Tests and surveys** about your child's interests, strengths, and needs
- **Goals for after high school:** school or training, a job, and, if needed, living on their own
- **Services and classes** that help your child reach those goals
- **Links to adult agencies**, like vocational rehabilitation, if you agree

What does a goal for after high school look like?

It says what your child will do **after** they finish school. For example:

- "After high school, Maya will work part time at a store or animal shelter, with support if needed."
- "After high school, Jordan will take a car repair program at the community college."

Should my child go to IEP meetings?

Yes. Your child must be invited when the team talks about life after high school. Even a small role helps. Your child might share one thing that helps them learn. This builds the skills they'll need to speak up as an adult.

How long can my child stay in school?

If your child doesn't earn a regular diploma, they can usually get services until age 21 or 22. The age depends on your state. A regular diploma ends special education services. Talk with the team before your child graduates about whether more time would help.

What is a Summary of Performance?

When your child leaves school, the school gives them a written summary. It describes their skills and gives ideas for reaching their goals. It's useful for colleges, jobs, and adult agencies.

Turning 18

What changes at 18?

In most states, your rights in special education pass to your child at 18. The school will send notices to your child. Your child will make the decisions. The school must tell you both about this at least one year ahead.

Do I need guardianship?

Not always. Guardianship is a court process. It takes away some or all of a person's right to make their own choices. Many young adults do well with other options that keep them in charge:

Option	What it does
Supported decision-making	Your child picks trusted people to help them make choices. Many states accept a written agreement.
Power of attorney	Your child lets someone act for them in certain areas, like money.
Health care proxy	Names someone to make medical choices if your child can't.
Education representative	In some states, your child can name someone to help with school decisions.
Limited guardianship	A court gives someone power only in certain areas.

The options are listed from the most independence to the least. A disability rights group or lawyer in your state can help you choose.

SSI benefits

What is SSI?

SSI (Supplemental Security Income) is a monthly payment from Social Security. It's for people with disabilities who have little income and few savings. In most states, SSI also comes with Medicaid health coverage.

Why does 18 matter?

Before 18, Social Security counts the parents' income and savings. At 18, it usually counts only **your child's own** income and savings. Many young adults who didn't qualify as children can qualify at 18. Many families apply around the 18th birthday.

How does Social Security decide?

For adults, Social Security asks whether your child's disability keeps them from working enough to support themselves. If your child got SSI as a child, Social Security reviews it again at 18 using the adult rules.

Can my child work and still get SSI?

Often, yes. Special rules let people keep some benefits while they work. An ABLE savings account can also help your child save without losing SSI, up to a limit. A free benefits counselor can help. Ask your state's Work Incentives Planning and Assistance (WIPA) program.

Help with jobs: vocational rehabilitation

What is vocational rehabilitation (VR)?

Every state has a VR agency. It helps people with disabilities get ready for work, find a job, and keep it. Help can include career advice, job training, help with college, job coaching, and tools like assistive technology.

Can my child get VR help while still in school?

Yes. Students with disabilities can get "Pre-Employment Transition Services," usually between ages 14 and 21, depending on your state. These include:

- Learning about different jobs
- Work experiences, like job shadowing and internships
- Advice about college and training
- Learning job skills, like being on time and working with others
- Learning to speak up for themselves

Your child can often get these without a full VR application.

When should we contact VR?

Well before graduation, around age 14 to 16. Ask the IEP team to invite a VR counselor to a meeting, with your permission.

Preparing for college

In college, the IEP and 504 plan don't come along. Your child, not you, is in charge.

Does the IEP or 504 plan go to college?

No. Special education ends when your child graduates with a regular diploma. Colleges don't write IEPs or follow high school 504 plans. Instead, each college has a disability services office that sets up accommodations.

How is college different from high school?

	High school	College
Laws	IDEA and Section 504	Section 504 and the ADA
Who starts the process	The school must find students who need help	The student must go to disability services and ask
Who is in charge	Parents and the IEP team	The student
What students get	Special teaching, services, accommodations, and changes to the work	Accommodations only; the class requirements stay the same
Testing	The school tests for free	The student shows proof of disability, sometimes at their own cost
Parent access	Parents see records and attend meetings	The student decides what parents can see

What is the disability services office?

It's the college office that handles accommodations. It may be called Disability Services, Accessibility Services, or something similar. Your child fills out a form, shares documents, and meets with a staff member.

What accommodations can my child get?

Accommodations help your child have equal access without changing what the class requires. Common ones:

- Extra time on tests
- A quiet testing room
- Notes or permission to record lectures
- Audio or digital textbooks
- Early class registration
- Housing or dining accommodations

What won't my child get?

Colleges don't change what a class requires. That means no shorter assignments or easier grading. Colleges also don't usually provide a personal aide or one-on-one tutoring, unless they offer it to all students.

Can I call the college for my child?

Usually, the college will talk with your child, not you. In college, privacy rights belong to the student at any age. Your child can sign a form that lets the college share information with you.

Does my child have to tell the college about their disability?

No. It's their choice. But the college can't help with needs it doesn't know about. Accommodations usually don't change grades your child already earned. Encourage your child to sign up with disability services before classes start.

What papers will the college want?

It depends on the college. Many accept:

- Your child's own description of their needs
- Recent evaluations
- A letter from a doctor or other provider
- The IEP, 504 plan, or Summary of Performance

Check each college's website. Get copies of your child's records before graduation.

What skills should my child practice now?

- Explaining their disability and what helps, in a sentence or two
- Asking teachers for accommodations on their own
- Using supports that colleges offer, like extra time and text-to-speech
- Keeping track of deadlines and medications
- Leading part of their own IEP or 504 meeting

What about the SAT and ACT?

The testing companies decide on accommodations for the SAT, PSAT, AP exams, and ACT, not the high school. Requests usually go through the school counselor. They can take several weeks, so start early.

What should we do senior year?

- Get copies of the IEP or 504 plan, recent evaluations, and the Summary of Performance

- Look up disability services at each college your child is considering
- Visit the disability services office on college tours
- Check that evaluations are recent enough for the colleges
- Have your child practice calling or emailing offices

Are there college programs for students with intellectual disability?

Yes. Many colleges have programs for students with intellectual disability. Some are approved for certain federal financial aid. Think College (thinkcollege.net) can help you find them.

Questions to ask

Early childhood

- When will the transition conference happen, and who will attend?
- What evaluations will the school do, and when?
- What preschool settings with children without disabilities are available?
- How will my child's early intervention providers share what they've learned?
- What happens if my child's birthday falls during the summer?

Transition

- What did the transition tests show about my child?
- How do my child's classes connect to their goals?
- When will we invite vocational rehabilitation?
- Which rights will pass to my child at 18? How are you preparing them?
- Should my child accept a diploma now, or keep getting services?

Each college

- What documents do you need, and how recent must they be?
- How long does approval take?
- How do professors find out about accommodations?
- Do you offer academic coaching? Is there a cost?
- What happens if a professor doesn't provide an accommodation?

★ Same Team tips

Ask your early intervention providers to write a short summary of what works for your child: routines, communication strategies, and favorite activities. It gives the preschool team a strong head start.

Start with your child's dreams, then plan backward. A goal your child cares about, like working with animals or living with friends, gives every year of planning a purpose.

Slowly hand over the steering wheel during high school. Let your child email teachers and explain their own needs while you coach from the passenger seat. It's the best practice for the day they drive alone.

Where this comes from

IDEA Part C regulations on transition (34 CFR §303.209); IDEA Part B regulations: transition from Part C (§300.124), IEP or IFSP for children ages 3 through 5 (§300.323(b)), developmental delay (§300.8(b)), Child Find (§300.111), transition services (§300.43), IEP transition content and transfer of rights (§300.320(b)–(c)), student participation (§300.321(b)), graduation (§300.102(a)(3)), summary of performance (§300.305(e)(3)), transfer of rights at the age of majority (§300.520); Workforce Innovation and Opportunity Act, Pre-Employment Transition Services (34 CFR §361.48(a)); Social Security Administration SSI rules; Section 504 (34 CFR Part 104, Subpart E, postsecondary education) and Titles II and III of the ADA; FERPA (34 CFR Part 99); U.S. Department of Education, Office for Civil Rights, *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*.

PART XIII

Your Child's Voice

SAME TEAM · Parent and Family Guide

Children usually know when something is hard for them. Hearing about it from you, honestly and kindly, helps them understand themselves and speak up for what they need. This Part offers ways to start the conversation at any age, then turns the page over to your child.

Talking with your child about their disability

Should I tell my child they have a disability?

In most cases, yes, in a way that fits their age. Children often notice they're different before anyone explains it. Without an explanation, many decide they're "dumb," "bad," or "lazy." A clear, positive explanation replaces those stories with the truth.

What are the benefits?

- Your child understands why some things are hard, and that it's not their fault
- They learn what helps them, and can ask for it
- They're more likely to use their accommodations
- They're better prepared to lead their own IEP meetings, and to speak up in college, at work, and in life

When should I start?

Early, and often. It's not one big talk. It's many small conversations that grow as your child grows. A good time is when your child asks a question, struggles with something, or starts getting a new support.

What are the key messages?

- **Everyone's brain works differently.** Some things are easy for you, and some are hard. That's true for everyone.
- **Your disability is one part of you, not all of you.** Name their strengths, often.
- **It's not your fault,** and it's not because you aren't trying.
- **Supports are tools,** like glasses for eyes. They help you show what you know.
- **You're not alone.** Many kids, and many successful adults, have the same thing.

- **We're on your team,** and so are your teachers.

Should I use the actual name, like "dyslexia" or "autism"?

Usually, yes. A real name gives your child words to understand and explain themselves, and helps them find others like them. Say it calmly and matter-of-factly, just like any other fact about them.

Some people say "autistic person" and some say "person with autism." Which is right?

People feel differently. Many in the autistic and Deaf communities prefer identity-first language ("autistic," "Deaf"), while others prefer person-first language ("person with a disability"). As your child gets older, ask what they prefer, and use it.

What should I say at each age?

Age	What they need	What you might say
Young children (3–6)	Simple, concrete words about what's hard and what helps	"Your mouth is still learning how to make some sounds. Ms. Lee helps you practice."
Elementary (6–10)	A name for it, their strengths, and why they get help	"You have dyslexia. It means your brain works harder to read words, but you're great at ideas. Audiobooks help you get to the ideas faster."
Middle school (11–14)	More detail, how it affects school and friendships, and practice speaking up	"Your ADHD makes it hard to start big assignments. What helps you most? Let's practice asking your teacher for a checklist."
Teens (14+)	Full understanding, their rights, and leading the conversation	"You're the expert on you. What do you want the team to know at your meeting?"

My child asked, "Am I stupid?" What do I say?

Stay calm and be clear: "No. You're smart. Your brain learns some things in a different way, and that's why school gives you tools that help." Then name something specific they're good at.

My child doesn't want to be "different" or refuses supports.

That's common, especially in middle and high school. Listen first. Ask what bothers them: being seen, the support itself, or something else. Work with the team on ways to make supports less noticeable, and let your child have a say.

Should my child tell their friends?

That's your child's choice. Help them practice a simple, comfortable explanation if they want one: "I have dyslexia, so reading takes me longer. That's why I use audiobooks."

What about brothers and sisters?

Siblings have questions too. Explain in simple terms, answer honestly, and give them time with you as well. Help them understand why their sibling gets certain supports.

How do I build on it?

- **Involve your child in their IEP or 504 meetings,** in whatever role fits (see the student section below).
- **Share stories of people** with similar disabilities who are doing well.
- **Connect with others:** peer groups, camps, or disability organizations can help your child feel less alone.
- **Ask for help if your child is struggling emotionally.** A school counselor, psychologist, or therapist can support these conversations.

Especially for students: your plan, your voice

This section is for you, the student. Your IEP or 504 plan is about you, and you get to help shape it. Read it on your own or with a parent, teacher, or counselor.

What is an IEP?

An IEP (Individualized Education Program) is a plan that describes how your school will help you learn. It lists your goals and the support you get, like extra time, a quiet place for tests, speech sessions, or help with reading.

What is a 504 plan?

A 504 plan lists supports that help you have the same chance to learn as everyone else, like breaks, extra time, or help with a health need.

Does having a plan mean I'm not smart?

No. Lots of smart, talented people learn differently. Having a plan means you get the tools that work for how **your** brain and body work. Many college students and adults use supports too.

What should I know about my plan?

Try to answer these questions. If you can't yet, ask a teacher or parent to help.

- What am I good at?
- What's hard for me at school?
- What helps me learn best?
- What are my accommodations (the supports I get)?

- What are my goals this year?

How do I explain what helps me?

Practice a short sentence you can say to a teacher:

> "Hi, I have extra time on tests. Can I finish this in the library after class?"
> "I learn better when I can listen to the reading. Can I use the audiobook?"
> "I need a short break. Can I step out for five minutes?"

It might feel awkward at first. It gets easier every time.

Can I go to my IEP meeting?

Yes, and you should when you can. By high school, you must be invited when the team plans for life after graduation. You can:

- Listen and learn what's in your plan
- Share one thing that helps you learn
- Talk about your goals and what you want to do after high school
- Ask questions
- Lead part of the meeting when you're ready

What if I feel nervous?

That's normal. Write down what you want to say before the meeting. Bring a note card. Ask a parent or teacher to practice with you. You can also ask for a break during the meeting.

What if my supports aren't happening?

Tell a teacher you trust, your case manager, or your parent. You're not getting anyone in trouble. You're helping the team do its job.

What if someone is teasing or bullying me?

Tell an adult you trust right away. You deserve to feel safe at school.

What happens when I turn 18?

In most states, you'll make your own education decisions at 18. That's why practicing speaking up now matters so much.

Your turn

Fill in these sentences, and share your answers at your next meeting:

- I'm really good at _____.
- School is hardest when _____.
- I learn best when _____.
- One thing I want my teachers to know about me is _____.
- After high school, I want to _____.

You are part of the team. Your voice matters.

★ Same Team tip

Tell your child's team how you talk about the disability at home, including the words you use. When teachers use the same language, your child hears one clear, positive message.

For parents: Part XII (transition to adulthood) and Part V (the IEP meeting) have more on helping your child take part.

Case Study: A Parent's Story

SAME TEAM · Parent and Family Guide

This fictional story follows one family from a first worry to a child who speaks up for himself. It matches the case study in the Same Team teacher and administrator guides, told from the other side of the table. Details are simplified, and your state's steps may differ.



1. Something isn't right (2nd and 3rd grade)

Dana noticed that her son Jordan loved being read to but dreaded reading on his own. Homework took two hours and often ended in tears. His report card said he was passing, and she wondered if she was worrying too much. Jordan's dad had struggled with reading as a boy.

What helped: Dana trusted what she saw at home. Passing grades didn't mean everything was fine.

2. Talking with the teacher (October)

When Jordan's teacher, Ms. Rivera, called, Dana was relieved. Ms. Rivera had noticed the same pattern at school. They shared notes: Jordan understood stories when they were read aloud but read slowly on his own. Ms. Rivera also mentioned he often asked to go to the nurse during reading

time.

What helped: Home and school information fit together. Dana shared the family history, which turned out to matter.

3. Trying extra help (October–December)

Jordan joined a small reading group four days a week. Dana asked how progress would be measured and got weekly updates. After eight weeks, Jordan had improved only a little.

What helped: Dana asked for data, not just "he's doing fine."

4. Asking for an evaluation (December)

At a team meeting, Ms. Rivera asked whether the team suspected a disability. Dana said she'd like an evaluation, and followed up the same day with an email. The school sent the consent form.

What helped: A written request started the timeline (Part III).

5. The evaluation (January–March)

Dana signed consent in early January. She filled out rating scales, shared Jordan's developmental history, and asked for the report before the meeting so she could read it first. She used Same Team's *The Assessment Key* to understand the scores.

What helped: Reading the report early meant Dana came to the meeting ready with questions (Part III).

6. The eligibility and IEP meeting (March)

The team found Jordan eligible under specific learning disability, with a profile consistent with dyslexia. Dana brought her meeting prep worksheet, started by sharing that Jordan had just built an amazing science project, and asked questions about each part of the IEP. The IEP included daily reading instruction, audiobooks, tests read aloud, and speech-to-text. Dana signed consent for services.

What helped: Coming prepared and leading with strengths set a positive tone (Part V).

7. Watching progress (the next fall)

In 4th grade, Jordan's progress report showed his reading had stalled. Dana asked for a meeting instead of waiting for the annual review. The team discovered his reading sessions had been cut short because of a scheduling conflict. The schedule was fixed, missed time was made up, and a

new goal was added.

What helped: Dana asked the key question, "Was the plan carried out as written?" (Part V).

8. Finding his voice (middle school)

By 6th grade, Jordan could explain his accommodations to new teachers and asked for audiobooks himself. At his IEP meeting, he shared what helped him learn. His reading was still below grade level but improving, and he was earning A's and B's in science and social studies.

What helped: Dana slowly handed the steering wheel to Jordan (Part XIII).

What Dana would tell another parent

- Trust what you see at home.
- Put requests in writing, kindly.
- Ask for data, and read reports before meetings.
- Start every meeting with a strength.
- Don't wait for the annual review when something isn't working.
- Teach your child to speak up, a little at a time.

The child is the point. Always.

Family Q&A

SAME TEAM · Parent and Family Guide

These are the questions parents ask most, with short answers, followed by things you might hear at school and a calm way to respond. Each answer points to the Part of this guide that explains more.

Frequently asked questions

Getting started

How do I know if my child needs special education? Look for a pattern that isn't going away: trouble learning, communicating, paying attention, getting along with others, or managing behavior or emotions. You don't have to be sure. If you're worried, you can ask the school to evaluate. *See Part III.*

Does my child need a doctor's diagnosis first? No. The school does its own evaluation. A diagnosis can help, but it isn't required, and it doesn't automatically mean your child qualifies. *See Parts III and IV.*

How do I ask for an evaluation? Put your request in writing (email is fine) to the principal or special education office. Keep a copy. *Part III and the Family Forms and Letters tab have a sample letter.*

How long does the evaluation take? Federal law says 60 days from the date you sign consent, unless your state sets a different timeline. Ask your district for the exact deadline in writing. *See Part III.*

Does special education cost anything? No. Evaluations, services, and supports in an IEP or 504 plan are free to families.

IEPs and 504 plans

What's the difference between an IEP and a 504 plan? An IEP is for students who need specially designed instruction. A 504 plan provides accommodations and supports so a student with a disability has equal access. *See Parts II and VII.*

Will my child be put in a separate classroom? Not automatically. The law says children learn with classmates without disabilities as much as appropriate, with supports. Placement is based on your child's needs, not the label. *See Part VI.*

Can I bring someone with me to meetings? Yes. You can bring a spouse, friend, relative, advocate, or anyone who knows your child. *See Part V.*

Do I have to sign the IEP at the meeting? No. You can take it home to read. Your signature is needed before services start the first time. *See Part V.*

Can I ask for a meeting anytime? Yes. You don't have to wait for the yearly review. Put your request in writing. *See Part V.*

What if the school isn't doing what the plan says? Start with the teacher or case manager, then put your concern in writing. Missed services should be made up. *See Parts V and X.*

Labels, records, and the future

Will an IEP "follow" my child forever? Special education records are confidential and can't be shared without your consent, except as the law allows. College and job applications don't ask about IEPs. High school transcripts generally can't show that a student had special education. *See Part XII.*

Can my child still earn a regular diploma? Most students with IEPs can. Diploma rules vary by state, and some choices, like certain modified courses or an alternate state test, can affect diploma options. Ask early. *See Parts IV and V.*

Can my child still go to college? Yes. Many students with IEPs and 504 plans go to college and use accommodations there. *See Part XII.*

What happens when my child turns 18? In most states, your child makes their own education decisions at 18, unless a court appoints a guardian. *See Parts II and XII.*

Who can see my child's records? You, and school staff who need the information to work with your child. You can ask to see your child's records anytime. *See the Family Forms and Letters tab for a sample request.*

Behavior and safety

Can my child with an IEP be suspended? Yes, but there are protections once removals add up to more than 10 school days, including a review of whether the behavior is connected to the disability. *See Part VIII.*

The school keeps calling me to pick my child up early. Is that okay? Repeated early pick-ups can count as removals. Keep a log and ask for a meeting to plan for a full day. *See Part XI.*

When you disagree

What if I don't agree with the school? Start by talking and putting concerns in writing. You also have formal options like mediation and complaints. *See Part X.*

Do I need a lawyer? Usually not. Most concerns are worked out through meetings. Free help is available from your state's Parent Training and Information Center. *See the Resource Directory.*

Talking with your child

Should I tell my child about their disability? In most cases, yes, in a way that fits their age. Children usually already know something is hard. Understanding why helps them. *See Part XIII.*

Things you might hear

Most school staff want to help. But sometimes parents hear statements that aren't quite right under the law. Here are common ones, a calm way to respond, and the rule behind each. The goal is a better conversation, not a confrontation.

About evaluations and eligibility

If you hear…	You might say…	The rule
"He's passing, so he doesn't need an evaluation."	"I understand he's passing, but I'm seeing [concern]. I'd like to request an evaluation in writing."	Schools must evaluate children suspected of having a disability, even if they're advancing from grade to grade.
"We have to finish RTI (or MTSS) first."	"Can we continue the intervention while the evaluation happens?"	Intervention can't be used to delay or deny an evaluation when a disability is suspected.
"You need a doctor's diagnosis first."	"My understanding is that a school evaluation doesn't require a diagnosis. Can you send me the consent form?"	Educational eligibility is decided by the school's evaluation, not a medical diagnosis.
"She's too smart to have a disability."	"Can the evaluation look at the gap between her strengths and her struggles?"	High ability doesn't rule out a disability.
"He doesn't qualify, so there's nothing we can do."	"Could we consider a 504 plan? And may I have the decision in writing?"	Section 504 may apply, and refusals require prior written notice.

About the IEP and services

If you hear…	You might say…	The rule
"We don't offer that here."	"Can we talk about what my child needs first, and then how to provide it?"	Services are based on your child's needs, not on existing programs.

If you hear...	You might say...	The rule
"We can't afford that."	"I understand budgets are tight. If the team agrees my child needs it, how will we provide it?"	Cost can't be the reason to deny a service needed for FAPE.
"We'll wait until the annual review to change it."	"I'd like to request a meeting now, since it isn't working."	The IEP can be revised whenever needed.
"The IEP says it, but we don't really do that."	"Can we make sure it's being provided, or talk about changing it as a team?"	The IEP must be implemented as written.
"The therapist was out, so she missed sessions."	"How will the missed sessions be made up?"	Missed services generally must be made up.
"A 504 plan is just suggestions."	"My understanding is that the 504 plan is required. Who should I talk to about it?"	A 504 plan is legally enforceable.

About behavior and placement

If you hear...	You might say...	The rule
"Can you come pick him up early today?" (again)	"Can we meet to make a plan so he can stay all day? I'm keeping track of these days."	Informal removals can count as disciplinary removals.
"She needs a more restrictive class."	"What supports have we tried in general education? What does the data show?"	Children learn with peers without disabilities to the maximum extent appropriate.
"That's just behavior; it's not his disability."	"Could we do a Functional Behavioral Assessment to understand it?"	Behavior that impedes learning must be addressed with positive supports.
"He'll only be in school half days for now."	"What's the reason, and what's the plan to return to a full day? May I have that in writing?"	A shortened day must be a team decision based on the child's needs.

About meetings and records

If you hear...	You might say...	The rule
"Just sign here."	"I'd like to take this home to review. When do you need it back?"	You can take time to review before giving consent.
"We already wrote the IEP."	"I'm glad to look at the draft, and I'd like to share my input before it's final."	Parents are members of the IEP team.
"You can't see those records."	"I'd like to make a written request to inspect my child's records."	Parents have the right to inspect their child's education records.

How to use these responses

- **Assume good intent.** Staff may be repeating a common misunderstanding. A calm question usually works better than a correction.
- **Follow up in writing.** "Thank you for meeting today. To confirm, I asked... and you said..."
- **Ask for prior written notice** whenever the school refuses a request.

> **★ Same Team tip**
>
> When you hear something that doesn't sound right, ask, "Can you help me understand where that comes from?" It opens the door without putting anyone on the defensive.
>
> **Didn't find your question?** Check Start Here for a map of the guide, or contact your state's Parent Training and Information Center (see the Resource Directory).

Where this comes from

IDEA regulations: Child Find (34 CFR §300.111), evaluation (§§300.301–300.306), FAPE (§300.17), IEP implementation and revision (§§300.323–300.324), LRE (§300.114), discipline (§§300.530–300.536), prior written notice (§300.503), records (§300.613); OSEP Memo 11-07; Section 504 (34 CFR Part 104).

Family Toolkit

SAME TEAM · Parent and Family Guide

Ready-to-use tools that go with every Part of this guide: key timelines, a meeting prep worksheet, simple logs for keeping track, and a home file checklist. Sample letters and fill-in forms are in the Family Forms and Letters tab.

Key timelines

These are federal minimums. Many states set shorter or different timelines, so ask your district for your state's rules in writing. To calculate dates for your child, use the Same Team Deadline Calculator.

Event	Federal timeline	Read more
Early intervention to preschool	Transition conference at least 90 days before the 3rd birthday; IEP (or IFSP) in place by the 3rd birthday	Part XII
Initial evaluation	Within 60 days of your written consent, unless your state sets its own timeline	Part III
First IEP meeting	Within 30 days of the eligibility decision	Part V
IEP review	At least once a year, and anytime you or the school requests it	Part V
Reevaluation	At least every 3 years	Part III
Records request	Within 45 days, and before any IEP meeting or hearing	Part II
Short-term removals	Up to 10 school days a year before IDEA services are required	Part VIII
Manifestation determination	Within 10 school days of a decision to change placement for discipline	Part VIII
Interim setting (weapons, drugs, serious bodily injury)	Up to 45 school days	Part VIII
Expedited due process hearing	Held within 20 school days; decision within 10 school days after	Part VIII

Event	Federal timeline	Read more
Private school tuition notice	At the last IEP meeting, or in writing at least 10 business days before you move your child	Part XI
Transition planning	In the IEP in effect when your child turns 16 (earlier in many states)	Part XII
Age-of-majority notice	At least 1 year before rights transfer, usually at 17	Part XII
State complaint	Generally within 1 year of the violation; decision usually within 60 days	Part X
Due process complaint	Generally within 2 years (your state may differ); resolution meeting within 15 days	Part X
OCR (Section 504) complaint	Generally within 180 days of the discrimination	Part X
Texas classroom cameras	In place within 45 school business days after an authorized request; video kept at least 3 months	Part VIII

Same Team meeting prep worksheet (parent version)

Fill this out before any IEP or 504 meeting. Your child's teacher has a matching version, so you can compare answers at the start of the meeting.

Student: _____ Meeting date: _____

	My answers
Strengths. What is my child good at? What do they love?	
What I see at home. What stands out right now?	
What's working. Which strategies, supports, or people help most?	
What's hard. When and where does my child struggle most?	
What's changed. Anything new at home, in health, or in medications?	
What worries me. My biggest concern right now.	
What my child says. In their own words, if possible.	
My hope for this year. One thing I'd love to see by the end of the year.	
My questions for the team.	

At the meeting: read the first two answers aloud together with the teacher's version. Circle where you agree. Where you differ, ask, "What's different about home and school here?"

Before, during, and after a meeting

Before

- [ ] Ask for a draft IEP, evaluation results, and progress data a few days ahead
- [ ] Fill out the meeting prep worksheet above
- [ ] Bring work samples, outside reports, and notes from home
- [ ] Ask for an interpreter if you need one
- [ ] Decide what matters most to you, and put it first

During

- [ ] Start by sharing one thing your child did well recently
- [ ] Ask "Can you explain that another way?" whenever you need to
- [ ] Ask which supports are accommodations and which are modifications
- [ ] Ask that your concerns be written down
- [ ] Take the draft home if you need time

After

- [ ] Get a complete copy of the IEP or 504 plan
- [ ] Send a short follow-up email confirming what was decided
- [ ] Mark progress report dates on your calendar
- [ ] Check in after a few weeks: are services and accommodations happening?

Communication log

Date	Who I talked to	How (call, email, meeting)	What we discussed	Next step and by when

Incident and removal log

Use this for behavior incidents, calls to pick your child up early, suspensions, or bullying. Early pick-ups can count as removals, so log every one.

Date	What happened	Was my child sent home or removed? How long?	Who told me	Notes

Keeping a home file

Keep a binder or folder with these sections, and bring it to every meeting:

- [ ] Evaluations (school and outside)
- [ ] IEPs or 504 plans, newest first
- [ ] Progress reports and report cards, year by year
- [ ] Communication (emails, letters, your communication log)
- [ ] Medical records and health plans
- [ ] Work samples
- [ ] Procedural safeguards notice and prior written notices

Other Same Team tools

- Same Team Deadline Calculator: calculate federal and state deadlines for your child
- *The Assessment Key*: a guide to the tests schools use and how each is scored, with a score tool that converts standard scores to percentiles
- Accommodation or Modification? A Same Team Sorting Game: practice telling the two apart

The child is the point. Always.

Family Forms and Letters

SAME TEAM · Parent and Family Guide

Sample letters to copy and adapt, and ten fill-in forms to help you share what you know, keep track, and come to meetings prepared. Keep a copy of every letter or email you send, bring completed forms to meetings, and keep copies in your home file. A printable version of the forms with writing space is available as *Same-Team-Parent-Forms.pdf*.

Sample letters

Letter	Use it when	Read more
Requesting a special education evaluation	You suspect a disability	Part III
Requesting a Section 504 evaluation	Your child may need accommodations	Part VII
Requesting an IEE	You disagree with a school evaluation	Part III
Requesting records	You want to see your child's file	Part II
Requesting a meeting	Something isn't working	Part V
Asking about missed services	Sessions were missed	Part V
After a restraint, seclusion, or serious incident	Your child was restrained, secluded, or hurt	Part VIII
Requesting classroom cameras (Texas)	Your child is in a Texas special education classroom	Part VIII

Requesting a special education evaluation

```markdown Subject: Request for evaluation for [child's name]

Dear [principal or special education director],

I am requesting a full and individual evaluation for special education and related services for my child, [name], in [grade] at [school]. I am concerned about [specific concerns, such as reading, attention, behavior, speech]. I am also requesting consideration under Section 504.

Please send me the consent form and a copy of my procedural safeguards. I look forward to working with the team.
```

Sincerely, [Your name, phone, email] ```

Requesting a Section 504 evaluation

```markdown Subject: Request for a Section 504 evaluation for [child's name]

Dear [principal, counselor, or 504 coordinator],

I'm requesting a Section 504 evaluation for my child, [name], in [grade]. [He/She/They] was diagnosed with [condition], and I'm concerned it is affecting [attention in class / attendance / ability to finish tests]. Please let me know the next steps.

Sincerely, [Your name, phone, email] ```

## Requesting an Independent Educational Evaluation (IEE)

```markdown Subject: Request for an IEE at public expense for [child's name]

Dear [special education director],

I disagree with the [type of evaluation] completed on [date] for my child, [name]. I am requesting an Independent Educational Evaluation at public expense. Please send me the district's criteria for independent evaluators.

Sincerely, [Your name] ```

## Requesting records

```markdown Subject: Request to review education records for [child's name]

Dear [principal or records custodian],

Under FERPA and IDEA, I request copies of my child's education records, including evaluations, IEPs or 504 plans, progress reports, progress-monitoring data, discipline records, and incident reports from [date range]. Please let me know when they will be available.

Sincerely, [Your name] ```

## Requesting a meeting

```markdown Subject: Request for an IEP (or 504) meeting for [child's name]

Dear [case manager],

I would like to request a team meeting to discuss [concern, such as lack of progress in reading, new behavior concerns, or a change in health]. I am available [days and times]. Please let me know which date works for the team.

Thank you, [Your name] ```

### Asking about missed services

```markdown Subject: Question about [service] for [child's name]

Dear [case manager],

My child's IEP includes [service, frequency, and duration]. I understand some sessions were missed on [dates or period]. Could you share the service log and let me know how the missed sessions will be made up?

Thank you, [Your name] ```

### After a restraint, seclusion, or serious incident

```markdown Subject: Request for incident information for [child's name]

Dear [principal],

I was informed that on [date] my child, [name], was involved in [describe incident]. Please send me the written incident report, any related behavior data, and a copy of my child's behavior plan. I would also like to schedule a meeting to review what happened and what will change.

Sincerely, [Your name] ```

### Requesting classroom cameras (Texas only)

```markdown Subject: Request for video and audio surveillance under TEC 29.022

Dear [principal],

Under Texas Education Code 29.022, I request video and audio surveillance in [teacher's] special education classroom at [campus], where my child, [name], receives special education services. Please confirm receipt and let me know the timeline.

Sincerely, [Your name] ```

## Fill-in forms

### 1. Parent Input for the IEP

Share this with the team before the IEP meeting. The team must consider your concerns for your child's education.

- My child's strengths, interests, and what they enjoy:
- What my child can do now that they couldn't do a year ago:
```

- My concerns, by area:

Area	My concerns
Reading, writing, or math	
Communication	
Social skills and friendships	
Behavior and emotions	
Attention and organization	
Health, motor, or sensory needs	
Independence and daily living skills	

- What works well at home:
- What makes things harder for my child:
- My top priorities for this year:
- My vision for my child in 5 years, and as an adult:
- Questions I want answered at this meeting:

2. All About My Child: One-Page Profile

Give a copy to each new teacher, aide, substitute, and provider.

- Name, grade, and what they like to be called:
- What people like and admire about my child:
- Favorite things and interests:
- How my child communicates best:
- How my child learns best:
- Early signs my child is stressed or overwhelmed:
- What helps my child calm down:
- Health needs or allergies staff should know:
- Best way to reach me, and when:

3. Evaluation Input: Background and Development

Answer only what you're comfortable sharing.

- What concerns led to this evaluation? When did you first notice them?
- Early development (walking, first words, sentences):
- Health, hospitalizations, medications, vision and hearing checks:
- Earlier services and what helped:

- Outside evaluations or diagnoses:
- Languages at home, and my child's strongest language:
- Similar difficulties in the family:
- Schools attended, and big changes:
- Anything else the evaluators should know:

4. Home Observation Log

Date and time	What happened just before	What my child did	What happened right after	How long it lasted

5. Is the Plan Being Followed? Accommodations Check-In

Accommodation or service	Is it happening? (Yes / Sometimes / No)	How I know	Who I talked to, and when

6. Progress Tracker

IEP goal (short version)	Starting point	Report 1	Report 2	Report 3	Report 4

Is my child on track to meet each goal by the end date? If not, what should change?

7. IEP Draft Review Checklist

Present levels

- [ ] Describe my child as they are now, with recent data
- [ ] Include strengths and my input
- [ ] Explain how the disability affects learning

Goals

- [ ] Each goal is measurable
- [ ] Goals are ambitious, not just what's easy
- [ ] Goals cover every area of need in the evaluation

Services and supports

- [ ] Each service lists how often, how long, and where

- [ ] Accommodations are specific, not "as needed"
- [ ] I understand which are accommodations and which are modifications

Placement, tests, and more

- [ ] Time with classmates without disabilities is clear
- [ ] State test plan is clear
- [ ] Transition plan is included (by 16, or earlier in my state)
- [ ] Behavior, AT, communication, and language needs were considered

Questions or changes I want to request:

8. Meeting Notes

- Date, type of meeting, and who attended:
- Main things discussed:
- Decisions made:

Next step	Who is responsible	By when

- Things I disagreed with or want to follow up on in writing:

9. Health and Medication Information for School

- Health conditions and how they affect my child at school:

Medication	Dose and time	Given at school?	Side effects to watch for

- Allergies and what to do:
- Warning signs my child needs help, and what to do:
- Equipment or supplies used at school:
- Emergency contacts, and my child's doctor:

10. Looking Ahead: Transition Interests Survey

For students 14 and older. Fill this out together before the transition meeting.

- Things I'm good at, and things I enjoy:
- Jobs or careers I'm curious about:

After high school, I might want to: ☐ get a job ☐ go to college ☐ go to a technical or trade program ☐ join a job training program ☐ something else

As an adult, I'd like to live: ☐ with my family ☐ on my own ☐ with roommates or friends ☐ with support nearby

- Skills I want to learn before I finish school:
- People who could help me reach my goals:
- Parent: my hopes and concerns about life after high school:

The child is the point. Always.

Glossary and Acronyms

SAME TEAM · Parent and Family Guide

Special education has a language of its own. This glossary covers the terms, the people, and the state-specific names you're likely to hear. It matches the dictionary in the Same Team teacher and administrator guides, so everyone at the table starts from the same words.

Terms A–Z

Term	What it means
504 plan	A plan of accommodations and services under Section 504, a civil rights law
AAC	Augmentative and Alternative Communication: tools or devices that support or replace speech
ABLE account	A savings account that lets a person with a disability save without losing SSI, up to a limit
Accommodation	A change in how your child learns or shows learning, without changing the goal
ADA	Americans with Disabilities Act, a civil rights law that works alongside Section 504
Adaptive behavior	Everyday skills like communication, self-care, social skills, and safety
Age of majority	The age (usually 18) when educational rights transfer from parent to student
Alternate assessment	A different state test for students with the most significant cognitive disabilities
AT	Assistive Technology: devices and services that help a child learn, communicate, or move
BIP	Behavior Intervention Plan: how the team will prevent behavior, teach skills, and respond
Child Find	The school's duty to find and evaluate children who may have disabilities
Comparable services	Similar services a new school must provide when a child transfers with an IEP
Compensatory services	Services to make up for services a child should have received but didn't
Consent	Your written permission, required before initial evaluation and initial services

Term	What it means
Continuum of placements	The range of settings, from general education with supports to home or hospital
Developmental delay	An optional category for young children (ages 3 through 9, as set by each state)
Due process	A formal legal hearing to resolve special education disputes
Eligibility	The team's decision about whether your child qualifies for special education
EL	English Learner: a student learning English
ESY	Extended School Year: services beyond the regular school year when needed
FAPE	Free Appropriate Public Education, your child's right under IDEA
FBA	Functional Behavioral Assessment: a process for understanding why behavior happens
FERPA	Family Educational Rights and Privacy Act, which protects education records
Guardianship	A court process that gives someone legal authority to make decisions for an adult
IDEA	Individuals with Disabilities Education Act, the federal special education law
IEE	Independent Educational Evaluation, by an evaluator who doesn't work for the district
IEP	Individualized Education Program: your child's written special education plan
IFSP	Individualized Family Service Plan, for early intervention (birth to 3)
IHP / EAP	Individualized Health Plan / Emergency Action Plan, written by the school nurse
LEA	Local Educational Agency: usually your school district
LRE	Least Restrictive Environment: learning with classmates without disabilities as much as appropriate
Manifestation determination (MDR)	A review of whether behavior was caused by the disability, required before certain removals
Mediation	A voluntary, confidential meeting with a neutral person to resolve a disagreement
Modification	A change in what your child is expected to learn
MTSS / RTI	Systems of increasing support and intervention for students who are struggling

Term	What it means
OCR	Office for Civil Rights, which enforces Section 504 and the ADA in schools
Pre-ETS	Pre-Employment Transition Services from vocational rehabilitation, usually ages 14 to 21
Present levels (PLAAFP)	The IEP section describing how your child is doing now
Procedural safeguards	Your legal rights under IDEA, explained in a notice the school must give you
PWN	Prior Written Notice: the school's written explanation when it proposes or refuses something
Reevaluation	An updated evaluation, at least every 3 years
Related services	Services like speech, OT, counseling, and transportation that help your child benefit from special education
SDI	Specially Designed Instruction: teaching adapted to your child's needs
SSI	Supplemental Security Income: monthly payments for people with disabilities and limited income
Stay put	Your child's right to remain in their current placement during a dispute
Summary of Performance	A summary given when a student graduates or ages out
Supplementary aids and services	Supports that help your child learn in general education
Supported decision-making	An alternative to guardianship: a young adult picks trusted people to help them make choices
Surrogate parent	A person appointed to make education decisions when no parent is available
Transition services	Activities that prepare a student for life after high school
Twice-exceptional (2e)	A student who is gifted and also has a disability
VR	Vocational Rehabilitation: the state agency that helps people with disabilities prepare for and keep jobs

Who's who

Title	What they do
Case manager	Coordinates your child's IEP and is your main contact
General education teacher	Teaches your child's regular classes and takes part in the IEP
Special education teacher	Provides specially designed instruction

Title	What they do
School psychologist (NCSP, LSSP in Texas)	Conducts evaluations and may provide counseling
Educational diagnostician	Conducts academic and cognitive testing in some states
Speech-language pathologist (SLP)	Evaluates and treats communication needs
Occupational therapist (OT)	Works on fine motor, sensory, and daily-living skills
Physical therapist (PT)	Works on gross motor skills and mobility
BCBA	Board Certified Behavior Analyst: designs behavior plans and supervises staff
RBT	Registered Behavior Technician: carries out behavior plans under a BCBA's supervision
Paraprofessional (aide)	Supports students under a teacher's direction
School nurse	Manages health plans and medications
504 coordinator	Oversees Section 504 plans for the school or district
LEA representative	A district person at the IEP meeting who can commit resources
TVI	Teacher of Students with Visual Impairments
Teacher of the Deaf and Hard of Hearing	Supports students with hearing loss
Transition coordinator	Helps plan for life after high school
VR counselor	Vocational Rehabilitation counselor who helps with employment

Names that vary by state

Term	State(s)	Meaning
ARD committee	Texas	Admission, Review, and Dismissal: the IEP team
FIE	Texas	Full Individual and Initial Evaluation
CSE / CPSE	New York	Committee on Special Education / Preschool Special Education: the IEP team
CST	New Jersey	Child Study Team
ETR	Ohio	Evaluation Team Report

Term	State(s)	Meaning
MET	Michigan, Arizona, and others	Multidisciplinary Evaluation Team
PPT	Connecticut	Planning and Placement Team: the IEP team
REED	Several states	Review of Existing Evaluation Data, the first step of a reevaluation

State names for disability categories also vary; see the state-by-state table in Part IV.

Resource Directory

SAME TEAM · Parent and Family Guide

Who to call when you need help beyond your school. Most of these services are free. Websites and contact details change, so check each organization's site for current information. When you're not sure where to start, start with your state's Parent Training and Information Center.

Help for parents

Resource	What they do	Where to find them
Parent Training and Information Centers (PTIs) and Community Parent Resource Centers	Free, federally funded help for families: understanding rights, preparing for meetings, trainings. Every state has at least one.	Center for Parent Information and Resources: parentcenterhub.org
Protection and Advocacy (P&A) agencies	Free legal advocacy for people with disabilities, including some special education cases. Every state has one.	National Disability Rights Network: ndrn.org
Legal aid and disability rights attorneys	Legal advice and representation, including for due process	Your state bar association's lawyer referral service; your P&A agency

Government agencies

Agency	When to contact	Where to find them
Your state education agency (special education division)	State complaints, mediation, due process requests, state rules and timelines	Your state department of education website
U.S. Department of Education, Office for Civil Rights	Complaints about disability discrimination under Section 504 and the ADA	ed.gov (Office for Civil Rights)
U.S. Department of Education, IDEA website	Federal law, regulations, and guidance	sites.ed.gov/idea
Your state early intervention (Part C) program	Services for infants and toddlers, birth to 3	Your state health or human services agency

Agency	When to contact	Where to find them
Your state vocational rehabilitation agency	Pre-Employment Transition Services and employment help	Your state's VR agency website
Social Security Administration	SSI and disability benefits	ssa.gov
Texas Education Agency (Texas families)	Appeals of classroom camera denials; state complaints	tea.texas.gov
Texas Department of Family and Protective Services (Texas families)	Reporting suspected abuse or neglect	dfps.texas.gov

For specific needs

Resource	What they do
Your state's Assistive Technology Act program	Lets families borrow, try, and learn about AT devices
Work Incentives Planning and Assistance (WIPA) programs	Free benefits counseling for people receiving SSI or SSDI who want to work
Think College (thinkcollege.net)	Information on college programs for students with intellectual disability
Your district's homeless liaison	Enrollment and support for students experiencing homelessness
Your district's foster care point of contact	Education stability and records for children in foster care
Your district's military liaison	Help under the Interstate Compact on Educational Opportunity for Military Children
Your state's child protective services hotline	Reporting suspected abuse or neglect

Your local contacts

Fill these in and keep them in your home file.

Contact	Name	Phone and email
My child's case manager		
School principal		
District special education director		
District 504 coordinator		

Contact	Name	Phone and email
School nurse		
Our state's Parent Training and Information Center		
Our state's Protection and Advocacy agency		
State education agency special education office		
Vocational rehabilitation counselor		

Same Team works with families and schools nationwide.

Federal References

SAME TEAM · Parent and Family Guide

The federal laws, regulations, cases, and guidance cited in this guide, with the Part where each one matters most. Federal law sets the floor; your state's education code and regulations may add protections and set specific timelines. Federal guidance documents can change between administrations; the statutes and regulations are what bind schools. This guide is educational information, not legal advice.

Laws

Law	Citation	What it covers	Parts
Individuals with Disabilities Education Act (IDEA)	20 U.S.C. §1400 et seq.	Special education and related services, ages 3–21; early intervention, birth to 3	All
Section 504 of the Rehabilitation Act	29 U.S.C. §794	Disability discrimination by programs receiving federal funds	II, VII, IX
Rehabilitation Act definition (drugs and alcohol)	29 U.S.C. §705(20)(C)(iv)	Current illegal drug or alcohol use and Section 504	VIII, IX
Americans with Disabilities Act, as amended in 2008	42 U.S.C. §12101 et seq.; §12102	Disability discrimination; mitigating measures and episodic conditions	VII, IX, XII
Family Educational Rights and Privacy Act (FERPA)	20 U.S.C. §1232g; 34 CFR Part 99	Education records and privacy	II, VIII, IX
Workforce Innovation and Opportunity Act	34 CFR §361.48(a)	Pre-Employment Transition Services	XII
McKinney-Vento Homeless Assistance Act	42 U.S.C. §11431 et seq.	Enrollment and school stability for students experiencing homelessness	II, XI
Title VI of the Civil Rights Act	42 U.S.C. §2000d	Language access for families	XI
Rosa's Law (2010)	Pub. L. 111-256	Replaced older terminology with "intellectual disability"	IV
Interstate Compact on Educational Opportunity for Military Children	Adopted by every state	Enrollment, records, placement, and graduation for military families	XI

Key IDEA regulations (34 CFR Part 300)

Topic	Section	Parts
Assistive technology devices and services	§§300.5–300.6	VI
Disability categories and developmental delay	§300.8	IV
FAPE	§§300.17, 300.101	II
Native language; consent	§§300.29, 300.9	XI
Definition of parent	§300.30	II
Related services	§300.34	VI
Supplementary aids and services	§300.42	VI
Transition services	§300.43	XII
Graduation	§300.102(a)(3)	XII
AT availability, including home use	§300.105	VI
Extended school year	§300.106	VI
Child Find	§300.111	III
Least restrictive environment and continuum	§§300.114–300.117	VI
Transition from Part C	§300.124	XII
Private school children	§§300.130–300.148	XI
State complaints	§§300.151–300.153	X
Public benefits	§300.154	VI
Paraprofessional training	§300.156(b)	VI
Prohibition on mandatory medication	§300.174	IX
Charter schools	§300.209	XI
Parental consent and revocation	§300.300	III, X
Initial evaluation and timeline	§300.301	III
Evaluation procedures	§§300.304–300.306	III, IV
SLD identification	§§300.307–300.311	IV
IEP content	§300.320	V, XII
IEP team	§300.321	V

Topic	Section	Parts
Parent participation and interpreters	§300.322	V, XI
When IEPs must be in effect; transfers	§300.323	V, XI
Development, review, and revision of the IEP	§300.324	V, VIII
Independent educational evaluations	§300.502	III
Prior written notice	§300.503	II, X
Procedural safeguards notice	§300.504	II
Mediation	§300.506	X
Due process and resolution	§§300.507–300.518	X
Surrogate parents	§300.519	II
Transfer of rights at age of majority	§300.520	II, XII
Discipline	§§300.530–300.536	VIII, IX
Access to records	§300.613	II, V
Part C transition	34 CFR §303.209	XII

Key Section 504 regulations (34 CFR Part 104)

Topic	Section	Parts
Evaluation and placement	§104.35	VII, IX
Procedural safeguards	§104.36	VII, IX, X
Nonacademic services	§104.37	VI, VII
Postsecondary education	Subpart E	XII

Court cases

Case	What it decided	Parts
Endrew F. v. Douglas County School District RE-1, 580 U.S. 386 (2017)	An IEP must be reasonably calculated to enable progress appropriate in light of the child's circumstances	II, V
Mahanoy Area School District v. B.L., 594 U.S. 180 (2021)	Limits on school discipline for off-campus student speech	IX

Federal guidance

Guidance	Year	Parts
OSEP Memo 11-07: RTI can't delay or deny an evaluation	2011	III, IV
U.S. Department of Education, *Restraint and Seclusion: Resource Document*	2012	VIII
OSERS/OSEP Dear Colleague Letter on bullying of students with disabilities	August 20, 2013	VIII
OSEP Letter to Delisle: twice-exceptional students	December 20, 2013	IV
OCR Dear Colleague Letter: Responding to Bullying of Students with Disabilities	October 21, 2014	VIII
U.S. Departments of Education and Justice, *English Learner Students and Limited English Proficient Parents*	2015	XI
OSERS Dear Colleague Letter on dyslexia, dyscalculia, and dysgraphia	October 23, 2015	IV
OCR, *Parent and Educator Resource Guide to Section 504*	2016	VII
OSEP, *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions*	July 2022	VIII, IX
OCR, *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504*	July 2022	VIII, IX
OCR, *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*		XII
OCR, *Frequently Asked Questions: Disability Discrimination*		IX

State law examples cited

Law	What it covers	Part
Texas Education Code §29.022, as amended through the 89th Legislature (2025), including HB 2 and SB 568	Video and audio cameras in special education classrooms	VIII
Texas Administrative Code, Title 19, §103.1301 (amended 2026)	Rules for classroom video surveillance	VIII
Texas Family Code §261.406	Investigations of abuse in schools	VIII
State eligibility rules (various)	Disability category criteria by state	IV

Where to read them: IDEA statute, regulations, and guidance at sites.ed.gov/idea; Section 504 and OCR guidance at ed.gov; federal regulations at ecfr.gov.