

The following laws guide the delivery of special education services in the Sherburne and Northern Wright Cooperative:

IDEA Individuals with Disabilities Education Act Section 504 of the Rehabilitation Act of 1973 Comparison of IDEA and Section 504 FERPA Family Education Rights and Privacy Act (also referred to as the Buckley Amendment) ADA Americans With Disabilities Act

### **IDEA- Individuals with Disabilities Education Act**

Originally called the Education of Handicapped Children's Act when voted into law in 1975 the Act was re-authorized in 1991 under the new name. This is a federal law mandating federal, state and local school district responsibilities for the education of all children with disabilities. The law established the means by which children are located referred, evaluated and provided appropriate educational programs. The law currently provides for the identification of children in the various disability areas including learning impairment, hearing impairment and deafness, speech language impairment, visual impairment, learning disabilities, emotional and behavioral disabilities, developmental delays, multi-handicapping conditions, orthopedic impairments, health impairments, autism, and traumatic brain injuries. Children must be found to be eligible under state established criteria under one of these categories of disability.

Key to IDEA is the fact that children are entitled to a FAPE, that is free, appropriate education at public expense. Children are entitled to be provided this education in the least restrictive environment (LRE). Parents are insured inclusion in the process through input into the evaluation process as members of the Evaluation and Planning and as members of the IEP Team (Individual Education Plan). Parents' rights under IDEA provide for confidentiality of student information, and a structure for having their disagreements with the school addressed. This law applies to eligible students from birth until the twenty-second birthday.

### **Section 504 of the Rehabilitation Act of 1973**

This federal law applies to all institutions receiving federal funds, and assures that all handicapped persons regardless of age will have appropriate access to programs which receive these funds. Handicap is defined much more broadly under Section 504 than under IDEA and applies to any condition that has a substantial impact on a major life activity such as walking, talking, learning and breathing. Local districts must provide for a referral and evaluation process through a multi-disciplinary team. School must provide appropriate accommodations and services at local expense to protect, and address the needs of eligible students. No federal or state funds are available to assist the local districts in meeting their obligations under this act. This law assures for the civil rights of disabled persons within applicable programs.

For Section 504, a person is considered "Handicapped" if he or she:

1. Has a mental or physical impairment which substantially limits one or more of such person's major life activities;
2. Has a record of such impairment; or
3. Is regarded as having such impairment.

### **FERPA- Family Education Rights and Privacy Act**

This federal law assures for the confidentiality of all student information and records, and parent rights to access these records. This law applies to all students whether disabled or not, and has strict requirements regarding access to and use of personally identifiable information about the student.

### **ADA- Americans with Disabilities Act**

This is a very broad law expanding significantly on the previous education (IDEA) and civil rights (504) laws and applies to both the public and private sector. This law is a civil rights law assuring access to all areas of the community life for persons with disabilities.

### **IDEA (The Individuals with Disabilities Education Act)-**

IDEA is an education act that provides federal funding for special education. The purpose is to provide financial aid to states in their efforts to ensure a free appropriate education for students with disabilities. A student is eligible to receive special education and/or related services if the multidisciplinary team determines that the student has a disability under one of the fourteen qualifying conditions and requires special education services. IDEA requires the district to provide an individual education program (IEP). The IEP provides an "Appropriate Education" which means a program designed to provide "Educational Benefit."

### **Section 504 (The Rehabilitation Act of 1973)-**

Section 504 is a civil rights law that provides federal funding for general education. The purpose is to protect the rights of individuals with disabilities in programs and activities that receive federal assistance from the department of education. Section 504 requires a written accommodation plan. A student eligible as long he/she currently has, has had, or is regarded as having a physical or mental impairment which substantially limits a major life activity.

