

# Did You Know?

## Special Education Quick Facts



Education for students with disabilities is protected under the Individuals with Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act.

### IDEA Quick Facts

- **IDEA Compliance:** States must follow IDEA to be awarded federal funds.
- **Free Appropriate Public Education (FAPE):** Every student found eligible for special education is entitled to FAPE.
- **Individualized Education Programs (IEPs):** IEPs must be tailored for each student and reviewed at least yearly.
- **Least Restrictive Environment:** To the maximum extent appropriate retain students with disabilities in the regular education environment.
- **Evaluations:** Assess students' needs at least every three years or as needed.
- **Parental Consent:** Schools need parental consent to initiate special education evaluations and services.
- **Procedural Safeguards:** Parents and students with disabilities have rights to notice, participation, confidentiality, access, consent, and other dispute resolution procedures.

### 504 Quick Facts

- **Fair Treatment:** Section 504 ensures students' rights are protected.
- **504 Plan:** Schools create a 504 plan with accommodations for students with disabilities. A 504 plan outlines specific accommodations to provide access to learning.
- **Participation:** Students with disabilities are provided accommodations to participate in all school activities.
- **Health Care Needs:** Section 504 provides support for disabilities related to health.
- **Parental Input:** Parents contribute to the 504 plan development, offering valuable insights and documentation.
- **Child Find:** Schools actively seek students who may need a 504 plan.
- **Inclusive Learning:** Students with 504 plans are included in regular classes as much as possible.
- **Equal Opportunities:** Section 504 guarantees equal opportunities for students with disabilities.
- **Plan Review:** Schools regularly assess 504 plans to ensure they are effective.

### ADA Quick Facts

- **Different Rules:** Institutions of higher education (IHEs) including technical schools, colleges, and universities have rules for students with disabilities which differ from kindergarten through 12th grade (K-12) public schools.
- **Self-Advocacy:** Students must inform IHEs about their disability to ensure accommodations and support.
- **Documentation:** It is helpful if students provide documentation of their disability to IHE disability centers.
- **Increased Responsibility:** Transition to IHEs brings more responsibility for students.
- **Support Services:** IHEs offer different types of assistance than K-12 public schools.
- **Student Empowerment:** Understanding their needs helps students manage challenges.

This document is a brief overview of IDEA and 504. For full content, refer to the [Utah SpEd Rules](#) which can be found at [www.schools.utah.gov/specialeducation/programs/rulespolicies](http://www.schools.utah.gov/specialeducation/programs/rulespolicies).

If you have a disagreement with your school regarding special education, or if you think they haven't provided a proper education or violated laws, you can seek dispute resolution under the IDEA. The Procedural Safeguards document fully describes your rights, and you can find more information in a [Dispute Resolution YouTube video](#).

## Utah State Board of Education's Dispute Resolution Specialist

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# Special Education Rights of Parents and Students

## Procedural Safeguards

This resource is intended as a brief overview of some of the special education rights of parents and students. Please reference the complete [procedural safeguards](#) manual for more details.



### Notice of Procedural Safeguards

Schools must provide a written explanation of your rights under the Individuals with Disabilities Education Act (IDEA) and state laws.



### Parent Participation

You have a right to participate in meetings about your student's education, including Individualized Education Program (IEP) meetings.



### Confidentiality

Schools must ensure the protection of any personally identifiable data, information, and records collected or maintained by the school.



### Informed Consent

Prior to evaluating or providing services for the first time, the school must seek and receive your consent. Consent is voluntary, must be in writing, and can be revoked at any time.



### Prior Written Notice

The school must give written notice before it initiates or changes your student's placement, identification, evaluation, or provision of a free and appropriate public education (FAPE).



### Independent Education Evaluation

If you disagree with the school's evaluation results, you have the right to request an independent education evaluation of your student by someone who's not a school employee.



### Access to Educational Records

You have the right to see and get an explanation of your student's education records.



### Dispute Resolution Options

IDEA provides you with options to formally dispute with the school if you disagree about what is appropriate, including: mediation, a state complaint, or a request for a due process hearing.