



Legal Basis for Special Education

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) is a federal law that guarantees all children with disabilities age 3 through 21 years the right to a free appropriate public education (FAPE) designed to meet their individual needs. It protects the rights of parents to fully participate in educational decisions. Special education is defined in the law as specially designed instruction, at no cost to parents, developed to meet the unique needs of a child with disabilities. According to IDEIA (or IDEA), children with disabilities are those who have been evaluated as having any one or any combination of thirteen disabilities and therefore require special education. This law was first passed by the United States Congress in 1975, and was most recently reauthorized by Congress and the President of the United States in 2004.

The Americans with Disabilities Act (ADA)

In July 1990, Congress passed the Americans with Disabilities Act which is a landmark Civil Rights law that extends protection against discrimination to people with disabilities. The ADA defines disability as a mental or physical condition that limits a "major life activity" such as, learning, walking, hearing, seeing, or working. It requires public facilities, transportation, and communication services to be accessible to people with disabilities. The bill addresses four main areas: Employment, Public Facilities, Transportation, and Communication. Protections in this law extend to students with disabilities.

The Rehabilitation Act of 1973, Section 504

This law is known as the first federal civil rights law protecting the rights of persons with disabilities. It states that "no qualified handicapped individual ... shall, solely by reason of the handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Discrimination is prohibited in: the education of children and young people with disabilities; vocational education programs; college programs and other post-secondary education programs; employment; health, welfare, and other social service programs; and other programs and activities that receive federal funds. All post secondary education programs and activities which receive federal funding are also covered by Section 504.

California Education Code and Other Related Laws

California laws enact special education provisions in federal laws. In order to receive federal special education funding, California laws must comply with federal laws. If federal and state laws conflict, federal law must be followed, unless state law grants more rights than federal law.

Regulations

At both the federal and state level, regulations have been developed to clarify and enable the implementation of law. Again, federal supremacy is dictated by the U.S. Constitution.

Matrix Parent Network and Resource Center

Empowering families of children with special needs to understand and access the systems that serve them.

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