

# Legal Briefs

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## Special Rules for Special Education

Special education (education for children with disabilities or special needs) is quickly becoming one of the most complex legal aspects of education. As a parent, you should not be afraid to advocate for your child, and when needed, to turn to the legal system to ensure your child gets a useful and appropriate education.

To understand the legal framework behind special education, parents of special needs children should become fully versed in the Individuals with Disabilities Education Act (IDEA). IDEA is the federal law that regulates educational services for disabled students. Under IDEA, a child is eligible for special education services if that child has a recognized disability, and because of the disability, needs special education and related services.

Before advocating for your child, become familiar with IDEA terms:

- **Free and Appropriate Public Education (FAPE):** IDEA guarantees that eligible children receive a FAPE. FAPE prepares children for productive, independent lives and gets them ready for further education.
- **Least Restrictive Environment (LRE):** IDEA requires that disabled students be educated in the LRE—either public or private institutions that can include regular or special education classrooms. LREs require that disabled children be placed in separate classrooms only when no benefit can be derived in the traditional setting and ensures that disabled children are educated amongst nondisabled children as much as possible.
- **Individualized Education Plan (“IEP”):** An IEP is essentially a written plan outlining a special needs child’s educational goals and needed services.

IEPs make up the cornerstone of IDEA. This process provides the structure for your child’s education and allow you to voice any



concerns. Your child’s IEP should include long and short-term goals, as well as benchmarks and assessment points. You should be present when the IEP is created and should ensure that all interested parties are there as well: special and regular education teachers; professionals such as social workers and psychologists; and, in some cases, your child.

Although legal fees can be costly, depending on the complexity of the issues involved, in some cases hiring an attorney may prove invaluable.

It is helpful to educate yourself about your child’s rights under IDEA. You should also evaluate the relationship you want to create with school administrators – remember, currently you may disagree with them, but your child will be a part of the school community for years to come. Lastly, it is important to keep detailed notes and copies of all documents. Although this may seem like a lot of work, if you ever need to challenge a decision or go to court, you will be happy you have such detailed records.

If your child has been assessed as needing special education services or if you feel as though your child is not receiving the services necessary for his or her education, work with school administrators and your attorney to determine the appropriate course of action.