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# Educational Rights of Children With Special Needs

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Is your child:

- having academic or behavioral difficulties in school, such as trouble with reading or math, or difficulty in sitting still or concentrating?
- physically or mentally disabled?
- a toddler who is developmentally behind other children?
- possibly mentally gifted and in need of a more challenging curriculum?

**Know your rights ...**

## Consumer Legal Information



Pamphlets  
by the

PENNSYLVANIA BAR ASSOCIATION

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Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

## **What Educational Rights Does Your Child Have?**

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You have the right under state and federal law to a free, confidential evaluation from your school district (or, in the case of a preschooler, from an early intervention agency) to determine whether your child is eligible for special education services.

If the evaluation determines that your child is eligible, your child has the right to special educational services at no cost to you. Such services may include special curricula, therapy, assistive technology or other services, as determined by your child's unique needs. You have the right and are encouraged to participate in all decisions affecting your child's program.

## **Are You Satisfied With Your Child's Education?**

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State and federal laws provide children who have special needs with certain rights, intended to ensure that they receive an appropriate education. These laws and regulations entitle parents (or other caregivers) to meet with teachers, administrators and other professionals to work out a plan of special education services to encourage the student's progress despite any disability or limitation.

In appropriate cases, school districts and other educational units are required to provide individualized instruction and support services including transportation and other learning aids and services.

Children with disabilities have the right to receive their educational services in a setting with children without disabilities to the maximum extent appropriate.

## **How Can the Pennsylvania Bar Association Help?**

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The Pennsylvania Bar Association has formed the Legal Services for Exceptional Children Committee to support and encourage lawyers who provide services in this area of law. The Committee hosts an annual training seminar, usually in the fall, and provides a practice manual for attorneys focused on the educational rights of exceptional children. In addition, the Committee provides legal information to parents or other persons concerned with the special educational needs of a child.

A list of lawyers throughout the state who handle cases involving the educational needs of exceptional children also is maintained by the Pennsylvania Bar Association. To obtain the names of lawyers in your part of the state, please call 800-932-0311.

To learn more about a child's rights under these laws, contact the Pennsylvania Bar Association at 800-932-0311, (717) 238-6715 or write to the address on the back of this pamphlet.