

# Understanding Your Rights:

## Special Education Quick Facts

### Did you know?

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 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. Starting at age 14, a plan for a successful transition to postsecondary settings and achievement of postsecondary goals is required as part of the IEP.
- **Least Restrictive Environment:** To the maximum extent appropriate, students with disabilities should be able to remain in the general education environment.
- **Evaluations:** Formal and informal measures of students' needs are reviewed and conducted 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 the right to notice, participation, confidentiality, access, consent, and other dispute resolution procedures.



## 504 Terms to Know

- **Section 504 of the Rehabilitation Act of 1973** is a civil rights law that protects individuals with disabilities from discrimination in any program or activity receiving federal funding.
- **504 plan:** an individualized plan for students with disabilities outlining accommodations for a physical or mental impairment limiting a major life activity.
- **Fair Treatment:** Section 504 ensures students' rights are protected.
- **Participation:** Students with disabilities are provided with 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.
- **Accommodated Learning:** Students with 504 plans, general education students who need accommodations to access learning.
- **Equal Opportunities:** Section 504 guarantees equal opportunities for students with disabilities.
- **Plan Review:** Schools regularly assess 504 plans to ensure they are effective.
- **The Americans with Disabilities Act (ADA) of 1990** is a civil rights law similar to Section 504 that protects individuals with disabilities from discrimination and ensures reasonable accommodations in all places open to the general public, including: employment, state and local government services, private businesses open to the public, schools, transportation, and telecommunications.



## Institutes of Higher Education (IHEs) Quick Facts

Students attending institutions of higher education (IHEs), including technical schools, colleges, and universities, are not entitled to services under IDEA. Section 504 and the ADA apply to IHEs. Students with an IEP should take the IEP to the IHE and seek accommodations and supports needed to access education in the IHE.

**Self-Advocacy:** Students must inform their IHE about their disability to ensure accommodation and support. Students should understand their needs and 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). It is also encouraged that parents and families review the procedural safeguards that outline their rights.

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](#).

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