Whether you’re a parent who is new to special education and advocacy, or a parent who has become acquainted with the process and procedures, TECA is here to help you advocate for your twice exceptional child.

The Basics

Although gifted education mandates vary from state to state, twice exceptional children cannot be denied special education services for their areas of challenge or deficit, regardless of their strengths and ability. In the United States, federal law states that all children are entitled to a free and appropriate education or FAPE (see below for more details on FAPE.) This applies to all students nationwide.

What is IDEA?

The Individuals with Disabilities Education Act (IDEA) is the federal law that establishes the special education system, and specifies the rights of children with disabilities in public schools. Understanding this law can help you to work with your child’s school and improve the education your child receives.

Who is covered by the IDEA?

The IDEA serves students ages 3-21 who are diagnosed with one of 13 disabilities and require special education and related services. The 13 disabilities include mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (referred to in IDEA as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, other health impairment (Attention Deficit Disorders fall into this category), a specific learning disability, deaf-blindness, or multiple disabilities. A high intelligence or IQ does not disqualify a student for special education.
What kind of education does the IDEA require?

Under the IDEA, eligible children with disabilities are entitled to a **Free Appropriate Public Education (FAPE)** in the **Least-Restrictive Environment (LRE)** appropriate for the student.

**FAPE** means that school districts are required to provide eligible children with an education that is individually tailored to his or her unique academic, social and emotional needs, to the maximum extent appropriate, with non-disabled peers.

**LRE** means that special education students will not be removed from regular classes unless, even with supplemental services, education in regular classes cannot be satisfactorily achieved.

All eligible children have their educational programs documented in an **Individualized Education Plan (IEP)**. An IEP is a legal document that: describes a child’s unique learning needs; identifies areas of strength and difficulty; outlines services to be provided by the school and; provides a description of how progress towards goals will be measured.

Services covered under IDEA include, but are not limited to, integrated co-teaching, one-on-one tutoring, academic remediation, consultant teacher services, speech and language, occupational and physical therapy, and Applied Behavior Analysis, as appropriate. Some students are also entitled to Early Intervention (EI) services and/or an Extended School Year (ESY).

*All eligible students with disabilities will be educated at public expense at no cost to the parents.*

How does the IDEA protect students and their parents?

The law specifies the process schools must follow when determining if a student qualifies for special education. Parents are entitled to: initiate the IEP process at any time by sending a written request to the school or district; consent to any evaluation conducted by the school; participate in developing their child’s IEP; bring a representative of their choice to meetings; and to appeal decisions or actions with which they disagree.

If you or your child’s school suspects that your child might have a disability, it’s important that you familiarize yourself with IDEA. You can also ask a special education advocate or someone else familiar with special education law to help you understand it.
Why IDEA Matters

IDEA is important because it allows students with disabilities to get the education they need to thrive.

In the case of small children, IDEA allows parents to access the services necessary to prevent learning disabilities and other disorders from derailing a child’s academic career. Thanks to early intervention programs, parents of children with autism can receive services to help these children with communication and other interpersonal skills from an early age.

Once children are in school, IDEA mandates that teachers and school officials take their specific needs into account. Children with learning disabilities can’t simply be ignored or overlooked in public schools because federal law mandates that schools must take action to serve them.

IDEA also gives parents tools to fight back if they believe a school or a school district is neglecting their child’s needs.

IDEA Isn’t Perfect

While the IDEA sets out to prevent children with special needs from being discriminated against, it is not a perfect law. It is not uncommon for parents of children with learning or physical disabilities as well as other challenges to voice complaints.

In some cases, they think schools cut costs or take other adverse measures that negatively affect their child’s access to a free and appropriate education.

If you think that your school is in violation of the IDEA, contact your special education advocate, a lawyer, or the U.S. Department of Education.

You can also join organizations made up of parents to find the support needed to navigate your school district’s special education program.

IDEA, FAPE, LRE, IEP, WTF?!?

Parents of 2e kids have to learn a whole new vocabulary to understand the jargon educators and advocates use when discussing their children. Luckily, Wrightslaw has created a comprehensive glossary of legal and educational terms so that parents can get up to speed on all the acronyms and arcane vocabulary they need to know when advocating for their children.