

Special Education Resource Guide

A practical, plain-language reference to IEP law,
parent rights, and school compliance.



FOR PARENTS · PRINCIPALS · TEACHERS

Prepared by Dr. Sparkle Love Jefferson Consulting

Free Resource · Not a substitute for legal advice · Dr. Jefferson is not an attorney

Dr. Jefferson

Contents

- 01** How to Use This Guide
- 02** The Laws Every Family & School Must Know
- 03** The IEP Process, Step by Step
- 04** Parent Rights & Procedural Safeguards
- 05** Section 504 vs. IEP: What's the Difference?
- 06** School Compliance Checklist (Principals)
- 07** Classroom Compliance Checklist (Teachers)
- 08** Parent Advocacy Checklist
- 09** Dispute Resolution: Mediation, Complaints & Due Process
- 10** Glossary of Key Terms
- 11** Resources & Where to Get Help

A note from Dr. Sparkle Love Jefferson, Special Education Consultant

This guide distills more than two decades of advocacy into one place. Special education law is powerful — but only when families and schools understand how to use it. Read what you need, share it widely, and reach out when a child's needs aren't being met.

01 • How to Use This Guide

This guide is organized so you can read it cover-to-cover or jump to the section you need most. Parents will find plain-English explanations of their rights and a step-by-step roadmap of the IEP process. Principals and district leaders will find compliance checklists tied directly to federal requirements. Teachers will find a practical classroom checklist that protects students and the school.

Three ways to use it:

- **As a reference.** Keep it on your desk or device and pull it up before any IEP meeting, evaluation, or discipline decision.
- **As a training tool.** Use the checklists in staff meetings, new-teacher onboarding, and parent workshops.
- **As a starting point.** Every state layers its own rules on top of federal law. When something feels wrong, get specific advice for your state and situation.

Disclaimer

This guide is for informational and educational purposes only. **It is not a substitute for legal advice, and Dr. Sparkle Love Jefferson is not an attorney.** Reading this guide does not create an attorney-client relationship. For advice about a specific child, school, or legal matter, consult a licensed special education attorney in your state.

02 • The Laws Every Family & School Must Know

Individuals with Disabilities Education Act (IDEA)

IDEA is the foundation of special education in the United States. It guarantees every eligible child with a disability a **Free Appropriate Public Education (FAPE)** in the **Least Restrictive Environment (LRE)**, delivered through an **Individualized Education Program (IEP)**.

- **Who's covered:** Children ages 3–21 (or until graduation with a regular diploma) who meet one of 13 disability categories *and* need specially designed instruction.
- **FAPE:** Special education and related services provided at public expense, under public supervision, at no cost to families.
- **LRE:** Children must be educated with non-disabled peers to the maximum extent appropriate.
- **Child Find:** Schools have an affirmative duty to identify, locate, and evaluate all children suspected of having a disability — even those in private school or homeschool.

Section 504 of the Rehabilitation Act

A civil-rights statute prohibiting disability discrimination in any program receiving federal funds — including every public school. Section 504 covers a broader population than IDEA and provides **accommodations** to ensure equal

access, even when a child does not need specialized instruction.

Americans with Disabilities Act (ADA), Title II

Applies to all public entities, including school districts and charter schools. Reinforces Section 504 and prohibits discrimination in services, programs, and activities — including extracurriculars, field trips, and after-school programs.

Family Educational Rights and Privacy Act (FERPA)

Gives parents the right to inspect and review their child's education records, request corrections, and control disclosure. Critical when requesting evaluations, IEP drafts, and discipline records.

Every Student Succeeds Act (ESSA)

Sets accountability standards for student achievement, including students with disabilities. Requires states to include this subgroup in academic reporting and intervention systems.

Quick takeaway

IDEA gets a child **services**. Section 504 and the ADA guarantee **access**. FERPA protects the **records**. Together, they form the legal backbone of every IEP and 504 Plan.

03 · The IEP Process, Step by Step



Step 1 — Referral

Anyone (parent, teacher, doctor) can request an evaluation in writing. The school must respond — not stall — and obtain written parental consent before testing.

Step 2 — Evaluation

A multidisciplinary team must evaluate in **all areas of suspected disability** within the timeline set by your state (often 60 calendar days from consent).

Step 3 — Eligibility

The team meets to determine if the child qualifies under one of IDEA's 13 categories *and* needs specially designed instruction. Parents are equal members of this team.

Step 4 — IEP Development

Within 30 days of eligibility, the team drafts the IEP: present levels, measurable annual goals, services, accommodations, LRE placement, and progress reporting.

Step 5 — Implementation

Services start as written. Every teacher and provider working with the child must have access to the IEP and understand their responsibilities.

Step 6 — Progress Monitoring

Schools must report progress on goals at least as often as report cards. Lack of progress triggers a duty to revise.

Step 7 — Annual Review

The IEP team meets at least once a year to review and revise the plan.

Step 8 — Reevaluation

A full reevaluation occurs at least every three years (or sooner if requested) to confirm continued eligibility and need.

Put every request in writing

Email creates a timeline. Verbal requests don't. Date your requests, copy the principal and special education director, and keep every reply. This single habit prevents most disputes.

04 · Parent Rights & Procedural Safeguards

Federal law gives parents specific, enforceable rights. Schools must provide a written **Procedural Safeguards Notice** at least once per year and at key events. Your core rights include:

- Participate as an **equal member** of the IEP team in every decision.
- Receive **prior written notice** before the school proposes or refuses to change identification, evaluation, placement, or FAPE.
- **Consent** (or refuse) to initial evaluation and initial placement.
- Request an **Independent Educational Evaluation (IEE)** at public expense if you disagree with the school's evaluation.
- Inspect and obtain copies of your child's **education records**.
- Receive meaningful **progress reports** on IEP goals.
- Use **mediation, state complaints, or due process** to resolve disputes.
- Have your child remain in their current placement during a due-process dispute (**Stay-Put**).
- Recover **attorney's fees** if you prevail in a due-process hearing.

05 · Section 504 vs. IEP: What's the Difference?

	IEP (under IDEA)	504 Plan (under §504)
Purpose	Specialized instruction + services	Equal access through accommodations
Eligibility	1 of 13 categories AND needs services	Any disability that substantially limits a major life activity
Cost	Free; federally funded	Free; civil-rights based
Plan format	Detailed written IEP, annual goals	Written 504 Plan, accommodations only
Team	Required IEP team incl. parent	Knowledgeable group; parent participation expected

Review	At least annually; reevaluation every 3 yrs	Periodic review (often annually)
Disputes	Mediation, complaint, due process	OCR complaint, §504 hearing, ADA claim

Dr. Jefferson

06 • School Compliance Checklist

For Principals & District Leaders

Use this checklist quarterly. Each unchecked item is a compliance risk and, more importantly, a child whose needs may not be met.

Child Find & Evaluation

- Written Child Find procedures are publicly posted and shared with staff annually.
- Referrals (from any source) are documented and acted on within state timelines.
- Initial evaluations are completed in all areas of suspected disability.
- Parent consent is obtained — and documented — before evaluation and initial placement.

IEP Development & Implementation

- Every IEP includes measurable, ambitious annual goals tied to present levels.
- All required team members attend, or proper excusal procedures are followed.
- LRE is considered first; removal from general education is justified in writing.
- Every teacher and service provider has access to the current IEP and understands their responsibilities.
- Related services (speech, OT, PT, counseling) are delivered as written and logged.

Procedural Safeguards & Records

- Procedural Safeguards Notice is provided annually and at key events.
- Prior Written Notice is issued for every proposal or refusal of action.
- Records requests are fulfilled within 45 days (sooner before any IEP meeting).
- Progress on goals is reported at least as often as report cards.

Discipline

- Manifestation Determination Review held within 10 school days of any change in placement.
- FBA and BIP are in place when behavior impedes learning.
- Services continue during any removal beyond 10 cumulative days.

Staff Training & Oversight

- All staff receive annual training on IDEA, §504, and confidentiality.
- A designated administrator reviews IEP compliance data monthly.
- Caseloads and service minutes are tracked and within state caps.

07 • Classroom Compliance Checklist

For Teachers & Related Service Providers



- I have read the current IEP/504 Plan for every student on my roster.
- I know each student's accommodations, modifications, and goals — and I implement them daily.
- I keep dated data on IEP goals (work samples, observation notes, probes).
- I document delivery of services and any missed sessions, with reasons.
- I communicate progress to parents in plain language at the required intervals.
- I raise concerns about lack of progress to the case manager promptly — in writing.
- I never modify an IEP informally; changes go through the team.
- I maintain confidentiality of student records and conversations.
- I include students with disabilities meaningfully in general-ed routines, projects, and field trips.
- I request training when an IEP requires methods I have not been trained in.

Why this matters

Most special education lawsuits aren't about bad intentions — they're about gaps between what an IEP promises and what actually happens in a classroom. This checklist closes that gap.

08 • Parent Advocacy Checklist

Before the IEP meeting

- Request the draft IEP and all evaluation reports at least 5 days in advance.
- Review last year's goals — which were met, which weren't, and why.
- List your child's strengths, challenges, and your top 3 priorities.
- Write down questions and concerns; bring a notebook or recording device (check state rules).
- Invite anyone who knows your child — outside therapist, advocate, attorney.

During the meeting

- Ask for clarification on any acronym or term you don't understand.
- Make sure goals are **measurable** and **ambitious**, not vague.
- Confirm services by minutes, frequency, location, and provider.
- Ask how progress will be measured and reported.
- Don't sign anything you don't agree with — you can consent in part.

After the meeting

- Get a copy of the signed IEP and Prior Written Notice.
- Calendar the start date of services and the next review.
- Save every email, report card, and progress report in one folder.
- If services aren't delivered as written, document it and request a meeting in writing.

09 • Dispute Resolution

IDEA gives parents three formal options when informal problem-solving fails. They can be used alone or in combination.

1. Mediation

Voluntary, free, confidential. A trained, neutral mediator helps the parties reach a written agreement. Often the fastest path to resolution.

2. State Complaint

File a written complaint with your State Education Agency alleging a violation of IDEA within the past year. The state must investigate and issue findings within 60 days.

3. Due Process Hearing

A formal, court-like proceeding before an impartial hearing officer. Required for disputes about identification, evaluation, placement, or FAPE. Strict 2-year statute of limitations in most states. Stay-Put applies.

Other avenues

- **OCR Complaint** for §504/ADA discrimination — filed with the U.S. Department of Education's Office for Civil Rights.
- **Resolution Session** — required meeting within 15 days of a due process filing; often resolves the case.
- **Federal Court** — for appeals from due process decisions or stand-alone civil-rights claims.

Dr. Jefferson

10 • Glossary of Key Terms

BIP	Behavior Intervention Plan — written plan of strategies to address behaviors that impede learning.
ESY	Extended School Year — services provided beyond the regular school year to prevent regression.
FAPE	Free Appropriate Public Education — IDEA's core entitlement.
FBA	Functional Behavior Assessment — evaluation of why a behavior occurs and what maintains it.
IEE	Independent Educational Evaluation — outside evaluation, sometimes at public expense.
IEP	Individualized Education Program — the written plan for a child receiving special education.
LRE	Least Restrictive Environment — preference for educating with non-disabled peers.
MDR	Manifestation Determination Review — required before disciplinary change of placement.
OT/PT	Occupational and Physical Therapy — common related services.
PWN	Prior Written Notice — required notice before any proposal or refusal.
SDI	Specially Designed Instruction — instruction adapted to the unique needs of the child.
Stay-Put	Right to remain in current placement during a due-process dispute.

11 • Resources & Where to Get Help

Federal & National

- **U.S. Department of Education — OSEP & OSERS:** federal guidance, IDEA regulations, policy letters.
- **Office for Civil Rights (OCR):** file §504/ADA complaints; publishes Dear Colleague letters.
- **Center for Parent Information & Resources (CPIR):** directory of every state's Parent Training & Information Center.
- **Council of Parent Attorneys and Advocates (COPAA):** directory of special education attorneys and advocates.
- **Wrightslaw:** in-depth articles on IDEA, §504, and case law for parents and professionals.
- **National Disability Rights Network (NDRN):** protection & advocacy agency in every state.

State-Level (find yours)

- Your **State Education Agency** — special education division, state regulations, and complaint procedures.
- Your state's **Parent Training & Information Center (PTI)** — free, federally funded support for families.
- Your state's **Protection & Advocacy** office — legal advocacy for people with disabilities.

When to call a special education attorney

- The school refuses to evaluate or finds your child ineligible despite clear need.
- Services in the IEP aren't being delivered or your child isn't making progress.
- Your child faces suspension, expulsion, or a change in placement.
- You're considering mediation, a state complaint, or due process.
- You believe your child has been discriminated against on the basis of disability.

Get personalized help

This guide is a starting point. For advice tailored to your child, school, and state, contact our office. Initial consultations are confidential. Visit our website to schedule, download additional checklists, and access webinars for parents and educators.

© Dr. Sparkle Love Jefferson Consulting · Free to share with attribution.
This guide is not a substitute for legal advice. Dr. Sparkle Love Jefferson is not an attorney.