

# Common myths told by schools to parents!

*Each child has the right to a Free Appropriate Public Education (F.A.P.E.) and the law is very clear on how this is to be met by the schools. To help parents understand this, we offer free counseling and advocacy for students who have Ehlers-Danlos Syndrome and other closely related co-morbid conditions. Our future is in the minds of our children, let's insure they have the chance to express their ability and knowledge!*

## **Myth:**

Schools believe that your child does not require special education; therefore they only give your child a Section 504 with modifications to the lesson plans.

## **Fact:**

Anytime the general education curriculum (or the access to it) is modified an IEP must be written to protect the rights of your child. Section 504 of ADA law gives a person rightful access to rooms and buildings, but it does not give the right for schools to modify a curriculum. Almost all adaptive technology devices or services are considered Special Education Supplemental Aids and Services. The only time they do not have to be in an IEP is when the accommodations and adaptive devices are offered to all students in every classroom on a daily basis. General education teachers must document curriculum changes or other devices on a daily basis.

## **Myth:**

Since your child is on homebound the school does not have to provide a tutor.

## **Fact:**

Every child, whether they are homebound or in public school, has the right to F.A.P.E (Free Appropriate Public Education). The health and behavioral conditions of some children require that they learn at home because it is their least restrictive environment. The school must provide homebound instruction at your home, hospital, rehabilitation, or incarceration location. You can agree to have tutoring at another mutually agreed upon location, but the school must cover the cost involved including transportation. There is also no limit (within reason) as to the tutoring time.

## **Myth:**

Your child is passing or has good grades so there is no need for an IEP.

## **Fact:**

Nowhere in the IDEA law does it state a child must be failing or have lower than average grades to receive an IEP plan. The determining factor cannot be based on one criterion, instead it must include several factors demonstrating how the medical condition adversely affects the access to (and progress in) the general education curriculum.

## **Myth:**

We have no way to transport your child to school that is your responsibility.

## **Fact:**

When a child has an IEP or a Section 504 plan the school must provide transportation, or pay for alternative transportation, even if the parent transports the student to and from school. Failure to do so is a violation of F.A.P.E. and special education laws.

## **Myth:**

We are a private school or a magnet school so we do not have to comply with ADA or IDEA laws and plans.

## **Fact:**

If a school receives payment from a public school, state, or federal funding they must comply with state and federal education laws. Private schools, including those operated by a religious organization, must contact the local public school for services. Child find law is very clear that even homeschooled students must be serviced for special education programs by the local public district. No exceptions!

## **Fact:**

*A student can only be serviced by either a I.E.P. or Sec. 504, NOT BOTH!*

## **Fact:**

*Section 504 gives the right to access the school, classroom and programs only. It cannot offer Special Ed services!*

*I.E.P. can offer all the Sec. 504 provisions and is the only one that affords access to the General Curriculum and/or modifications to it.*

## **Enforcement**

*I.E.P. is most the stringently documented plan. It is overseen by the U.S. Dept. of Ed. and State Dept. of Ed. Complaints are filed through the state and can go to judge for oversight of compliance.*

*Section 504 has less documentation for compliance and complaints are filed through US Office of Civil Rights.*

## **Fact:**

*Having an I.E.P. does not label your child for life! Having an I.E.P. gives a level education field for your child to learn equally with their peers.*

**If you need help with education issues please contact CEDSA's Education Advocates at your earliest convenience so we can begin to help you!**

[www.CEDSA.org](http://www.CEDSA.org)

[www.facebook.com/CEDSAorg](http://www.facebook.com/CEDSAorg)

(989) 872-3372

©CEDSA

**Center for Ehlers Danlos Syndrome Alliance Inc.**