

## Can schools suspend or expel students with disabilities?

Yes, but...

Students with disabilities **cannot** be suspended or expelled for more than **10 days** in a row or in a school year, unless the school:

- ⇒ Reevaluates the student
- ⇒ Conducts a hearing to figure out if the behavior is related to the disability
- If a student with disabilities is suspended, request better 504 and specialized services!
- Contact Vermont Family Network, Vermont Federation of Families for Children's Mental Health, or Vermont Legal Aid

## English Language Learners

- If your ELL student may have a disability and there is no English progress made after one year, request verbal and non-verbal tests that consider language differences

Education and Youth Law Project



**A Project of:**  
**Vermont Legal Aid**  
**The Vermont Poverty Law Fellowship**

## Help and Additional Information

- **VT Family Network**  
1-800-800-4005  
[vermontfamilynetwork.org](http://vermontfamilynetwork.org)
- **VT Federation of Families**  
1-800-639-6071  
[vffcmh.org](http://vffcmh.org)
- **VT Agency of Education**  
1-802-828-5114  
[education.vermont.gov](http://education.vermont.gov)

For information, advice, or to seek representation, call Vermont Legal Aid or visit our website:

**1-800-889-2047**  
[www.vtlawhelp.org](http://www.vtlawhelp.org)

## EDUCATION FOR STUDENTS WITH DISABILITIES



## VERMONT STUDENTS AND FAMILIES HAVE RIGHTS!



## What is Special Education?

- Specialized instruction and related services that help students with disabilities access an equal education
- **Every** school-age child has a legal right to an equal education



## How does a student qualify for special education?

1. Student has a disability under Vermont educational rules
2. Disability has adverse effect on educational performance
3. Evaluation team believes there is a need for special education

**These are complicated issues! Ask for help!**

## Parents have the right to:

- Request evaluations for Special Education and receive the school's response within 15 days
- Participate in IEP meetings and have their opinions considered
- Bring any person with knowledge of the child or the child's disability, **advocates, and lawyers** to IEP meetings
- Review and receive copies of their child's educational records
- Consent to or refuse/revoke consent for specialized services
- Receive prior written notice when school wants to change child's placement or refuses a parent request to take a specific action
- Ask for an independent evaluation, paid for by the school, when there is disagreement over the school's evaluation results
- Disagree with part or all of the Special Program and appeal decisions that parents dispute

## My Child Does Not Qualify

- If a student is denied special instruction based on a school's evaluation, parents can request an independent evaluation
- If the student has a disability, but is not eligible for special education, you may request **Section 504** accommodations



## Section 504

- Federal law that requires schools to make education accessible for students with disabilities
- **Examples:** Providing aides, adjusting testing time limits, changing class locations