

Foundations of Inclusion Policy Advisory: Rights for Children, Parents, and Teachers Related to Inclusion

Children's rights under the American with Disabilities Act (ADA), 1990, include the following:
(Source: Child Care Law Center, 2001, <http://www.childcarelaw.org/>)

- Children with disabilities are entitled to equal access to all early childhood (Head Start and preschool programs) and child care facilities (center-based and family child care).
- Programs cannot create eligibility standards that discriminate against or screen out children with disabilities.
- Programs must make reasonable accommodations on an individual basis to allow everyone to participate in the services and opportunities offered

Parents' rights under Individuals with Disabilities Education Improvement Act (IDEA) include the following: (Source: National Dissemination Center for Children with Disabilities, 2010, <http://nichcy.org/>)

- Parents have meaningful opportunities to participate in all decisions made about their children's education and services.
- Parents are guaranteed certain procedural safeguards that protect their rights and provide a mechanism to use to resolve any disputes about services or programs. These safeguards include:
 - ✓ Complete explanation of all the procedural safeguards available under IDEA and the procedures in the state for presenting complaints
 - ✓ Confidentiality and the right of parents to inspect and review the educational records of their child
 - ✓ The right of parents to participate in meetings related to the identification, evaluation, and placement of their child
 - ✓ The right of parents to obtain an independent educational evaluation (IEE) of their child
 - ✓ The right of parents to receive "prior written notice" on matters relating to the identification, evaluation, or placement of their child
 - ✓ The right of parents to give or deny their consent before the school may take certain action with respect to their child
 - ✓ The right of parents to disagree with decisions made by the school system on those issues
 - ✓ The right of parents and schools to use IDEA's mechanisms for resolving disputes, including the right to appeal determinations

Early Childhood teachers' rights, responsibilities, and expectations for support include the following: (For audio information see CONNECT Module 1, Activity Guide 1.10a, Rud Turnbull audio, <http://community.fpg.unc.edu/sites/community.fpg.unc.edu/files/resources/activity-guides/CONNECT-Activity-Guide-1-10a.pdf>)

- Teachers have the right to participate in Individualized Education Plan (IEP) meetings.
- Teachers are encouraged to confer with parents and colleagues (and have an obligation to report progress to parents as often as she would report the progress of her typically developing students).
- Teachers can suggest a re-evaluation to determine if different services and education are needed.
- If different services and education are recommended through a re-evaluation, teachers can ask for the IEP to be amended accordingly.
- Teachers should expect to receive support from administrators and colleagues.
- Teachers should expect to have professional development related to inclusion

For more information on legal rights see the following

- **Child Care Law Center**
<http://www.childcarelaw.org>
- **National Dissemination Center for Children with Disabilities (NICHCY)**
<http://nichcy.org/>
- **Center for Community Inclusion and Disability Studies (CCIDS)**
<http://ccids.umaine.edu/files/2013/05/laws-tip-040813.pdf>

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