

Legal Resources Tool Kit



Families often ask us questions about legal matters or situations that require legal attention. This tool kit was developed with help from special needs attorneys to answer some of those common questions.

Note that these documents are meant to provide broad general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.

Milestones provides consultation services to all family members, professionals, and self-advocates. Services include connecting participants to resources and providing general information and assistance. We also offer a free Autism Help Desk. If you have any questions or concerns, please contact us at (216) 464-7600.

Each of the topics below is a complete document available on milestones.org under the Tool Kits tab.

1. Waivers for Developmental Disabilities

Waivers provide financial support for people with disabilities. You can find answers to the following questions in our expanded Legal Tool Kit on milestones.org.

1. What is a Waiver?
2. What Waivers are Available to Persons with Developmental Delays (DD)?
3. What services are covered with the SELF-Waiver?
4. Who is Eligible for DD Waivers?
5. Are there Waiting Lists for Waivers?
6. What is the Appeal Process?

2. Interest in a Private School at Your District's Expense

If you want to transfer your child to a private school and have it funded by your school district, you can find answers to the following questions in our expanded Legal Tool Kit on milestones.org.

1. My son has a disability and is not making progress in school. He needs to go to a special school but my school district won't agree to send him there. What can I do?
2. What is "FAPE?"
3. Must I inform the public school before I place my son in a private school?
4. What if our child has never received special education services? Can we still make the unilateral placement and recover tuition?
5. How do I recover the private school tuition?
6. What are the requirements for getting tuition reimbursement?
7. How do we prepare for mediation?

3. Special Education Evaluations

Parent rights when requesting a school evaluation for your child. You can find answers to the following questions in our expanded Legal Tool Kit on [milestones.org](https://www.milestones.org).

1. My child is struggling in school. How do I find out if he is eligible for special education services?
2. Is the school required by law to provide an evaluation any time a parent requests one?
3. How do I know if my child is entitled to an evaluation?
4. If the school agrees to evaluate, how long should this process take?
5. What can I do if the school performs an evaluation and I am not satisfied with the results?
6. How does the independent evaluator get paid?

4. To Graduate or Not to Graduate

Parents of special needs children can become alarmed by school district plans to graduate their child prior to age 22 – the last year of special education eligibility. The decision to graduate a child does not exclusively belong to the school district. You can explore points and pitfalls that parents must be aware of from the legal perspective in our expanded Legal Tool Kit on [milestones.org](https://www.milestones.org).

5. Disciplinary Protections for Children with Special Needs

Students with disabilities are entitled to special protections against discipline. You can find answers to the following questions in our expanded Legal Tool Kit on [milestones.org](https://www.milestones.org).

1. Basic Principles: The change of placement rule determines whether the special disciplinary protections apply.
2. Emergency Removals for Weapons, Drugs or Serious Bodily Injury
3. Role of Professionals in Manifestation Meetings
4. Children Not Yet Determined Eligible for Special Education
5. Interactions with Suspension and Expulsion Actions
6. Consulting an Attorney

6. Can Special Education Help with Emotional Problems?

Children and adolescents with emotional disabilities may be eligible for special services that can help them perform better in the classroom. You can find answers to the following questions in our expanded Legal Tool Kit on [milestones.org](https://www.milestones.org).

1. I am uninsured, and my child does not currently receive services, even though he should. What can I do?
2. How can my child with emotional problems qualify for services?
3. What types of emotional disabilities are relevant?
4. Are there instances where my child may not qualify for services, even though he has emotional problems?
5. What services can my child with an emotional disability receive in school?

7. Mediation vs. Facilitated IEP Meetings

When parents and school teams don't agree on services listed in a student's IEP, an impartial mediator can help resolve the issue in mediation or a facilitated IEP meeting. Learn more on [milestones.org](https://www.milestones.org).

1. What is Mediation?
2. What is a Facilitated IEP Meeting?
3. How are mediation and facilitated IEP meetings handled in Ohio

8. Bullying Rights

1. Bullying and harassment of children with any sort of difference occurs frequently in my school, but administrators don't recognize it. Is there anything I can do to improve the environment for my child. How do we get help from the Office for Civil Rights?
2. I think my child is being bullied – how can I find out the details?
3. Can I ask for an IEP meeting to address harassment and bullying of my child?
4. How do I get the school to act fast – before my child is harmed further?
5. The Ohio Department of Education has a complaint procedure. Can I complain about bullying through this procedure?

This resource was prepared with assistance from Attorney Judith Saltzman, of counsel to the Cleveland and Sheffield Village law firm of Hickman & Lowder Co., L.P.A., and is intended to provide broad general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.