

Why Someone Might Think Your Child Has An “Educational Disability” —

A Resource For Families Of Children Who Are English Language Learners

Many children have difficulties in school. Some have a hard time learning to read or write. Some may have difficulty speaking or talking. Others may have a hard time remembering new information. Still others may have trouble with how they behave. All children are different and have all sorts of abilities and difficulties.

In the U.S., if you or someone you know is concerned about your child’s development or learning, you are encouraged to find out why your child is not doing well. In school, he or she may have what is called an “educational” disability. There are many resources and people with special training to assist with determining why your child might be having difficulty.

By law in the United States, schools must provide special help to eligible children with educational disabilities. This “special help” is called special education.

Regardless of what type of special education services a child might receive, children are able to live with their families, go to school, and learn skills so they can get a job and/or go to college.

The law that covers/protects children with disabilities in the United States is called the Individuals with Disabilities Education Act, which is often called IDEA.

Under IDEA in Missouri, children with disabilities from birth to age 21 are entitled to receive a free and appropriate public education.” Free” means the education is provided at no cost to students or their families; “appropriate” means it is designed to meet your child’s individual education needs.

If you or the school thinks your child may have an educational disability and needs special education services, and the school has determined that the referral is appropriate, the school by law must obtain your permission to evaluate/test your child before providing your child with these services at school.

If you believe your child is having problems, you may ask the school to evaluate your child, you do not have to wait for a teacher to approach you.

This evaluation is provided at no cost to you and all information from this evaluation is kept confidential.

The evaluation will tell you and the school:

- if your child is experiencing a cultural, language, and/or learning difference or an actual disorder/disability, and
- what kind of special help your child needs in school.

The law lists 13 different categories/terms under which your child may qualify for special education services (*see below). Each of these categories has specific criteria a child must meet in order to receive services.

The evaluation must be conducted in the languages your child is exposed to even if your child does not speak both or all of them. In order for your child to receive special education services, the evaluation must show that the disability significantly impacts his or her school performance. This is called an “educational disability.”

Your child cannot be identified as having a disability just because he or she speaks a language other than English, acts according to his or her culture, and/ or does not speak or understand English well. Being from another culture or speaking another language is not a disability or a legitimate reason to suspect an educational disability.

Under IDEA, you have the right and are encouraged and expected to be a part of the team that decides if your child is eligible for these special education services. This may be different than what is customary in your country of origin.

During the evaluation process and your child’s schooling, you have the right to share information about your child and it is appreciated when you do so. Also, you have the right to have information explained to you in a manner that is easy to understand. An interpreter can be hired to assist with this.

You also have the right to inspect and review all of the records regarding your child and to obtain copies or give permission for other people to review them with or for you.

If your child is found eligible for services, you and the school will meet and talk about your child’s educational needs and write an Individualized Education Program (IEP) together. The IEP describes your child’s educational program and the special services your child will receive.

*IDEA disability categories:

- Autism
- Cognitive impairment/mental retardation
- Deaf-blindness
- Deafness
- Hearing impairment
- Multiple disabilities
- Orthopedic (physical) impairment
- Other health impairment
- Serious emotional disturbance
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness
- Young Child with a Developmental Delay