

SPECIAL EDUCATION LAW MYTHS vs. FACTS THAT WILL SURPRISE YOU

Myth #1: If parents say they can only attend an IEP meeting on a weekend, the school has to schedule it at that time.

Fact: IEP meetings should be held at a “mutually agreed upon time and place.” A weekend isn’t likely an agreeable time for school staff.



CONFIDENTIAL

Myth #2: It’s OK to talk about a student’s disability in public as long as you don’t say the student’s last name.

Fact: This is a violation of FERPA (Family Educational Rights and Privacy Act of 1974). It’s still possible for someone who overhears you to identify the student by their first name.

Myth #3: A teacher can’t be personally sued, but the district can be sued.

Fact: Teachers can be personally sued if they allow a child’s constitutional rights to be threatened (e.g., ignoring bullying). The school district can also be sued, unless it takes steps to stop the teacher.



Myth #4: If a teacher has a Facebook account under a disguised name, what is posted under that account is no business of the school district.

Fact: The school district has a right to review and take action against any employee who posts negative content (e.g., a rant about an IEP meeting) on social media.



Myth #5: A student’s IEPs are part of their permanent record.

Fact: IEPs, along with special education evaluations and discipline records, are part of a student’s temporary records.



BROOKES

**WE ARE
TEACHERS**