



Know Your Rights: Three Important Federal Laws that Protect People with Disabilities

[Hypoxic-ischemic encephalopathy \(HIE\)](#) can lead to a variety of disabilities, such as [cerebral palsy \(CP\)](#), [epilepsy](#), and [intellectual impairments](#). Parents of children with HIE often become invested in learning about disability rights laws in order to more easily advocate for their children.

Here, we provide a brief overview of laws guaranteeing the rights of people with disabilities. Although basic rights are protected under many different laws, there are three especially important pieces of legislation that explicitly discuss disability rights. These are the Rehabilitation Act, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA).

The Rehabilitation Act: Section 504 of The Rehabilitation Act, passed in 1973, was the first piece of civil rights legislation to specifically address the rights of people with disabilities (1). The Rehabilitation Act made it illegal for programs that receive federal funding, such as universities, to discriminate on the basis of a disability.

The following are some important things to know about the Rehabilitation Act (2):

- People with disabilities are defined as those who have a physical or mental impairment that limits a major life activity, such as walking, seeing, hearing, speaking, learning, or working. They must be able to provide a record of their disability, and be “regarded as having such an impairment.”
- Students with disabilities have the right to an “appropriate” education, although the specifics of this are somewhat vague in comparison to what is described in IDEA, the next law we will discuss.
- Parents must be notified if their students are evaluated for learning difficulties, identified as having a disability, or placed in a [special education](#) program.
- An impartial hearing should be provided when parents object to something about how their child has been evaluated, identified, or placed.



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- Students should be educated alongside their non-disabled peers whenever appropriate.

The Individuals with Disabilities Education Act (IDEA): Originally passed in 1975 under the name “Education for All Handicapped Children Act,” this law mandates that children with disabilities must receive a free and appropriate education (FAPE) in the least restrictive environment (LRE). It also provides financial assistance to help educational agencies comply with federal laws and provide required services to students with disabilities. The name Individuals with Disabilities Education Act (IDEA) emerged in 1990, when amendments to the Education for All Handicapped Children Act were made. Additional amendments were passed in 1997 and 2004 (3). IDEA describes the services that must be provided to students in elementary and secondary schools, and emphasizes the concept of [Individual Education Programs \(IEPs\)](#) for students with disabilities (1).

The following are some important things to know about the Individuals with Disabilities Education Act (IDEA) (2):

- IDEA protects children, which includes people up to age 21, who are eligible for special education and related services. Disabilities that make a child eligible for such services include autism spectrum disorder, [cerebral palsy](#), [vision or hearing impairments](#), and many more.
- Provides funding to help states and education agencies meet special education requirements.
- Parents must be given a *written* notice if their students are evaluated for learning difficulties, identified as having a disability, or placed in a special education program. This notice must be given prior to any evaluation or change in placement.
- An impartial hearing should be provided when parents object to something about how their child has been evaluated, identified, or placed.
- All children in special education programs should have an Individual Education Programs (IEP). This is a written document.

The Americans with Disabilities Act: Signed into law in 1990, this act prohibits discrimination



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against people with disabilities in many different settings. This law includes five titles (4):

Employment

State and Local Government Activities

Public Transportation

Public Accommodations

Telecommunications Relay Services

The following are some important things to know about the Americans with Disabilities Act (ADA) (2):

- “Reasonable accommodations” must be provided for qualified students or employees who have a disability. These accommodations may include providing written communication in alternative formats, redesigning equipment, modifying tests, etc.
- The ADA applies to nonsectarian private schools, but not to religious schools or organizations.
- Provides some tax credits so that institutions may work to increase their accessibility.
- Details procedures for filing complaints against institutions that fail to accommodate people with disabilities, as well as the consequences for noncompliance with ADA regulations.

About the HIE Help Center and ABC Law Centers

The HIE Help Center is run by [ABC Law Centers](#) (Reiter & Walsh, P.C.), a medical malpractice firm exclusively handling cases involving HIE and other [birth injuries](#). Our lawyers have over 100 years of combined experience with this type of law, and have been advocating for children with HIE and related disabilities since the firm’s inception in 1997.

We are passionate about helping families obtain the compensation necessary to cover their extensive medical bills, loss of wages (if one or both parents have to miss work in order to care for their child), assistive technology, and other necessities.



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If you suspect your child's HIE may have been caused by medical negligence, please contact us today to learn more about pursuing a case. We provide free legal consultations, during which we will inform you of your [legal options](#) and answer any questions you have. Moreover, you would pay nothing throughout the entire legal process unless we obtain a favorable settlement.

You can contact us by calling 888-329-0122, pressing the "live chat" button, or filling out a [contact form](#).

Sources

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