

# Did you know?

Educators have a statutorily protected right to help parents/guardians of students with IEPs get services and support.



## California Education Code Section 56046

California Education Code Section 56046 protects any person, including a teacher, other staff, or contractor with the local educational agency from retaliation by an educational agency for advocating, or assisting in the advocating, for services or accommodations for a special education student.

California Education Code Sect. 56046 states that employees of a school district, county office of education, or a SELPA cannot use their official authority or influence for the purpose of intimidating, threatening or coercing a person with the intent to interfere with that person acting to assist a parent or guardian of a student with exceptional needs to obtain services or accommodations for that student.

## What activities are prohibited?

Prohibited use of official authority or influence by a public school official includes:

1. Promising to give any benefit; or
2. Taking or threatening any negative personnel action.

For example, if a teacher helps a parent obtain services for a student with exceptional needs, the school district cannot threaten or punish the teacher for assisting the parent.

## What activities are protected?

1. Good faith advocacy;
2. Providing information or assistance that would help a parent or guardian obtain a free appropriate education for his or her child as guaranteed under IDEA; or other services or accommodations guaranteed under Section 504 and the ADA.

## Who is protected by CA EC 56046?

Employees of a school district, county office of education or SELPA are protected by California Education Code Sect. 56046. This may include, but is not limited to, the following: a teacher, a provider of designated instruction and services (e.g. speech therapy, physical therapy, and occupational therapy), a paraprofessional, an instructional aide, a behavioral aide, a health aide, and other educators or staff of the school district, as well as individuals or entities contracting with the school district.

## State and Federal law do not prohibit a teacher from making observations on the following:

There is no federal prohibition on a teacher to share classroom-based observations on functional skills, academics, or behavior or needs for an assessment for special education and related services. [CA Ed Code 56040.5]

## Want to learn more about your rights? Check out our Special Education Resources page:

**[www.cta.org/special-education-resources](http://www.cta.org/special-education-resources)**

