



What's the Big IDEA? #2

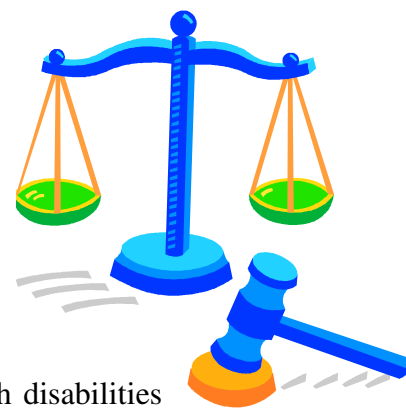
The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

6 Principles of IDEA – Part 1

The Individuals with Disabilities Education Act (IDEA) of 2004 is the current federal special education law (P.L. 108-446). In 1975, Congress passed the first special education law (PL 94-142) and named it the Education for All Handicapped Children Act. Since that time there have been several revisions (reauthorizations) of the original law. When changes to the Act were made in 1990, the name of the Act was changed to the Individuals with Disabilities Education Act or IDEA. The most recent reauthorization of the Act is IDEA 2004 and this is the version of the law that we refer to in this fact sheet. When Congress reauthorizes IDEA the name may change again. To stay informed about the upcoming changes to IDEA, be sure to visit our website at www.parentsreachingout.org for updates.

IDEA assures specific rights and safeguards to children with disabilities and their parents. In New Mexico, some of these rights are also assured to students who are gifted. IDEA contains six principles that provide the framework around which special education services are designed and provided to students with disabilities. These six principles represent the spirit and intent of IDEA. The principles are:

- **Free Appropriate Public Education (FAPE)**
- **Appropriate Evaluation**
- **Individualized Education Program (IEP)**
- **Least Restrictive Environment (LRE)**
- **Parent and Student Participation in Decision Making**
- **Procedural Safeguards**



Alone, and together, these six principles work to guarantee that children with disabilities can go to school everyday and have their individual educational needs determined and addressed.

Free Appropriate Public Education (FAPE)

Each of these four words is significant. First of all, *free* means that every child with a disability who is eligible for special education must be provided educational services at no cost to the parent.

Secondly, the services that are provided must be *appropriate* for the individual student. What is appropriate is unique to each child. The team that meets to develop the student's Individualized Education Program (IEP) will decide on the appropriate services for the student based on factors such as evaluations, classroom performance, and the student's goals. As the parent, you are an equal member of this team, so you will have input into designing an appropriate educational program for your child.

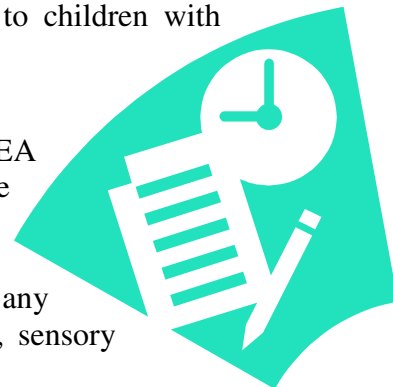
The third word, *public*, refers to the fact that the public school system must educate **all** students, including students with the most profound disabilities. The public school system is also responsible for all costs associated with providing an appropriate education for the student.

Lastly, **education** refers to special education, general education, and related services. The eligibility determination team (EDT) will determine what services are needed, the duration of each, and where the service will be provided. The team's decision will be recorded in the student's IEP.

Another important element of FAPE is the requirement that a state must take steps to find children who may have a disability and to evaluate them. This requirement is known as the "child find" duty. It applies to all children, even those that have not yet entered the public school system. For children who are enrolled in school, the school has a responsibility to identify the children who are struggling and, if appropriate, to evaluate them to see if they qualify for special education services. This requirement extends to children with disabilities who have been suspended or expelled from school.

Appropriate Evaluation

When a child is referred for a comprehensive educational evaluation, IDEA guarantees that certain safeguards are at work. For example, IDEA states that the evaluation must include relevant information from a variety of sources – parents, teachers, classroom observations, and formal assessments. Evaluations need to be conducted in all areas of suspected disability so be sure to bring up any concerns you may have about your child's academics, behavior, social skills, sensory issues, etc. when your child is referred for an evaluation.



The formal assessments need to be done by a team of evaluators who are knowledgeable about the appropriate types of evaluations to use and who have been trained in the use of tests and evaluation materials. The evaluator must choose assessments that are not racially or culturally discriminatory and the evaluations must be administered in the native language or mode of communication, unless it clearly is not feasible to do so. The evaluator(s) must use a variety of assessment tools and strategies in order to gather relevant functional, developmental, and academic information. ***No single test can be used.***

The purpose of the evaluation is to provide information that can be used to determine: 1) the child's eligibility for special education and related services and 2) how to meet the educational needs of the child. When the evaluation is completed, the eligibility determination team will meet to review the evaluation information. At that point, the **team**, which includes you, the parent, will decide whether or not the child qualifies for special education services. If your child qualifies for special education services, he or she will be re-evaluated at least once every three years at no cost to the parent.

***No single test can be used to make an eligibility determination.
No single person makes the eligibility decision for your child.
All decisions are team decisions.***

This series on the Six Principles of IDEA will continue with IDEA fact sheet #3.

If you have further questions about your rights under IDEA or your child's special education program, please call Parents Reaching Out at 1-800-524-5176. Or, for more detailed information we encourage you to visit the following websites:

www.parentsreachingout.org

www.wrightslaw.com

<http://idea.ed.gov>

“What's the Big IDEA?” fact sheets are developed by Parents Reaching Out under a grant from the US Department of Education, Office of Special Education. Views expressed do not necessarily represent the policy of the US Department of Education and should not be assumed to be an endorsement by the federal government.



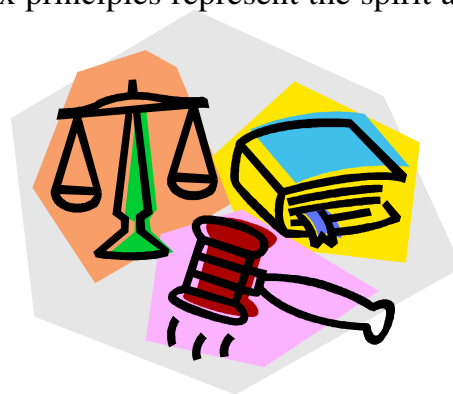
What's the Big IDEA? #3

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

6 Principles of IDEA – Part 2

The Individuals with Disabilities Education Act (IDEA) of 2004 assures specific rights and safeguards to children with disabilities and their parents. This fact sheet concludes our explanation of the six principles of IDEA, which began with IDEA fact sheet #2. These six principles represent the spirit and intent of the law. The principles are:

- **Free Appropriate Public Education (FAPE)**
- **Appropriate Evaluation**
- **Individualized Education Program (IEP)**
- **Least Restrictive Environment (LRE)**
- **Parent and Student Participation in Decision Making**
- **Procedural Safeguards**



Individualized Education Program (IEP)

The IEP is the centerpiece of your child's right to a free appropriate public education. An IEP can refer to both a meeting and a legal document. The document is the written record of the IEP meeting. At the IEP meeting, the team, which includes the parent, reviews current evaluations and present levels of performance in order to develop a program which will meet the student's unique educational needs.

The focus of the IEP should always be on providing access to the general education curriculum as much as possible. For example, the team will need to document how the child's disability affects his/her involvement and progress in the general education curriculum. The IEP will detail the services the child will receive - general education, special education, and related services (see our IDEA fact sheet #9 on Related Services for more information on the types of services that are available). The team will decide on both the amount of service and where the services will be provided. The IEP team will work together to develop measurable academic and functional goals. The IEP should also state how the child's progress toward goals will be measured and when progress will be reported.

Remember, an IEP is a work in progress. After it has been put in place, it needs to be monitored and revised as needed to help your child reach his/her goals. An IEP must be reviewed at least once a year. However, if you feel that your child's educational program is not working; you have the right to request an IEP meeting at any time. You do not have to wait for the school to call a meeting.

Least Restrictive Environment (LRE)

IDEA makes it very clear that children with disabilities are to be with their non-disabled peers to the greatest extent possible in educational settings and during extracurricular or nonacademic activities. The IEP team decides where your child receives special education and related services (placement).

When developing a student's IEP, the team must first consider placement in general education with modifications and supplementary aids and services. A child's eligibility category should never determine placement. Access to the general education curriculum must be the first priority for the team. If the team feels that the student's needs can not be met in general education, even with modifications and supplementary aids and services, then a minimal amount of time in a segregated environment (ex. special education classroom) should be considered next. The school must be able to provide a range of placement options for your child, and your child's unique needs must be considered. You should never be told that, "This is the class for all children who have autism, so your child will be in this class." IDEA states that special classes and special schools should be considered **only** when the nature or severity of the disability is such that the general education setting, even with use of modifications and supplementary aids and services is not appropriate.

Parent and Student Participation in Decision Making

With the reauthorization of IDEA in 2004, Congress strengthened the role of parents. Parents are to be full, equal participants in all aspects of their child's special education program. When it is appropriate, the student is also a member of the team. When the team is discussing transition issues, the student **must** be a team member. IDEA guarantees that parents have the right to:

- Participate in all meetings concerning their child's special education.
- Receive notification of meetings in a timely manner.
- Request that a meeting be rescheduled so they can attend.
- Give or withhold consent before any initial evaluations. Parents must also give their consent before the release of any information on their child.
- Make informed decisions, which means they understand all decisions and options and why proposals are accepted or rejected.

Procedural Safeguards

IDEA requires school districts and states to develop procedures that provide parents with a way to enforce their child's right to a free appropriate public education (FAPE). The school must provide parents with a copy of their procedural safeguards at least once a year. Some examples of procedural safeguards under IDEA are the rights of parents to:

- Receive prior written notice regarding the identification, evaluation, or educational placement of their child.
- Inspect/review their child's educational records.
- Request mediation and an impartial due process hearing.
- Request an independent educational evaluation (IEE).
- Participate in all decisions regarding their child's education.

These are just a few of the many safeguards that IDEA 2004 has in place to protect the rights of students with disabilities and their parents. For more information about IDEA 2004, you can call Parents Reaching Out at 1-800-524-5176 or visit one of the following websites:

<http://www.parentsreachingout.org>

<http://www.wrightslaw.co>

<http://idea.ed.gov>

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