

IDEA

Individuals with Disabilities Education Act

What is IDEA?

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.



History of IDEA

- IDEA was first passed in 1975. At that time, it was called the Education for All Handicapped Children Act ([Public Law 94-142](#)). EAHCA was renamed to IDEA from that point on.
- Over the years, Congress has updated these laws several times. IDEA's last update was in 2004.



HISTORY:
From ESEA to
EHA to
EAHCA to
IDEA

- **Elementary and Secondary Education Act of 1965 (ESEA)**
- Congress enacted the Elementary and Secondary Education Act (ESEA) in 1965 to address the inequality of educational opportunity for underprivileged children. This landmark legislation provided resources to help ensure that disadvantaged students had access to quality education.



HISTORY:
From ESEA to
EHA to
EAHCA to
IDEA

**1970 - Education of the Handicapped Act
(EHA): (P.L. 91-230)**

- In 1966, the ESEA (Elementary & Secondary Education Act) or PL 89-10 was amended to include a grant program in Special Education (replaced Title VI of the ESEA).
- Title VI, Part A authorized grants to states to assist in the extension and improvement of programs and projects for the education of handicapped children.

It was the first freestanding special education law, it mandated students with disabilities be educated.

From ESEA to
EHA to
EAHCA to
IDEA

Public Law 94-142: The Education for All Handicapped Children Act of 1975

- Congress enacted [Public Law 94-142 in 1975](#), also known as The Education for All Handicapped Children Act of 1975.
- PL 94-142 was an amendment to the Education of the Handicapped Act (EHA) of 1970 and had served as Part B of the EHA.
- Congress intended that all children with disabilities would “have a right to education, and to establish a process by which State and local educational agencies may be held accountable for providing educational services for all handicapped children.”

From ESEA to
EHA to
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1990 Individuals with Disabilities Education Improvement Act. In 1990, the United States Congress reauthorized EHA and changed the title to IDEA (Public Law No. 94-142).

- Overall, the goal of IDEA is to provide children with disabilities the same opportunity for education as those students who do not have a disability.
- Four-part (A-D) piece of American legislation that ensures students with a disability are provided with Free Appropriate Public Education (FAPE) that is tailored to their individual needs.

From ESEA to
EHA to
EAHCA to
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Individuals with Disabilities Education Improvement Act of 2004

- On December 3, 2004, the Individuals with Disabilities Education Act was amended again. The reauthorized statute is the Individuals with Disabilities Education Improvement Act of 2004 and is known as [IDEA 2004](#).
- In reauthorizing the IDEA, Congress increased the focus on accountability and improved outcomes by emphasizing reading, early intervention, and research-based instruction by requiring that special education teachers be highly qualified.

More About IDEA

- The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 7.5 million (as of school year 2018-19) eligible infants, toddlers, children, and youth with disabilities.
- Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C.
- Children and youth ages 3 through 21 receive special education and related services under IDEA Part B.

Six Principles of IDEA

1. Free Appropriate Public Education

- Under the IDEA, every child with a disability is entitled to a **Free Appropriate Public Education (FAPE)**. The IDEA emphasizes special education and related services, which should be designed to meet a child's "unique needs and prepare them for further education, employment, and independent living."
- Furthermore, courts have held that the IDEA requires schools to prepare Individualized Education Plans, which confer "meaningful educational benefit" to children with disabilities. The "meaningful educational benefit" requirement includes a focus on raised student expectations, appropriate progress, and transition into postsecondary education and independent living.
- Public schools and local school boards are responsible for ensuring that every child with a disability receives a FAPE.

Six Principles of IDEA

DEFINING “APPROPRIATENESS”

- Based on a 1982 court case, the definition states that school districts must provide an educational plan that is “reasonably calculated to enable the child to receive *some* educational benefits,” including individually designed specialized instruction and related services. This interpretation of the law holds that “appropriate” education does not mean the “best possible” education or the education that “maximizes the child’s educational potential.”
- Basically, this is understood to mean providing services, accommodations, and modifications that give the student the greatest chance of progressing towards grade-level performance based on state and local standards.

Six Principles of IDEA

2. Appropriate Evaluation

- The IDEA requires that schools conduct “appropriate evaluations” of students who are suspected of having a disability. An [appropriate evaluation](#) must be implemented by a team of knowledgeable and trained evaluators, must utilize sound evaluation materials and procedures, and must be administered on a non-discriminatory basis.
- Children should not be subjected to unnecessary assessments or testing, and evaluations must be geared toward planning for the child’s education and future instruction. Finally, an appropriate evaluation must determine and make recommendations regarding a child’s eligibility for special education services in a timely manner.

Six Principles of IDEA

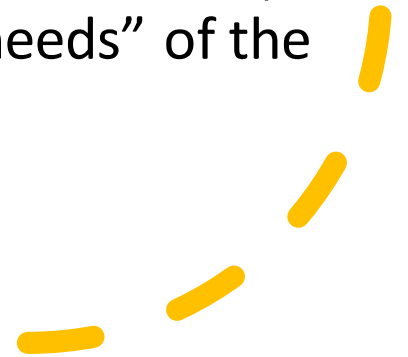
3. Individualized Education Plan

- The Individualized Education Plan (IEP) was established by the IDEA to help ensure every child's access to a Free Appropriate Public Education. The IEP is a written document, developed by an [IEP team](#), which draws upon existing evaluation information in order to meet a student's unique educational needs.
- Under the IDEA, an [IEP](#) must include information regarding a student's present levels of educational performance, annual goals and benchmarking objectives, services and supplementary aids to be received, and a detailed explanation of instances where a student is not participating in the general classroom and why.

Six Principles of IDEA

3. Individualized Education Plan

- An IEP is also required to include information regarding consistent reporting on student progress as well as “transition” to adult life. Finally, it is required that an IEP account for the planning concerns of the parents and child, the strengths of a particular child, and the specific “academic, developmental, and functional needs” of the child.



Six Principles of IDEA

4. Least Restrictive Environment

- The IDEA places a strong emphasis on placement in a general education setting. Under the IDEA, a student is guaranteed placement in the [Least Restrictive Environment \(LRE\)](#) possible. Therefore, an IEP team must explore a number of alternatives for enabling a student to participate in the general education classroom. These may include: [classroom modifications](#), supplemental aids and services, alternative instructional methods, etc.
- If an IEP team determines that a student cannot be satisfactorily educated in a general education setting, then the team must make responsible efforts to determine the LRE for that student outside of the general classroom.

Six Principles of IDEA

5. Parent Participation

- The IDEA has a special provision for “parent participation in placement decisions.” Under this provision, state educational agencies and local school boards must ensure that the parents of a child with a disability are members of any group that makes decisions regarding the placement and LRE of that child.
- Parents have the right to equal participation in this process, and are entitled to notification of a planned evaluation, access to planning and evaluation materials, and involvement in all meetings regarding their child’s placement. Additionally, parents retain the right to refuse further evaluation of their child. Both students and parents must be invited to IEP meetings, and the IDEA explicitly establishes a role for the parent as equal participant and decision maker.


Six Principles of IDEA

6. Procedural Safeguards

- Finally, the IDEA establishes procedural safeguards to help parents and students enforce their rights under federal law. The primary purpose of this requirement is twofold: safeguards protect parental access to information pertaining to placement and transition planning; and procedures are put in place to [resolve disagreements](#) between parents and schools regarding the placement of a student.
- Under the IDEA procedural safeguards, parents have a right to review all educational records pertaining to their child, receive notice prior to meetings about their child's evaluation, placement, or identification, and to obtain an Independent Educational Evaluation (IEE) for consideration at such meetings.
- If disagreements arise, parents have the right to request mediation or due process hearings with state-level education agencies, and beyond that may appeal the decision in state or federal court.

Purpose of IDEA in General

The stated purpose of the IDEA is:

- to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
 - to ensure that the rights of children with disabilities and parents of such children are protected;
 - to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;
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Purpose of IDEA in General

The stated purpose of the IDEA is:

- to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services;
- to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

Rosa's Law

- A [2017 revision](#) reflected changes made to the Individuals with Disabilities Education Act by Rosa's Law, which replaces references to "mental retardation" in Federal law with "intellectual disability" or "intellectual disabilities."



Parent Advocacy

Applying FAPE principles

To ensure that your district (school) is compliant with the current FAPE standards take the following steps:

- Familiarize yourself with the [range of supplemental services, accommodations, and modifications available under the IDEA.](#)
- Evaluate your child's placement (LRE), realizing there is a continuum available ranging from general education to resource room, to self-contained classroom, to services and placement outside of the public school setting

Parent Advocacy

Applying FAPE principles

- When participating in educational planning for your child, you should be able to cite specific services, accommodations, modifications, etc. and the manner in which they connect to FAPE. Review available services and ask yourself, “How will this service, accommodation, or modification help my child progress toward grade-level?” “How will it help him become college- and career-ready?”
- Confirm that the staff delivering the services is trained and qualified to do so, and that appropriate services are in place for the student to fully benefit from the instruction he is receiving.

Before EHA

Before EHA, many children were denied access to education and opportunities to learn.

It was common for states to place kids with disabilities in separate schools - Or in separate classrooms away from their peers.

Their education was often poor and underfunded.

Academic expectations were low.

Children with learning needs and thinking differences typically didn't get the help they needed to thrive in school.



A large orange shape on the left side of the slide, consisting of a rectangle with a rounded right edge.

Before EHA

In 1970, U.S. schools educated only one in five children with disabilities, and many states had laws excluding certain students, including children who were deaf, blind, emotionally disturbed, or had an intellectual disability.



Before EHA

- Many individuals lived in state institutions for persons with intellectual disabilities or mental illness.
- Restrictive settings provided only minimal food, clothing, and shelter, and persons with disabilities were often merely accommodated rather than assessed, educated and rehabilitated.
- Families were not given the opportunity to take part in planning or placement decisions regarding their child, and resources were not available to enable children with significant disabilities to live at home and receive an education at neighborhood schools in their community.

Three major federal laws protect the rights of people with disabilities.

- **Individuals with Disabilities Education Act (IDEA)**: This education law requires public schools to meet the unique needs of eligible K–12 students with disabilities. Schools do this by providing services.
- **Section 504 of the Rehabilitation Act (Section 504)**: This civil rights law prohibits disability discrimination at schools that get federal funding. Schools meet these requirements by removing barriers to learning.
- **Americans with Disabilities Act (ADA)**: This civil rights law prohibits disability discrimination by schools, employers, and anyone who offers goods and services to the public.

Resource

<https://www.wrightslaw.com/>

[The Special Ed Advocate](#), the free online newsletter about special education law and advocacy, published by Pete and Pam Wright.

At [Wrightslaw](#) you will find links to hundreds of special education law and advocacy articles, newsletters, cases, and practical guidance for parents, advocates, and attorneys.

