

SIX PRINCIPLES OF IDEA: THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT



The IDEA is a federal law which created and governs special education. It entitles eligible children with disabilities to the specially designed instruction and individualized services and supports they need to benefit from a free public education.

1. A FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

FAPE means:

- ☑ at public expense under public supervision
- ☑ at no cost to the parents
- ☑ meeting the standards of the state department of education
- ☑ designed to meet the unique needs of each eligible student
- ☑ provided according to a written Individualized Education Program (IEP)
- ☑ applies to preschool through high school, ages 3 to 21
- ☑ includes students who have been suspended or expelled

Special education programs must:

- be designed for the student to progress in the general education curriculum (there is only one curriculum for ALL students)
- provide more than minimal benefit but no requirement to maximize potential (a serviceable Chevy vs. a brand new top-of-the-line Cadillac)
- include related services and supports and extracurricular activities

2. APPROPRIATE EVALUATION

A student must be evaluated prior to the provision of special education services to determine:

1. whether the student is an eligible "child with a disability" according to the IDEA definition, and if so,
2. to determine the educational needs of the student

- ☑ Parents must give informed consent for evaluation and for services
- ☑ A student must be evaluated in all areas of suspected disability
- ☑ The evaluation should include a variety of tools and strategies to gather functional, developmental, and academic information
- ☑ Evaluation should never be based on a single measure or assessment
- ☑ The evaluation instruments and methods used must be:
 - technically sound
 - not culturally discriminatory
 - in the language the child uses
 - administered by trained and knowledgeable personnel

~ A new or updated evaluation is to be conducted if there is reason to suspect a need or if the parents request one

~ An evaluation must be conducted within 60 calendar days of the parent giving consent

~ A comprehensive re-evaluation must be conducted every three years unless both the parent and school agree it is not necessary

~ Every three years is the minimum requirement, not a limitation

Re-evaluations may also occur when:

- Conditions warrant
- Parents request



Parents have a right to request an independent evaluation at public expense if they disagree with the results of the school's evaluation.

Parents may seek an independent evaluation at their own expense at any time.

3. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

An IEP is a written statement for each child with a disability that is developed, reviewed, and revised at least annually by a team including educators, parents, the student whenever appropriate, and others who have knowledge or expertise needed for the development of the child's special education program.

The key word is INDIVIDUALIZED

The instructional program is to be designed without regard to WHERE it will be implemented:

1. PROGRAM FIRST
2. PLACEMENT SECOND

- Parents and the student need to be meaningfully involved in the development and revisions of the program
- Parents are involved in both program and placement decisions
- The IEP must:
 - Contain objectively measurable goals
 - Be designed to offer meaningful progress in academic achievement in the general education curriculum and in functional performance

4. LEAST RESTRICTIVE ENVIRONMENT (LRE)

The IDEA requires that "... To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled."

- Special education is NOT a place
- Any placement outside the general education classroom must be justified by the child's disability related need
- Students must have meaningful access to same age peers without disabilities
- Schools must provide supplementary aids and services in the regular education classroom or other integrated settings
- Involvement in music, art, physical education, school trips, activities and extracurriculars is included
- Funding is never an appropriate reason for a more restrictive placement
- States must maintain a full continuum of placement options to meet the needs of children who do need specialized treatment or residential placement



5. PARENT AND STUDENT PARTICIPATION IN DECISION MAKING

Parents and students (whenever appropriate for the student) are meaningfully involved in:

- The development, review, and revision of the IEP
- Educational placement decisions
- Reviewing evaluation data
- Determining what data needs to be collected during evaluation
- Transition planning and services starting by age 14

6. PROCEDURAL SAFEGUARDS

Notices:

- Parental rights notice (general information)
- Written notice of meetings
- Written notice of proposal or refusal to change educational programming or placement (specific to your child)

Access to student records:

- Review
- Obtain copies
- Place statement of correction in record

When Parents & Educators Disagree:

- Resolution Facilitator ~ This process is specific to Iowa and involves using a Resolution Facilitator (impartial person) who is trained in mediation. It may be requested to address issues between educators (district or AEA) and parents of general education, Section 504, or special education students. It also can be used between other parties involved with the district.

- ☑ Preappeal Conference ~ The preappeal is also specific to Iowa and specific to special education. It is a mediation conference held to resolve issues between educators and parents about IDEA services. The preappeal is a voluntary process that has a high rate of success in resolving differences. If an agreement is reached by the parties with the help of a trained, impartial mediator, the agreement is considered legally binding.

- ☑ Complaint ~ Any individual or organization may file a signed, written complaint that includes a statement that an agency has violated special education rules. The Iowa Department of Education will review and investigate a complaint, then issue a written decision.

- ☑ Due Process Hearing ~ This is a formal administrative hearing before an administrative law judge to decide disputes between parents and educators that relate to the provision of special education. A parent, school district or AEA can file a request for a due process hearing. After conducting the hearing, the judge will issue a decision that can be appealed in a civil court.

For more information about the IDEA, and the rights of students with disabilities and their parents, contact:

Parent Training and Information Center of Iowa
ASK Family Resource Center
317 East Sixth Street ~ Des Moines, IA 50309
Telephone: 515-243-1713 ~ Toll free: 800-450-8667 ~ Fax: 515-243-1902
E-mail: info@askresource.org Website: www.askresource.org

ASK Resource Center is a 501(c)(3) non-profit organization serving families of children with disabilities, with projects funded by the U.S. Department of Education and supported by the Iowa Department of Education.