

The term “Special Education” is defined by federal law to mean “specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.” It can include instruction in general education, special education, in the child’s home, in a hospital or institution, or in some other setting. Instruction must also include physical education.

## What is IDEA?

The federal law that created and governs special education services is called the Individuals with Disabilities Education Act, commonly known as IDEA. The law was first enacted in 1975 under the name the Education for All Handicapped Children Act. The IDEA must be reauthorized by Congress periodically and has been amended several times, most recently in December of 2004.

IDEA covers children from birth through age 21. In Iowa, babies and toddlers who are eligible are served through Early Access services from the Area Education Agency (AEA) and children age 3 through 21 receive services from their public schools in collaboration with the AEA.

## Who is Eligible for Special Education?

To be eligible for special education and related services, a child must (1) have a disability, and (2) must need special education and related services because of his or her disability. The term “child with a disability” includes but is not limited to:

- intellectual disability
- hearing impairment or deafness
- speech language impairment
- visual impairment and blindness
- emotional disturbance (mental health)
- orthopedic (physical) impairment
- autism
- traumatic brain injury
- other health impairment (including ADHD)
- specific learning disabilities.

Under IDEA, to qualify for special education services the child must be evaluated and have both a disability and a need for individualized services. A child may have a disability diagnosis and not have a need for special education, or a child may have difficulty in school for reasons other than a disability.

## How is Iowa’s Special Education System Unique?

Iowa has a unique non-categorical eligibility system. Non-categorical means that a disability diagnosis is not a requirement or consideration in determining eligibility for special education services. Children are evaluated through different Performance Domains (including academic, behavior, physical, health, hearing/vision, adaptive behavior and communication) and determined to have a disability based on deficits in any skill areas that create a need for specialized instruction.

Children who are identified as eligible for special education are referred to as “eligible individuals,” rather than being identified in terms of the category of their disability. This practice is intended to prevent “labeling” children with their disability, but it does not change the scope of the disabilities listed in the federal law that can qualify a child for services.

## What are IDEA Requirements?

IDEA requires that in exchange for federal funds, states must provide a Free and Appropriate Public Education (FAPE) to children who are identified as eligible for special education and related services.

FAPE means that regardless of a child’s health conditions or disabilities, he or she must be provided access to a public education, at no cost to the parents, to meet the child’s needs and make progress that is appropriate for their circumstances. The content and method of instruction must be specially designed to meet the unique needs of the child.

For services to be considered free and appropriate, the law requires that they:

- are provided at public expense, under public

- supervision, and without charge;
- meet the standards of the State Educational Agency (Iowa Department of Education);
- include preschool, elementary, middle, and secondary (high) school;
- are provided in compliance with an Individualized Education Program (an IEP).

### **What is an Individualized Education Program (IEP)?**

An IEP is a written document developed, reviewed, and revised for each child with a disability by a team of people including the parents, teachers, and other educators who work together to develop and implement an educational program for the student. This group is known as the child's IEP team.

The 2004 revisions to the IDEA put greater emphasis than ever before on the importance of each child making progress in the general education curriculum. That means that all children should have the opportunity to make progress in the core academic subjects that students in general education study, such as reading, math, science and social studies. Some children receiving special education services may also need instruction in areas other than standard academics. Those needs may require "related services."

### **What are Related Services?**

"Related services means transportation and developmental, corrective, and other supportive services... as may be required to assist a child with a disability to benefit from special education. Related services include:

- speech-language pathology and audiology,
- interpreting services,
- psychological services,
- physical and occupational therapy,
- recreation and therapeutic recreation,
- social work services,
- school nurse services,
- counseling services,
- rehabilitation counseling,
- orientation and mobility services,
- medical services for diagnosis and evaluation purposes only" (U.S.C. §300.34(a)).

### **What are accommodations and modifications?**

Each student's IEP team must also consider any needed accommodations or modifications to the general

education curriculum. Accommodations are designed to help a student access the general education curriculum and complete the same assignment or test as the rest of the class but with a change in the timing, formatting, setting, scheduling, response and/or presentation. Examples include allowing a student to take a test in a quiet setting, or have the computer read the text (if it's not a reading test).

Modifications allow adjustments to tests, assignments and curriculum which change the level of expectations and make the work more achievable for a student who is unable to reach grade level standards.

### **What are the Principles of IDEA?**

It is important to note that Special Education is not a place. It is a program of specially designed instruction that can be provided to a child in a general education classroom or in some other appropriate setting, if the child's needs make that necessary. The IEP team should always consider providing services to a student in their Least Restrictive Environment (LRE), meaning along side their non-disabled peers to the extent that it is appropriate.

Parent rights are one of the big themes running throughout the IDEA law. Parents should always be included in decision making related to their child's IEP. Procedural Safeguard rights should be reviewed with parents/ guardians at least annually, which they can utilize if they disagree with the IEP team about changes to their child's services.

The more that parents and educators understand about Special Education Law and its guiding principles, the better the process can work to support the best outcomes for students.

### **Related Resources**

Look for the following information on our website:

- Requesting an Evaluation for Special Education
- A Comprehensive Special Education Evaluation
- Six Principles of IDEA
- Least Restrictive Environment
- Parent Participation in IEP Decision Making

From the Iowa Department of Education:

- Special Education Eligibility and Evaluation Standards