

## INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Individuals with Disabilities Education Improvement Act (IDEA) authorizes Federal funding to states in order to ensure that children with one or more specified disabilities receive a Free Appropriate Public Education (FAPE). The law was established in 1975 by Public Law 94-142 and was formerly called the Education of the Handicapped Act. Most recently the law was reauthorized in 2004 Part B of the law serves children with disabilities 3 to 21 years of age. Additionally, through Oklahoma's SoonerStart, IDEA provides for early intervention services under Part C of the law for children 0-3 years of age. (See Appendix B). Below are frequently asked questions concerning IDEA; the answers are excerpts from Public Law 105-17:

### WHAT IS SPECIAL EDUCATION?

Special education indicates a specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including:

1. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
2. Instruction in physical education.

### WHAT IS A CHILD WITH A DISABILITY?

The term, child with a disability, means a child with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities. Children aged 3 through 9 with a disability may be described as developmentally delayed.

### HOW IS A CHILD DETERMINED ELIGIBLE FOR SPECIAL EDUCATION?

The Local Educational Agency (LEA) shall conduct a full individual initial evaluation to determine whether a child has a disability and to determine the educational needs of such a child. Determination of eligibility shall be made by a team of qualified professionals and the parent of the child. A copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

### WHAT IS AN APPROPRIATE EVALUATION?

The evaluation determines eligibility for special education and related services and informs decisions about what an appropriate education would be for that child. Evaluation activities should include gathering information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities. The LEA shall use a variety of assessment tools and strategies to gather relevant functional and developmental information, including that provided by the parent.

### WHAT IS RELATED SERVICES?

Related services refers to transportation and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

### WHAT MUST BE INCLUDED IN THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)?

The IEP is a written statement that is developed, reviewed, and revised to include:

1. a statement of the child's present levels of educational performance;
2. a statement of measurable annual goals, including benchmarks or short-term objectives;
3. a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child;

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- a. to advance appropriately toward attaining the annual goals;
  - b. to be involved and progress in the general curriculum and to participate in extra-curricular and other nonacademic activities; and
  - c. to be educated and participate with other children with disabilities and non-disabled children in activities,
4. an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in activities;
  5. a statement of any individual modifications in the administration of state or district wide assessments of student achievement that are needed in order for the child to participate in such assessment, or a statement of why it is not appropriate for the child not to participate in such an assessment and how the child will be assessed;
  6. the projected date for the beginning of the services and modifications provided, the anticipated frequency, location, and duration of those services and modifications;
  7. a statement of the transition service needs:
    - a. will occur at the first IEP in the ninth grade year or age 16, whichever comes first, and include the interagency responsibilities or any needed linkages; and
    - b. beginning at least one year before the child reaches the age of majority under state law, a statement that the child has been informed of his or her rights under IDEA that will transfer to the child on reaching the age of majority.
  8. a statement of how the child's progress toward the annual goals will be measured, and how the child's parents will be regularly informed of that progress, which must be at least as often as parents are informed of their non-disabled children's progress.

- of children with disabilities and is knowledgeable about the availability of resources of the LEA;
5. an individual who can interpret the instructional implications of evaluation results;
  6. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
  7. whenever appropriate, the child with a disability.

### WHAT MUST THE TEAM CONSIDER IN THE DEVELOPMENT OF THE IEP?

In developing each child's IEP, the IEP Team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child. Results of the initial or most recent evaluation of the child should also be considered in the development process. The IEP Team shall also consider the following special factors:

1. in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions and supports to address that behavior;
2. in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;
3. in the case of a child who is blind or visually impaired, provide for instruction in braille and the use of braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, that instruction in braille or the use of braille is not appropriate;
4. consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
5. consider whether the child requires assistive technology devices and services.

### WHO IS ON THE IEP TEAM?

The IEP Team is a group of individuals composed of:

1. the parent(s) of a child with a disability;
2. at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
3. at least one special education teacher;
4. a representative of the LEA who is qualified to provide or supervise the provision of, specially designed instruction to meet the unique needs

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### WHEN DOES THE IEP HAVE TO BE REVIEWED OR REVISED?

The LEA will ensure that the IEP Team:

1. reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and
2. revises the IEP as appropriate to address any lack of expected progress toward the annual goals and in the general curriculum, information about the child provided to, or by the parents, and the child's anticipated needs or other matters.

### WHAT PROCEDURES WILL ENSURE THAT RIGHTS OF A CHILD WITH A DISABILITY UNDER IDEA?

The first procedure that is required by the law is an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a Free Appropriate Public Education (FAPE) to such child, and to obtain an independent educational evaluation of the child. Beyond this requirement, IDEA has many ways in which parents may file a complaint with the LEA. (See Special Education Program, Section IV, Page 71)

### CAN A CHILD WITH A DISABILITY RECEIVE ASSISTIVE TECHNOLOGY THROUGH IDEA?

The LEA must provide assistive technology devices and services, due to the inclusion of the word "acquisition" within the definition of assistive technology services in the law. For more information on the school's responsibility of providing assistive technology. (See Special Education Program, Section IV, Page 71)

### FOR IDEA TECHNICAL ASSISTANCE CONTACT:

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