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The individuals with disabilities education act

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Abstract

The Individuals with Disabilities Education Act (IDEA) is the federal law that supports special education and related service programming for children and youth with disabilities. It was originally known as the Education of Handicapped Children Act, passed in 1975. In 1990, amendments to the law were passed, effectively changing the name to IDEA. In 1997 and again in 2004, additional amendments were passed to ensure equal access to education. 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. 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. Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

Keywords: Disabilities Education Act (IDEA), Education of Handicapped Children Act, economic self-sufficiency

Introduction

The Individuals with Disabilities Education Act (IDEA) was originally enacted by Congress in 1975 to ensure that children with disabilities have the opportunity to receive a free appropriate public education, just like other children. The law has been revised many times over the years. The most recent amendments were passed by Congress in December 2004, with final regulations published in August 2006 (Part B for school-aged children) and in September 2011 (Part C, for babies and toddlers). Congress enacted the Education for All Handicapped Children Act (Public Law 94-142), also known as the EHA, in 1975 to support states and localities in protecting the rights of, meeting the individual needs of, and improving the results for infants, toddlers, children, and youth with disabilities and their families. This landmark law's name changed to the Individuals with Disabilities Education Act, or IDEA, in a 1990 reauthorization. The law was last reauthorized in 2004, and the department has periodically issued new or revised regulations to address the implementation and interpretation of the IDEA. In 2020-21, more than 66% of children with disabilities were in general education classrooms 80% or more of their school day (IDEA Part B Child Count and Educational Environments Collection), and early intervention services were provided to more than 363,000 infants and toddlers with disabilities and their families (IDEA Part C Child Count and Settings). Other accomplishments directly attributable to the IDEA include educating more children in their neighborhood schools, rather than in separate schools and institutions, and contributing to improvements in the rate of high school graduation, post-secondary school enrolment, and post-school employment for youth with disabilities who have benefited from the IDEA.

Services for children with disabilities

Children with disabilities receive specially designed instruction and other services to meet their unique needs. This section addresses

1. Criteria children must meet to receive services under IDEA,
2. How the children are identified and evaluated, and
3. The procedures for developing an individualized education plan to provide special education and related services.

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Children with Disabilities to be covered under IDEA, a child with a disability must meet two criteria. First, the child must be in one of several categories of disabilities, and second, the child must require special education and related services as a result of the disability in order to benefit from public education. If a child meets the two criteria, he or she would be eligible to receive specially designed instruction or special education in which the content or the delivery of the instruction is adapted to the needs of the child. If a child has a disability, but does not require special education to benefit from public education, he or she would not be covered under IDEA. The child might be covered, however, under two other acts that address the rights of individuals with disabilities: Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). These two acts provide broad nondiscrimination protection not limited to education and have identical functional definitions of disability (i.e., disabilities related to such functions as seeing, hearing, walking, thinking) rather than the categorical definition used in the IDEA. "Several of the most common disabilities of students included under Section 504 and the ADA, but not always covered under IDEA, are attention deficit hyperactivity disorder (ADHD), diabetes, and asthma.

This federal legislation is designed to ensure that children with disabilities be granted a free appropriate public education (FAPE) in the least restrictive environment (LRE). IDEA does the following:

- Ensures that all children with an identified disability receive special education and related services to address their individual needs.
- Ensures that children with disabilities be prepared for employment and independent living.
- Ensures that the rights of children with disabilities and their families are protected under the law.
- Assesses and ensures the efforts of institutions providing services to persons with disabilities.
- Provides assistance to states, localities, federal agencies, and educational service agencies in providing for the education of children with disabilities.

Six pillars of IDEA

1. Individualized Education Program (IEP)

The IDEA requires that public schools create an Individualized Education Program (IEP) for each student who is found to be eligible under both the federal and state eligibility/disability standards. The IEP describes the student's present levels of academic achievement and functional performance, and how the student's disabilities affect or would affect the child's involvement in the general education curriculum. The IEP also specifies the services to be provided and how often, and it specifies accommodations and modifications to be provided for the student.

When a child qualifies for services, an IEP team is convened to design an education plan. In addition to the child's parents, the IEP team must include at least:

- One of the child's regular education teachers (if applicable);
- A special education teacher;
- Someone who can interpret the educational implications of the child's evaluation, such as a school psychologist;
- Any related service personnel deemed appropriate or necessary; and
- An administrator or cse (committee of special

education) representative who has adequate knowledge of the availability of services in the district and the authority to commit those services on behalf of the child.

Parents are considered to be equal members of the IEP team along with the school staff. Based on the full educational evaluation results, this team collaborates to write for the individual child an IEP that will provide a free, appropriate public education.

2. Free Appropriate Public Education (FAPE)

Guaranteed by the IDEA, Free Appropriate Public Education (FAPE) is defined as "special education and related services that:

- a. Are provided at the public's expense, under public supervision and direction, and without charge;
- b. Meet the standards of the State educational agency;
- c. Include an appropriate preschool, elementary, or secondary school education in the State involved; and
- d. Are provided in conformity with the individualized education program under section 614(d).

To provide FAPE, schools must provide students with an "education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

The IDEA includes requirements that schools provide each disabled student an education that:

- Is designed to meet the unique needs of that one student;
- Provides "access to the general curriculum to meet the challenging expectations established for all children" (that is, it meets the approximate grade-level standards of the state educational agency).
- Results in educational benefit to the child.

3. Least restrictive environment (LRE)

The U.S. Department of Education, 2005a regulations implementing IDEA requires that "to the maximum extent appropriate, children with disabilities including children in public or private institutions or care facilities, are educated with children who are *nondisabled*." The regulations further state that "special classes, separate schooling or other removals of children with disabilities from regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." In other words, the Least Restrictive Environment (LRE) is the environment most like that of typical children in which the child with a disability can succeed academically (as measured by the specific goals in the student's IEP).

4. Appropriate evaluation

Children become eligible to receive special education and related services through an evaluation process. If the evaluation is not appropriately conducted or does not monitor the information that is needed to determine placement, it is not appropriate. The goal of IDEA's regulations for evaluation is to help minimize the number of misidentifications; to provide a variety of assessment tools and strategies; to prohibit the use of any single evaluation as

the sole criterion of whether a student is placed in special education services; to provide protections against evaluation measures that are racially or culturally discriminatory. Overall, the goal of appropriate evaluation is for students who need help to receive appropriate assistance and to help them reach the goals set by their respective IEP teams.

5. Parent and teacher participation

A good family-professional partnership is key for a student to receive the education necessary for success. Parents and teachers need to be willing to communicate and work together to determine the best ways of working with and providing information for a student. Both the family and the teacher work together on the IEP team to determine goals, the LRE, and to discuss other important considerations for each individual student. Throughout the whole IEP and special education process, parents and families should be updated and kept informed of any decisions made about their specific student. Parents should also be able to provide valuable input about their child to determine placement and other educational goals.

6. Procedural safeguard

Parents, as well as teachers, are able to challenge any decisions that they feel are inappropriate for the student. IDEA includes a set of procedural safeguards designed to protect the rights of children with disabilities and their families and to ensure that children with disabilities receive a FAPE.

IDEA guarantees to parents the following access to information:

- Access to their child's educational records.
- Parent participation in all IEP team meetings regarding identification, placement, and educational decisions.
- Prior written notice (Anytime anything will be changed in a student's IEP, their parents must be notified first.)
- Procedural safeguards written notice.
- Understandable language (Translators must be provided when needed.)
- Informed consent (Before any evaluations or services are provided, the student's parents must be informed and agree in writing before the school can move forward.)
- Right to request independent educational evaluations at public expense,

For parents who disagree with the school's decisions, IDEA outlines the following dispute resolution guidelines.

- "Stay Put" rights (If parents disagree with the school's decision, the student can stay put while the parents and school go through dispute resolution.)
- Mediation (This is an alternative to due-process hearings.)
- Due process hearings (If a parent has a dispute with the school about their student's special education placement or teaching, a process called due process is used to resolve issues; both parties are then able to tell their sides of the story in a court-like setting.)
- Civil litigation (If due-process results are not to the liking of the parent or the school, a civil lawsuit can be filed)

Early intervention

The Education for All Handicapped Children Act of 1975

started the course of action for early intervention programs. In this Act, public schools that received federal funding were required to provide equal access to education for children with disabilities. Services for infants and toddlers were not included in the Act until the reauthorization in 1986.

On September 6, 2011, the US Department of Education updated the IDEA to include specific interventions for children of ages 2 and under who have disabilities. This section of the IDEA is entitled Part C and serves children with developmental delays or children who have conditions that may lead to future developmental delays. Part C is a \$436-million initiative that will be administered at the state level.

On September 28, 2011, the Department of Education published an article in the Federal Register detailing the updates that have been made to Part C of the IDEA. The regulations are effective on October 28, 2011. Major changes in the regulations are detailed below:

- The definition of multidisciplinary has been revised to respect aspects of an updated individualized family service plan (IFSP) team.
- Native language is the language normally used by the parents of the child for any child who is deemed limited English proficient.
- A state's application must include how the State plans to follow the payor-of-last-resort requirements in Section 303.511
- A state's application must distinguish between pre-referral, referral, and post-referral IFSP activities such as screening, evaluations, assessments, IFSP development, etc.
- Such an application must specify that early identification information be provided in the native languages of various population groups in the State.
- A state must report to the public the performance of each Early Intervention System program in relation to the State's Annual Performance Report.

Conclusion

The Individuals with Disabilities Education Act (IDEA) in education is about giving children, regardless of gender, community, capability, or disability, the chance to learn together. It means giving every child the right to education, to experience classroom activities, and to interact with other children and teachers in regular schools. It helps children learn that they are accepted and appreciated despite their differences. It also instills in them the confidence that they, too, can make a difference in society. The Individuals with Disabilities Education Act (IDEA), thus, helps remove the stigma surrounding disability and sensitizes others about the needs of special students. Implementing this principle needs careful planning, creativity, and the right resources to make it a success. But it goes a long way in teaching children the importance of looking beyond individual differences and being prepared for life in society as adults.

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