

## Six Principles of IDEA: The Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) is a federal law that created and governs special education. The law entitles eligible children with disabilities to the specially designed instruction and individualized services and supports they need to benefit from a free public education. The IDEA has six foundational principles:

### Principle 1: A FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The IDEA gives each eligible child with disabilities the right to a free appropriate public education. FAPE means educational services:

- Provided at public expense under public supervision
- Provided at no cost to the parents (other than ordinary costs charged to all students)
- That meet the standards established by the state department of education
- That are designed to meet the unique needs of each eligible student
- Provided according to a written Individualized Education Program (IEP)
- Provided to students from preschool through high school, ages 3 to 21
- That continue to be provided to 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 a minimal benefit but with no requirement to maximize potential (a serviceable Chevy vs. a brand new fully-loaded Cadillac)
- Include related services and supports and provide for participation in extracurricular and other school activities
- Include extended year services when necessary to provide FAPE

### Principle 2: APPROPRIATE EVALUATION

The IDEA requires that a student must receive an evaluation 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

- An evaluation should never be based on a single measure or assessment
- The instruments and methods used for the evaluation must be:
  - Technically sound
  - Not culturally discriminatory
  - In the language the child use
  - 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 parent requests 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 educators agree it is not necessary

Every three years is the minimum requirement; evaluations can be conducted more often if needed, but not more than once a year

Re-evaluations may occur when:

- Conditions warrant new information
- The parent requests re-evaluation

Independent educational evaluations:

- 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.

### **Principle 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 student's special education program. The key word is individualized.

Special education is not a place:

The instructional program is to be designed without regard to where it will be implemented. The educational program is determined first; the placement or educational setting is determined second.

Parents are involved in both program and placement decisions:

- Parents and the student need to be meaningfully involved in the development of the program and any periodic revisions

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

### **Principle 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.” Least Restrictive Environment (LRE) means that:

- Any placement outside the general education classroom must be justified by the child's individual disability-related need
- Students must have meaningful access to same age peers without disabilities
- Schools must provide supplementary aids and services in the general education

- Involvement in music, art, physical education, school trips, clubs, extracurricular and other activities must be accommodated
- 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 require specialized treatment or residential placement

### **Principle 5: PARENT AND STUDENT PARTICIPATION IN DECISION MAKING**

The IDEA is very specific about what schools must do to ensure that parents have the opportunity to be active participants in each step of the special education process. Parents, and (whenever appropriate) the student, must be meaningfully involved in:

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

### **Principle 6: PROCEDURAL SAFEGUARDS**

The IDEA includes important procedural safeguards to ensure that the rights of children with disabilities and their parents are protected and that they have access to the information needed to effectively participate in the process.

Parents are entitled to written notices including:

- A parental rights notice to provide general information about special education, procedural safeguards, and student and parent rights

- Prior written notice of IEP and other meetings concerning the student
- Prior written notice whenever the school proposes to change or refuses to change the educational programming or educational placement of their child

Parents are entitled to access student records:

- They may review educational records for their child
- They may obtain copies of educational records for their child
- They may place a statement of correction or explanation in the student's record if it contains something they disagree with

Parents have a variety of procedural protections they can invoke when they disagree with educators:

The Resolution Facilitator Process is specific to Iowa and involves an impartial Resolution Facilitator who is trained in mediation. This process may be requested to address issues between educators (school 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.

A Mediation Conference is held to resolve issues between educators and parents about IDEA services being provided to a particular student. It 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 and a "shepherd" may be assigned to oversee the implementation of the agreement.

A Formal Written Complaint is a signed, written complaint that includes a statement that an agency has violated special education rules. A complaint may be filed with the Iowa Department of Education (DE) by any individual or organization. The DE will review and investigate a complaint, then issue a written decision within 60 days. If the school district is found to be in violation of the law it will be required to develop and implement a corrective action plan.

A Due Process Hearing is a formal hearing before an administrative law judge (ALJ) 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. During the hearing each side has the opportunity to present their case and offer testimony. The parties may have legal representation. After conducting the hearing, the ALJ will issue a written decision that can be appealed in a state or federal district court.