



What's the Big IDEA? #2

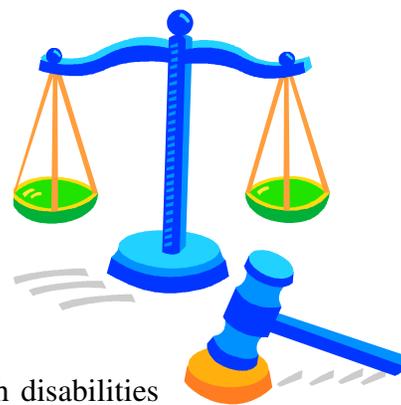
The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

6 Principles of IDEA – Part 1

The Individuals with Disabilities Education Act (IDEA) of 2004 is the current federal special education law (P.L. 108-446). In 1975, Congress passed the first special education law (PL 94-142) and named it the Education for All Handicapped Children Act. Since that time there have been several revisions (reauthorizations) of the original law. When changes to the Act were made in 1990, the name of the Act was changed to the Individuals with Disabilities Education Act or IDEA. The most recent reauthorization of the Act is IDEA 2004 and this is the version of the law that we refer to in this fact sheet. When Congress reauthorizes IDEA the name may change again. To stay informed about the upcoming changes to IDEA, be sure to visit our website at www.parentsreachingout.org for updates.

IDEA assures specific rights and safeguards to children with disabilities and their parents. In New Mexico, some of these rights are also assured to students who are gifted. IDEA contains six principles that provide the framework around which special education services are designed and provided to students with disabilities. These six principles represent the spirit and intent of IDEA. The principles are:

- **Free Appropriate Public Education (FAPE)**
- **Appropriate Evaluation**
- **Individualized Education Program (IEP)**
- **Least Restrictive Environment (LRE)**
- **Parent and Student Participation in Decision Making**
- **Procedural Safeguards**



Alone, and together, these six principles work to guarantee that children with disabilities can go to school everyday and have their individual educational needs determined and addressed.

Free Appropriate Public Education (FAPE)

Each of these four words is significant. First of all, **free** means that every child with a disability who is eligible for special education must be provided educational services at no cost to the parent.

Secondly, the services that are provided must be **appropriate** for the individual student. What is appropriate is unique to each child. The team that meets to develop the student's Individualized Education Program (IEP) will decide on the appropriate services for the student based on factors such as evaluations, classroom performance, and the student's goals. As the parent, you are an equal member of this team, so you will have input into designing an appropriate educational program for your child.

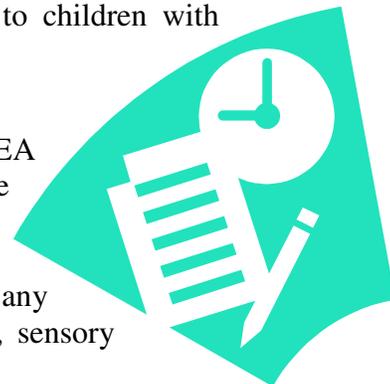
The third word, **public**, refers to the fact that the public school system must educate **all** students, including students with the most profound disabilities. The public school system is also responsible for all costs associated with providing an appropriate education for the student.

Lastly, **education** refers to special education, general education, and related services. The eligibility determination team (EDT) will determine what services are needed, the duration of each, and where the service will be provided. The team's decision will be recorded in the student's IEP.

Another important element of FAPE is the requirement that a state must take steps to find children who may have a disability and to evaluate them. This requirement is known as the "child find" duty. It applies to all children, even those that have not yet entered the public school system. For children who are enrolled in school, the school has a responsibility to identify the children who are struggling and, if appropriate, to evaluate them to see if they qualify for special education services. This requirement extends to children with disabilities who have been suspended or expelled from school.

Appropriate Evaluation

When a child is referred for a comprehensive educational evaluation, IDEA guarantees that certain safeguards are at work. For example, IDEA states that the evaluation must include relevant information from a variety of sources – parents, teachers, classroom observations, and formal assessments. Evaluations need to be conducted in all areas of suspected disability so be sure to bring up any concerns you may have about your child's academics, behavior, social skills, sensory issues, etc. when your child is referred for an evaluation.



The formal assessments need to be done by a team of evaluators who are knowledgeable about the appropriate types of evaluations to use and who have been trained in the use of tests and evaluation materials. The evaluator must choose assessments that are not racially or culturally discriminatory and the evaluations must be administered in the native language or mode of communication, unless it clearly is not feasible to do so. The evaluator(s) must use a variety of assessment tools and strategies in order to gather relevant functional, developmental, and academic information. ***No single test can be used.***

The purpose of the evaluation is to provide information that can be used to determine: 1) the child's eligibility for special education and related services and 2) how to meet the educational needs of the child. When the evaluation is completed, the eligibility determination team will meet to review the evaluation information. At that point, the **team**, which includes you, the parent, will decide whether or not the child qualifies for special education services. If your child qualifies for special education services, he or she will be re-evaluated at least once every three years at no cost to the parent.

***No single test can be used to make an eligibility determination.
No single person makes the eligibility decision for your child.
All decisions are team decisions.***

This series on the Six Principles of IDEA will continue with IDEA fact sheet #3.

If you have further questions about your rights under IDEA or your child's special education program, please call Parents Reaching Out at 1-800-524-5176. Or, for more detailed information we encourage you to visit the following websites:

www.parentsreachingout.org

www.wrightslaw.com

<http://idea.ed.gov>

"What's the Big IDEA?" fact sheets are developed by Parents Reaching Out under a grant from the US Department of Education, Office of Special Education. Views expressed do not necessarily represent the policy of the US Department of Education and should not be assumed to be an endorsement by the federal government.