



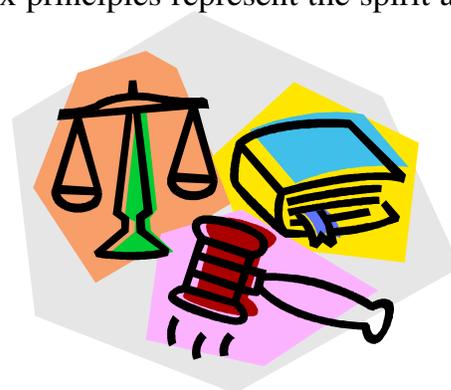
What's the Big IDEA? #3

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 2

The Individuals with Disabilities Education Act (IDEA) of 2004 assures specific rights and safeguards to children with disabilities and their parents. This fact sheet concludes our explanation of the six principles of IDEA, which began with IDEA fact sheet #2. These six principles represent the spirit and intent of the law. 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**



Individualized Education Program (IEP)

The IEP is the centerpiece of your child's right to a free appropriate public education. An IEP can refer to both a meeting and a legal document. The document is the written record of the IEP meeting. At the IEP meeting, the team, which includes the parent, reviews current evaluations and present levels of performance in order to develop a program which will meet the student's unique educational needs.

The focus of the IEP should always be on providing access to the general education curriculum as much as possible. For example, the team will need to document how the child's disability affects his/her involvement and progress in the general education curriculum. The IEP will detail the services the child will receive - general education, special education, and related services (see our IDEA fact sheet #9 on Related Services for more information on the types of services that are available). The team will decide on both the amount of service and where the services will be provided. The IEP team will work together to develop measurable academic and functional goals. The IEP should also state how the child's progress toward goals will be measured and when progress will be reported.

Remember, an IEP is a work in progress. After it has been put in place, it needs to be monitored and revised as needed to help your child reach his/her goals. An IEP must be reviewed at least once a year. However, if you feel that your child's educational program is not working; you have the right to request an IEP meeting at any time. You do not have to wait for the school to call a meeting.

Least Restrictive Environment (LRE)

IDEA makes it very clear that children with disabilities are to be with their non-disabled peers to the greatest extent possible in educational settings and during extracurricular or nonacademic activities. The IEP team decides where your child receives special education and related services (placement).

When developing a student's IEP, the team must first consider placement in general education with modifications and supplementary aids and services. A child's eligibility category should never determine placement. Access to the general education curriculum must be the first priority for the team. If the team feels that the student's needs can not be met in general education, even with modifications and supplementary aids and services, then a minimal amount of time in a segregated environment (ex. special education classroom) should be considered next. The school must be able to provide a range of placement options for your child, and your child's unique needs must be considered. You should never be told that, "This is the class for all children who have autism, so your child will be in this class." IDEA states that special classes and special schools should be considered **only** when the nature or severity of the disability is such that the general education setting, even with use of modifications and supplementary aids and services is not appropriate.

Parent and Student Participation in Decision Making

With the reauthorization of IDEA in 2004, Congress strengthened the role of parents. Parents are to be full, equal participants in all aspects of their child's special education program. When it is appropriate, the student is also a member of the team. When the team is discussing transition issues, the student **must** be a team member. IDEA guarantees that parents have the right to:

- Participate in all meetings concerning their child's special education.
- Receive notification of meetings in a timely manner.
- Request that a meeting be rescheduled so they can attend.
- Give or withhold consent before any initial evaluations. Parents must also give their consent before the release of any information on their child.
- Make informed decisions, which means they understand all decisions and options and why proposals are accepted or rejected.

Procedural Safeguards

IDEA requires school districts and states to develop procedures that provide parents with a way to enforce their child's right to a free appropriate public education (FAPE). The school must provide parents with a copy of their procedural safeguards at least once a year. Some examples of procedural safeguards under IDEA are the rights of parents to:

- Receive prior written notice regarding the identification, evaluation, or educational placement of their child.
- Inspect/review their child's educational records.
- Request mediation and an impartial due process hearing.
- Request an independent educational evaluation (IEE).
- Participate in all decisions regarding their child's education.

These are just a few of the many safeguards that IDEA 2004 has in place to protect the rights of students with disabilities and their parents. For more information about IDEA 2004, you can call Parents Reaching Out at 1-800-524-5176 or visit one of the following websites:

<http://www.parentsreachingout.org>

<http://www.wrightslaw.co>

<http://idea.ed.gov>

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