

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

PART B

WHAT IS IDEA?

IDEA is the Individuals with Disabilities Education Act

IDEA Part B ensures that students receive a free and appropriate public education (FAPE)

Schools must evaluate students who may have disabilities at no cost to families

Students with disabilities must learn side by side with peers as much as possible in their least restrictive environment

If a qualifying disability is found, the school must offer special education and related services to meet the child's needs, which are provided through an IEP

IEP OVERVIEW

Purpose: To set reasonable learning goals for a child and to state the services that the district will provide in school

Who? IEPs are developed by a team of individuals comprised of key school staff, the parents, and the student

What? An IEP must include:

- How the child is currently doing in school and how their disability affects their involvement in the general curriculum
- Annual goals the child can reasonably accomplish in a year
- Special education and related services to be provided
- The extent to which the child will not participate with non-disabled children in class and extracurricular/nonacademic activities
- How the child will participate in statewide assessments and what modifications they need
- When services will begin, how often they will be provided, and how long they will last
- How progress will be measured towards annual goals

When? An IEP meeting must be held within 30 calendar days after it's determined that the child has a qualifying disability and must be reviewed annually to determine if the goals are being achieved

Can students be involved? Yes!! Students are encouraged to be involved in the development of their IEP

WHO IS ELIGIBLE?

Children must have a disability that falls under one of these 13 categories to qualify for services under IDEA:

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Visual impairment, including blindness
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury

Having one of these disabilities doesn't automatically qualify a child under IDEA. They must have a qualifying disability, and as a result of that disability, need special education to make progress in school

PARENTS HAVE A VOICE TOO

Procedural safeguards are set up to ensure parents have a voice in their child's education plan. These include:

Procedural safeguards notice

The school must provide the parent with a written explanation of their rights

Parent participation

Parents have a legal right to participate in meetings about their child's education and can call an IEP meeting at any time

Access to educational records

Parents have the right to see and obtain an explanation of the child's school records

Confidentiality of information

The school must protect the child's confidentiality

Informed consent

Before evaluation or providing services for the first time the school must inform the parent of what's involved and the parent must give the school written consent before the school can move forward

Prior written notice

The school must give parents notice before they change the student's special education plan

Understandable language

When the school provides written notice, it must be in language understandable to the public and in the family's native language

Independent education evaluation

If the parent disagrees with the school's evaluation results, they have a right to obtain an evaluation of the child's skills by someone who is not a school employee

"Stay put" rights

Keeps the child's current IEP in place if the parent disagrees with a proposed change to the IEP

Dispute resolution options

When the parent disagrees with the school, they have several options on how to mediate the dispute with the school