

Fact Sheet: The Individuals With Disabilities Education Act

The Individuals With Disabilities Education Act (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. **IDEA is an important law because it requires that children and youth with disabilities in mandated age ranges receive appropriate special education and related services. Under IDEA, a free appropriate public education (FAPE) means special education and related services that are provided at public expense; meet the state education agency standards; include preschool, elementary, and secondary schools; and are in keeping with an Individualized Education Plan.** The following is a summary of the kinds of evaluations and interventions that schools use to identify and meet the needs of students with disabilities, the rights of parents under IDEA, and links to additional information.

Evaluation and Intervention

Services under IDEA begin with a process of screening and evaluations of a child's social, emotional, cognitive, and physical needs. The process can begin as early as birth and continues through age 21.

Early Intervention

Evaluations of young children up to the age of 3 may lead to recommended services, called *Early Intervention (EI) services*. Parents are often prompted to seek such evaluation of their infant or toddler by physicians or certified caregivers. These professionals may recognize a condition or special need that may affect the child's development. Once determined necessary, the EI team recommends special education services with the goal of lessening the effect of any condition that may limit a child's development. Recommended services can be remedial or preventive in nature. Special education provides instruction that is specifically designed, at no cost to parents, to meet a child's unique needs. Specially designed instruction means adapting the content, methodology, or delivery of instruction. **These services may focus on the child, but are most effective when the focus is on the child and the family together.**

Individualized Education Program (IEP)

Evaluations of school-age children should be considered when a parent or teacher believes that a child is having difficulty in school—whether academic, social, or emotional. Parents can request an evaluation by calling or writing to the special education committee at the child's school, or the school system itself may determine that an evaluation is needed. The process most schools use to conduct an evaluation of a student may entail the following types of tests:

- Intelligence quotient (IQ)
- Academic achievement
- Speech
- Language

Once a determination of a special need is made, schools are mandated to create an Individualized Education Program (IEP) for the student under Federal and state standards. The parents or guardians of the student have a right to join the team as an equal member to develop an IEP, also comprised of a special education teacher and the child's regular education teacher. The IEP is not set in stone and can be changed at

any time. Types of IEP interventions include assistive technology (e.g., communication boards, computerized language devices, padded supportive chairs), audiology, counseling services, diagnostic medical services, occupational therapy, parent counseling and training, physical therapy, psychological services, recreation, rehabilitation counseling services, school health services, school social work services, speech -language pathology, and transportation. **There is no one-size-fits-all solution for children with special needs, so parents are encouraged to take an active role in helping to develop an IEP that suits the needs of their child.**

The Rights of Parents

Parents of children with special needs and disabilities are afforded many rights under IDEA, including the right to make important decisions about their child's education. Under the law, parents have the right to:

- choose whether or not to have a child evaluated and if so, to have it done in a timely manner;
 - choose the environment in which the child will receive services, whether it be at home, in a preschool setting, or at another location;
 - go through the early intervention process in their preferred language
 - receive full copies of all evaluation results and notices regarding each aspect of the program;
 - refuse any specific service without losing the right to other services;
 - bring or consult an advocate or attorney or bring one to any meeting at stage of the process;
 - keep all information regarding the family confidential;
 - examine and correct all records regarding the child and family;
 - withhold or withdraw consent at any stage of the process;
 - be told of any possible changes in the child's evaluation or services before any are made;
 - be involved in all stages of early intervention;
 - choose not to participate in the Early Intervention Program; and
 - repeal decisions about their child.
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More Information About the IDEA

IDEA is a Federal education law and, as such, provides minimum requirements that states must meet in order to receive Federal funds to assist in providing special education and related services. States also have special education laws that may go beyond the Federal requirements. **For more information about IDEA, visit the U.S. Department of Education Office of Special Education Programs (OSEP) at <http://idea.ed.gov/explore/home>. Also, visit the National Dissemination Center for Children With Disabilities at <http://nichcy.org/> to find State Resource Sheets that can help connect you to disability agencies and organizations in your state.**