

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

Individuals with Disabilities Education Improvement Act (IDEA) authorizes Federal funding to states in order to ensure that children with one or more specified disabilities receive a Free Appropriate Public Education (FAPE). The law was established in 1975 by Public Law 94-142 and was formerly called the Education of the Handicapped Act. Most recently the law was reauthorized in 2004 Part B of the law serves children with disabilities 3 to 21 years of age. Additionally, through Oklahoma's SoonerStart, IDEA provides for early intervention services under Part C of the law for children 0-3 years of age. (See Appendix B). Below are frequently asked questions concerning IDEA; the answers are excerpts from Public Law 105-17:

WHAT IS SPECIAL EDUCATION?

Special education indicates a specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including:

1. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
2. Instruction in physical education.

WHAT IS A CHILD WITH A DISABILITY?

The term, child with a disability, means a child with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities. Children aged 3 through 9 with a disability may be described as developmentally delayed.

HOW IS A CHILD DETERMINED ELIGIBLE FOR SPECIAL EDUCATION?

The Local Educational Agency (LEA) shall conduct a full individual initial evaluation to determine whether a child has a disability and to determine the educational needs of such a child. Determination of eligibility shall be made by a team of qualified professionals and the parent of the child. A copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

WHAT IS AN APPROPRIATE EVALUATION?

The evaluation determines eligibility for special education and related services and informs decisions about what an appropriate education would be for that child. Evaluation activities should include gathering information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities. The LEA shall use a variety of assessment tools and strategies to gather relevant functional and developmental information, including that provided by the parent.

WHAT IS RELATED SERVICES?

Related services refers to transportation and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

WHAT MUST BE INCLUDED IN THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)?

The IEP is a written statement that is developed, reviewed, and revised to include:

1. a statement of the child's present levels of educational performance;
2. a statement of measurable annual goals, including benchmarks or short-term objectives;
3. a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child;