

The Individuals with Disabilities Education Improvement Act (IDEA 2004) Public Law 10/-446

The major purpose of the Individuals with Disabilities Education Improvement Act is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. The many changes align the provisions of IDEA with No Child Left Behind. The regulations for IDEA assure children with disabilities and their parents the following basic rights:

1. A Free, Appropriate, Public Education (FAPE):
 - Free – no cost to parents
 - Appropriate – suited to the individual needs of the child
 - Public – provided by or paid for by the public school system
 - Education – including extracurricular activities – what this law is all about!

2. Appropriate Evaluation:
 - Evaluators must be knowledgeable and trained.
 - A variety of instruments and procedures must be used to gather information about the student. Input from the child’s parents must be included.
 - Tests and other procedures must be selected and administered so as not to be discriminatory on a racial or cultural basis.
 - There is a 60-day timeframe from the receipt of parental consent for initial evaluation until the evaluation is conducted, except in CT State regulations establish a 45-school day timeframe from time referral is received to the implementation of the IEP.

3. Individualized Education Program:
 - Each child with a disability who is eligible for special education and related services must have an IEP, a written statement that is developed, revised and revised in accordance with the law.

4. Least Restrictive Environment:
 - “...the presumption that children with disabilities are most appropriately educated with their nondisabled peers...unless the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and service cannot be readily achieved.”

5. Parent and Student Participation in Decision Making:

- Parents participate by:
 - Attending and participating in the PPT meeting
 - Giving consent for evaluation and initial placement of their child
 - Helping the team understand their child
 - Helping design the IEP
- Students participate by:
 - Helping design the IEP
 - Expressing preferences and interests, particularly during transition planning

6. Procedural Safeguards:

- Safeguards to ensure:
 - That the rights of children with disabilities and their parents are protected.
 - That students with disabilities and their parents are provided with the information they need to make educational decisions.
 - That procedures and mechanisms are in place to resolve disagreements between parties.
- Procedural Safeguards include:
 - Prior written notice
 - Parent consent
 - Independent Education Evaluation
 - Parent access to educational records
 - Dispute Resolution Options