



# Individuals with Disabilities Education Act (IDEA) Overview

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## **Background**

IDEA is a unique combination of a civil rights and grants statute. This federal education program is designed to ensure students with disabilities receive a free appropriate public education. The predecessor legislation to this Act was first enacted in 1975. Nationwide before enactment, students with disabilities were commonly excluded from school entirely, or educated in separate classrooms or buildings. More than one million students were kept out of school, with many states barring children even with only mild disabilities from receiving an education.

Two Supreme Court cases established that the responsibility of States and local school districts to educate individuals with disabilities is derived from the equal protection clause of the Fourteenth Amendment of the United States Constitution. These cases were the impetus for a federal guarantee of a right to an education for students regardless of their disability. IDEA made explicit in federal law that students with disabilities were entitled to receive an education.

The 1997 IDEA amendments began a shift in the focus of this law from mere access to education to student academic outcomes. Under the 1997 amendments, students were required to have access to the general curriculum and to participate in statewide assessments with accommodations as determined by their Individualized Education Program. The 2004 reauthorization addressed systemic problems in IDEA and aligned IDEA with No Child Left Behind (NCLB), while furthering the emphasis on student academic outcomes. Accountability for educating students with disabilities was enhanced in this reauthorization.

[For key changes in IDEA '04 follow this link >>](#)

IDEA will be up for reauthorization in 2011. Currently there are 6.9 million students and almost 1 million children ages birth to 5 receiving services under the provisions of IDEA.

IDEA is divided into 4 major sections:

- Part A – General Provisions,
- Part B – Assistance for Education of All Children with Disabilities,
- Part C – Infants and Toddlers with Disabilities, and
- Part D – National Activities to Improve Education of Children with Disabilities.

Parts A and B establish the structure of the special education system and the rights that children with disabilities and their parents have under the law. These parts are permanently authorized

meaning that the law remains in effect unless repealed. IDEA authorizes state and local aid for special education and related services for children with disabilities. Receipt of federal funds is contingent on the provision of a free and appropriate public education (FAPE) which is to occur in the least restrictive environment (LRE).

Under IDEA, Congress authorized a provision to pay up to 40% of the excess cost of educating students with disabilities. This 40% figure is often cited as the amount of funding it would take to “fully fund” IDEA. Funding for Part B state grants covered 17.2% of the national average per pupil expenditure in 2007.

Part C is a state grant program to provide early intervention services to eligible infants and toddlers and their families. Part D provides grants to develop and research intervention and instructional strategies and supports professional development.

## **The Provisions of IDEA**

In order for a student to receive services for special education they must be evaluated. Parents or schools can recommend a student to be evaluated for special education and related (i.e. speech-language, physical therapy, school health services, etc.) services, but parental permission must be attained before an assessment can be planned or conducted. The individualized education program (IEP) team consists of parent(s), teachers, school social workers, school administrator, school psychologists, the student (if appropriate), and other individuals who have knowledge or special expertise about the child who can help plan for the student’s unique needs.

Once a student is identified as qualifying for special education and related services, the IEP team develops an IEP that explains how and where the district will educate that student based on present level of performance and addresses academic and/or behavioral areas of need, along with any other related services required to support student gains. Generally, the IEP must be reviewed annually and a reevaluation must be conducted every three years. Procedural safeguards are incorporated in the law to ensure that identification, assessment and services are provided in a timely manner. It also covers participants, timelines and sanctions for when the law is not implemented as stated.

Due process gives parents the right to advocate for their child when they are in disagreement with the school district over the content or implementation of the IEP. Under due process a parent can administratively, or in a court of law, pursue the services or other educationally related aspects they believe are necessary to ensure their child receives FAPE.