

The Individuals with Disabilities Act (IDEA)

Impact of legislation on access to education for students
with disabilities



Parent Advocacy

“...parents had provided the energy and will to create special education programs wherever they occurred... there would be little, if any, special education if the parents had not created it, directly or through political persuasion.”

Dr. Edward Martin

Case History

Brown v. Board of Education (1954)

Prohibits segregation in public schools on the basis of race

Equal protection doctrine extended to a class of people

Advocates used Brown as a catalyst to recognize students with disabilities as a “class”

Mills v. Board of Education (1972)

Because segregation in public schools is illegal, it would be unconstitutional for the DC Board of Education to deprive students with disabilities from receiving an education.

Congress, 1975

Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to our society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equal opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

The Education for All Handicapped Children Act of 1975

Public Law 94-142

Establishes the right to a Free and Appropriate Public Education (FAPE) for all students with disabilities.

Provides Federal funding to states that agree to educate children with disabilities

Establishes the rights of students to be educated in the Least Restrictive Environment (LRE)

Requires schools to develop Individualized Educational Plans (IEP) for each eligible student

Establishes procedural safeguards

The Individuals with Disabilities Education Act, 1990 (P.L. 101-476)

The purpose of IDEA

Ensures 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, to

Ensures that the rights of children with disabilities and parents of such children are protected,

Assists states, localities, educational service agencies, and federal agencies to provide for the education of **all** children with disabilities.

Free and Appropriate Public Education

(FAPE)

Mandates that states provide special education and related services which:

- have been provided at public expense, under public supervision and direction, and without charge
- meet standards of the state education agency (SEA) include an appropriate preschool, elementary, or secondary school education in the state involved
- are provided in conformity with the Individualized Education Program.

(IDEA, 20 U.S.C. § 1401[18][C])

Least Restrictive Environment

(LRE)

Mandates that students with disabilities:

Are educated with their peers without disabilities to the maximum extent appropriate

Prohibits removal from instruction in the inclusive setting unless reasonable accommodations are not sufficient to meet student learning needs

The Rachel H. Test

Considerations for determining LRE

The educational benefits available in the general education classroom with supplementary aids and services as compared with the educational benefits of the special education classroom

The non-academic benefits of interaction with students without disabilities

The effect of the student's presence on the teacher and on other students in the classroom

The cost of mainstreaming

Supplementary Aids and Services

Ensure access to the maximum extent possible in the LRE

Must be determined to be reasonable by the IEP team

Must be considered unique to each student with special needs and their specific situation.

Need not be above and beyond what is considered reasonable and appropriate by the IEP team

Amendments

The IDEA is evolving

IDEA has been officially amended twice, and presidents have established commissions to inform the ongoing evolution of the rights of students with disabilities and their families.

Advocate.

Advocate.

Advocate.

“The IDEA can no longer be fairly perceived as a statute which merely affords children access to education. Today, the IDEA is designed to improve the effectiveness of special education and increase the benefits afforded to children with disabilities to the extent such benefits are necessary to achieve measurable progress.”

T.L. Eyer, 1998. How the 1997 IDEA amendments raise the basic floor of opportunity for children with disabilities, *Education Law Report*, 126, 1-19.

Inclusion about so much more than physical proximity. It is about mindfully planning for the success of **all** students.

