

Individuals with Disabilities Education Improvement Act (IDEA 2004) For Families and Advocates

Materials developed at PACER Center by:

PACER Executive Director:
Alliance Co-Directors:

Dixie Jordan

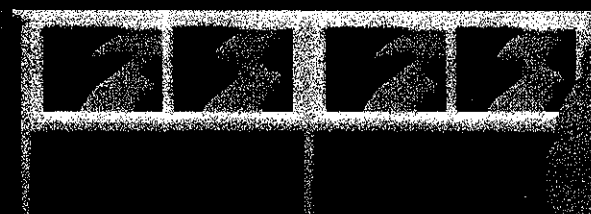
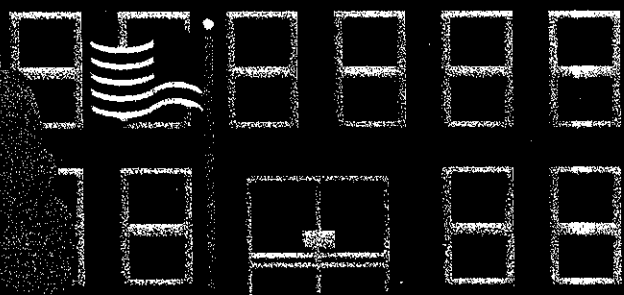
Paula F. Goldberg
Sharman Davis Barrett
Sue Folger

PACER Center, Inc.
8161 Normandale Blvd., Minneapolis, MN 55437

Ph: (952) 838-9000; **E-mail:** pacer@pacer.org ; **Web sites:** www.pacer.org; www.taalliance.org

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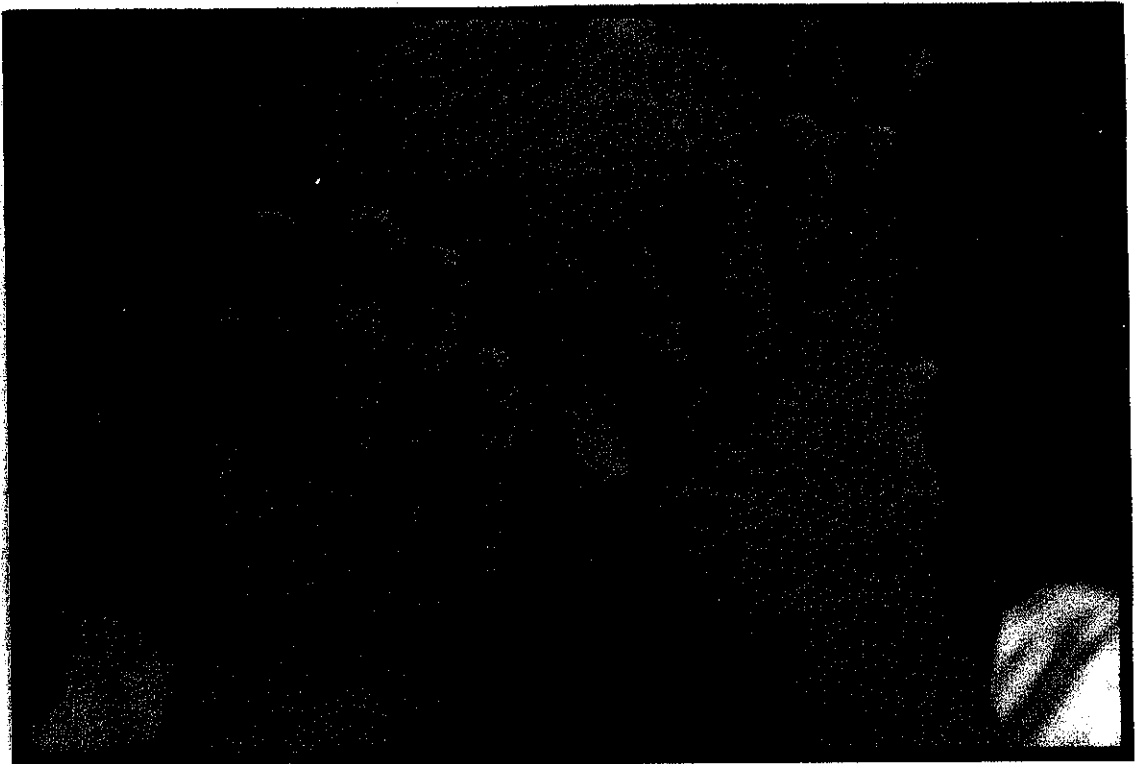
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IDEA 2004

Effective dates for implementation

- **July 1, 2005:** Parts A, B, and C, and subpart 1 of Part D, except:
- Section 602(A) and (C) through (F) – definition of a “highly qualified” special education teacher took effect on December 3, 2004



Individuals with Disabilities Education Improvement Act of 2004

Workshop Structure

- Definitions
- Evaluation
- Individualized Education Program (IEP)
- Least Restrictive Environment (LRE)
- Private School Placement
- Procedural Safeguards



Child Find

All children with disabilities

- Are identified, located and evaluated, including:
 - Homeless
 - Wards of the State
 - Private school students

- A child is NOT required to be classified by their disability in order to receive special education and related services



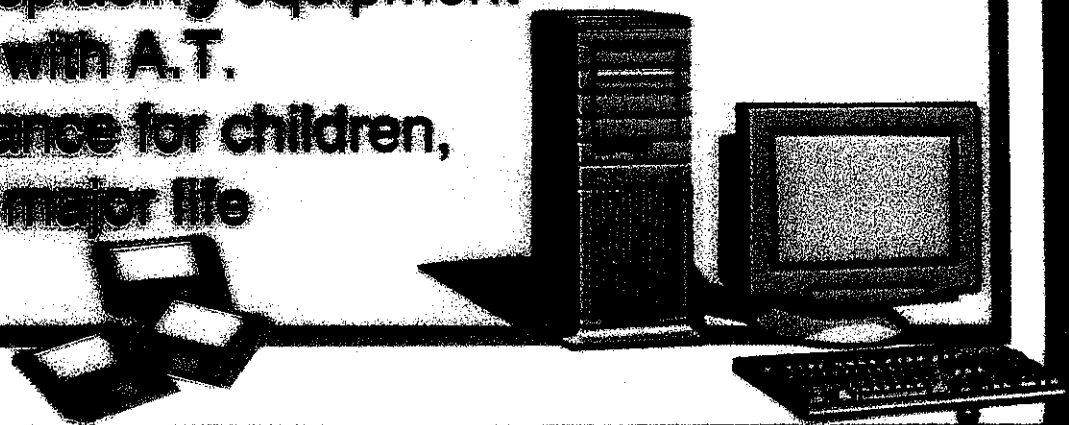
Assistive Technology



Device: Item, equipment, or product system to increase, maintain, or improve functional capabilities of a child

Service: a service that directly assists with selecting, acquiring, or using an assistive technology device. The term includes:

- A. Evaluation
- B. Providing equipment
- C. Maintaining, customizing or replacing equipment
- D. Coordinating other therapies with A.T.
- E. Training and technical assistance for children, families or others involved in major life functions of the child



Child with a disability

Ages 3 through 21*

- 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
- specific learning disabilities

who, by reason of disability, needs special education and related services

*except in States that do not serve children ages 3-5 or ages 18 - 21

Child with a disability

Ages 3 through 9*

- “Child with a disability” if State and LEA choose, include a child with developmental delays in one or more of the following:
 - Physical development
 - Cognitive development
 - Communication development
 - Social or emotional development, or
 - Adaptive development
- who, by reason of developmental delay, needs special education and related services

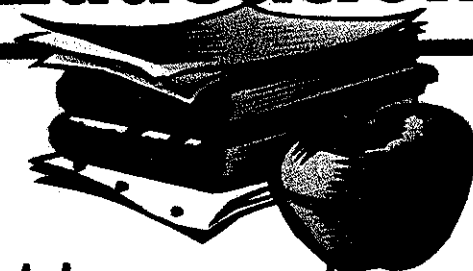


*or any subset of this range

Free Appropriate Public Education

Special education & related services:

- ✓ Public expense, public supervision, no cost to parents
- ✓ Meet the standards of the SEA
- ✓ Include preschool, elementary or secondary education
- ✓ Provided in conformity with the IEP



FAPE applies to all children, including those who have been suspended or expelled





FAPE Exceptions

Ages: 3-5 and 18-21
if inconsistent with State law or court order

Ages: 18 through 21 in adult correctional facilities if State law does not require services to those students who, in their most recent educational placement-

- ◆ were not identified as being a child with a disability, and
- ◆ did not have an IEP

Students with disabilities who have graduated with a regular high school diploma

Students convicted as adults
and placed in adult prisons

Requirements that do not apply:

- participation in general assessments
- transition planning and transition services if eligibility for special education will end, because of age, before release

Modification of IEP and placement:

- the IEP and placement can be modified for a bona fide security or compelling penological reason that cannot otherwise be accommodated

Special Education

...specially designed instruction at no cost to parents, to meet the unique needs of a child with a disability, including -

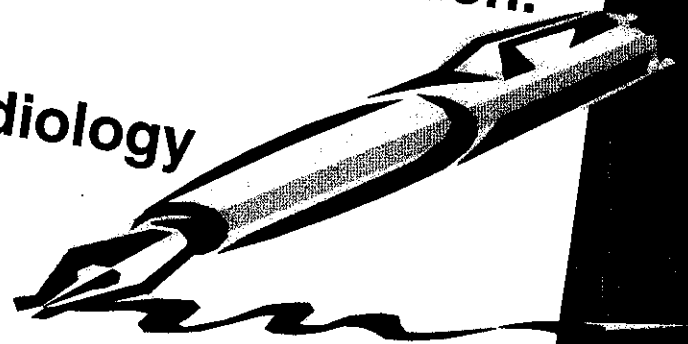
- **Instruction in the classroom, home, hospital or institution, and in other settings**
- **Instruction in physical education**



Related Services

"transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education." The term includes:

- ✓ speech-language pathology and audiology
- ✓ interpreting services
- ✓ psychological services
- ✓ physical & occupational therapy
- ✓ recreation, including therapeutic recreation
- ✓ social work services
- ✓ school nurse services
- ✓ counseling including rehabilitation counseling
- ✓ orientation and mobility services
- ✓ medical services for diagnostic or evaluation purposes



Parent may
make written
request for
evaluation

Parent must give
informed consent
for initial
evaluation

Parent must give
informed consent
for initial services

Initial Evaluations

To determine:

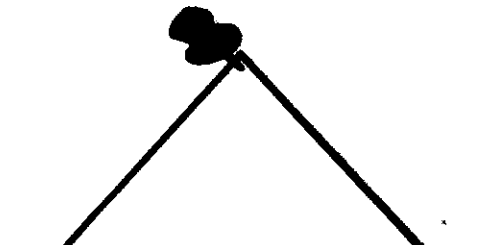
- if child has a disability
and needs special
education and related
services
- educational needs

60 days of
parent
consent or
within State
timeline

Cat

Dixie

Testing in Progress



Screening to
determine
instructional
strategies is not
an evaluation for
special education

Initial Evaluations

Consent for State
ward:

Try to obtain parent
consent, unless:

- Cannot locate
- Rights terminated
- Parents lost right to give permission, and judge appoints a person to represent the child (if in State law)



Testing in Progress

✓ Not more often than once per year unless school and parent agree

✓ At least once every 3 years, unless parent and school agree it is not needed

Reevaluation

- ✓ When conditions warrant
- ✓ When parent requests

Dog

Dixie

Testing in Progress