

Highlights

IDEA 97

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Background

IDEA 97 has six principles that give a framework for the development and delivery of SED services for students with disabilities. Before EHA in 1965, children with disabilities were often not served by public school systems. The Individuals With Disabilities Act developed out of early Special Education Law that began in 1965 with the ESEA (Elementary and Secondary Education Act), progressed through revisions of the EHA (Education of all Handicapped Children Act), through various amendments and was renamed IDEA in 1990 (also called Public Law or PL. 101-476). There were changes in 1992 and the final revision in 1997 that led to the present term of IDEA 97.

Some key facts that we must keep in mind regarding the history of serving the needs of disabled children are:

- Before the first implementation of IDEA in 1975, approximately 1 million children that were classed as disabled, were shut out of schools, and hundreds more were denied appropriate services. Ninety percent of children with developmental disabilities were previously housed in state institutions.
- Currently, twice as many children with disabilities drop out of school.
- Drop outs do not return to school, have difficulty finding jobs and often turn up in the criminal justice system.
- Girls who drop out often become young unwed mothers-at a much higher rate than their non-disabled peers.
- Many children with disabilities are excluded from the curriculum and assessments used with their non-disabled classmates, limiting their possibilities of performing to higher standards.

Overview

It is important to note that the six principles of IDEA 97 should guide the way school's plan, deliver, and evaluate the special education services they deliver to children with disabilities and their families. The six principles that are at the core of IDEA 97 are:

- * FAPE (free appropriate public education)
- * appropriate evaluation
- * IEP (individualized education program)
- * LRE (least restrictive environment)
- * parent and student participation in decision making
- * procedural safeguards

The Six Principles

1. Free and Appropriate Public Education

- * A *Free* and appropriate education means at the public expense and under public supervision and direction, without charge.

- * What is *appropriate* will differ with each child, but it must address the specific needs of the child.
- * The various levels of educational service providers should be included.
- * The education must meet state standards and conform to the IEP.

2. Appropriate Evaluation

Why? To avoid abuses that can occur when evaluation is not conducted properly or when results are misinterpreted (ie: mistakenly identifying children as having a disability when they don't or mislabeling them.

- * Evaluators must be knowledgeable and trained in the use of tests
- * A variety of instruments and procedures should be used
- * Tests and other procedures must be selected and administered to avoid racial or cultural bias
- * The child should not be subjected to unnecessary tests and assessments

3. Individualized Education Plan

A written statement for each child with a disability, delineating long and short term goals, and agreed upon by the educational decision making committee. Items to be identified in the IEP:

- What the child's present level of educational performance is, and how their disability affects his or her involvement and progress in the general curriculum.
- Goals must be measurable, or have short-term objectives
- What special and regular services the child will be provided
- Program modifications and support to assist the child in the general curriculum and other school activities
- The extent (if any) that the child will not participate in regular class
- How the student will be alternatively assessed and any individual modifications in the assessment programs of student achievement made on the child's behalf
- The date that delivery of services began and modifications, with location, and duration of those services
- The transition service needs (beginning at age 14), of the child and needed transition services (beginning at age 16 or younger)
- The child should be informed at least one year before reaching majority of their rights upon reaching majority.
- How the child's progress will be measured, and parents be informed.

The IEP Team:

- The parents of the child
- At least one regular education teacher
- At least one special education teacher

- A representative of the local educational agency qualified to supervise special needs students and knowledgeable about general curriculum and resources available
- Someone who can interpret the instructional implications of evaluation results
- Others who may have knowledge of the child or special expertise regarding the child
- The child (if appropriate)

Least Restrictive Environment

Deciding whether or not the student will be educated in the general education classroom is an individualized inquiry into the possible range of supplementary aids and services that are needed to ensure that the student can be satisfactorily educated in that environment. One of the key principles of the LRE is that:

“...the presumption that children with disabilities are most appropriately educated with their peers ...removal of children with disabilities for the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

Key elements of the LRE are:

- Presumption that the student should be placed in the regular classroom
- Supplementary aids and services will be decided upon after an individualized inquiry into what is needed to ensure that the student can be satisfactorily educated in that environment
- If the IEP Team decides that the student *cannot* be educated satisfactorily in the general education classroom, alternative placement must be considered.
- Schools are required to ensure that “a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.”

Parent and Student Participation in Decision Making

Research has shown that a key element of success in the education of children with disabilities is strengthening the role of parents and families in the education of the child. “The law from its earliest days has required schools to involve each child’s parents in developing the child’s IEP.”

The law requires:

- Parental involvement through consent
- Parental involvement through input
- Parental involvement through notification
- Students can and should contribute to their own IEP
- Procedures followed for the transfer of parental rights to the student when

they reach the “*age of majority*”.

Procedural Safeguards

This legislation wants to ensure that schools cannot make decisions about a student without informing the parents and student without giving them the opportunity to contribute. The main components of Procedural Safeguards are:

- To protect the student and their parent’s rights
- To ensure that information is provided to the student and their parents
- Give a way for disputes to be resolved (the most recent and promising method is mediation).
- The “Stay-put” provision states that the child should remain in his or her regular classroom, whenever possible, pending a decision on a disciplinary action.

Summary

These six principles, alone and together, guarantee that the learning disabled child can go to school and learn what other children learn, except by other means or ways, and have their educational needs addressed. The new IDEA legislation will attempt to remedy the barriers that disabled children face by:

- Raising expectations for children with disabilities
- Increasing parental involvement in the education and placement of their children
- Providing for mediation should conflict arise will assist in encouraging positive relationships between parents and school districts
- Ensuring that regular education teacher are involved in planning and assessing children’s progress
- Including children with disabilities in assessments, performance goals, and reports to the public
- Supporting quality professional development for all personnel who are involved in educating children with disabilities and making the regular classroom teacher an integral part of decisions made on the child’s behalf (through the IEP)
- The IEP must more clearly relate the educational goals for the child in relation to the general curriculum
- Allowing school districts more flexibility in their use of federal funds designed to meet the needs of children with disabilities and eliminating unnecessary assessments. Federal funding for infants, toddlers and preschoolers with disabilities is increased too.

Acronyms to remember

CFR	Code of Federal Regulations
FAPE	Free Appropriate Public Education
IEP	Individualized Education Plan

IFSP	Individualized Family Service Plan
LEA	Local Education Agency
LRE	Least Restrictive Environment
SEA	State Education Agency

For Further Information

Copies of IDEA 97 may be obtained from your State Senator or Representative (request a copy of Public Law 105-17, Individuals with Disabilities Education Act Amendments of 1997, also called H.5 or S.717), and also from the Superintendent of Documents.

The following URL's also have information on IDEA 97:

<http://www.Lrp.com/ed>

http://www.ed.gov/offices/OSERS_
