

## **Part B The Individuals with Disabilities Education Act of 2004**

The Individuals with Disabilities Education Act of 2004 can impact the education of a child with special needs. The IDEA ensures that children with qualifying disabilities are provided a free appropriate public education that is designed to meet their unique educational needs and prepare them for further education, employment and independent living.

Part B of the IDEA establishes educational requirements for children with disabilities from age 3 to 21. Under the IDEA, there are six core principles that serve as the basis for the education of children with special needs:

1. Free and appropriate public education: Regardless of disability, or severity of the disability, children have the right to a free and appropriate public education.
2. Appropriate evaluation: Students suspected of having a disability are entitled to an evaluation for special education services. Evaluations gather information about a child's functional, developmental and academic abilities. Evaluations must be validated for the purpose they are used for, may not be discriminatory based on a racial or cultural basis and must be administered in the language and form most likely to yield accurate information on what the child knows and can do.
3. Individualized Education Program: An IEP is a written plan developed to ensure a child's educational rights and needs are met. Educators and parents work together to develop an IEP, which must include several items such as:
  - A statement of the child's present levels of academic and functional performance
  - A statement of measurable annual goals
  - A description of how the child's progress toward meeting the annual goals will be measured and when periodic progress reports will be provided
  - A statement of the special education and related services to be provided
  - An explanation of the extent, if any, to which the child will not participate with nondisabled children in the general education class
4. Parental participation: Collaboration is essential to creating the right IEP. Parents cannot be excluded from the process. It is important to know that consent to an evaluation is not the same as consent for special education services.
5. Least restrictive environment: To the maximum extent appropriate, children with disabilities must be educated with children who are not disabled. Removal of children with disabilities from the general educational environment occurs only when the nature or severity of the disability of a child is such that education in general education classes cannot be achieved satisfactorily, even with the use of supplementary aids and services.
6. Procedural safeguards: Safeguards are in place to maintain accountability and provide parents with certain guarantees when it comes to their children's education. Parents have the right to:
  - Receive copies of all educational records
  - Contest the findings of evaluations or the goals of an IEP
  - Have an objective hearing to resolve any disputes about their child's education