MONTANA EMPOWERMENT CENTER, INC.

Exceptional Children, Extraordinary Potential

SIX PRINCIPLES OF IDEA

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The Individuals with Disabilities Education Act (IDEA) is a federal law that created rules and guidelines for special education. The law gives eligible children with disabilities rights to the specially designed instruction and individualized services and supports they need to benefit from public education. The IDEA has six foundational principles, which are outlined below.

Principle 1: Free Appropriate Public Education (FAPE)

The IDEA gives each eligible child with disabilities the right to a free appropriate public education. FAPE means educational services:

- Provided at public expense under public supervision
- Provided at no cost to the parents (other than ordinary costs charged to all students)
- That meet the standards established by the state department of education
- That are designed to meet the unique needs of each eligible student
- Provided according to a written Individualized Education Program (IEP)
- Provided to students from preschool through high school, ages 3 to 21
- That continue to be provided to students who have been suspended or expelled

Special education programs must:

- Be designed for the student to make progress in the general education curriculum (there is only one curriculum for all students)
- Provide a chance for students to meet challenging goals
- Provide more than a minimal benefit but with no requirement to maximize potential (a serviceable Chevy vs. a brand new fully-loaded Cadillac)
- Include related services and supports and provide for participation in extracurricular and other school activities
- Include extended-school-year services when necessary to provide FAPE

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IDEAs that Work
Office of Special Education Programs
U.S. Department of Education

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Principle 2: Appropriate Evaluation
The IDEA requires that a student must receive an evaluation before providing special education services to determine: (1) whether the student qualifies as "child with a disability" according to the IDEA definition, and if so, (2) to determine the educational needs of the student.

- Parents must give permission for evaluation and for services
- A student must be evaluated in all areas of suspected disability
- The evaluation should include a variety of tools and strategies to gather functional, developmental, and academic information
- An evaluation should never be based on a single measure or assessment
- The instruments and methods used for the evaluation must be technically sound, not culturally discriminatory, and provided in the language the child uses
- Administered by trained and knowledgeable personnel
- A new or updated evaluation should be conducted if there is reason to suspect a need or if the parent requests one
- An evaluation must be conducted within 60 calendar days of the parent giving permission

Re-evaluations may occur when:

- Conditions warrant new information
- The parent requests a re-evaluation
- A comprehensive re-evaluation must be completed every three years unless both the parent and educators agree it is not necessary
- Every three years is the minimum requirement for a re-evaluation; it can be conducted more often if needed, but not more than once a year

Independent educational evaluations:

- Parents have a right to request an independent evaluation at public expense if they disagree with the results of the school's evaluation.
- Parents may seek an independent evaluation at their own expense at any time. The IEP team "must consider" any recommendations from outside sources but doesn't necessarily have to follow them.

Principle 3: Individualized Education Program (IEP)
An IEP is a written statement for each child with a disability that is developed, reviewed, and revised at least once a year by a team including educators, parents, the student whenever appropriate, and others who have knowledge or expertise needed for the development of the student's special education program. The key word is *individualized*.

The IEP must contain measurable goals written for where we want a student's skills to be in a year. It must also be designed to offer meaningful progress in the general education curriculum and functional performance.

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Special education is not a *place*. The goals and services should be designed without preset expectations for where the services will be provided. The educational program is determined first; the placement or educational setting is determined second:

- Parents are involved in both program and placement decisions.
- Parents and the student need to be meaningfully involved in the development of the program and any periodic revisions.

Principle 4: Least Restrictive Environment (LRE)

The IDEA requires that "...To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled." Least Restrictive Environment (LRE) means that:

- Any placement outside the general education classroom must be justified by the child's individual disability-related needs.
- Students must have meaningful access to same-age peers without disabilities, when appropriate.
- Schools must consider providing any needed services in the general education classroom and other integrated settings.
- Involvement in music, art, physical education, school trips, clubs, extracurricular and other activities must be accommodated.
- Funding is never an appropriate reason for a more restrictive placement.
- States must maintain a full range of placement options to meet the needs of children who require specialized treatment programs.

Principle 5: Parent and student participation in decision-making

The IDEA is very specific about what schools must do to ensure that parents have the opportunity to be active participants in each step of the special education process. Parents, and (whenever appropriate) the student, must be meaningfully involved in:

- The development, review, and revision of the IEP
- Educational placement decisions
- Determining what data needs to be collected during evaluation
- Reviewing evaluation data
- Transition planning and services starting by age 14 (16 in Montana)

Principle 6: Procedural Safeguards

The IDEA includes important procedural safeguards to ensure that the rights of children with disabilities and their parents are protected and that they have access to the information needed to effectively participate in the process.

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Parents are entitled to notice in writing including:

- A parental rights notice to provide information about special education, procedural safeguards, and student and parent rights.
- Notice in writing of IEP meetings.
- Prior written notice whenever the school proposes to change or refuses to change the educational programming or educational placement of their child.

Parents are entitled to access student records:

- They may review educational records for their child.
- They may obtain copies of educational records for their child.
- They may place a statement of correction or explanation in the student's record if it contains something they disagree with.
- Parents have a variety of procedural protections they can invoke when they disagree with educators.

The Resolution Facilitator Process:

- A Mediation Conference
- A Formal Written Complaint
- A Due Process Hearing

ASK Essential Questions:

- Is my child being provided access to FAPE, including meaningful and challenging IEP goals?
- Has my input been considered by the IEP team?
- Is my child learning in their least restrictive environment?

Related Resources:

- Prior Written Notice
- Parent Participation in IEP Decision Making
- IEP on IEP's coming soon
- And view the Endrew F. Advocacy Toolkit from www.understood.org.

Information provided by Ask Resources Center https://www.askresource.org/resources/six-principles-of-idea

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