

Equal Access to Education for Persons with Disabilities



Kimberly Avila M.A., COMS
www.vipsight.org
tvicoms@gmail.com

IDEA 101

Kimberly Avila M.A., COMS
Reprinted from *Preemies Today* © 2007

Children born prematurely often require specialized attention to assist them in achieving developmental, functional and educational goals. Fortunately, the Individuals with Disabilities Education Act (IDEA) was created to address the needs of children with disabilities from birth to age 21 and many premature children have benefited greatly from services provided under this law.

IDEA was originally enacted in 1975 under the title "*Education for All Handicapped Children Act*" (Public Law 94-142). Throughout the years it has been re-authorized and amended to meet the changing and prevalent needs of children with special needs. The most recent changes took place in 2004 (Public Law 108-446). The law covers a wide range of topics, from access to early intervention for infants and toddlers to provisions for compliance with No Child Left Behind legislation. (Hyatt, 2007) Below is a brief outline of basic rights sanctioned by IDEA for children with special needs and their families.

Early Intervention

- Part C of IDEA: Infants and Toddlers from birth to age 3 are entitled to receive related services for identified areas of need.
 - An Individualized Family Service Plan (IFSP) is developed for children determined eligible by an evaluation. The IFSP is a legal document between the early intervention service agency and the child/family.
 - Services are to be provided in the "natural" environment, such as at home or in a community setting.
- **Helpful Hints:** Children learn the most from birth to age 3 and early intervention has been proven to increase a child's outcomes when a disability is present. If you suspect your child has any difficulties or disabilities, call your local early intervention agency immediately to schedule an evaluation. Agencies have up to 45 days to conduct the assessment.
- **Clarification:**
 - Infants and toddlers with minor delays may not qualify for early intervention services. Agencies and states have differing requirements to meet eligibility. For example, an agency may require a child be 25% delayed in certain categories to be eligible for services. In this case, a 16-month-old child must function as a 12 month old, or less, in a functional category in order to qualify for services.
 - The main purpose and goal of early intervention services is to educate and change the way parents and caregivers interact and work with the child's needs. This differs from therapies provided by the medical and private model of service delivery. (Cook, Klein & Tessier, p. 20) For

example, a physical therapist from early intervention may instruct parents/caregivers on methods to use in daily life to promote walking. In private physical therapy, the therapist works directly with the child and performs a variety of exercises specific to the child's needs.

Children and Students Ages 2* and 3-21

The primary purpose of IDEA for school aged children is to ensure equal access to a Free and Appropriate Public Education (FAPE) regardless of disability. School systems are held accountable to certain standards for teaching students with disabilities and are required to provide equal education to all students. Below are key components of IDEA that provide students with special needs access to education:

- Individualized Education Program (IEP): A legal document detailing a student's areas of needs, service delivery methods, goals and objectives, accommodations, adaptations, modifications, related services and a variety of other relevant information pertinent to the child's disability.
- The Least Restrictive Environment (LRE): Inclusion, or mainstreaming, is the practice of educating students with special needs in the general education classroom with non-disabled peers to the greatest extent possible. A significant effort throughout the past several years has pushed for greater inclusion to ensure children with disabilities are in the Least Restrictive Environment as much as possible.
- Preschool aged children, beginning at 2, may receive special services and have an IEP from their local school district if found eligible.
- Students with special needs may remain in public education through their 21st year. This is helpful for those who wish to obtain a general diploma, but have difficulty completing the required number of high school credits within four years. Students with multiple, moderate or severe needs may use the extra time to take advantage of school sponsored education or work training programs and transition preparation services.
- Mediation and Due Process: IDEA makes provisions if an irreconcilable dispute occurs between a family and the school district's special education services.
- **Helpful Hints:**
 - Some students with special needs learn best in the general education classroom while others benefit from being in a special education setting part or all of the day. (Connor, 2007) It is important to have a clear understanding of your child's learning style so you and the IEP team can determine the most effective placement or combination of services for your child.
 - Make sure your child's needs and accommodations are well outlined in the IEP. If your child requires extra time on tests or an adaptive device in class, make certain these provisions are listed in

the IEP so the accommodation can also be used during state and national testing.

- A child's needs may change rapidly and you have the right to request an addendum be made to your child's IEP at any time to reflect these changes.

IDEA has made a significant impact for millions of children with varying degrees of disabilities. However, parental involvement and advocacy are key to making sure a child's needs are being met. Understanding IDEA and IFSP's or IEP's can be overwhelming for parents new to the field of special education, but fortunately, many resources exist to assist parents in learning about the process. For more information, contact the following:

- National Center for Learning Disabilities IDEA Guide <http://www.nclld.org/>
- National Dissemination Center for Children with Disabilities <http://www.nichcy.org>
- Parent Educational Advocacy Training Center <http://peatc.org>
- U.S. Department of Education IDEA site <http://idea.ed.gov/>

Reference

Connor, D., & Ferri, B. (2007). The Conflict Within: Resistance to Inclusion and Other Paradoxes in Special Education. *Disability & Society*, 22(1), 63-77.

Cook, R.E., Klein, D., Tessier, A., (2004) *Adapting Early Childhood Curricula in Inclusive Settings*. New Jersey: Pearson Education. Inc.

Hyatt, K. (2007). The New IDEA: Changes, Concerns, and Questions. *Intervention in School & Clinic*, 42(3), 131-136.