



Council for Lifelong Learning
**Individuals with Disabilities
Education Act (IDEA)**

**Fact
Sheet**

September 2001

<p>1. What is the IDEA?</p>	<p>Since 1975, the Individuals with Disabilities Education Act, or IDEA, (formerly the Education for All Handicapped Children Act) has required states to provide all children with disabilities, ages three through twenty-one, with the right to a free appropriate public education (FAPE) in the least restrictive environment (LRE.) Serving children in the "least restrictive environment" means that to the extent appropriate, students with disabilities are educated in the regular education setting with supports and services. A FAPE is defined as special education, support programs, and related services for disabled children that are provided at no cost to the parents. The IDEA assists states in meeting these requirements by providing for the funding of each state based on the number of identified disabled children residing within its borders.</p>
<p>2. How are children determined to be eligible for IDEA services?</p>	<p>A referral for evaluation of a child may be made by the child, the child's parents, a teacher, doctor, or social worker. The local school district must then evaluate the child, using multiple tools and methods, through a process that meets the IDEA's criteria for fairness, accuracy, and completeness. Only a child who has a disability which results in the need for special education is eligible under the IDEA.</p>
<p>3. How do schools know what services to provide?</p>	<p>Once a child is eligible under the IDEA, the state's educational agency must arrange a meeting with the child's parents, teacher(s), evaluators, and other appropriate individuals to prepare an individualized educational plan (IEP). An IEP is a written document required by the IDEA which describes all of the services a particular child will need in order to get a FAPE. Parents have the right to participate in all decisions regarding the identification, evaluation, or placement of their disabled child. Under the IDEA, eligible children must be re-evaluated every three years and their IEPs must be reviewed annually. (See the Exceptional Student Education Fact Sheet.)</p>
<p>4. Has the IDEA ever been changed?</p>	<p>In 1997, Congress amended the IDEA (June 4, 1997) to:</p> <ul style="list-style-type: none">• incorporate many longstanding federal court interpretations regarding proper administration of the IDEA, and• include children with disabilities in national education reform efforts.

Individuals with Disabilities Act

	<p>New federal regulations had to be written to implement the IDEA's 1997 amendments. These changes went into effect July 1, 1999.</p>
<p>5. What effect do the changes in the IDEA and its regulations have on Florida?</p>	<p>Florida has already been doing many of the things the new federal IDEA regulations mandate. However, Florida is preparing an implementation plan to address three main areas:</p> <p>Graduation: a regular diploma graduation is considered a change of placement after which the state will no longer have to provide the student with a FAPE. However, award of a special diploma or certificate of completion does not relieve the state from its duty to continue to provide a FAPE, until the student attains the age of 22.</p> <p>Alternate assessment testing: students who are unable to participate in state assessments must be evaluated through alternate methods to ensure that appropriate alternative education goals are met.</p> <p>Disciplinary activities: disabled students may be suspended for up to 10 days in each school year without provision of FAPE. The IDEA establishes procedures to suspend or expel disabled students whose misbehavior is determined not to be a manifestation of their disability.</p>
<p>6. What are the applicable statutes and rules?</p>	<p>Individuals with Disabilities Act Amendments of 1997, 20 U.S.C. sections 1400-1485. Regulations for the Individuals with Disabilities Act, 34 C.F.R. sections 300 & 303.</p> <p>Section 228.051, F.S. -- Requirement for schooling of exceptional children Section 228.093, F.S. -- Pupil and student records and reports Section 230.23, F.S. -- Powers and duties of school board Section 232.01, F.S. -- School attendance</p> <p>Rules 6A-6.03011 through 6A-6.03032, and Rules 6A-6.0311, 6A-6.0312, 6A-6.0331, 6A-6.03311, 6A-6.0333, 6A-6.0334, 6A-6.03411, and 6A-6.0361, F.A.C.</p>
<p>7. Where can I get additional information?</p>	<p>Florida Department of Education Division of Public Schools and Community Education Bureau of Instructional Support and Community Services (850) 488-2601</p> <p>Office of Special Education and Rehabilitative Services 400 Maryland Avenue, S.W. Washington, D.C. 20202</p>

Individuals with Disabilities Act

	The Florida House of Representatives Committee on General Education (850) 414-9780
--	--