

Summary of Major Provision Changes to the IDEA

1997	2004
<u>Enforcement</u>	<u>Enforcement</u>
<p>Monitoring and enforcement of the IDEA were not specifically addressed in 1997.</p> <p>Language in the bill did allow the Federal government to sanction non-compliant States by withholding funds, but the Department has never done so.</p>	<p>The legislation requires a State and Federal partnership to enforce the law by requiring States to develop a plan, establish targets and meet them in the provision of a free appropriate education, general supervision, transition services, and disproportionate representation of minorities.</p> <p>If States fail to meet targets, Federal sanctions will be applied, including, withholding or directing funds or denying the flexible use of funds, among other options.</p>
<u>Discipline</u>	<u>Discipline</u>
<p>IDEA 1997 established the parameters for removing disabled students from school when they have behavior problems.</p> <ol style="list-style-type: none"> 1. When disciplining disabled students, a school must determine if the behavior was a result of the disability before removing them from school. 2. If students are removed from school, their services do not cease. 3. When it was found that the child's behavior was not a result of their disability, the educational placement didn't change, and services continued. The burden was on the school to sue for a change of placement. 	<p>The goal was to reverse bad policies enacted in the House bill.</p> <ol style="list-style-type: none"> 1. This requirement was maintained. 2. This requirement was maintained. 3. When it is found that the child's behavior was not a result of their disability, services continue, but the educational placement may be changed. The burden is on the parent to appeal the decision.

<p>4. Schools can remove students for 45 days, no questions asked, if they bring a gun, bomb, or drugs to school.</p> <p style="text-align: center;"><u>Early Intervening</u></p> <p>Students who were struggling in school had to wait until they were failing to get the help they needed through special education.</p> <p style="text-align: center;"><u>Transition</u></p> <p>In 1997, schools had to consider transition issues for disabled students, but did not have to set clear goals for life after school.</p> <p>Agencies other than schools, such as Vocational Rehabilitation, Social Security, and institutions of higher education, were not required to participate in transition planning for students.</p> <p style="text-align: center;"><u>Teachers</u></p> <p>State standards for special education teachers were not well-defined, and as a result many special education teachers do not have the skills they need.</p>	<p>4. In addition to removal for guns, bombs, and drugs, students can be removed for committing serious bodily injury.</p> <p style="text-align: center;"><u>Early Intervening</u></p> <p>Schools will be able to use up to 15% of IDEA money to support students who have academic and behavioral problems in regular education, but who are not disabled. This will get services to children earlier and prevent future problems.</p> <p style="text-align: center;"><u>Transition</u></p> <p>Schools must plan for transition by setting transition goals and providing transition services beginning at age 16.</p> <p>A 3-year education plan focused on post-secondary goals can be developed for students.</p> <p>The vocational rehabilitation system will become more involved in secondary schools and transition planning.</p> <p>All disabled students who are leaving secondary school will receive a summary of their accomplishments and transition needs along with their report cards.</p> <p style="text-align: center;"><u>Teachers</u></p> <p>A standard for highly qualified teachers is established. To be highly qualified, all teachers must be fully certified in special education or pass State special education licensure exams, hold a bachelors degree and demonstrate subject knowledge.</p>
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<p style="text-align: center;"><u>Teacher Preparation</u></p> <p>Teacher preparation was supported through State Improvement Grants, which dedicated 75% of their funding to professional development, and 25% to general capacity building activities.</p> <p>Teacher preparation was also supported through grants for scholarships at colleges and universities.</p>	<p style="text-align: center;"><u>Teacher Preparation</u></p> <p>100% of State Personnel Development Grants will be used for teacher improvement and professional development, with an emphasis on efforts to recruit, prepare and retain well-qualified teachers.</p> <p>Enhances support for educators to ensure they possess the skills and knowledge to help students with disabilities succeed, including by creating a new grant program for institutions of higher education focused on training beginning special educators through an extended clinical experience or teacher-faculty partnerships.</p>
<p style="text-align: center;"><u>Pre-school and Early Intervention Services</u></p> <p>IDEA 1997 maintained two separate systems:</p> <ul style="list-style-type: none"> - one of early intervention programs for infants and toddlers ages birth through 3, - one for special education programs for children with disabilities ages 3 through 5. 	<p style="text-align: center;"><u>Pre-school and Early Intervention Services</u></p> <p>States will have the flexibility to develop a seamless system to serve disabled children from ages birth through 5.</p>
<p style="text-align: center;"><u>Civil Rights</u></p> <p>Parents who have an issue with their school have two options to resolve the problem: to engage in voluntary mediation with the school or to go through due process.</p> <p>Often, the local educational agency did not have an opportunity to get involved in the issue and resolve the problem before due process.</p>	<p style="text-align: center;"><u>Civil Rights</u></p> <p>If a parent files a complaint, the parent and the local educational agency must meet and try to solve the problem before a due process hearing can occur. This gives the local educational agency the chance to solve the problem earlier without the need for lawyers and hearings.</p> <p>A 2-year statute of limitations is placed on a parent's ability to file a complaint, and a 90 day limitation on appeals.</p> <p>Parents and schools are expected to provide better information to each other when they file complaints.</p>

<p style="text-align: center;"><u>Accountability</u></p> <p>Students with disabilities are included in state and local accountability systems, but alternate assessments to measure the progress of mentally retarded students did not count.</p> <p style="text-align: center;"><u>Funds</u></p> <p>Districts could use 20% of any increase in IDEA funds flexibly for any local purpose.</p> <p>Schools often had difficulty when they needed to serve students with significant disabilities whose needs are very high cost.</p> <p>The law was silent on full-funding of special education.</p> <p style="text-align: center;"><u>Paperwork and Meetings</u></p> <p>Education plans for disabled students had to include goals, and short-term objectives describing how those goals would be met.</p>	<p>Hearing officers must decide cases based on the denial of an appropriate education, not on procedural mistakes alone.</p> <p style="text-align: center;"><u>Accountability</u></p> <p>Alternate assessments are included as a part of state and local accountability systems, and alternate assessments aligned to extended State standards are allowed.</p> <p>A national study of alternate assessments will be conducted to ensure that these assessments measure the progress of mentally retarded students and that they meet appropriate standards.</p> <p style="text-align: center;"><u>Funds</u></p> <p>School districts will now be able to use a portion of IDEA funds for educational programs, so long as the LEA is in compliance with IDEA.</p> <p>States will be allowed to establish risk pools to help districts pay for high cost students.</p> <p>Mandatory full funding is not provided for in this bill, but Congress states its commitment to reach full-funding by 2011.</p> <p style="text-align: center;"><u>Paperwork and Meetings</u></p> <p>Education plans still include goals for all students and short-term objectives for the most severely disabled students. And schools must report quarterly to parents of all children on how their child is progressing toward their goals and how that progress is measured.</p>
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<p>When developing or changing education plans, the parent and a team of educators had to be present.</p> <p>Since 1997, schools have complained that paperwork from IDEA has taken too much time away from teaching.</p> <p><u>Special Education Research and Studies</u></p> <p>Special education research was overseen by the Office of Special Education Programs, rather than the Department's research unit.</p>	<p>Schools and parents can develop and change education plans using methods such as conference calls or by writing amendments rather than holding meetings.</p> <p>To ease paperwork, 15 states will be given the opportunity to develop novel approaches to reducing paperwork, while protecting the full civil rights of students in their states.</p> <p><u>Special Education Research and Studies</u></p> <p>Special education research and will now be overseen by the Department's central research institute.</p>
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