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## **Short Summary of the Individuals with Disabilities Education Act of 2004**

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### **Protects the civil right of students with disabilities to a free appropriate public education**

- Vigorously enforces provisions by giving the U.S. Secretary of Education and state education agencies greater power and new tools to measure compliance and impose sanctions when schools fail to meet standards.
- Requires states to develop a plan, establish targets and meet them in the delivery of a free appropriate public education, general supervision, transition services, and disproportionate representation of minorities.
- Makes agreements in dispute resolution and due process binding.
- Establishes competency standards for the training of hearing officers.

### **Makes IDEA work for students, parents, teachers, school administrators, and school districts**

- Provides new opportunities for parents and schools to address concerns before the need for a due process hearing and encourages parents and schools to resolve differences by clarifying that mediation is available at any time.
- Provides greater flexibility for parents and schools by allowing them to agree to make minor changes to a child's IEP during the school year without reconvening the IEP team, and encouraging the consolidation of IEP and reevaluation meetings.
- Increases parental involvement in IEP meetings by allowing the use of teleconferencing, video conferencing, and other alternative means of participation.
- Provides increased resources to assist parents with complaint resolution and due process through Parent Training Institutes.
- Requires that initial evaluations occur within 60 days of referral unless the state currently has a policy that establishes a timeline for evaluation.
- Encourages Parent Training Institutes to focus on improving parent-school collaboration and early, effective dispute resolution.

- Enhances the preparation, professional development, and support for special educators and other school personnel working with students with disabilities to ensure that these educators possess the necessary skills and knowledge to provide instruction to students, including by creating a new grant program for institutions of higher education focused exclusively on training beginning special educators.

**Provides quality services and instruction at all stages, from early childhood through graduation from high school**

- Maintains early intervention and preschool special education programs for infants, toddlers, and preschoolers with disabilities, including allowing states to create a system that gives parents the choice to have their child continue early intervention services until the age of five.
- Requires that infants and toddlers who are abused, neglected, drug-exposed, or have experienced family violence, be referred for early intervention.
- Allows for the development of new approaches to determine whether students have specific learning disabilities by clarifying that schools are not limited to using the IQ-achievement discrepancy model.
- Authorizes local educational agencies to use up to 15% of IDEA funds to develop a comprehensive educational support system for students without disabilities in grades k-12 who require additional academic and behavioral supports to succeed in a general education environment.
- Establishes a state-level risk pool fund to assist local educational agencies in providing FAPE to high-need children.
- Requires schools to provide short-term objectives for students with significant disabilities, and for all students, quarterly reports to parents on their child's progress toward meeting annual IEP goals and how that progress is being measured.
- Emphasizes academic achievement and functional performance within a child's individualized education program (IEP).
- Simplifies the rules for transition services (activities that help a student begin planning for life after high school) by requiring that substantive transition services and planning begin at age 16.
- Provides an option for 15 states to develop a 3-year IEP for students ages 18 to 21, to focus parents and schools on long-term goals for helping the student transition to postsecondary activities.

- Provides for the establishment or designation of a National Instructional Materials Access Center, to provide schools with a one-stop provider of textbooks or other materials for students who are blind or with other disabilities. [on HOLD]
- Strengthens the involvement of the State vocational rehabilitation system with disabled students who are still in secondary school.
- Requires all special education teachers to be highly qualified by the 2006-2007 school year and designates 100% of state program improvement grants to support professional development of teachers. [timeline on HOLD]
- Improves outreach and services to homeless, foster care and other youth by clarifying state child find responsibilities, simplifying parent or guardian involvement and improving coordination between schools.

### **Improves Discipline and Ensures Safety**

- Improves current discipline provisions by simplifying the framework for schools to administer the law, while ensuring the rights and the safety of all children.
- Requires schools to determine if a child's behavior was the result of their disability or poor implementation of their IEP when considering a disciplinary action.
- Requires that schools conduct functional behavioral assessments and give behavioral services to students who are disciplined beyond 10 days, in order to prevent future behavior problems.
- Requires that schools continue providing services that enable students who are disciplined to participate in the general curriculum and meet their IEP goals.
- Establishes a new program to develop and enhance behavioral supports in schools while improving the quality of interim alternative education settings.

### **Integrates the Individuals with Disabilities Education Act with the Elementary and Secondary Education Act**

- Provides for a national study of valid and reliable alternate assessment systems and how alternate assessments align with state content standards.
- Ensures that local educational agencies measure the performance of students with disabilities on State or district-wide assessments, including alternate assessments aligned to the State's academic content standards or extended standards.
- Clarifies the IEP team's role in determining whether a child with a disability should take regular assessments with or without accommodations, or alternate assessments, consistent with State standards governing such determinations.
- Aligns the personnel preparation and personnel certification with No Child Left Behind.

