



Individuals with Disabilities Education Act (IDEA)



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*“Striving for complete
integration and equality of
people with disabilities
in a society without barriers.”*

ABOUT US

Our Parent Training and Information (PTI) Center programs, funded by the U.S. Department of Education, Office of Special Education Programs (OSEP), help ensure that parents of children with the full range of disabilities under IDEA, self-advocates, and the professionals who work with them have the training and information they need to be prepared not only for school, but for students with disabilities to be able to lead productive and independent lives to the greatest extent possible.



This program provides PTI services *the following counties:*

Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, Santa Rosa, St. John's, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, & Washington.



This program provides PTI services to the following counties: **Brevard, Citrus, De Soto, Hardee, Hernando, Highlands, Hillsborough, Indian River, Lake, Manatee, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Lucie, and Sumter.**



This program provides PTI services to the following counties: **Broward, Charlotte, Collier, Glades, Hendry, Lee, Martin, Miami-Dade, Monroe, and Palm Beach.**

What is IDEA?

The Individuals with Disabilities Education ACT, or IDEA, is a federal law that regulates how states provide special education services to children with disabilities. IDEA covers the educational needs of children from birth to twenty two years of age. Each State Department of Education, also known as “SEA’s” or “State Educational Authority,” and local public school districts, also known as “LEA’s” or “Local Educational Authority,” work to provide services to children and their families. The parts of IDEA covered here are: Part C - Early Intervention Services (ages birth through three), provided by the State’s community Agencies, and Part B - known as services for school aged children (from age three through twenty two), provided by the Department of Education. Although Part C and Part B are the commonly known sections of IDEA, there are actually four parts of the law:

- Part A** General Provisions. This part reviews definitions, purposes, criteria, and eligibility.
- Part B** Assistance for Education of All Children with Disabilities
This part describes how the state will provide a free and appropriate education for all children with disabilities entering the school system from age three to twenty one.
- Part C** Infants and Toddlers with Disabilities. This part covers how state agencies will identify children with disabilities and provide services.
- Part D** Discuss national activities to improve education of children with disabilities.

The Individuals with Disabilities Act outlines its purposes and specifies requirements for each state and how they must follow specific guidelines to provide services to children and families:

Child Find: School districts are responsible for locating and identifying all children with disabilities in their districts.

Eligibility: IDEA defines a child with a disability as: “Meeting the criteria of one or more disability categories, and in need of specially designed instruction & related services.” The “Zero Reject” rule affirms that all children with disabilities – regardless of the severity of their disability – are entitled to FAPE (free, appropriate, public education).

What is IDEA? (Cont.)

IEP (Individualized Education Program/Plan): Public schools are required to create an IEP for students with disabilities who qualify for these services. The IEP lists the child's present levels of performance, and includes a plan of strategies and services designed to meet the unique needs of the child. The IEP team meets annually (or as needed) to review, discuss, revise and update the IEP document. The IEP team consists of the parents, student (when appropriate), general education teacher, ESE teacher, therapists, and anyone who can contribute useful information and data on the child.

Related Services: All services needed to meet the child's educational needs. This may include transportation, all therapeutic services (speech, language, occupational and/ or physical therapy, and more), specific health and medical care, assistive technology devices, rehabilitation and psychological services, assessments, etc.

Free and Appropriate Public Education (FAPE): IDEA states that every child with a disability is entitled to an educational program that is tailored to meet the unique needs of a child and prepare them for continuing education, employment, and independent living.

Least Restrictive Environment: One of the important decisions is the placement (classroom setting; school type) of your child. IDEA states all children have the right to be educated in the least restrictive environment (LRE) that is appropriate, preferably with their peers without disabilities. A child may be provided the use of supplementary aids, assistive technology, or accommodations to support them in general education. A child may be removed from their general education classroom in order to participate in therapeutic sessions or specialized instruction classes.

Procedural Safeguards: This includes a set of regulatory guidelines designed to protect the right of children with disabilities and their families in ensuring the child receives FAPE. This includes a parent's right to be involved in the decision making processes of their child's education; equal involvement in the development of the IEP; provide input and learn of the disciplinary strategies used; independent evaluations at public expense; a review of their child's educational records; and resolution processes.

All children can learn. The IDEA was created to ensure all children with disabilities have equal opportunities to a quality education with their peers. It is important to become familiar with these purposes and requirements, as it will help parents and educators in working together to meet the educational needs of our children and ensuring their academic success.

IDEA Part C

What is IDEA Part C?

IDEA Part C is the early childhood component of the Individuals with Disabilities Education Act (IDEA). The early childhood program for infants and toddlers with disabilities is a federally funded program that assists in operating a comprehensive statewide program of early intervention. Early Intervention is critical for children with disabilities for many reasons. Research shows that early detection of disabilities in children, followed by team based, coordinated services, improve individual cognitive abilities in children, as well as help bring a family closer together (when training and support is provided as needed).

Early childhood services begin at birth and end when the child turns three years old. The Early Intervention Program (EIP) for infants and toddlers was established to:

- **Enhance the development of infants and toddlers with disabilities.**
- **Help reduce the cost of special needs.**
- **Minimize the likelihood of institutionalization and maximize independent living.**
- **Build the family's capacity to meet their child's needs.**

Who is eligible?

Child Find is the first piece to IDEA Part C. This program is required to locate, identify, and evaluate all children with a disability from the ages of birth to twenty one, who are in need of early intervention or special education. Early intervention services include children who are experiencing developmental delays or who have a diagnosis of a disability or condition that may result in developmental delay.

What is an (IFSP) Individual Family Support Plan?

An IFSP is a document that is developed by parents and a team of specialists. This document lists all services and strategies necessary for improving a child's development. It also details the family's abilities to help in their child's development. If the family requires any training on how to help their child, the type of training as well as who provides the training would be spelled out in the IFSP.

IDEA Part C (Cont.)

What do they mean by “Natural Environment?”

Early intervention services should take place in the child’s natural environment. This means that services listed on the IFSP should take place in the home or a community setting such as daycare, a babysitter’s home, etc. The services are to be carried out at a location where the child is with either family or peers without disabilities. If a child is to receive speech or physical therapy, then the chosen therapist and parents would coordinate the place, times, and days it is most convenient to have the therapeutic sessions. This could take place in the mornings at daycare or at home in the late afternoon. The desired schedule is then documented on the IFSP.

What types of services will I get?

Once eligibility is established, the IFSP will state what services will be provided to the family in great detail. An array of early intervention services may include the following:

- **Audiology**
- **Assistive Technology Evaluation**
- **Counseling/Psychological**
- **Family Training, Counseling, and Home Visits**
- **Medical Evaluation**
- **Nutrition and Diet**
- **Occupational Therapy**
- **Physical Therapy**
- **Speech/Language**
- **Transportation**
- **Vision**



Family involvement is a key component for successful outcomes of children with disabilities. The Early Childhood Program under Part C of IDEA ensures that children and families have accurate information, consistent support, and the services needed for their child’s specific and unique needs.

What is an IEP?

Once your child meets the criteria as specified under the IDEA (Individuals with Disabilities Education Act), he or she becomes eligible for ESE (Exceptional Student Education) services. These services are outlined in a document called the IEP. An IEP (Individual Education Plan) is a document that is developed for a child with a disability in the public school system. The IEP contains information on both your child's academic and developmental abilities and needs. The IEP also lists a set of strategies, teaching tools, and assessment instruments used to address each area in need of improvement. All of these very important decisions are discussed by the IEP team during a meeting. The IEP team consists of parents, the child (if appropriate), general education teacher, special education teacher, therapists, and anyone who can contribute vital information to your child's education. In an IEP, the areas discussed in your child's education are called domains. There are five domains in an IEP, they are:

Curriculum & Learning: How does your child interpret information and learn? Is your child meeting the Sunshine State Standards in accordance with their grade level? Does your child require specialized instruction or a specific learning environment?

Communication: How well does your child communicate? Does your child speak verbally, or use pictures, gestures, sign language or augmentative devices to communicate?

Independent Functioning: How well does your child do things independently? Does your child complete homework assignments or class-work independently? What about dressing, eating, grooming, toileting, or completing an assigned task?

Social/Emotional: How well does your child play or interact with others? What is their behavior like in different settings (home, school, and playground)?

Health Care: Does your child require daily medications, the monitoring of health conditions, or any specific medical attention? Is your child on a special diet?

- **Health Care is the only domain that does not require goals, objectives, or present levels of performance.**

Since the IEP is designed to meet the unique needs of each child, only the domains that apply to your child's educational needs will be on the IEP.

What are present levels of performance?

In each domain that applies to your child, it is important to list your child's strengths and abilities. This information is obtained through evaluations, assessments, and input from the IEP team. This is followed by parent concerns and observations made by the IEP team. All of this information will drive the goals, short-term objectives and benchmarks of the IEP.

What is an IEP? (Cont.)

What are goals, short-term objectives, and benchmarks?

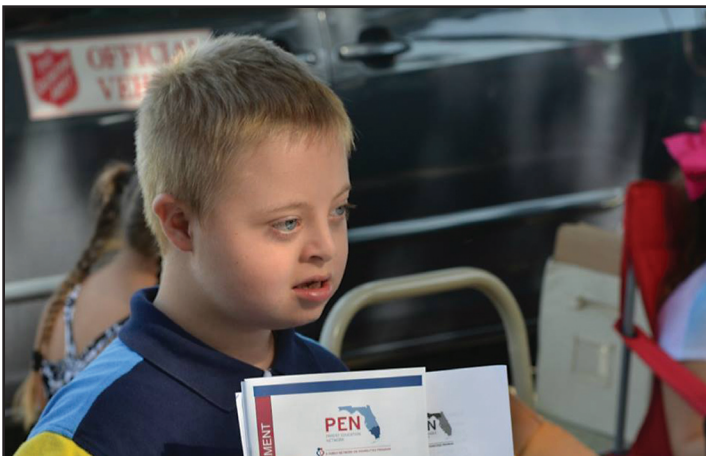
The IEP team decides on a goal that your child will be able to achieve by the end of the year or earlier. The short-term objectives are middle or intermediate steps to reach before the goal, and the benchmarks are milestones. The strategies and instruments that are being used to facilitate these goals are also listed.

What are Related Services?

This is any supportive service that is needed to assist a child with a disability with their educational needs. These services include transportation, counseling, psychological services, audiology, health and medical services, rehabilitative services, speech, language, occupational and/or physical therapies, assistive technology, etc. Children with disabilities need related services to support the goals and objectives in their IEP.

An IEP should be written in a format that is easy for anyone to read, understand, and implement. It must have the “Who, What, When, Where, Why and How” components in each domain. Every strategy, assessment, or service that is implemented in the IEP should list who is responsible, what is being done, when it is taking place (and how often), where it is taking place, why this service is needed, or how is the service being implemented or provided? There is no such thing as too much detail in the IEP document.

All children are entitled to a Free and Appropriate Public Education (FAPE). The IEP, under IDEA guidelines, helps to ensure that each child with a disability has an equal opportunity to a quality education among their peers.



Related Services

What are “Related Services?”

In order for children with disabilities to maximize the benefits of special education, a wide variety of services are offered. These services are known as “Related Services.” IDEA specifically defines “related services” as:

“...transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation and social work services, and medical and counseling services, including rehabilitation counseling, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education.”

Every child has unique learning needs, and once a child with a disability is found eligible for Exceptional Student Education services, an Individualized Education Plan (IEP) is developed. Based on the evaluations and assessments performed, the IEP team decides what related services are needed to maximize your child’s learning gains, and what will assist in meeting the goals and objectives in the IEP.

All related services are documented in the IEP, including details such as the type of related service being provided, the person or agency performing the service, as well as the dates, times, and number of times the service is provided. The related services are reviewed and revised (if necessary) at least once annually during the IEP meeting by the IEP team.

Some examples of related services may include, but are not limited to:

- **Audiology**
- **Counseling Services**
- **Medical Services**
- **Occupational Therapy**
- **Parent Counseling and Training**
- **Physical Therapy**
- **Psychological Services**
- **Recreation Therapy**
- **Social Work Services**
- **Speech and Language Therapy**
- **Transportation Services**

Related Services (Cont.)

It is the State's responsibility to provide a Free and Appropriate Public Education (FAPE) to all children with disabilities. This means providing any related service necessary to the child so they benefit from their education at no cost to parents.

What if my child has a Section 504 plan?

Under the IDEA, a student must be enrolled in special education to be eligible for related services. However, the Section 504 regulation does not require a student to be enrolled in special education in order to receive related services. Children with a Section 504 plan are eligible for related services.

Related services are not a program isolated from special education services. They are usually delivered in a school setting through a team approach. Shared information from parents, educators, and school specialists will help decide what services fit best for each individual child. The IEP or 504 team would need to be involved collaboratively in any decisions regarding related services that are included in the plan. By providing related services to children with disabilities, we give them the opportunity to learn in their unique way, assist in enhancing their existing skills, and help broaden their ability to learn.



Transition

All of us go through many changes in our lives both personally and professionally. Even as children, we are transitioning through many growing phases. Moving from one grade to the next or elementary to middle school are examples of the transitions we face as children. As parents, we help our children through those changes, as it is crucial that we have information and resources for our children about their future. Planning for your child's (or with your child) future after high school will take coordinating with IEP team, other school faculty, family, and other agencies. Like most things in life, the key to success is early planning. Although the Individuals with Disabilities Education Act (IDEA) states that the transition process should begin when a child turns sixteen years old, in the state of Florida, we begin planning for transition at age fourteen.

It's important to know that by definition, IDEA defines Transition as a coordinated set of activities for a child that are written into the IEP with a goal oriented process. The IEP team continues to focus on improving the academic and independent skills of your child. However, it also includes strategies, services, and activities that have greater focus on post-school events, including continuing education, supported employment, independent living, and community involvement. Planning for transition is a wonderful opportunity for family, friends, educators, agencies, and the entire community to share responsibility for your child's success. Since transition planning is focused on your child's life experiences beyond high school, the coordinated set of activities should be based on your child's individual needs, strengths, interests, and areas in need of improvement. Assessment may be done to determine what changes need to be made, updated or added to your child's existing IEP.

Keys to planning a successful Transition:

- **Early planning – includes understanding your child's interests, your involvement as a parent is vital to your child's successful outcomes.**
- **Regular assessments – needed to monitor progress, needs, and preparation of supports.**
- **Student participation in IEP meetings (or include their thoughts, expectations and wishes).**
- **Self determination – prepare students for self-awareness and advocacy.**

Transition (Cont.)

- **Determine diploma options** – Parents should receive a detailed explanation of all diploma options to effectively participate in the decision process.
- **Course of study** – this is the description of the child's instruction program and supports that will lead to the chosen diploma option- standard diploma or special diploma.
- **Employment experiences** - based on your child's interests and abilities.
- **Continuing education** – is your child interested in continuing education? Look into programs that best fit the needs of your child.
- **Community involvement** – identify ways your child can participate in community events.
- **Networking and collaborating with agencies.**

These are key elements for transition planning; however, there are many things to consider when planning for transition. The following questions will help drive the goals, objectives, and supports needed for writing the transition IEP.

- **What does my child want to do beyond high school – work, education, vocational training, live independently?**
- **What supports will be needed?**
- **What does my child enjoy doing alone? What group activities does my child like to engage in? What does my child do to relax? What physical activity does my child enjoy?**
- **Where will my child live? Can he or she live with roommates? Will he or she be able to shop, cook, clean, pay bills, or manage time on their own?**
- **Will my child be able to utilize public transportation to get around? Does my child know what resources are available in the community and how to access them? (Library, recreation, supermarkets, doctor offices, etc.)**
- **Will my child be able to work independently or with others? What type of supports will be needed?**

In addition, the IEP team will also have to discuss the transfer of educational rights from the parents to the child. In Florida, this occurs at age of eighteen.

Make sure to have a conversation with your child about their thoughts on planning for their future. Review options and explore possibilities together. Talk about matching their interests with programs or activities in school and in the community that he or she can participate in.

Procedural Safeguards

What does it mean to Parents?

Procedural safeguards are designed to protect the rights of children with disabilities and their parents. Procedural safeguards are steps your school district must follow to protect your child's right to receive special education services required by IDEA (Individuals with Disabilities Education Act). Schools must provide a summary of Procedural safeguards annually to advise them of their rights.

What about parent participation and consent?

Parents must be involved in the decision making process for their child's education. They must be invited to all meetings and must be given multiple opportunities to fully participate. Parents must receive notifications and information in their native language. Parents must also understand all actions that are taking place, such as changes in services, placement, or evaluations before they give and/or consent. The changes mandated by Senate Bill 1108, passed in 2013, now require a parent's signature on a separate form providing specific consent to major life changes on the IEP document.

May I review my child's records?

Parents may request to see their child's evaluation results, and/or cumulative school records.

What about my child's right to privacy?

All information pertaining to the student is protected under FERPA – The Family Educational Rights and Privacy Act. Students' records are official and confidential and parents may review records for accuracy. Information is released only to those providing direct services to the student.

Procedural Safeguards (Cont.)

What is an Independent Educational Evaluation (IEE)?

Parents have the right to an independent educational evaluation (IEE) if they don't agree with the evaluation performed by the school.

The IEE means the evaluation is conducted by a private examiner who is not employed by the public schools. Who pays for the IEE? If both the parents and the school disagree on the evaluation results, the school may agree to pay for the IEE. If not, parents may request a "due process" hearing in which the school will produce the documentation to show why its evaluation was appropriate (Due process is discussed further below). If the hearing officer decides the school's evaluation is accurate, then parents may still have the independent evaluation performed, but at their expense. If the hearing officer feels an IEE is best, then the evaluation is done at the school's expense (The IEE examiner chosen must meet the criteria the public agency uses when it initiates an evaluation).

What is a Prior Written Notice?

A "prior written notice" is a document that states any and all proposed change of service(s) or program(s) your child receives at school. These informative notices must be sent to parents in writing before (prior) to the changes being implemented. They must list in detail the proposed changes in placement or classroom setting, disability category or identification, evaluation and assessments, and all changes that will affect the instructional methods, programs, and services which your child receives. If a parent does not receive this written notification, they have the right to request one. If a parent makes a written request for change in any of the instructional methods, programs, or services that impact the existing IEP document and the manner in which FAPE is provided, the IEP team must provide the parent with a written notice that lists the reasons for accepting or rejecting the requests. It must include a description of how the school is able to support its reasoning behind the proposed changes or refusal of a request. This document is important no matter what the outcome is. It provides a documented record or timeline that will assist parents in future IEP meetings, mediation, or due process.

How do schools discipline children?

A notice of disciplinary procedures should be received by parents from schools. Every school has a school code of conduct or handbook that clearly states the school's position on disciplinary action. Any time our children are being disciplined at school, we must be notified of the action, the date and time, the location, the names of all present and involved during the incident, the steps taken, and how long the disciplinary action took place. All details must be written clearly.

What is Mediation and Due Process?

If communication between the IEP team has not been effective, a third party may be needed to help settle things amicably. If, after following the IEP process thoroughly, a dispute remains unresolved, then you may proceed with due process. Parents must have all documentation to support their issues and be able to state their case effectively. A request for due process must be made within two years of the basis of the hearing request. The due process form must be as detailed as possible, including all student information. A clear description of the problem must also include all efforts for resolution to the problem. IDEA requires that the procedural safeguards contained in the law must be sent to parents at least once every year. The purpose behind this is to strengthen parent representation and participation in the decision making processes, as well as enhance their ability to advocate for their child. Parents and educators can and should always work collaboratively. When parents and educators are well informed, the decision making processes are so much more productive because the meeting will not be led by confusion or misunderstandings. Please contact your child's school for more information or to receive a copy of the procedural safeguards.

Response to Intervention (RtI)

What is RtI?

All children learn differently and have a preferred learning style. Some children fall behind in class and may struggle with reading or math, or other subjects. RtI, or Response to Intervention, is a three tier process that evaluates how well children respond to changes in instruction (“interventions”). It helps to identify a student who may require a little more attention. An action plan with a set of research based strategies will be developed and used in the classroom to help students who are struggling to keep up with their peers to succeed academically.

Who is eligible for RtI?

All children are involved in the RtI process. There are no special criteria to meet. A universal screening is done on all students by their teachers. Many students may not need additional interventions, but are monitored to make sure they are keeping up with the Sunshine State Standards.

How does RtI work?

The RtI process is made up of three tiers of increasingly intense, scientific, research-based instructional and behavioral interventions that are matched to meet each child’s needs. There is a three tiered system for both academic strategies and behavioral strategies. Throughout the entire process, ongoing data is collected for monitoring children and ensuring that they are meeting the Sunshine State Standards.



The Three Tier System:

Tier 1: Identifies needs: A universal screening is done by teachers to determine if there are any children at risk of falling behind and not meeting state standards. This can be a review of state and classroom assignments, or giving all children an academic screening test in their grade level. If a child's score falls below a certain cut-off, he or she is identified as needing additional academic or behavioral interventions. Most children remain in the tier so long as they continue to meet the Sunshine State Standards for their grade level.

Tier 2: Once a child is identified as falling behind, they enter tier 2, which means teachers and parents can work together in identifying specific strengths and areas in need of improvement. This requires monitoring progress and assessment results more carefully. Some strategies may be used to help prevent the child from falling behind even further.

Tier 3: In this tier, the approach for intervention is more intense. More assessments or diagnostic testing occurs and your child's behavior and progress is monitored more closely. Intensive strategies and one on one intervention are tried. In all tiers, monitoring, data collection, and interventions are used.

A collaborative approach is needed by parents and school staff for the monitoring, development, and implementation, of the RtI process. Parents should be notified of the RtI process, and asked for input on their child's strengths and areas of need.

The RtI process does not replace the evaluation process for special education services. These two services are separate and work parallel with one another. RtI may be used at first to identify specific learning needs in a child. However, if a parent feels their child has a learning disability, they may request an evaluation in writing, and the sixty day evaluation process will begin upon receipt of that request, even if the RtI process has already begun. The RtI process does not need to be completed for an evaluation to be performed.

NOTES



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