

Fast Facts

Individuals with Disabilities Education Act (IDEA)

Since 1975, the Individuals with Disabilities Education Act (IDEA) has enabled millions of children with disabilities, between the ages of 6 and 21 years, to set high goals and reach their potential. Thanks to this landmark civil rights law, more than 6 million students with disabilities receive a free, appropriate public education (FAPE). More than 800,000 infants, toddlers and preschoolers with disabilities get the special services they need to get a good start in life.

In April 2003, the House of Representatives passed the Improving Educational Results for Students with Disabilities Act, (H.R.1350), that will allow students with disabilities to be excluded from school simply because they have a disability, making this bill fatally flawed.

Concerns

In June 2003, the Senate introduced the Individuals with Disabilities Improvement Act of 2003 (S.1248) that contains several provisions of concern. They include:

- **Eliminating required benchmarks** or short-term objectives from a student's IEP—components described by the House-Senate Committee Report in 1997 as “crucial” for improved and effective teaching and instruction. Short term objectives are critical for accountability, instruction and for keeping parents informed.
- **Limiting due process protections** for students with disabilities. The provision is unnecessary because current law already gives districts opportunities to resolve the problem.

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DD Council believes that IDEA, as currently written, does not need major revisions and the changes proposed would eliminate the existing rights and protections for children with disabilities currently provided under IDEA.

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- **Establishing a statute of limitations** that limit the amount of time parents have for filing a due process hearing request and also for appealing a due process decision to court. This provision will leave those children who have experienced the most egregious and long-standing denials of FAPE without a remedy. The short statute creates incentives for parents to rush to litigation rather than trying to work with their school districts to solve problems.
- **Making it easier for school personnel to remove students with disabilities** from school instead of requiring behavior to be treated as an education issue.
- **Eliminating the right of students** with disabilities *alleged* to have violated school codes (e.g., cutting class, being tardy) to “*stay put*” in their current school placements during the period of an appeal by parents who challenge the basis for removing their child for more than ten school days; or a school’s determination that the student’s action was unrelated to his/her disability; or that the school was not providing the student needed supports and services.
- **Removing parents’ decision-making** role in programming and placement determinations affecting teaching and learning.
- **Allowing schools to limit evaluations** of students to once a year if school personnel are not in agreement with a parent’s request for an evaluation.
- **Allowing three-year IEPs** instead of requiring annual IEPs for students in their last years of entitlement.
- **Enabling local education agencies to funnel IDEA funds to non-IDEA activities** when states have never effectively met their obligations to students with disabilities.