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The Individuals with Disabilities Education Act as Amended in 2004



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The Individuals with Disabilities Act as Amended in 2004

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Overview

I. IDEA: A Brief History and Our Approach

Congress first enacted the Individuals with Disabilities Education Act in 1975 as P.L. 94-142, Education for All Handicapped Children Act. Since then, Congress has amended the law on several occasions, most recently in 2004 as P.L. 108-446, “Individuals with Disabilities Education Improvement Act.”

For simplicity’s sake, we refer to the 2004 law simply as “IDEA.” That also is the “short title” that Congress gave it. Section 1400(a).

In this booklet, we describe the 2004 amendments that are most relevant to the education of students with disabilities and the significance of those amendments. We urge you to read the statute itself because we only digest it here.

Please note that we use the “1400” section designations because the 2004 amendments will be codified in 20 United States Code beginning at Section 1400. In doing this, we assume that the codification of the 2004 amendments will mirror the codification of the pre-2004 IDEA.

The basic organization of IDEA remains unchanged. IDEA consists of four parts or subdivisions. Part A declares the barriers, solutions, and national policy for educating students with disabilities. Part B authorizes funds to educate students ages 3-21. Under Part B, students receive a free appropriate public education (FAPE). Part C authorizes funds to educate infants and toddlers, ages birth/0 to 3. Part D authorizes national research, training, demonstration, and technical assistance activities. We discuss only Parts A, B, and C.

Please also note that the 2004 amendments raise questions that the U.S. Department of Education regulations may answer.

Where the U.S. Supreme Court cases interpreting the IDEA before Congress amended it in 2004 apparently still apply, we cite and briefly discuss them.

Because the 2004 law relates to other education and disability laws, we also discuss how it relates to them. We begin by describing IDEA's relationship to the federal education law that has the greatest effect on all students in all public schools, the No Child Left Behind Act, and to the two federal laws that prohibit discrimination against students with disabilities, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

Next, we describe IDEA, starting with a general description and then digesting its provisions according to IDEA's six principles (Turnbull, Turnbull, Stowe, & Wilcox (2000), *Free Appropriate Public Education* (6th ed.). Denver: Love Publishing Co.).

II. IDEA (As Amended in 2004) and Its Relationship to the No Child Left Behind Act

Congress enacted the No Child Left Behind Act (NCLB) in 2001, and the President signed it in 2002, for the purpose of improving the education of all students, including those with disabilities, in all public schools in our country. NCLB rests on six major principles, and IDEA as amended aligns itself with NCLB. (When IDEA refers to NCLB, it refers to the Elementary and Secondary Education Act of 1965, because NCLB amends that law; ESEA is the principal law and NCLB amends it.)

The principle of accountability is that schools should educate all students in elementary and middle schools well enough that all of them will demonstrate proficiency in certain core academic subjects (English, mathematics, and others). The technique for achieving this principle is the standardized state or local assessments of student academic proficiency. IDEA provides that students with disabilities will participate in these assessments.

The principle of highly qualified teachers is that the teachers, themselves, must be proficient to teach and thus must meet certain federal and state standards before they are certified to teach. IDEA requires comparable standards for those who teach students with disabilities.

The principle of scientifically based intervention (also known as evidence-based intervention) is that highly qualified teachers