



Parent Information Center of Delaware

Toll free: (888) 547-4412  
[www.picofdel.org](http://www.picofdel.org)

# Individuals with Disabilities Education Act



**Education should be the process of  
helping everyone to discover his  
uniqueness.**

*- Leo Buscaglia*



# Individuals with Disabilities Education Act

- Federal legislation with Delaware regulations.
- Protects the rights of *eligible children with disabilities* ages 3–21.
- Mandates that *eligible children with disabilities* have available to them a free appropriate public education or FAPE.





## Free Appropriate Public Education

**Special Education:** *Specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.*

**Related Services:** *Transportation and such developmental, corrective and other supportive services as are required to assist child with a disability to benefit from special education.*



# 5 Important Steps in Special Education

1. Identification
2. Evaluation
3. Eligibility
4. IEP
5. Procedural Safeguards





## Step #1: IDENTIFICATION

Ways in which children are identified as possibly needing special education and related services:

- **Child Find** – School District office
- **Referral** - By parent or school





## Step #2: EVALUATION

- **Parent request**
- **School refers child**



### *Advocacy Tip*

*Request educational evaluation in writing and keep a copy of your request.*



## Step #2: EVALUATION continued

- Written parental consent required
- Use of a variety of assessment tools
- Procedure to determine if child is a child with a disability (per IDEA) and to determine the educational needs of child

*Advocacy Tip*

*Learn more about the IDEA  
and  
Ask questions!*



## Step #3: ELIGIBILITY

- Eligibility determined within 45 school days or 90 calendar days, whichever is less, of receiving written parental consent
- “Child with a disability” defined by IDEA (educational categories)





## Step #3: ELIGIBILITY continued

- Autism
- Deaf-Blind
- Developmental Delay
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability (*Mild, Moderate, Severe*)
- Orthopedic Impairment
- Other Health Impairment (*may see Physical Impairment*)
- Preschool Speech Delay (*3 & 4 year olds only*)
- Speech/Language Impairment
- Specific Learning Disability
- Traumatic Brain Injury
- Visual Impairment

### *Advocacy Tip*

*Keep in mind that the category does not drive the services.*



## Step #3: ELIGIBILITY continued

Must permit the use of **Response to Intervention**

**Learning Disability & Educable Mental Disability**

- *General education initiative*
- *Research-based approach to helping children who are struggling*
- *Process that determines whether poor academic progress is due to instruction, curriculum or presence of a specific learning or intellectual disability*

***Advocacy Tip***

***Review the RTI booklet by  
PIC & DOE.***



## Step #4: IEP Team

- **Parent(s)** of the child
- **Child** when appropriate  
(**must be invited** to their IEP meeting by age 14)
- **General Education Teacher**
- **Special Education Teacher**
- **Representative of School/District** – authority to commit agency resources & be able to ensure that whatever services are set out in IEP will actually be provided
- **Individual** who can interpret instructional implications of evaluation results
- **Others** may be invited who have knowledge or special expertise





## Step #4: Support Team for Children in Foster Care

**DFS/DSCYR** – Division of Family Services/Div. of Services for Children, Youth & their Families – investigates complaints of child abuse and neglect – provides child and family oriented services

**PBHS/DSCYF** – Prevention & Behavioral Health Services – provide prevention & early intervention services, mental health and substance abuse treatment programs for children and youth (formerly Child Mental Health)

**YRS/DSCYF** – Youth & Rehabilitative Services – for youth who have been adjudicated delinquent and ordered by the court system to receive rehabilitative services (NCCDC, Stevenson House, Ferris School/Mowlds Cottage, Grace/Snowden Cottages)

**Foster Parent** – a person who provides care in their home for a child who has been removed from his/her home due to abuse, neglect or dependency

**Guardian Ad Litem** – An individual appointed by the court to represent the best interests of a child who is the subject of a custody, visitation, guardianship, termination of parental rights, adoption or other related proceedings in which the Division of Family Services is a party (an attorney authorized to practice law in DE or a CASA)

**CASA** – Court Appointed Special Advocate - appointed by Family Court – volunteer



## Step #4: IEP continued

- Participation
- Data Considerations
- Needs, Services and Annual Goals
- Additional Considerations
- Least Restrictive Environment/Placement



*Advocacy Tip*

*Think of the IEP as both a document & a process!*



## Step #5: Procedural Safeguards

- Parent Participation
- Parental Consent
- Independent Educational Evaluations
- Prior Written Notice
- Access to Educational Records
- Conflict Resolution Options



### *Advocacy Tip*

*Procedural safeguards represent rights & options throughout the special education process.*



## Resources

**Parent Information Center of DE** [www.picofdel.org](http://www.picofdel.org)

*(Sign up to receive timely information about events, news & workshops related to education and family involvement.)*

**DE Dept. of Education** <http://www.doe.k12.de.us>

*(State Regulations – Read about the special education process including educational classifications and eligibility.)*

**US Dept. of Education: Building the Legacy: IDEA 2004**

<http://idea.ed.gov> *(Watch videos & read fact sheets about specific areas of the IDEA.)*

**National Dissemination Center for Children with Disabilities** <http://nichcy.org>

*(Find numerous education & disability-related fact sheets, booklets & other material.)*



## Resources

***Disability is Natural*** [www.disabilityisnatural.com](http://www.disabilityisnatural.com)  
(Learn about People First Language, Inclusive Education and more.)

***Disability Scoop*** <http://www.disabilityscoop.com>  
(Developmental disability news)

**US Dept. of Education: Building the Legacy: IDEA 2004** <http://idea.ed.gov>

***National Dissemination Center for Children with Disabilities*** <http://nichcy.org>  
(Find information about disabilities, laws and numerous other resources)

***Advocacy Tip***

***Continue learning!***