



## **IDEA: The Law Regulating the Education of Disabled Children**

In 1990, Congress reauthorized the Education for All Handicapped Children Act of 1975 as the “Individuals with Disabilities Education Act” or commonly referred to as IDEA. Under IDEA, states accept federal oversight of the delivery of educational services to children with disabilities as a condition of receiving federal funding. Prior to the Act, parents were forced to seek assistance for their children outside the public school arena, oftentimes at great expense and inconvenience to the families.

There has been a steady increase in the number of children who have been classified as disabled. This growth trend highlights the importance of the need to continue to improve services to meet the needs of these children and to provide equal access to educational opportunities. **IDEA requires states to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE).** IDEA recognizes that, to the extent possible, children with disabilities are entitled to the same educational experience as their non-disabled peers. IDEA further recognizes that the expenses associated with providing for the special needs of children with disabilities are a public responsibility. Therefore, the centerpiece of the law is the FAPE concept. Generally, FAPE means that children with disabilities are entitled to a publicly financed education that is appropriate to their age and abilities.

When IDEA was originally enacted in 1975, Congress recognized that many children with disabilities were unnecessarily separated from their peers and educated in alternative environments. The general goal is to allow children with disabilities to be educated with their peers in the regular classroom to the extent possible. IDEA recognizes that there is an array of placements that meet the general requirements of providing FAPE in the least restrictive environment. LRE may change from child to child, school to school, and district to district. In developing the IEP (Individual Education Plan), the key document developed by the parent and his or her child’s teachers and related services personnel that lays out how the child receives a free appropriate public education in LRE, parents and the local educational agency are empowered to reach appropriate decisions about what constitutes LRE for the individual child, including placements that may be more or less restrictive in order to maximize the child’s benefit from special education and related services.

In 1997, amendments were made to IDEA that promote the inclusion of children with disabilities in general early childhood education settings. When students with disabilities are educated in neighborhood schools, in general education classrooms, according to their appropriate age and grade level, this is known as inclusion, also sometimes referred to as mainstreaming. A common theme throughout the various interpretations of “inclusion” is that rather than requiring children to fit into a preexisting system (or school, or classroom), the environment should adjust to meet the needs of the

children. The classroom teacher (or teachers, if a team teaching approach is utilized) utilizes a variety of instructional methods, such as cooperative learning and peer instructional methods so that all the students are actively engaged in classroom activities. The teacher is also provided support by special education professionals and collaborates with them to modify curriculum and make any other accommodations required so that the child with disabilities can benefit socially and/or educationally, according to their individualized goals.

Even though IDEA does not mandate regular class placement for every disabled student, **IDEA assumes that the first placement option considered** for each student by the student's placement team, which must include the parent, **is the school the child would attend if not disabled**, with appropriate supplementary aids and services to facilitate such placement. Thus, before a disabled child can be placed outside of the regular educational environment, the full range of supplementary aids and services that, if provided, would facilitate the student's placement in the regular classroom setting, must be considered. In recent years, the term "inclusion" has become quite popular and has replaced the term mainstreaming. The education of students with disabilities in schools that continue to develop inclusive practices is becoming a world-movement.

The inclusion movement has created quite a controversy, confusion, and misinformation among special educators. One of the misconceptions is that the new law, IDEA 1997, mandates inclusion. Increasingly professionals and non-professionals alike state, "Inclusion is law." However, it is important to note that the term "inclusion" is not even mentioned in the Individuals with Disabilities Education Act. IDEA 1997 does mandate the inclusion of a regular education teacher on the IEP committee and it requires students with disabilities to participate in the general curriculum and in statewide assessment; however, the law also states that disabled children will have "access to the general curriculum to the *maximum extent possible*" and "*whenever appropriate*." *restrictive environment*.

Not every child can be included in a regular education classroom. IDEA states that general education is not appropriate if the nature or severity of the disability impacts the student's ability to benefit from the placement.

Where best to educate a disabled child has emerged as one of the perennial questions of education. To include or not to include should be answered based on the individual needs and abilities of the child. A hard-and-fast rule that all children will be mainstreamed irrespective of their needs and abilities and the best interests of the other students without doing an analysis runs counter to IDEA.