



Kennedy Krieger Institute

Specialized Health Needs Interagency Collaboration

Guide to Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) is a federal special education law that entitles every child with a disability to a free and appropriate public education (FAPE).

IDEA ensures special education and early intervention related services to those children who meet the criteria for eligibility in a disability category. IDEA requires each state to implement early identification policies to locate, refer, and provide early intervention, special education, and related services to eligible infants, toddlers, children, and young adults with disabilities.

Each state sets its own early intervention policies and implements its own programs. Not all states will call this early intervention, but similar terms will be used. Referrals are usually made by a parent, educator, or healthcare provider. As a component of IDEA, the schools also have a legal requirement to identify, locate, and evaluate all children with disabilities age birth to 21 who are in need of early intervention or special education services through the Child Find mandate. This obligation to identify children exists even if the school is not providing special education services to the child. Child Find is your community's early intervention program.

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| Part A | Basic foundation and defines the language used in the Act. |
| Part B | Educational guidelines for school children with disabilities ages 3-21 years. |
| Part C | Identifying and reaching very young children with disabilities, specifically children age birth-2 years and their families. |
| Part D | Describes resources and activities to improve the education of children with disabilities across the nation. |

There are 4 parts to IDEA. Parts C and B specifically govern the eligibility criteria and provision of services for children with disabilities. Both Part C and B require that all children who receive services have an individualized plan; either an Individualized Family Service Plan (Part C) or an Individualized Education Program (Part B).

IDEA Part C *Early intervention for infants and toddlers with disabilities, birth-age 2*

What is it?

Part C is a federal grant program that assists states in operating a comprehensive statewide program of early intervention (EI) services for infants and toddlers with disabilities, age birth through age 2 years, and their families. IDEA mandates that EI services for eligible children must be provided by qualified personnel, in natural environments with emphasis on a family-based approach, at no cost to the families (except where states provide for a system of payment, such as a sliding scale). EI services are specifically designed to meet both the educational and developmental needs of young children.

Who is eligible?

To be eligible, a child must meet their state's criteria for developmental delay or be diagnosed with a physical or mental health condition that has a high probability of resulting in developmental delay, in one or more of the following categories:

- Cognitive development
- Physical development
- Communication development
- Social and emotional development
- Adaptive or functional development

Some states include an additional eligibility option for children considered “at-risk” for disabilities because of biological or environmental factors (i.e. low birth weight, history of abuse or neglect, infection, respiratory distress as a newborn, lack of oxygen, withdrawal symptoms from prenatal drug exposure).

Every state provide services through their own comprehensive, coordinated program but have been given discretion for defining their own eligible population.

What is the plan?

Once eligibility has been determined for the child and the family, a plan is written. An Individualized Family Service Plan (IFSP) is a written document that guide the EI process implemented in accordance with Part C. The IFSP outlines the services that will be provided to the child and family to achieve desired outcomes specific to the family's concerns, priorities, and available resources. The IFSP involves the entire family and parents are a major contributor. All children receiving early intervention services under Part C must have an IFSP but specific guidelines for the IFSP vary from state to state. (See SHNIC's *Individualized Family Service Plan*).

IDEA Part B *Assistance for Education of All Children with Disabilities, ages 3-21*

What is it?

Part B is a component of IDEA that requires states to identify, locate, and evaluate all children with disabilities, age 3 to 21, who are in need of early intervention or special education services, regardless of the severity of their disability. Part B requires schools to provide assessments and specialized instruction to those eligible. A child's individual needs determine what services they receive, not their disability category.

Who is eligible?

For a child to be eligible for Part B services, the child must (1) have a disability (i.e. meet eligibility requirements) and (2) be in need of special education and related services. There are 13 disability categories under Part B for which a child can receive special education and related services if found eligible.

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| — Autism Spectrum Disorder | — Orthopedic impairment |
| — Cognitive disability | — Other health impairment |
| — Deaf-blindness | — Specific learning disability |
| — Developmental delay | — Speech-language impairment |
| — Emotional disability | — Traumatic brain injury |
| — Hearing impairment | — Visual impairment |
| — Multiple disabilities | |

A team of qualified professionals and the parent of the child shall make the determination of eligibility and determine the educational needs of the child. The school district must complete an assessment to decide if the student is eligible for special education and related services. If the school district does not have staff capable of performing an adequate assessment, it must pay for a private assessment.

What is the plan?

Once a child meets IDEA's eligibility criteria, FAPE is implemented through the Individualized Education Program (IEP). An IEP is a written plan developed by a team including school personnel, parent, and student as able. The team will consider the academic, developmental, and functional needs of the child and develop a plan that includes how the school will provide special education and related services in the least restrictive environment (LRE). (See SHNIC's *Individualized Education Program*).

Helpful Information

- Every state has an early intervention program coordinated by a lead agency.
- Every state has a referral system.
- All governors must designate a lead agency to receive the grant and administer the program.
- All governors appoint an Interagency Coordinating Council to advise and assist the lead agency.
- Evaluation and assessment are to be provided at no cost to the parent.
- A doctor's referral is not necessary to access early intervention services.

Resources

American Psychological Association- Individuals with Disabilities Education Act (IDEA)

<https://www.apa.org/advocacy/education/idea>

Centers for Disease Control and Prevention-Individuals with Disabilities Education Act (IDEA) Services

<https://www.cdc.gov/ncbddd/cp/treatment.html>

Centers for Disease Control and Prevention-What is "Early Intervention?"

<https://www.cdc.gov/ncbddd/actearly/parents/states.html>

Congressional Research Service-The Individuals with Disabilities Education Act (IDEA), Part B; Key Statutory and Regulatory Provisions

<https://crsreports.congress.gov/product/pdf/R/R41833>

Early Childhood Technical Assistance Center

<https://ectacenter.org/idea.asp>

Individuals with Disabilities Education Act

<https://sites.ed.gov/idea/about-idea/>

Wright's Law-Early Intervention (Part C of IDEA)

<https://www.wrightslaw.com/info/ei.index.htm#faqs>