

# TAP #1

## **The Individuals with Disabilities Education Act (IDEA): A Review of the Basics**

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***OSPI Special Education***  
***Technical Assistance Paper No. 1 (TAP 1) Revised***  
**The Individuals with Disabilities Education Act:**  
**A Review of the Basics**

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- I. The Provision of a Free Appropriate Public Education (FAPE)
- II. The Procedural Safeguards Notice
- III. Prior Written Notice
- IV. Individualized Education Program (IEP) Development
- V. Placement Decisions and Least Restrictive Environment (LRE) Requirements
- VI. Services for Transfer Students
- VII. Transfer of Educational Records
- VIII. Revocation
- IX. Conclusion

# Basic Terms

## Letters

- IDEA (2004)
- IDEA B =
  - IDEA B section 611 (3-21)  
&
  - IDEA B section 619 (3-5)
- LEA
- SEA
- OSEP

## Numbers

- 267 (LEA application)
- 442 (Corrections for non-compliance)
- 3121 & 4121 (State Special Ed. allocation)
- 1220 (Monthly Special Ed. allocation report)

# I. F.A.P.E.

- **Free**— without charge to parents or children;
- **Appropriate**— in keeping with an individualized education program
- **Public**— at public expense, under public supervision and direction
- **Education**— preschool, elementary.. .or secondary school...

## II. Procedural Safeguards Notice

*Procedural safeguards are an integral part of IDEA's requirements.*

- Provide a way for parents and educators to protect the rights of children in the event a decision is made which may deny the child an entitlement to a FAPE.
- Offer both school and parents a variety of options for resolving any disagreements.
- Must be provided to parents at least once per school year AND:
  - Upon initial referral or request for evaluation,
  - Upon receipt of first citizen's complaint in a school year,
  - Upon receipt of first due process hearing request in a school year,
  - When a decision is made in a disciplinary action resulting in a change in placement, and
  - Upon parent request.

# III. Prior Written Notice (AKA PWN)

- Parental rights under IDEA include the right to receive prior written notice from the school each time that the school proposes (or refuses) to take certain actions with respect to a student.
- The PWN is given after a decision is made, but before the decision is implemented.
- Parents must receive PWN a reasonable time before the school plans to take (or refuses to take) actions related to the identification, evaluation, or educational placement of your child.

## IV. IEP Development

- Must meet at a mutually agreeably time and place—at least once per year.
- Required IEP team members.
- IEP team meeting excusals:
  - A school district member of the IEP team is not required to attend a meeting, in whole or in part, if parent and the school district agree in writing that the attendance of the member is not necessary because the member's area of service is not changing or being discussed at the meeting.

# IEP Development

*(excusals, continued)*

- If IEP meeting is to include a change to or discussion of the member's area of instruction or related services, the team member may only be excused from attending an IEP team meeting, in whole or in part, if:
  1. The parent and the public agency consent in writing to the excusal; and
  2. Prior to the meeting, the member provided the parents and other team members with written input to consider when developing the IEP.

## IEP Development *(continued)*

- Required IEP components.
- Amending the IEP: parents and the school district may agree that an IEP team meeting is not needed to amend the IEP. When such an agreement is reached, a written document to amend or modify the student's current IEP is developed.
- IEP progress must be monitored and reported.

# V. Placement and LRE Requirements

- Making placement decisions
  - Once per year
  - Neighborhood school, unless...
  - Based on:
    1. The student's IEP.
    2. Least restrictive environment requirements (WAC 392-172A-02050 through 392-172A-02070).
    3. The likelihood of a reasonably high probability of assisting the student to attain his/her annual IEP goals; and
    4. Any potential harmful effects to the quality of services the student needs.

# Placement and LRE Requirements

*(continued)*

## **Notifying Parents**

- Although the parents of the child are part of the group determining the child's placement and are likely to be well informed as to the placement decision, the school system must still provide parents with [prior written notice](#) regarding the placement decision a reasonable time before it implements that decision.

## **If the Parents Disagree with the Placement Decision**

- Dispute resolution options

# VI. Services for Transfer Students

(WAC 392-172A-03105)

- Two possible scenarios when children move from one district to another:
  - **A**—the schools are in the same State
  - **B**—the schools are in different States
- **Under “A”**: If student has an IEP that is in effect for the current school year, the receiving school district must provide FAPE to the student, determined with parent consultation, to include services comparable to those described in the student’s incoming IEP until the new school district decides to either:
  - Adopt the student’s IEP from the previous school district; or
  - Develop, adopt, and implement a new IEP.

# Services for Transfer Students

*(continued)*

- **Under “B”**: If student has an IEP that is in effect for the current school year, the receiving school district, in consultation with the parents, must provide FAPE to the student including services comparable to those described in the student’s IEP, until the new school district:
  - Conducts an evaluation to determine whether the student is eligible for special education services in this state, if the school district believes an evaluation is necessary to determine eligibility under Washington State standards; and
  - Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in WAC 392-172A-03090 through 392-172A-03110.

# VII. Transfer of Educational Records

- Parental consent is not required when sending educational records to a school district in which the student seeks or intends to enroll.
- School districts are required to promptly comply with requests from other school districts for school records. School districts must provide information about the student to the requesting school district within two school days and provide copies of the records as soon as possible after providing the information. (RCW 28A.225.330 )

# VIII. Revocation

- Eligibility for special education is maintained until one of four events occur:
  - The student is determined no longer eligible for special education through a reevaluation; or
  - The student has met graduation requirements; or
  - The student has reached age 21\*; or
  - The parents have revoked consent in writing for special education.

\* Student maintains eligibility for services through August 31 of the school year.

## Building the Legacy: IDEA 2004



**Part B**  
(ages 3-21)  
*Click Here to Enter*



**Part C**  
(ages birth-2)  
*Coming Soon*

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities.

Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3-21) receive special education and related services under IDEA Part B.

This Web site was developed and is maintained to be accessible in accordance with [Section 508 of the U.S. Rehabilitation Act](#). If you are a user having trouble using our Web site, please contact 202-884-8215 (voice) for assistance.



## Building the Legacy: IDEA 2004

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### Browse Major Topics

- Alignment with the No Child Left Behind Act
- Discipline
- Disproportionality
- Early Intervening Services (EIS)
- Evaluation and Reevaluation
- Funding
- Highly Qualified Teachers (HQT)
- Identification of Specific Learning Disabilities
- Individualized Education Program (IEP)
- Monitoring and Enforcement
- National Instructional Materials Accessibility Standard (NIMAS)
- Part C Option
- Private Schools
- Procedural Safeguards
- Secondary Transition
- Statewide and Districtwide Assessments

### Check These Out

- ▶ Regulations
- ▶ Statute
- Training Materials
- Model Forms
- Video Clips
- Webcast
- Presentations
- Dialogue Guides
- Q&A Documents

## Welcome to the U.S. Department of Education, Office of Special Education Programs' (OSEP's) IDEA website.

This site was created to provide a "one-stop shop" for resources related to IDEA and its implementing regulations, released on August 3, 2006. It is a "living" website and will change and grow as resources and information become available. When fully implemented, the site will provide searchable versions of IDEA and the regulations, access to cross-referenced content from other laws (e.g., the No Child Left Behind Act (NCLB), the Family Education Rights and Privacy Act (FERPA), etc.), video clips on selected topics, topic briefs on selected regulations, links to OSEP's Technical Assistance and Dissemination (TA&D) Network and a Q&A Corner where you can submit questions, and a variety of other information sources. As items are completed and added to this site, we invite you to grow and learn with us as we implement these regulations.

### News

#### Revised Q&A Document on Private Schools Released April 2011

Posted 04/11 click [here](#) for this Question and Answer document on Private Schools

#### Updated Q&A on IEP's- Released June 2010

Released in June 2010 by the U.S. Department of Education [this publication](#) discusses IDEA 2004 and the provisions related to IEPs, evaluations and reevaluations.

#### Procedural Safeguards - Model Form Updated 07/09

The latest version of the Procedural Safeguards Model Form is available [here](#), (scroll down to the bottom of the page) this one includes changes from the December 1, 2008 supplemental regs - the revocation piece.

#### New Q&A Documents Posted - 06/09

Five new Question and Answer Documents have been posted-visit the topical areas for Discipline, Disproportionality, Monitoring, Procedural Safeguards and Secondary Transition to access. These new and revised versions were posted in June 2009

#### New Nonregulatory Guidance Posted

Nonregulatory guidance relating to the Supplemental Part B regulations published on December 1, 2008 has been posted under the Q&A and Procedural Safeguards topics. This guidance was posted in June 2009.

### Search

 Entire Site 

### Helpful Links

- ▶ [TA&D Network](#)
- ▶ [IDEAdata.org](#)
- ▶ [Assessment Tool Kit](#)
- ▶ [Q&A Corner](#)  
(Click here to submit a question)
- ▶ [Event Calendar](#)
- ▶ [Document Archive](#)

# Resources

- [Question and Answer Documents](#) (OSEP)
- ["Guidance for Families about Special Education Services"](#) (OSPI)
- [IEP Review Form](#) (OSPI)
- ["Model" Special Education Forms](#) (OSPI) *(Scroll down)*
  - [Individualized Education Program](#)
  - [Individualized Education Program \(With Secondary Transition\)](#)
- [National Dissemination Center for Children with Disabilities](#) (NICHCY)
- [Building the Legacy: A Training Curriculum on IDEA 2004](#) (NICHCY) *(Scroll down)*



For more information...

Primary Website Link:  
***Special Education (OSPI)***

<http://www.k12.wa.us/SpecialEd/Families/default.aspx>

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