

IDEA BASICS

The Individuals with Disabilities Education Act



Why?

The purpose of IDEA is to ensure a free and appropriate public education for all children with disabilities age 3 to 21.

Who?

Every child, regardless of disability, is entitled to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

How is eligibility established?

All Departments of Education are obligated to identify children that may have disabilities, leading to referral for evaluation. A parent may also make a referral. Evaluation material, along with other school records, doctor reports, classroom observation, information from other specialists and parents, are used to establish eligibility.

What else must be done to receive special services?

Each child age 3 to 21 in need of special education services must have an Individualized Education Program (IEP) that is developed by parents and the Committee on Preschool Special Education (CPSE) or the Committee on Special Education (CSE). Each plan must include educational recommendations, annual goals, short term instructional objectives, and related services, as appropriate. This takes place at a meeting at your child's school or the CSE office, and parents are required to be invited.

Are parents included in the decision-making process?

Parents have the right to be involved every step of the way as full members of the decision-making team, including during identification, evaluation, and placement of their child, as well as the right to full participation in the development of their child's IEP.

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Where will my child's services be offered?

Your child's services will be offered in the Least Restrictive Environment (LRE). Children with disabilities should, to the maximum extent possible, be educated alongside students who do not have disabilities, with educational and related services designed to meet their identified needs. Children may only be placed in full-time special education classes when the nature of their disability is such that education in regular classes cannot be satisfactorily achieved, even with the use of supports and services.

Do parents have options if they disagree?

If there is a disagreement, or a problem that has not been resolved with the school, you have the right to file a complaint under IDEA, which includes access to mediation and impartial hearings.

For more information, guidance, or support, please contact the INCLUDEnyc Help Line at (212) 677-4660.