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Education 200- Section B

12-13-12

The Individuals with Disabilities Education Act and Its Impact

Introduction

I chose to report on the Individuals with Disabilities Education Act (IDEA) for this research paper. I chose this as my topic because I am a student with a disability and I have a personal connection to IDEA since I was protected under it until last year when I graduated from the Minneapolis Public Schools system. I was also curious to find out more about this topic. My hypothesis is that IDEA has made and will continue to make a significant positive impact on the educational lives of students with disabilities. This hypothesis is based on my personal experience with the law and from hearing from others about its effects. I tested my theory through the use of interviews and research by educational experts.

IDEA, passed in 1990, is a United States federal law that “protects the rights of students with disabilities by ensuring that everyone receives a free appropriate public education (FAPE), regardless of ability.” IDEA, which serves individuals until age 21, amended the Education for Handicapped Children Act (EHA), or Public Law 94-142 of 1975. IDEA was re-authorized in 1997 and again in 2004. In August 2006, Part B of IDEA, which deals with school-age children, was published. Part C, which deals with babies and toddlers, was published in September 2011 (National Dissemination Center for Children with Disabilities, 2012; U.S. Department of Education, Office of Special Education Programs).

Prior to 1975 and the passing of the EHA, students with disabilities were either kept home or sent to institutions supposedly designed specifically for those with disabilities. There

were also some segregation programs for children who were said to have “mental retardation.” However, these programs were usually in the basements of public schools or in separate buildings near the public school. The students who were said to have “mental retardation” generally did not have any interaction with other students in the public school (McAuliff, 2012).

What IDEA Provides

In providing a free and appropriate public education, regardless of ability, IDEA ensures services to students with disabilities, such as special education services and procedural safeguards. Special education services are individualized to meet the needs of students with disabilities and must be provided in the Least Restrictive Environment (LRE). Being in an LRE means that students with disabilities should be educated with children without disabilities to the greatest extent appropriate in a process called inclusion. Special education services may include things such as individual small group instruction, assistive technology or transition services. Special education may also include other services such as physical, occupational and speech therapy (National Resource Center on ADHD).

Procedural safeguards, which are also designed to protect the rights of students with disabilities and their parents, include the right of such individuals to participate in all meetings and to examine all educational records of a child. With these safeguards, parents also have the ability to obtain Independent Educational Evaluations (IEE), which are evaluations conducted by a qualified professional who is not employed at the school from which the student is receiving his or her education (Wright & Wright, 2011).

Under IDEA, a student with disabilities must be provided an Individualized Education Program (IEP), a written document outlining the student's short-term and long-term goals. This is similar but not the same as a 504 plan, which is based on a civil rights law prohibiting discrimination from public and private programs that receive federally funded assistance. 504 plans offer all students with disabilities equal access to education, whereas an IEP is only for students who require special education services. An IEP is more specific than a 504 plan (Disability Rights Education and Defense Fund; KidsHealth: The Nemours Foundation, 2012).

The 2004 reauthorization of IDEA introduced a new concept, Response to Intervention (RTI). RTI is a tiered process of instruction that allows schools to identify struggling students early in their education and to provide appropriate instructional intervention to such students. Early interventions allow students greater opportunities for future success and reduce the chances of students requiring special education services. A typical model of intervention would involve a student moving from Tier 1 (class-wide intervention) to Tier 2 (small group intervention) and possibly to Tier 3 (additional individualized support and attention). RTI aims at improving the percentage of students passing the math and science tests required by the No Child Left Behind Act.

ADA & IDEA

While IDEA is related to the Americans with Disabilities Act (ADA), it is not the same. Both laws deal with prohibiting discrimination against people with disabilities, but IDEA deals with students with disabilities' access to K-12 education, whereas ADA focuses on prohibiting discrimination against people solely on the basis of disability in employment or public services (Disability Rights Education and Defense Fund).

Investigating the Impact of IDEA

One interview I conducted to test my hypothesis was with Paula Goldberg, Executive Director of Parent Advocacy Coalition for Educational Rights, or PACER, Center. PACER Center, located in Bloomington, MN, works to improve the quality of life of children and young adults with disabilities and their families. As a nationally funded center under IDEA, PACER Center provides technical assistance to 104 parent centers across the country.

PACER Center was established in 1977 with a pilot project, Parents Helping Parents. The Center has grown significantly since then: In 1979, PACER established the Count Me In program, which teaches pre-school and elementary children about inclusion. Another big accomplishment came in 1987 when PACER opened the Simon Technology Center, which is an assistive technology program with staff to educate children with disabilities and their parents about the latest assistive technology. In 2000, PACER moved to a new building in Bloomington, MN, and now offers more than 30 programs for parents, students, professionals and other parent organizations. These programs are committed to educating children with disabilities and their families. PACER currently serves families of children and youth with all forms of disabilities from birth to age 21, in Minnesota and across the country (PACER Center, Inc, 2012).

Another person I interviewed was Special Education Program Director Anne McAuliff, my aunt who lives in Maine and has worked in special education since the 1970s. When the EHA was passed in 1975, McAuliff had just finished college and was applying to graduate school in special education. McAuliff said the passing of the EHA, which allowed many children with disabilities nationwide to be educated in public schools, helped her see disabilities in a different light, and to focus on students' abilities and strengths and not only on their disabilities. She has gone on to become a strong advocate for students with disabilities and has served as a teacher, special education director and special education program coordinator.

McAuliff said that even years after IDEA was passed there was a school in the area where she lived whose primary purpose was to "educate" students with severe disabilities who lived in a nursing care facility. There, the students' education consisted of such things as listening to music and sitting in swings. McAuliff, who was responsible for overseeing those students' programs, felt there had to be more for these students, so in the early 1990s, with IDEA

and its new requirement of LRE, along with the help of the local superintendent, she moved these students into the local public school despite considerable controversy. She says, “For the first time, they experienced a world outside their disability.” She gives the example of an adolescent girl whose only mobility was to scoot on the floor or be pushed in a wheelchair. However, after a year in the public school, she was walking. While she was physically able to walk, McAuliff notes that if she had not had exposure in the public school, she may never have walked just because she had never previously been anywhere in any environment where walking independently was the expectation.

An Increase in Special Education

There has been a steady increase among the number of students receiving special education services nationwide. However, after the number of students receiving services peaked in the 2004-05 school year with 6.72 million students, who made up 13.8% of the nation’s student population, the number of students receiving services since has declined. The number fell to 6.48 million students by the 2009-10 school year, or 13.1% of all students nationwide. The number of students nationwide identified as having Specific Learning Disabilities (SLDs), the most prevalent of all disabilities, declined considerably throughout the last decade, falling from 2.86 million to 2.43 million students, or from 6.1% to 4.9% of all students nationwide.

Another disability category that decreased was students who were thought to have “mental retardation,” now referred to as developmental delay. The number of students who had developmental delays fell from 624,000 to 463,000, or from 1.3 to 0.9% of all students. Emotional disturbances, another disability category, also dropped from 480,000 to just 407,000 students nationwide. However, other disability categories—autism and students with other

health impairments (OHIs)—increased dramatically within the last decade. The number of students with autism quadrupled from 93,000 to 378,000 students, while students with OHI increased from 303,000 to 689,000 students. Still, students with autism made up only 0.8% of all students in 2009-10, while students with OHIs made up only 1.4% of all students in the same year (Scull & Winkler, 2011).

While there is not much information on the cause of this decrease among students receiving special education services, the decrease may be attributed to the fact that there are shifting populations of specific disabilities. This means that one of the problems with researching special education is that every state has slightly different definitions of what a disability is.

Another explanation for the recent decline in the special education population may be the shrinking population who are said to have specific learning disabilities (SLDs). After the number of students with SLDs peaked in 2001, it has declined, dropping from 2.86 million to 2.43 million students by 2009-10 (Scull & Winkler, 2011).

The decrease within the last decade with the overall special education population may be attributed to the theory that United States federal government is putting a lot of pressure on states to decrease their numbers of students receiving special education services. McAuliff says she does not think that there are actually fewer students within the special education population but that some of the eligibility requirements to get into special education may have been tightened up so fewer students are actually receiving services. She explains that if the number of students receiving special education services declines, the amount of money the federal government has to pay to the states for special education also declines. Therefore, the federal government may

be trying to decrease the number of students receiving special education services in order to decrease the amount of money given to the schools for those services.

When IDEA was passed, the federal government indicated it would pay 40% of the costs associated with IDEA but in reality the federal government has never paid more than approximately 14%. This has resulted in what is called an “unfunded mandate”: States are mandated to provide the services but they have to make up the difference in what the federal government does not pay. Therefore, state governments may be putting pressure on schools to decrease the amount of students receiving special education services.

Has IDEA Made a Difference?

From the data I collected using interviews and research, I have come to the conclusion that my hypothesis is mainly correct in that IDEA has made and will continue to make a significant positive impact on the educational life of students with disabilities. Part of the reason I know IDEA has been successful is that there has been a general increase in the number of students receiving special education services since the original law was passed in 1975. This is a good thing because while the federal government has to pay more money to the schools for special education, more students are getting the services necessary for them to succeed in their educational careers.

Goldberg’s comments further support my hypothesis. After doing two years of studies on special education for the Minneapolis League of Women Voters during the passing of IDEA, Goldberg felt that she needed to help families and children with disabilities. Later she became co-director and later executive director of PACER Center, an organization that she says “would not exist if IDEA had not become a law.” Although Goldberg admits that IDEA was written

very well and has helped thousands of students, she also admits that there are some issues with the law. For example, she would like to see transition ages begin when a student is 14 instead of about 16 or 17. She also suggests that bullying prevention be incorporated into IDEA since many students with disabilities are bullied. She suggests that bullying be included in IEPs.

McAuliff shares the opinion that IDEA has made a big positive difference in the lives of students with disabilities. However, like Goldberg, she says that IDEA does not solve everything. McAuliff says that while the intention of IDEA is good, some of its requirements interfere with good teaching and “do not make good teachers out of individuals who are not.” In addition, she notes that there are some teachers who are meeting “the letter of the law” but they are not making a great effort to improve the educational lives for students with disabilities.

As I said earlier, IDEA has impacted me greatly throughout my education. For example, I was protected under the law to get the services I need, including various therapies, accommodations for tests, physical assistance with note taking, and helping my teachers understand what I need based on my disability. However, there have been a few less positive that have happened related to IDEA. For example, some of my IEP meetings over the years have been were not so helpful because they were less about me and more about the forms others needed to fill out my IEP. Also, some people in my IEP meetings focused on the things I couldn't do instead of the things I can. Also, under IDEA, I was required to have a meeting to help transition from high school to college. That meeting seemed like a waste of time to me and I didn't really get anything out of it. Overall, however, under IDEA I was protected throughout my education in ways that I wouldn't have been before the law passed. I might have even had to go to a separate school if not for this law. Instead, I graduated with highest honors from my local public high school.

While the number of students receiving special education has declined in recent years, I believe that this may be because of pressure from federal and state governments who are not willing to fund special education services. But these additional services mandated under IDEA are very important because they have the ability to determine whether or not students with disabilities will have success in their educational careers.

Conclusion

Ever since the passing of the EHA in 1975, which later changed to IDEA in 1990, there has been consensus that this federal law has greatly improved students with disabilities educational lives. IDEA has also improved my educational life greatly. Without IDEA and its numerous provisions, including the fact that it guarantees everyone a free and appropriate public education, regardless of ability, I, like many other students protected under IDEA, would not have had the same educational opportunities if this crucial law had not been passed. I probably would not be in the same situation as I am today if it were not for EHA and IDEA.

But beyond IDEA, it is extremely important that teachers learn about how to best work with students with disabilities. Teachers of students with disabilities must not stereotype these students. They must not assume that students with disabilities are unable to learn as much information as other non-disabled students; they may be able to learn as much or more information but they just need to be taught in different ways.

It is important that teachers also respect students with disabilities and what they can and cannot do. Teachers should not judge students with disabilities, especially before having lots of experience with them. Teachers should approach instruction for children with disabilities as they would other students in their classrooms and have high expectations.

Teachers also need to be open to providing students with disabilities any needed services so that these students can become successful. Under IDEA, it is not fair to deny a student with disabilities or any student a service he or she needs. IDEA is and will forever be one of the most important laws passed concerning people with disabilities.

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