

NJPSA



Education



Law Primer

Chapter 8
IDEA: Individuals with
Disabilities Education Act



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EDUCATION LAW PRIMER

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INTRODUCTION

education. The Individuals with Disabilities Education Act provides an extensive legal framework for the provision of a “free and appropriate public education” to students with disabilities. The federal statute, along with federal regulations and related state statutes and regulations, ensures that special education students and their parents are afforded significant due process protections at every stage of the educational process, including initial evaluations; development, and revision, of individualized educational plans; student placement; implementation of the IEP; the imposition of discipline; and student graduation. These due process protections provide critical safeguards to ensure that our most vulnerable students receive their full entitlement to FAPE.

While recognizing the need for due process protections, school administrators have often been frustrated by the extent to which some provisions of IDEA, particularly in the area of student discipline, may have unwittingly compromised their ability to maintain a safe and nurturing learning environment for all students. School leaders from across the nation voiced these concerns to Congress during the reauthorization process for IDEA. These concerns were coupled with other serious concerns regarding the interaction of IDEA and the federal No Child Left Behind Act, particularly the provisions related to “highly qualified” teachers and student assessment.

In 2004, the IDEA was reauthorized with a number of significant revisions that respond

to some, although not all, of the concerns of school administrators. These revisions include a major overhaul of student discipline procedures, an increased focus on students’ *substantive* rights, rather than *procedural* rights, and new provisions that revise NCLB’s requirements related to “highly qualified” teachers and student assessment.

Chapter 8 of NJPSA’s Education Law Primer is intended to assist you, in your role as a school leader, in understanding your legal requirements under the revised IDEA. As a matter of necessity, this primer is intended to highlight major revisions in the federal law but is not intended as an exhaustive analysis of the revised IDEA. Additional guidance on the revised federal law should be forthcoming from the USDOE and NJDOE in the coming months. However, the new law becomes effective July 1, 2005, and it is imperative that school leaders take the time to understand their new legal requirements. Of course, this primer is not intended to provide legal advice, and members are encouraged to contact their board attorneys for answers to specific questions regarding district issues.