



IDEA 2004

Individuals with Disabilities Education Act (*US Department of Education*)

- Part A: General Provisions
 - 1400- Findings and Purposes
 - 1401- Definitions

- Part B: Assistance for Education of All Children with Disabilities
 - 1412- State Eligibility “Catch-ALL Statue”
 - 1414- Evaluations, Eligibility, IEPs & Educational Placements
 - 1415- Procedural Safeguards

- Part C: Infants and Toddlers with Disabilities
age birth-3

- Part D: National Activities to Improve Education of Children with Disabilities
ages 3-21

- Part E: Nation Center for Special Education Research

References:

<http://idea.ed.gov/>

<http://www.wrightslaw.com/idea/law.htm>

Section 504

- Discrimination
- Civil Rights
- **Office of Civil Rights (OCR)**

***Section 504 of the Rehabilitation Act** is a federal civil rights law that prohibits discrimination against individuals with disabilities. Compliance is **not** optional.

On September 25, 2008, the President signed the [Americans with Disabilities Act Amendments Act of 2008 \(ADAAA\)](#). The Act, effective January 1, 2009, emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA.

ADAAA Changes Apply to Section 504. Section 504 was amended so that it now incorporates the ADAAA by reference and applies to public school students under Section 504.

<http://www.wrightslaw.com/info/sec504.index.htm>

Bottom line: Kids who have a disability but are getting passing grades can be eligible under IDEA.

Differences Between Section 504 and IDEA

Most of the information you've received from the school about Section 504 and IDEA is simply not accurate. To be an effective advocate for your daughter, **you** need to know the differences between Section 504 and the IDEA.

Section 504 is a civil rights law - the purpose of Section 504 is to protect people from discrimination because of disabilities.

Section 504 provides access and removes obstacles. You can think of Section 504 as the law that makes schools add ramps and elevators to buildings if this is necessary to give disabled children access to the educational opportunities that are available to nondisabled children.

What are the purposes of The Individuals with Disabilities Act? When you read [Findings and Purposes of IDEA](#), you learn that the purposes of IDEA are:

(A) to ensure that all children with disabilities have available to them a **free appropriate public education** that emphasizes special education and related services **designed to meet their unique needs and prepare them for further education, employment and independent living**;

(B) to ensure that the **rights of children with disabilities and parents** of such children **are protected** . . .

<http://www.wrightslaw.com/info/sec504.idea.eligibility.htm>

NCLB

No Child Left Behind Act

Reference:

<http://www.wrightslaw.com/nclb/law.htm>

No Child Left Behind (NCLB) emphasizes accountability, parent involvement, highly-qualified teachers, and research-based teaching methods.

NCLB Table of Contents: <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

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On this page are links to the [NCLB statute](#), [regulations](#), [guidance publications](#) by Title, [policy letters](#), and other [essential publications](#) from the U. S. Department of Education.

Law and Regulations

[No Child Left Behind](#), Table of Contents, U. S. Department of Education site.

[No Child Left Behind Act, Public Law 107-110](#). Signed into law on January 8, 2002. (Note: This is a large PDF file)

[NCLB Regulations](#)

New Regulation about assessment of children who have significant cognitive impairments (Federal Register, Volume 68, Number 236 Page 68697-68708 (December 9, 2003) [Regulation in html](#) | [Regulation in pdf](#)

[Alternate Achievement Standards for Students with the Most Significant Cognitive Disabilities Non-Regulatory Guidance](#) - Non-regulatory guidance regarding alternate achievement standards for students with the most significant cognitive disabilities. Includes alternate assessments (section B), Individualized Education Program teams (section D), alignment (section E), the "one percent cap" (sections F and H), the exception process (section G), and reporting (section I) with clear explanations and examples. (August 2005)

Guidance Publications

Title I

[Impact of the New Title I Requirements on Charter Schools: Non-Regulatory Guidance](#)- This 16 page publication answers questions about how changes to Title I will affect charter schools in several areas: accountability, public school choice, supplemental educational services, corrective action, and requirements for highly qualified teachers. (July, 2004)

[LEA and School Improvement: Non-Regulatory Guidance](#). This 47-page publication answers questions about annual review of school progress, school improvement plans, corrective action, school restructuring; LEA review, improvement, and corrective action; includes chart illustrating school improvement process. (January 7, 2004)

[Guidance for the Early Reading First Program](#) - This 21 page document provides non-regulatory program guidance for the Early Reading First program. (Updated March 17, 2003)

[Title I Paraprofessionals, Draft Non-Regulatory Guidance](#) - This 14 page publication includes general information about paraprofessionals, answers questions about educational requirements for paraprofessionals, assessment, related issues, and funding. (revised March 1, 2004)

[Parent Involvement, Title I, Part A - Non-Regulatory Guidance](#). This publication includes Frequently Asked Questions about parent involvement and parental notification policies. The publication also includes a glossary of NCLB

definitions, a summary of Parental Notification Requirements, a list of research based resources for Community Involvement Programs, a sample Parental Involvement Policy, and a sample School-Parent Compact. (April 23, 2004)

[Public School Choice, Draft Non-Regulatory Guidance](#) - This 28 page publication highlights important aspects of the public school choice component of Title I and provides guidance on some provisions that may be useful in administering and implementing these requirements. States may rely on this guidance in administering these requirements. (revised Feb. 6, 2004)

[Guidance for the Reading First Program](#) - The final guidance for the Reading First program. The purpose of Reading First is to ensure that all children are proficient readers by the end of third grade. (April 2002)

[Report Cards, Title I, Part A](#) - This 23 page non-regulatory guidance publication answers frequently asked questions about state and school district (local educational agency) report cards. (September 17, 2003)

[Serving Preschool Children Under Title I: Nonregulatory Guidance](#) - This 37 page publication identifies components of quality preschool programs and addresses administrative issues in using Title I funds for preschool programs. Includes examples of instruction and learning in high quality Title I preschool programs so children have necessary skills when they enter Kindergarten. (March 4, 2004)

[Standards and Assessments](#) - This 44 page non-regulatory guidance publication is written to assist States, districts, and schools in understanding and implementing The No Child Left Behind Act in the area of standards and assessments. (March 10, 2003)

[Standards and Assessments Peer Review Guidance: Information and Examples for Meeting Requirements of the No Child Left Behind Act of 2001](#) - This 133 page publication describes evidence states must submit to demonstrate that they have met NCLB standards and assessment requirements; it is designed to help peer reviewers who will examine evidence submitted by states and advise the USDOE as to whether a state has met these requirements. (April 28, 2004)

[Supplemental Educational Services](#) - This guidance publication about Supplemental Educational Services (additional academic instruction designed to increase the academic achievement of students in low-performing schools) describes tutoring, remediation and other educational interventions, provided these approaches are consistent with the content and instruction used by the local educational agency (LEA) and are aligned with the State's academic content standards. (July 13, 2005)

[Title I Services to Eligible Private School Children](#) - Non-Regulatory Guidance (October 17, 2003)

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Title II

[Highly Qualified Teachers: Revised Title II Part A Non-Regulatory Guidance](#) - Provides non-regulatory guidance for Title II programs about preparing, training, and recruiting high-quality teachers and principals; requires states to develop plans with annual measurable objectives to ensure that all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year. Describes new policies pertaining to teachers in rural districts, science teachers, and teachers of multiple subjects. (Rev. August 3, 2005)

Title III

Final Non-Regulatory Guidance on the Title III State Formula Grant Program, Standards, Assessments and Accountability. This 18 page nonregulatory guidance publication focuses on implementation of the Title III State Formula Grant Program.

[Part I: Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program](#)

[Part II: Standards, Assessments and Accountability - Final Draft of Non-Regulatory Guidance on Title III State Formula Grant Program](#) (msword)

Title IV

[21st Century Community Learning Centers](#) - This 53 page non-regulatory guidance publication will help State Educational Agencies to develop selection criteria to ensure that local programs are high quality and tailored to address the needs of students and their families. States and local communities must identify and implement programs for which there is evidence, based on rigorous research and evaluation, that they can effectively help children to succeed in school. (February 2003)

[Safe and Drug-Free School and Communities Act State Grants: Guidance for State and Local Implementation of Programs](#) - This publication provides non-regulatory Draft Guidance for State and Local Implementation of Programs under Title IV, Part A, Subpart 1. (January 2, 2003)

Title V

[Charter Schools Program - Title V - Part B - Non Regulatory Guidance](#) - This 18 page publication answers questions about the general provisions of the Charter School Program; eligibility and use of funds; lottery recruitment and admissions; involvement of religious and community-based organizations; administrative and fiscal responsibilities. (July, 2004)

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Title VI

[Guidance on the Rural Education Achievement Program \(REAP\)](#) - This document provides guidance for the Rural Education Achievement Program (REAP). The reauthorized ESEA contains three separate Rural Education Achievement Program (REAP) initiatives that are designed to help rural districts that lack the personnel and resources to compete effectively for Federal competitive grants and that receive grant allocations in amounts that are too small to be effective in meeting their intended purposes. (June 2003)

Title VII

[Education for Homeless Children and Youth - Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act of 2001 - Non-Regulatory Guidance](#) - This 42 page publication addresses several issues: whether children awaiting foster care placement are eligible for McKinney-Vento services; whether children displaced from their homes by a disaster are eligible for McKinney-Vento services; and whether a school district must provide transportation services to homeless children attending preschool. (July 2004)

Title IX

[Access to High School Students and Information on Students by Military Recruiters](#) - This 4 page publication describes two pieces of legislation that require local educational agencies (LEAs) that receive assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers. (October 9, 2002)

[Unsafe School Choice Option, Non-Regulatory Guidance](#) - NCLB requires states that receive funds establish and implement statewide policies requiring that students who attend a persistently dangerous public school, or students who are victims of a violent criminal offense while in or on the grounds of a public school, are allowed to attend a safe public school. This document provides guidance on provisions that may be useful in administering these requirements. (May, 2004)

FERPA

Family Educational Rights and Privacy Act

Reference: [Wrightslaw: Special Education Law, 2nd Edition](#), Chapter 9, pages 307-318.
<http://www.wrightslaw.com/info/ferpa.index.htm>

Overview

The **Family Education Rights and Privacy Act (FERPA)** is a federal statute. The purposes of FERPA are twofold: to ensure that parents have access to their children's educational records and to protect the privacy rights of parents and children by limiting access to these records without parental consent.

FERPA deals with:

- access to educational records
- parental right to inspect and review records
- amendment of records
- destruction of records

FERPA applies to all agencies and institutions that receive federal funds, including elementary and secondary schools, colleges, and universities. The statute is in the United States Code at 20 U. S. C. 1232g and 1232h. The regulations are in the Code of Federal Regulations at 34 C.F.R Part 99.

[FERPA Regulations](#). These regulations are written as frequently asked questions (FAQs) and are very easy to read. If you need to solve a FERPA issue, read through these regulations for answers to your questions.

The Department amended the implementing regulations (effective January 8, 2009) adding new exceptions permitting the disclosure of personally identifiable information from education records without consent. **Analysis of Comments and Changes** or [Commentary](#) was published in the Federal Register, Volume 73, No. 237, December 9, 2008. The [Analysis of Comments and Changes](#) or [Commentary](#) explains why a regulation was changed or not changed.

The most significant changes in the regulations concerned adding new exceptions permitting the disclosure of personally identifiable information from education records. At the K-12 level, parents must consent to the release of their children's educational records that contain personally identifiable information.

[Brief summary](#) of the final regulations from US Department of Education. [Section by Section analysis](#) of the final regulations.

McKinney Vento Act

References:

PDF: <http://www.wrightslaw.com/law/vento.homeless.act.pdf>

Site: <http://www.wrightslaw.com/info/homeless.index.htm>

Legal Information

[McKinney-Vento Homeless Assistance Act](#) is the federal law that governs the education of homeless children. This law provides many rights to homeless children and their families, and many responsibilities to school districts. (Wrightslaw reformatted the law so it is easy to read, print, and distribute to schools, social service agencies, shelters, and child advocates who are responsible for homeless children)

[Education Rights of Homeless Children](#) - Attorney Mike O'Connor summarizes the basic education rights of all homeless children and the rights of children with disabilities. The article includes websites that offer more detailed information.

[Homelessness and Students with Disabilities: Educational Rights and Challenges](#) published by the National Association of State Directors of Special Education.

[State Coordinators for Homeless Education](#) - Every state is required by federal law to have a State Coordinator for Homeless Education. This person is responsible for ensuring the understanding of and compliance with the McKinney-Vento Homeless Assistance Act in public schools throughout the state.

[National Center for Homeless Education](#) - The Center provides research, resources, and information enabling communities to address the educational needs of children and youth experiencing homelessness.

[Saving Lives: Including People with Disabilities in Emergency Planning](#) - The [National Council on Disability \(NCD\)](#) issued this report in April, and recommended immediate changes in emergency planning for people with disabilities.

[Homeless Education Online Forum](#) - A service of the National Center for Homeless Education

[McKinney-Vento Online Training Presentations](#) - PowerPoint Presentation, sample letters, and many PDF information handouts for administrators and community workers