



The Individuals with Disabilities Education Act (IDEA): Establishing the right to public education for people with disabilities.

Why IDEA was Established

Before IDEA became law in 1975, the education system failed millions of infants, toddlers, children, and youth with disabilities because they did not provide appropriate educational services—1.8 million were excluded from public education entirely.

The purpose of IDEA is to:

- Provide a free, appropriate public education (FAPE) to all infants, toddlers, children, and youth with disabilities.
- Assist states with implementing early intervention services for infants and toddlers with disabilities and their families.
- Ensure educators and parents have the necessary tools to improve outcomes.
- Assess and ensure the effectiveness of efforts to educate infants, toddlers, children, and youth with disabilities.

Additional Supports Authorized Under IDEA

IDEA provides federal support to states and school districts for providing educational services through financial support and technical assistance for:

- Special education system improvement activities.
- Coordinated research on effective practices.
- Special education personnel preparation programs.
- Professional development for staff.
- Implementing IDEA at the state level.
- Technology Development and Media Services.

Rights Afforded Under IDEA

In addition to FAPE, IDEA also requires:

- Zero Reject: Nobody may be turned away from public schools because of a disability.
- Child Find: States must identify children suspected of having a disability and evaluate them for eligibility for special education services.
- Individualized Education Programs (IEP): A written plan must be in place for each eligible child, designed to meet their unique educational needs.
- Least Restrictive Environment: Children with disabilities must be educated alongside their nondisabled peers to the maximum extent possible.
- Procedural Safeguards: States must guarantee infants, toddlers, children, and youth and their parents procedural safeguards with respect to FAPE
- Parent Participation: Families of infants, toddlers, children, and youth with disabilities must have the opportunity to participate in educational decision-making for their children.



IDEA Rights in Public vs. Private Schools

The Council for Exceptional Children (CEC) has a longstanding history of opposing private school vouchers and voucher-like programs because they discriminate against children with disabilities. Children with disabilities (CWD) who use state vouchers and scholarships to attend private schools are considered parentally-placed private school CWD under IDEA.

Public Schools:

- May not refuse to accept a student on the basis of disability.
- CWD are legally entitled to the full array of individualized educational services.
- Are legally obligated to provide FAPE to all CWD.
- CWD must have access to fully qualified special education personnel and the general education curriculum.
- Parents have the right to due process regarding service provision.

Private Schools:

- Retain the right to selectively admit students based on academic performance, entrance exams, or other factors.
- CWD placed in private schools by their parents are not entitled to the special education and related services they would receive if enrolled in a public school, and there is no requirement for how often the services in their plans are required to be updated.
- If a CWD is offered FAPE by the local education agency where they live, and the parent chooses to not accept the offer and keep the child in private school, the private school is not required to provide FAPE to the CWD.
- Depending on state law, private schools are not required to meet State personnel or curriculum standards. Further, IDEA personnel qualification requirements do not apply to private school teachers.
- IDEA's due process procedures only apply to a local education agency's child find procedures.