



# IDEIA 2004

Individuals with Disabilities Education Improvement Act

## Parent Educational Advocacy Training Center

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**“Part C”**

**Infants & Toddlers with Disabilities**

*presented by*

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# Training Overview

- **IDEA 2004 – Part C**
  - History of Special Education Law
  - Aims of the New IDEA
  - Highlights
  - Comparison with Part B



# Special Ed Law - Timeline

## 1. **1973 Section 504 of the Rehabilitation Act**

Civil rights legislation prohibiting discrimination against handicapped individuals. Definition is broad and not only includes those persons handicapped under IDEA but any individual who "has a physical or mental impairment which substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such an impairment."



# Special Ed Law - Timeline

## 2. 1975 P.L. 94-142 Education for All Handicapped Children Act [EHA]

First federal special education law to require states to provide "a free, appropriate public education (FAPE) for every child between the ages of 3 and 21 regardless of how, or how seriously, he/she may be handicapped." Ensures due process rights, mandates education in the least restrictive environment, and mandates Individualized Education Programs.



# Special Ed Law - Timeline

## 2. \*1983 P.L. 98-199 Education of the Handicapped Act Amendments

Allows for federal funding to create parent training and information centers nationwide so that parents could learn how to protect the rights that PL 94-142 guarantees their child.

## 3. 1986 P.L. 99-457 Amendment to the Education of the Handicapped Act

- Set up a system of early intervention services for infants and toddlers from birth to age 3.
- Authorizes grants to states to develop and maintain early intervention system that is: statewide, comprehensive, coordinated, multidisciplinary and interagency



# Special Ed Law - Timeline

## 4. 1990 P.L. 101- 476 Individuals with Disabilities Education Act [IDEA]

- Changed the name of the Education of the Handicapped Act Amendments (EHA) to Individuals with Disabilities Education Act (IDEA).
- Reauthorized and expanded discretionary programs
- Mandated inclusion of transition and assistive technology services in IEP
- Added autism and traumatic brain injury to list of categories of children and youth eligible for special education and related services (formerly PL 94-142).



# Special Ed Law - Timeline

## 5. 1997 – P.L. 105-17 Individuals with Disabilities Education Act Amendments

***“IDEA ’97” made procedural amendments to the 1990 IDEA and strengthened protections to students with disabilities with behavior issues.***



# Special Ed Law - Timeline

## 6. IDEIA 2004 P.L. 108-446 - Individuals with Disabilities Education Improvement Act

### **Substantial Changes to Part B – Special Ed**

- Aligns IDEA with NCLB
- Reduces Paperwork

### **Changes to Part C**

- Limited, but important changes to Early Intervention



# Aims of “IDEIA 2004”

**PART C -- “Congress finds “urgent and substantial need to:”**

- ***Enhance development of infants and toddlers with disabilities***
  - minimize their potential for developmental delay
  - **recognize significant brain development** that occurs during a child's first 3 years of life ;
- ***Reduce educational costs to society, including our schools***
  - minimize the need for special education and related services after infants and toddlers with disabilities reach school age;



# Aims of IDEIA 2004

- *Minimize likelihood of institutionalization of individuals with disabilities to maximize their potential for independent living in society*
- *Enhance capacity of families to meet special needs of their infants and toddlers with disabilities*



# Aims of IDEIA 2004

- *Enhance capacity of state and local agencies and service providers to identify, evaluate and meet the needs of historically underrepresented populations of all children, particularly minority, low-income, inner-city and, rural populations and infants and toddlers in foster care.*



# Part C – Highlights

- Changes in Findings
- Definitions
- Eligibility
- Public Awareness
- CSPD
- State Option





# Part C – Highlights

- State Application and Assurances
- Uses of Funds
- Payor of Last Resort
- State Interagency Coordinating Council
- Federal Interagency Coordinating Council
- IFSP



## Changes in Findings (Sec. 631)

- Added to (a)(1):  
***“recognize the significant brain development that occurs during the first three years of life.”***
- Deleted from (a)(3):  
***“the likelihood of institutionalization”***



## Changes in Findings (Sec. 631)

- Modified (a)(5) regarding children from historically underrepresented groups to include:

***“all children, particularly minority, low-income, inner city and rural children and infants and toddlers in foster care.”***



## Part C – Definitions

### Parent:

- (A) Natural, adoptive or foster parent*
- (B) Guardian (but not the state if child is ward of state)*
- (C) Individual acting in place of natural or adoptive parent (includes grandparent, stepparent, or other relative) with whom child lives, or individual legally responsible for child's welfare*



## Part C – Definitions

### Parent: *(Cont'd.)*

#### **(D) Surrogate:**

- *When parents are not known, cannot be found, or when child is ward of the state*
- *Shall not be an employee of state agency or early intervention provider for the infant or family*



# Part C – Definitions

## Early Intervention Services

1. **Sign language and cued speech services**
2. **Assistive Technology – modified to exclude “*surgically-implanted devices (e.g. cochlear implants) from assistive technology devices*”**



# Part C – Definitions

## Qualified Personnel

### *Expanded to include:*

- **Vision specialists, including ophthalmologists and optometrists**
- **Registered dieticians substituted for “nutritionists”**



## Part C – Definitions

### Infant & Toddler with a Disability

Modified to “provide state with discretion to include in Part C program children with disabilities who are:

- *Eligible for Section 619 – Preschool Special Ed*
- *Previously received services under Part C*



# Part C – Definitions

## Natural Environment

- **Early Intervention services to be provided in natural environment**

**Exception:**

*Only when EI cannot be achieved satisfactorily for the infant or toddler in a natural environment, then “services provided in alternative setting that is most appropriate, as determined by parent and the IFSP team.”*



## Part C – Definitions

### Requirements for Statewide System

#### Developmental Delay: Required changes to state definitions:

1. **Rigorous definition** – states must include a “rigorous definition” to ensure that all eligible children are covered
2. **Scientifically-based Research** – states must have in effect policies to ensure EI services are “based on scientifically-based research, to the extent practicable.”



# Part C – Definitions

## Eligibility (Sec. 634)

*Policy to provide EI services to all eligible children modified to include:*

- “Infants and toddlers with disabilities who are homeless or wards of the state”
- Includes Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State



# Part C – Definitions

## Public Awareness

*Modified to emphasize the need to inform parents with:*

- premature infants
- infants with other physical risk factors associated with learning
- developmental complications

*on the availability of EI and Special Education preschool services*



# Part C – Definitions

**CSPD** – *Comprehensive System of Personnel Development*

**New Requirements:**

- ***Implement innovative strategies for recruitment and retention of early education services providers***
- ***Promote preparation of qualified early intervention providers***
- ***Train personnel to coordinate transition services for infants and toddlers served under Part C and Part B to a preschool program.***



# Part C – Definitions

## CSPD

- “Training personnel in emotional and social development of young children”
- Policy regarding “highest requirements” is deleted



# Part C – Definitions

## STATE OPTION: Birth to 6 years

A new policy is added to permit state Part C and 619 agencies flexibility to jointly develop policy to allow children previously enrolled in part C to continue to receive Part C services after the age of 3 and until they start kindergarten



## Part C – Definitions

### STATE OPTION

- If option taken, allows parents to extend Part C services until kindergarten (previously entered children into pre-school programs)



# Part C – Definitions

## State Application and Assurances

State application must contain description of state policies and procedures requiring referral to Part C services for children who are:

- **involved in substantiated cases of abuse and neglect**
- **affected by illegal substance abuse**
- **withdrawal symptoms resulting from prenatal drug exposure**



# Part C – Definitions

## USES OF FUNDS

### Continuation of services 3 – Kindergarten

With written consent of parents, states may use Part C funds to continue Part C services to particular children over the age of 3 and until they reach kindergarten.



# Part C – Definitions

## Payor of Last Resort

**A new section is added to ensure:**

- interagency agreements for coordination and payment of services
- when payment for services is in dispute, lead agency shall pay for services pending resolution of dispute



# Part C – Definitions

## State Interagency Coordinating Council

### New representatives added:

- Coordinator of Education of Homeless Children and Youth
- Foster Care
- Mental Health agencies



# Part C – Definitions

## Federal Interagency Coordinating Council

**FICC is deleted from the law**



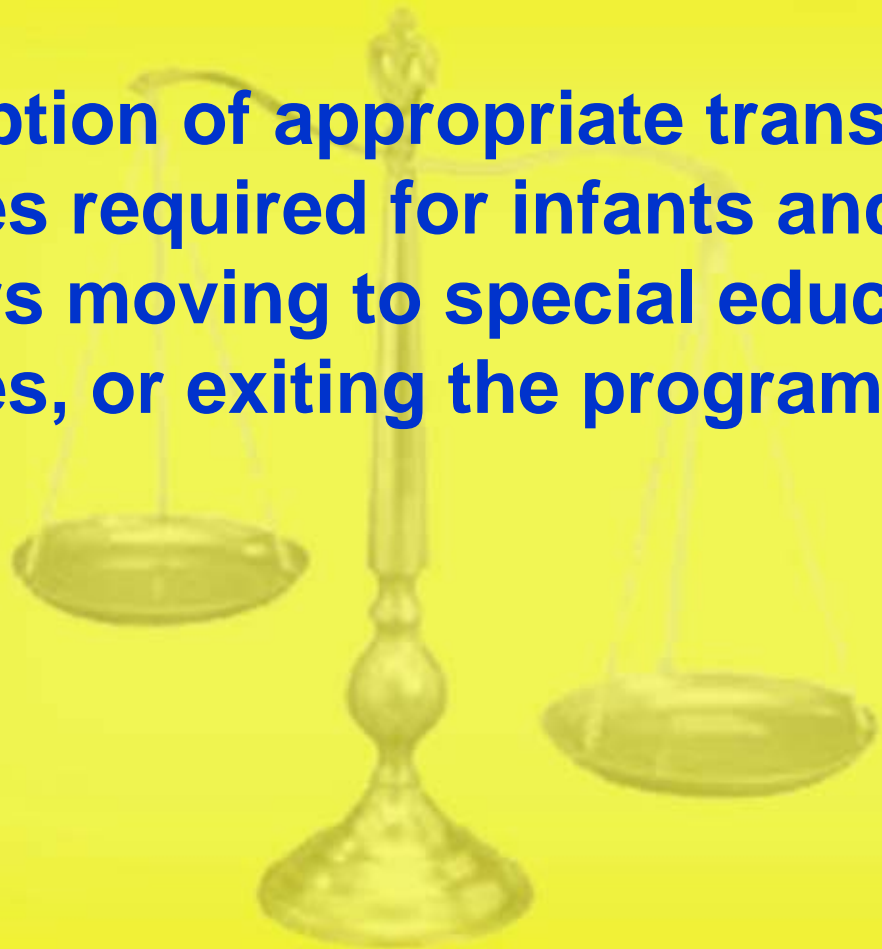
## Part C – IFSP

1. **Statement of Measurable Results includes:**
  - **Preliteracy, numeracy and language skills**
  - **Must include criteria, procedures and timelines to:**
    - **determine progress toward achieving results or outcomes**
    - **whether modifications or revisions of the results or outcomes of services are necessary**
2. **Statement of Specific EI services now based on “peer-reviewed” research**



## Part C – IFSP

3. **Description of appropriate transition services required for infants and toddlers moving to special education services, or exiting the program**





# Early Intervention vs. Special Ed

## EI - Part C

- Eligibility based on “diagnosis or likelihood of developmental delay”
- Individualized Family Service Plans IFSPs
- Services provided to families, not just infant or toddler

## Special Ed – Part B

- Specific categories of disabilities
- Individualized Education Plan (IEP)
- Services to Student only



# Early Intervention vs. Special Ed

## EI - Part C

- Natural environment
- Sliding fee scale allowable for some services

## Special Ed – Part B

- Least Restrictive Environment
- FAPE – no cost to families



# References/Web Resources

- **The Center for the Study and Advancement of Disability Policy - A User's Guide to the 2004 IDEA Reauthorization (P.L. 108-446 and the Conference Report, Robert Silverstein, Director**

[www.c-c-d.org/IdeaUserGuide.pdf](http://www.c-c-d.org/IdeaUserGuide.pdf)

- **Congressional Research Service Analysis of Changes Made by PL 108-446**

[www.cec.sped.org/pp/docs/CRSAnalysisofNewIDEAPL108-446.pdf](http://www.cec.sped.org/pp/docs/CRSAnalysisofNewIDEAPL108-446.pdf)

- **Consortium for Citizens with Disabilities**

[www.c-c-d.org](http://www.c-c-d.org)



# References/Web Resources

- **Council of Parent Attorneys and Advocates**  
**Comparison of H.R. 1350 (IDEIA 2004) and IDEA '97**  
[www.copaa.org/news/idea04.html](http://www.copaa.org/news/idea04.html)
- **Council for Exceptional Children**  
[www.cec.org](http://www.cec.org)  
[www.cec.sped.org/law\\_res/doc/](http://www.cec.sped.org/law_res/doc/)  
[www.ideapractices.org/](http://www.ideapractices.org/)
- **House Committee on the Workforce and Education Guide to**  
**Frequently Asked Questions**  
<http://edworkforce.house.gov/issues/109th/education/idea/ideafaq.pdf>



# References/Web Resources

- **National Association of State Directors of Special Education**  
[www.nasdse.org](http://www.nasdse.org)
- **National Coalition of Parent Centers**  
[www.nationalparentcenters.org](http://www.nationalparentcenters.org)
- **National Early Childhood Technical Assistance Center**  
[www.nectac.org](http://www.nectac.org)
- **NICHCY – National Dissemination Center for Children with Disabilities**  
[www.nichcy.org/idea.htm](http://www.nichcy.org/idea.htm)



# References/Web Resources

- **PACER – Alliance Technical Assistance Center for Parent Training and Information Centers**

[www.pacer.org](http://www.pacer.org)

- **Parent Educational Advocacy Training Center – PEATC**

[www.peatc.org](http://www.peatc.org)

- **Special Education Law and Advocacy**

[www.wrightslaw.com](http://www.wrightslaw.com)



# IDEIA 2004 – Part C

A large, faint image of a pair of scales of justice, centered on the slide. The scales are silver and have two pans hanging from a central beam. The text "Q & A" is overlaid on the scales.

**Q & A**



# PEATC

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