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Public Law 105-17: The Individuals with Disabilities Education Act Amendments of 1997

Questions and Answers

This paper was distributed by the Office of Special Education Programs, U.S. Department of Education. You may find it useful in discussing the IDEA Amendments of 1997 with colleagues, trainees, parents, and community members.

1. How will the new law help children with disabilities reach higher levels of achievement?

The original "Education for All Handicapped Children Act," signed by President Gerald Ford on November 29, 1975, guaranteed for the first time that the nation's children with disabilities had the right to a "free, appropriate education in the least restrictive environment." The 1997 Individuals with Disabilities Education Act, which has been signed into law by President Clinton, aims to strengthen academic expectations and accountability for the nation's 5.4 million children with disabilities, and bridge the gap that has too often existed between what those children learn and the regular curriculum.

From now on, the Individualized Education Program (IEP) -- the plan that spells out the educational goals for each child and the services he will receive for his education -- must relate more clearly to the general curriculum that children in regular classrooms receive.

The law will also require regular progress reports to parents, include children with disabilities in state and district assessments and in setting and reporting on performance goals as they do for non-disabled children.

Teachers will benefit from advancements in research through professional development initiatives..

2. What about parents? How are parents involved in decisions about their child's education?

Parental involvement will increase under the new law. In all states, parents will now be included in groups making eligibility and placement decisions about children with disabilities.

Previously, in some states, parents had only the right to be included in IEP meetings. Parents also have a right to consent to periodic re-evaluations of their children's program, in addition to initial evaluations.

In the past, parents of children with disabilities rarely got regular reports from schools on their children's progress in achieving academic goals set forth in the IEP. The new law aims to increase parental involvement by requiring regular progress reports commonly made for other children.

3. Will more children with disabilities be placed in regular classroom settings under the law?

The new law is designed to remove financial incentives for placing children in more separate settings when they could be served in a regular classroom, and it will include regular classroom teachers in the meetings at which the academic goals of children with disabilities are set. The new law also eases some of the restrictions on how IDEA funding can be used for children served in regular classrooms. Specifically, such funds can be used for providing services to children with disabilities in regular classroom settings even if non-disabled children benefit, as well.

4. How does the new law change the roles and responsibilities of regular classroom teachers?

A critically important feature of the new law specifies that regular teachers will be part of the team that develops each child's IEP. That is especially important since the law removes barriers to placing disabled children in regular classroom settings and ties the education of children with disabilities more closely to the regular education curriculum. The law requires that IEPs include the program modifications and supports for the child and teacher to enable the child to succeed in the classroom.

The law also provides continued federal support to improve teacher training nationwide, and adds support of teacher training programs in geographic areas with acute teacher shortages.

5. How will the 1997 amendments (Public Law 105-17) prevent inappropriate placements for minority children?

Whether the child is a minority student or not, Public Law 105-17 emphasizes that, for most children with disabilities, special education is not a place. Rather, special education is a set of services to support the needs of children with disabilities to succeed in general education classrooms.

For the first time, states will be required to gather data to ensure that school districts are not disproportionately identifying and placing children with disabilities from minority or limited-English-proficiency backgrounds in separate educational settings, and that such children are not being disproportionately suspended or expelled. In addition, in determining their education services, schools will be required to address the language needs of students who have limited English proficiency. Teachers will be provided training and research-based knowledge to meet the special needs of these children.

6. How will this law help school districts meet the costs of special education?

The new law directs more federal dollars to school districts and allows them greater flexibility to meet the needs of children with disabilities in their schools. States and other public agencies

will continue their level of support to school districts. Unnecessary assessments will be eliminated, saving school districts an estimated \$765 million per year.

7. How does IDEA promote safe, well-disciplined schools?

All children deserve safe and well-disciplined schools. For the first time, the new law sets out and clarifies how school disciplinary rules and the obligation to provide a free, appropriate public education to disabled children fit together. The law explicitly requires that children who need it receive instruction and services to help them follow the rules and get along in school. However, the law also recognizes that, if students bring weapons or illegal drugs to school, then schools have the right to remove such students with disabilities to alternative educational settings for up to 45 days. The new law permits schools to go to a hearing officer for an injunction to remove a child for up to 45 days if the child is considered substantially likely to injure himself or others. Previously, only a court had that authority. And the law also recognizes the right of schools to report crimes to law enforcement or judicial authorities. At the same time, the law guarantees that children under suspension or expulsion would still receive special education services elsewhere.

8. How does the law affect infants, toddlers, and preschoolers with disabilities?

The law allows federal funding to rise to \$400 million for infants' and toddlers' programs, from current appropriations of \$315 million. For preschoolers, allowable funding is up to \$500 million, up from current spending of \$360 million. The law clarifies that infants and toddlers should receive services in the home or in other natural settings, where possible. It also improves the coordination and transition of children from infant and toddler programs to preschool programs.

9. Will these changes and new requirements affect the number of lawsuits and due process hearings by parents, and legal bills for school districts?

When parents and school districts collaborate on children's education, conflict is minimized. Public Law 105-17 recognizes and encourages these positive relationships and non-adversarial methods of resolving disputes. The new law includes parents in placement decisions and requires schools to report regularly to parents about their children's progress. Under Public Law 105-17, states will make effective voluntary mediation available to parents and school districts as a far less costly alternative to lawsuits. In the rare instances when it is necessary, parents can still choose due process procedures.

10. What changes will the new law make in funding for States and school districts?

The new law revises the funding formula for the Grants to States programs under Part B by eliminating the use of counts of children receiving special education as a basis for distributing federal funds once the program exceeds \$4.9 billion. The Grants to States program is funded at \$3.1 billion in fiscal year 1997, and the President has requested \$3.2 billion for fiscal year 1998. Once the new formula is triggered, new funds would be distributed on the basis of census data and numbers of children living in poverty. This change in the formula would direct funds where they are needed, while allowing States to undertake good practices for addressing the needs of more children with learning problems in the regular classroom without unnecessary labeling -- and without risking a loss of federal special education funds.

The new law also directs more funds to school districts by limiting the amount of funds that can be reserved by the State educational agency for administration of the program and other State-level activities.

11. How will Public Law 105-17 help a child make a successful transition from school life to adult life?

Public Law 105-17 adds a new requirement -- for children with disabilities beginning at age 14, the IEP team including the child's parents (and, when appropriate, the child) identify how the child's course of study will help in reaching his or her post- school goals. At age 16 (and younger when appropriate), children's IEPs must also include a statement of the specific transition services they will receive to enable them to progress in education and employment after they finish secondary school.

In addition, the new law expects schools to help children with disabilities achieve higher standards of performance, which will support parental efforts to project their children into productive, successful futures.

12. How will the research funded by IDEA make a difference in teaching and learning?

Public Law 105-17 emphasizes the importance of continued federal investments in the development of technology tools and teaching strategies that will help children with disabilities become active, independent learners. These tools have already paid off by decreasing the number of aides required by students, allowing children with disabilities to be taught in regular classrooms with their non-disabled peers, and enabling teachers to modify their lessons to ensure that these children are included in all class activities.

This legislation specifies that all these and other innovations may be shared with non-disabled children who can benefit from their use.

13. What activities are supported under IDEA?

In fiscal year 1997, \$4 billion was appropriated under the Individuals with Disabilities Education Act to help serve children with disabilities. Of this amount, \$3.1 billion was made available under the Grants to States program to assist states in providing special education and related services to children with disabilities, aged 3 through 21, and an additional \$360 million was provided under the Preschool Grants program specifically for serving children aged 3 through 5. States were also provided \$315 million under the Grants for Infants and Toddlers program to assist them in making early intervention services available to infants and toddlers with disabilities from birth through age 2.

In addition, \$262 million was appropriated for a variety of research, demonstration, personnel preparation, technical assistance, dissemination, and other activities to support the States in their efforts to serve children with disabilities.

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