



# Special Connections

A newsletter connecting our Special Kids, Families and Schools

## UPDATE ON RE-AUTHORIZED INDIVIDUALS WITH DISABILITIES ACT

By Dr. Elizabeth Borreca, Professor of Special Education, University of St. Thomas

Following two years of debate, Congress re-authorized the Individuals with Disabilities Act (IDEA) in November 2004. Shortly thereafter, on December 3, 2004, President Bush signed the Individuals with Disabilities Education Improvement Act of 2004, P.L. 108-446, 118 STAT. 2647 (2004), to be codified at 20 U.S.C. 1400 §§ *et seq.*, into law.

Changes in the IDEA include minor modifications ranging from the re-wording of sections, updating statutory citations, and re-numbering provisions to significant substantive revisions. The major changes in the revised IDEA have set in motion important initiatives that are designed to assist educators, parents, and attorneys to ensure that children with disabilities receive the free appropriate education that they are entitled to under the IDEA. This introduction highlights the major changes in the 2004 IDEA.

**Students with learning disabilities:** changes the evaluation of students with learning disabilities by not requiring school officials to take into consideration whether children have severe discrepancies between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning; instead, educators may use a process that determines whether a child responds to scientific, research-based intervention as part of evaluation procedures. §§ 602, 607(b), 614(b)(6)

**Highly Qualified Teachers:** The definition of "highly qualified" teachers parallels the language of the No Child Left Behind Act. In order to achieve this standard, which is to be determined based on state law, subject area teachers will not only have to be certified fully in special education or pass state-designed special education licensure examinations, but will also

have to possess bachelors' degrees and demonstrate knowledge of each subject for which they are primary instructors. Present teachers are expected to meet the standards by the end of the 2005-06 school year even if they are teaching multiple subjects. New special education teachers have until up to two years after they are hired to become certificated in different subjects as long as they are fully certificated in at least one. §§ 602 (10), 612 (a)(14)

**Parent:** expands the definition of parent to include a natural, adoptive, or foster parent, a guardian, and an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom a child lives, or an individual who is legally responsible for a child's welfare. § 602 (23)

**Paperwork reduction:** seeks to help lessen the amount of special education paperwork by permitting up to 15 States to pilot paperwork-reduction plans to reduce the burden on teachers, administrators, and related service providers. § 609

**Early Intervention:** permits States to extend Part C services for families and children with disabilities until a child reaches the age of 5. §§ 611 (e)(7), 619, 635( c)

**Funding:** for the current fiscal year, federal government officials estimate that the government will pay 19 percent of the excess costs associated with educating students with disabilities; the 2004 Act set the goal of achieving the IDEA's initial 1975 promise of funding 40 percent of the national average of per-pupil spending by 2011. § 611(i)

**Child Find:** requires public school officials to identify children who attend private schools in districts rather than those who reside in districts; also mandates that child find activities for students in private schools be comparable to those used in public schools. § 612 (a)(10)(A)(i),(ii)

**Minority students:** requires States to develop policies and procedures to prevent the over-identification or disproportionate representation by race and ethnicity of children with disabilities, to record the number of students from minority groups in special education classes, and to provide early-intervention programs for children in groups deemed to be over represented. §§ 612 (a)(24), 618 (d)(1)(A)(B)

## Cy-Fair ISD

Should you have any questions regarding your child and/or special education services, you may contact the Diagnostician or High School Support Specialist at your child's campus.

There may be times when you need to contact the district's special education office.

The contact information is as follows:

Jane Flinn, Director of Special Education  
10300 Jones Road, Houston TX 77065  
Phone: 281-897-6416  
Fax: 281-897-6403  
Email: jane.flinn@cfisd.net -or-

Nadine Fidler, Assistant Superintendent  
Phone: 281-897-6416  
Fax: 281-897-6403  
Email: nadine.fidler@cfisd.net

### ChildFind

The Cy-Fair ISD provides support services for students with disabilities residing within the district. Through Child Find efforts, eligible children, birth to 21, may be identified for needed services. Anyone who has a child or knows of a child who may qualify for services should call the Special Education Department (281-897-6400) or the child's home campus for information.

### Education Service Center

The state of Texas is divided into 20 regions served by Education Service Centers. Our Education Service Center is Region 4 and is located in Houston. Region 4 has staff trained in special education who may be a resource to parents. The telephone number of the special education department at Region 4 is 713-462-7708.

In the next issue Ms. Stacy Kaim- wife, mother, & professional-will share personal experiences of self-advocacy/self-determination & how it can enhance one's life.

**Prohibition against mandatory medication of students:** forbids personnel from State and local educational agencies from requiring parents to obtain prescriptions for their children for substances (such as Ritalin) that are covered by the Controlled Substances Act as a condition of attending school, being evaluated, or receiving special education services. § 612(a)(25)

**Early intervention:** permits school boards to spend up to 15 percent of their federal special education funds on early-intervention programs designed to help children before they are placed in special education. § 613 (f)

**Parental Consent for Services:** States and local education agencies will not have violated the IDEA's requirement that officials make a free appropriate public education available to students and shall not be required to develop IEPs for them if their parents either refuse to consent to the receipt of special education services or fail to respond to a request to provide such consent. § 614 (a)(1)(D)(ii)(II)(III).

**IEPs:** deletes benchmarks and short-term objectives for children with disabilities other than those who take alternate assessments aligned to alternate achievement standards; adds that the statement of the special education and related services and supplementary aids and services, "be based on peer-reviewed research to the extent practicable;" allows up to 15 states to pilot comprehensive multi-year IEPs that do not exceed 3 years and which are designed to coincide with natural transition points in a child's education; also permits minor changes to IEPs to be made by means of conference calls or letters. §§ 614(d)(1)(A)(I)(cc), (d)(1)(A)(IV), (d)(1)(A)(I)(cc), (d)(1)(A)(IV), (d)(5), 614(f)

**Dispute Resolution:** places essentially a two-year statute of limitations on parental ability to file special education complaints while also imposing a 90-day limit for appeals; hearing officers must now focus on whether children were denied appropriate educations rather than emphasize procedural errors; and lawyers may be liable for filing complaints that courts deem frivolous. §§ 615 (f)(3) (C), (i)(2)(B), (i)(3)(B)(i)(2)

**Student discipline:** provides school officials with greater freedom to remove disruptive students with disabilities from classes if their behavior is unrelated to their disabilities; although the law still requires a "manifestation determination", the process asks that the student's behavior be directly related to the disability before a relationship can be found; student's whose parents file for a hearing to protest the manifestation determination are to remain in the disciplinary placement until the hearing officer rules on the complaint. §§ 615(f), (k).

**Model forms:** directing the Secretary of Education, no later than when the IDEA's final regulations are promulgated, to provide copies of model forms for IEPs, individualized family service plans, the procedural safeguards described in section 615(d), and the prior written notice described in sections 615 (b)(3) and (c)(1) of section 615. § 617 (e)

## Reauthorization, So what?

By Ginger Sewell

Congress has finally reauthorized the federal special education law, Individuals with Disabilities Education Act, known as IDEA 2005.

As parents, it is our responsibility to learn about the changes in this law. We need to know specifically how any changes affect our children's education. Reading this newsletter, checking web sites and asking your child's teachers will enable you to make more informed decisions based on any changes. Effective advocacy requires us to have current knowledge, an understanding of any new terminology and the communication skills needed to navigate the changing world of special education. Stay informed and remain positive!

*Ginger Sewell is the parent of a young adult with a disability and a former Director of Special Education. Currently an educational consultant, she is the recipient of both the Parent of the Year and Professional of the Year awards from the Learning Disabilities Association*