



NASET's Education Children with Severe Disabilities Series

Part II-October 2012: Seven Major Principles under IDEA

All students classified under IDEA are entitled and protected under the law in several different ways. IDEA contains 7 major principles by which all children with disabilities are protected along with their families. The seven major principle of IDEA include:

- 1. Informed Consent**
- 2. Zero Reject**
- 3. Free and Appropriate Public School Education-FAPE**
- 4. Nondiscriminatory Evaluation**
- 5. LRE-Least Restrictive Environment**
- 6. Individualized Education Program (IEP)**
- 7. Due Process Safeguards**

Principle #1-Informed Consent

Before any evaluations, testing, and placement can be done, there must be parental informed consent.

Informed consent is defined as the following:

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication.
- The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom.
- The parent understands that the gaining of consent is voluntary and may be revoked at any time

Principle #2-Zero Reject

- All students have the right to a public school education and cannot be excluded because of a disability.
- Before IDEA, school officials who felt that they were not equipped to address the special needs of particular students would not accept such students into their schools.

Principle #3-Free Appropriate Public Scholl Education

All students have the right to a public school education at no cost to the parents regardless of the extent of the disability.

Principle #4- Non Discriminatory Evaluations

The evaluation for a suspected disability for a suspected disability must be non-discriminatory. Further, under IDEA, 6 criteria must be met in order for an evaluation for a suspected disability to be considered a non discriminatory evaluation. These include:

1. When considering eligibility for special education, the evaluation must be done by a multi-disciplinary team.
2. All testing materials and procedures used for the purposes of evaluation and placement of children with disabilities must be selected and administered so as not to be racially or culturally discriminatory.
3. All tests and other evaluation materials have been validated for the specific purpose for which they are used. Validity means does the test measure what it is supposed to measure. Reliability refers to the consistency of the test results over time.
4. Tests and other evaluation materials must be administered by trained personnel in conformance with the instructions provided by their producer.
5. No single procedure can be used as the sole criterion for determining an appropriate educational program for a child
6. Tests must be given and reports must be written in the native language. When doing assessment, all tests must be given in the child's native language and all reports must be written in the parent's native language.

Principle #5-Least Restrictive Environment

All students in special education must be placed in the least restrictive environment. Students with disabilities need to be placed in the environment that is most suited for their educational needs, or as it was termed: The Least Restrictive one. LRE-The provision in IDEA that states that students with disabilities are to be educated with their non-disabled peers to the maximum extent appropriate.

Under IDEA, a continuum of placements, ranging from the general classroom to homebound and hospital programs, needs to be developed by schools. The least restrictive environments considered by the school district usually include the following options:

- **Regular Classroom**
- **Inclusion Class**
- **Resource Room**
- **Separate Class**
- **Separate Day School**
- **Residential Facility**
- **Institution/Hospital**
- **Home Bound Instruction**

Principle #6-Individualized Education Program (IEP)

All students in special education must have an individualized education program (IEP). This is a legal written document complied by the school and the parent which lays out the goals and services for the child with special needs. This document is reviewed annually at a meeting call the Annual Review. If a student is determined to be eligible for special education an IEP will be developed. All students in special education are required to have an individualized education program designed to meet their needs. The IEP includes both short-term and long-term goals, along with how and where services will be provided.

Principle #7-Due Process

All students in special education and his/her parents are entitled to due process. This means that if a conflict or disagreement ensues concerning a student's eligibility for special education placement or services, no changes can be made until the issue has been settled by mediation or an impartial hearing.

Mediation is a discussion between families and school districts over a point of disagreement for the purposes of resolving the disagreement before a due process hearing is held. IDEA does not require mediation, and mediation may not be used to deny or delay the right to a due process hearing. A due process hearing is an administrative hearing (similar to a mini trial) conducted before a person charge with making an objective decision.

The next issue in this series will cover the following:

- The Special Education Process
- High Incidence Disabilities
- Low incidence disabilities