

20 U.S.C. § 1400 FINDINGS AND PURPOSES

Introduction

On November 17, 2004, a House-Senate Conference Committee agreed on changes to reauthorize the Individuals with Disabilities Education Act (IDEA). On Friday, November 19, 2004, the full House and Senate voted to reauthorize the Individuals with Disabilities Education Act of 2004. The bill will be submitted to the President who is expected to sign it. Once signed, it becomes law.

In our books and training programs, we focus on five key statutes that you should know and understand:

- Section 1400 - Finding and Purposes
- Section 1401 - Definitions
- Section 1412 - State Responsibilities (the “Catch All” statute)
- Section 1414 - Evaluations and IEPs
- Section 1415 - Procedural Safeguards (Rules of Procedure)

Each of these statutes has some important subsections (i.e., subsection (a), (b), (c)) and other subsections that have little significance.

In this series of five articles, we discuss substantive changes to these five statutes by section and subsection. Text deleted from the IDEA has been ~~struck through~~. Text that was added to the IDEA is *in italics*. In some cases, we describe or summarize changes to the law.

Comment: Summaries are in a different font.

Wrightslaw: *Special Education Law* includes the full text of the Individuals with Disabilities Education Act of 1997. **Wrightslaw: *From Emotions to Advocacy*** (FETA) includes the five key statutes. These articles include cross-references to **Wrightslaw: *Special Education Law*** and **Wrightslaw: *From Emotions to Advocacy*** (FETA) in a different font.

Cross-Reference: Findings are pages 19-24 in **Wrightslaw: *Special Education Law***. Findings are pages 121-123 in **Wrightslaw: *From Emotions to Advocacy*** (FETA).

20 U.S.C. § 1400(c) Findings

Comment: “Findings” are the Congressional findings that led Congress to pass the law about educating children with disabilities. Findings are Section 1400(c)(1) through 1400(c)(14).

Cross-Reference: Findings and Purposes are pages 19-24 in **Wrightslaw: *Special Education Law***. Findings and Purposes are pages 121-123 in **Wrightslaw: *From Emotions to Advocacy*** (FETA).

(1) unchanged

(2)

(A) through (E) include changes in sentence structure, grammar, and some content. Some subsections were merged. In subsection (C), references to “more than one half” and “1,000.000 of children” were deleted

(3) unchanged

(4) unchanged

(5) Over ~~20~~ 30 years of research . . .

(A) unchanged

(B) strengthening the role *and responsibility* of . . .

(C) coordinating this title with other local, educational service agency, State, and Federal school improvement efforts, *including improvement efforts under the Elementary and Secondary Education Act of 1965*, in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where such children are sent;

(D) unchanged

(E) supporting high-quality, intensive *preservice preparation and* professional development for all personnel who work with children *with disabilities* in order to ensure that *such personnel* have the skills and knowledge necessary *to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible;*

(E)

~~(i) and (ii)~~ - deleted in entirety

(F) providing incentives for whole-school approaches, *scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services* to reduce the need to label children as disabled in order to address *the learning and behavioral needs of such children;*

(G) unchanged

(H) *supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities.*

(6) While States, local educational agencies, and educational service agencies are ~~primarily~~ responsible . . .

(7)

(A) through (F) was completely deleted and replaced with:

(7) *A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.*

(8)

(A) through (F) was completely deleted and replaced with:

(8) *Parents and schools should be given expanded opportunities to resolve their disagreements in positive and constructive ways.*

(9)

(A) through (H) was completely deleted and replaced with:

(9) *Teachers, schools, local educational agencies, and States should be relieved of irrelevant and unnecessary paperwork burdens that do not lead to improved educational outcomes.*

(10) was completely deleted and replaced with:

(10)

(A) *The Federal Government must be responsive to the growing needs of an increasingly diverse society.*

(B) *America's ethnic profile is rapidly changing. In 2000, 1 of every 3 persons in the United States was a member of a minority group or was limited English proficient.*

(C) Minority children comprise an increasing percentage of public school students.

(D) With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession in order to provide appropriate role models with sufficient knowledge to address the special education needs of these students.

Comment: Four new subsections were added to 20 U.S.C. § 1400(c), beginning with 20 U.S.C. § 1400(c)(11) and ending with 20 U.S.C. § 1400(c)(14):

(11)

(A) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation.

(B) Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.

(C) Such discrepancies pose a special challenge for special education in the referral of, assessment of, and provision of services for, our Nation's students from non-English language backgrounds.

(12)

(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

(C) African-American children are identified as having mental retardation and emotional disturbance at rates greater than their White counterparts.

(D) In the 1998-1999 school year, African-American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.

(E) Studies have found that schools with predominately White students and teachers have placed disproportionately high numbers of their minority students into special education.

(13)

(A) As the number of minority students in special education increases, the number of minority teachers and related services personnel produced in colleges and universities continues to decrease.

(B) The opportunity for full participation by minority individuals, minority organizations, and Historically Black Colleges and Universities in awards for grants and contracts, boards of organizations receiving assistance under this title, peer review panels, and training of professionals in the area of special education is essential to obtain greater success in the education of minority children with disabilities.

(14) As the graduation rates for children with disabilities continue to climb, providing effective transition services to promote successful post-school employment or education is an important measure of accountability for children with disabilities.

20 U.S.C. § 1400(d) Purposes

Comment: The “Purposes” section of IDEA is the most important statute in the law. The purpose is the mission statement. “Further education” and “system improvement” were the only additions to Purposes in IDEA 2004. Below are changes in 1400(d)(1) through 1400(d)(4).

Cross-Reference: Purposes is on page 24 of *Wrightslaw: Special Education Law* and on page 123 of *Wrightslaw: From Emotions to Advocacy* (FETA).

(1)

(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for *further education*, employment, and independent living;

(B) unchanged

(C) unchanged

(2) unchanged

(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting ~~systemic change~~ *system improvement* activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

(4) unchanged

End of 20 U.S.C. § 1400