



WHAT BOARD MEMBERS SHOULD KNOW ABOUT SPECIAL EDUCATION

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SPECIAL EDUCATION: AN HISTORICAL PERSPECTIVE

- *Pennsylvania Ass'n for Retarded Children (PARC) v. Pennsylvania (1972)*
- *Mills v. Board of Education of the District of Columbia (1972)*
- Education for all Handicapped Children Act (1975)



INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

- Enacted in 1975 and reauthorized in 1997 and 2004
- Protects the rights of children with disabilities
- Ensures they receive a *free appropriate public education* in the *least restrictive environment*



WHAT IS THE IDEA?

- ***THE*** federal law governing special education in the United States.
- Outlines a detailed framework for how public schools are to ensure that all eligible children with disabilities have available to them the *free appropriate public education* to which they are entitled.



THE FAPE MANDATE

Under the IDEA, all children with disabilities are entitled to a free appropriate public education – a FAPE – that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.



THE FAPE MANDATE

FAPE is defined to mean special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge
- Meet the standards of the State Education Agency
- Include preschool, elementary school, or secondary school education in the State
- Are provided in conformity with an IEP



WHAT IS THE IDEA?

- The IDEA is an education law, but it is also a grant.
- The Arizona Department of Education is the grantee and public education agencies (traditional school districts and charter schools) are its sub-grantees.
- The Arizona Department of Education exercises its general supervisory authority to monitor for PEA compliance with the IDEA through a variety of monitoring activities:
 - Programmatic monitoring
 - Fiscal monitoring
 - State Administrative Complaint system



LOCAL GOVERNANCE OF SCHOOLS

- A.R.S. § 15-341 outlines general powers and duties of local governing boards
- A.R.S. § 15-341(A)(26) states that the governing board shall, “Provide special education programs and related services . . . to all children with disabilities as defined in section 15-761.”



LOCAL GOVERNANCE OF SCHOOLS

- The IDEA, EDGAR, and Uniform Grant Guidance require each public schools to assure that it has policies, procedures, and programs in place to carry out the requirements of the IDEA.
- In order to be eligible for federal IDEA funds, the Arizona Department of Education requires each Arizona public school to submit proof that they have governing board approved, up-to-date policies and procedures.



CHILD WITH A DISABILITY

In order to be eligible for special education services, a child must:

- Have a qualifying disability
- Because of that disability, **need** special education and related services in order to access the general curriculum.



CHILD WITH A DISABILITY

In Arizona, the categories of disability for children age 3 through 21 are:

- Autism
- Developmental Delay
- Emotional Disability*
- Hearing Impairment*
- Intellectual Disability
- Multiple Disabilities
- Multiple Disabilities with Severe Sensory Impairment*
- Orthopedic Impairment*
- Other Health Impairment*
- Preschool Severe Delay
- Specific Learning Disability
- Speech and Language Impairment*
- Traumatic Brain Injury*
- Visual Impairment*

*AZ requires additional verification



CHILD WITH A DISABILITY

- “Special Education Student” suggests that the child is special or somehow different.
- Child with a disability who needs “special education” accurately describes what is special – the **education**.



SPECIAL EDUCATION

What is special education?

- Specially designed instruction
- Individualized to meet the student's unique needs
- Adaptation of the content, methodology, or delivery of instruction
- Ensures access to the general education curriculum so a child with a disability can meet the educational standards that apply to all children



SPECIAL EDUCATION

What is special education?

- Something *special* is being done to the instruction.
 - To meet the child's unique needs
 - To mitigate the effects of his disability
- Special education teaches skills, strategies, and techniques designed to address the particular difficulties of individual students in order to help those students learn effectively.
- Special education is meant to be a portable, transferrable set of skills.
 - Creates life-long skills that can be used across settings and topics



BOARD OF EDUCATION V. ROWLEY: KEY POINTS

- The “basic floor of opportunity” provided by the IDEA consists of access to specially designed instruction and related services that is individualized to provide educational benefit to each child with a disability.
- The IEP must be formulated in accordance with the procedures described in the IDEA and should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.
- A child is receiving a FAPE if personalized instruction is provided with sufficient supportive services to permit the child to benefit from the instruction.
- “Whatever Congress meant by an ‘appropriate’ education, it is clear that it did not mean a potential-maximizing education.”



ENDREW F. V. DOUGLAS COUNTY: KEY POINTS

- The Supreme Court rejected the “de minimis” progress standard articulated by the 10th Circuit.
- Restates *Rowley* standard that schools must provide an IEP that is reasonably calculated to enable the student to make progress that is *appropriate in light of the student’s particular circumstances*.
- Educational programs must be “*appropriately ambitious*” and provide “*the chance to meet challenging objectives.*”



INTERNET RESOURCES

- IDEA.ed.gov
- [Comments to the IDEA regulations](#)
- [OSEP homepage](#)
- [OSEP policy documents](#)

