

WHAT IS SPECIAL EDUCATION?

Legislation & Funding

IDEA: The Individuals with Disabilities Education Act (IDEA) guarantees students with disabilities (SwD) access to a free appropriate public education (FAPE), just like their non-disabled peers, but with specialized instruction and supports to meet their unique needs through Individualized Education Programs (IEPs).

504: Section 504 protects children with disabilities who do not require the same level of support as children protected under IDEA. For example, they may need accommodations, but not specialized instruction. No federal funds are provided.

FUNDING: IDEA funding is authorized by Congress to help cover the extra cost of educating students with disabilities ages birth - 21. Each state distributes the IDEA funding to districts/schools to provide special education and related services. The State also receives a bucket of money from IDEA to provide things like training and professional development, so that teachers are using the best evidence available to help your child succeed.

8 million

The number of children birth - 21 with disabilities who are provided early intervention, special education, and related services through IDEA.

“Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities” (IDEA Preamble).

1.6 million

The number of children with disabilities served under Section 504.

Education as a right

Over the past 50 years, families like yours have had to fight for their child's right to be fairly educated. These legal examples show clear precedent for educating students with disabilities:

1954

Brown v. Board of Education

Ruled segregated schooling was unequal, inspiring disability rights advocacy.

1971

PARC v. Pennsylvania

Established that all children have the right to education, setting the foundation for IDEA.

1972

Mills v. Board of Education

Established that education for students with disabilities must be provided regardless of accommodation expenses.

1982

Hendrick Hudson Central School District v. Rowley

The Supreme Court established a two-part test to determine if schools meet FAPE requirements that result in some educational benefit.

2017

Endrew F. v. Douglas County School District

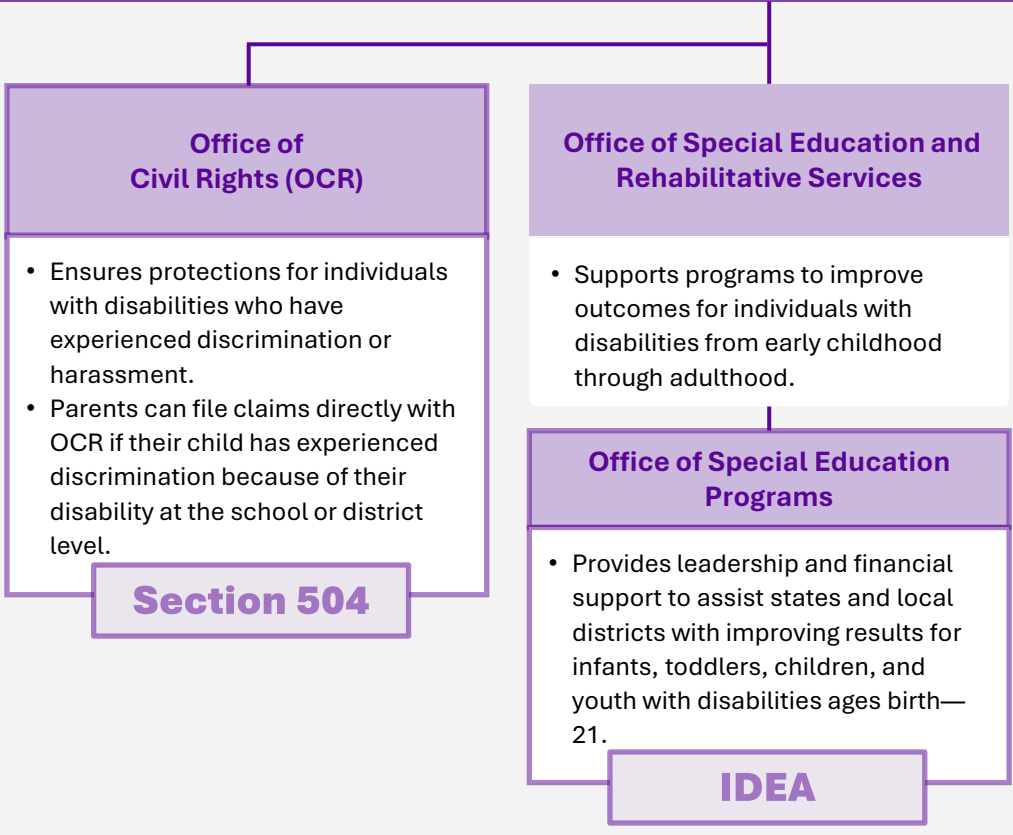
The Supreme Court ruled IEPs must enable appropriate progress for each student to meet the FAPE requirement. It clarified that FAPE must result in a quality education that goes beyond meeting administrative procedures.

Without federal oversight, state enforcement of IDEA is not a given. Until 2017, schools were legally allowed to provide just the bare minimum (de minimis) education to students with disabilities. The Endrew decision was the first significant advancement in the FAPE standards since 1982. The Supreme Court's unanimous Endrew F. decision raised the FAPE standard, requiring IEPs designed for meaningful progress rather than minimal benefit.

“When all is said and done, a student offered an educational program providing ‘merely more than de minimis’ progress from year to year can hardly be said to have been offered an education at all. For children with disabilities, receiving instruction that aims so low would be tantamount to ‘sitting idly...awaiting the time they were old enough to drop out. The IDEA demands more.”

– Chief Justice John Roberts, Endrew F. Ruling

Relevant U.S. Department of Education Offices & Structure



The U.S. Department of Education has overseen IDEA & Section 504 for over 40 years.

“One of the biggest concerns with shifting more control to states is ensuring accountability if a state fails to provide adequate special education services” (SOURCE).

IDEA v 504

	IDEA	504
Legally protected	YES: federal law ensures FAPE and procedural safeguards for students and families. Can be considered civil rights law as it provides individual rights; also contains the right to sue	YES: Civil rights law that prohibits discrimination based on disability; contains the right to sue
Required Service	YES: outlined in IEP; legally binding required services and specialized instruction	YES & NO: FAPE is required, and plans can include specific accommodations but not legally binding
Funding	YES: federal funds	NO: unfunded mandate
Rights protected	YES & NO: Rights cannot be waived by parents/students (but the law applies to public, not private, schools)	NO: Private schools may ask parents to waive rights as condition of admission
Parental Rights	YES: Extensive rights; mandatory team membership, consent requirements, due process & procedural safeguards to resolve any disputes	SOME: Limited rights: participation recommended but not required, fewer procedural safeguards
Goals	YES: Requires <i>measurable</i> annual goals and regular progress monitoring	NO: No specific goals or progress monitoring requirements
Coverage	SOME: Covers ages birth-21 (or until high school graduation)	YES: Covers all ages in institutions receiving federal funds, including higher education