

IDEA–Reauthorized Statute
INDIVIDUALIZED EDUCATION PROGRAM (IEP)

(See also Statewide and Districtwide Assessments and Secondary Transition)

The reauthorized *Individuals with Disabilities Education Act* (IDEA) was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements.¹ This document addresses only the changes to the provisions of IDEA regarding the content of individualized education programs (IEPs) that took effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

IDEA 2004:

1. Changes provisions regarding present levels of educational performance, short-term objectives or benchmarks, and annual goals.

The IEP must include:

- A statement of the child’s present levels of *academic achievement and functional performance*; including, for children who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives; and
- A statement of measurable annual goals, including both *academic and functional goals*....

[614(d)(1)(A)(i)(I)-(II)]

2. Changes provisions regarding assessments.

The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments consistent with Section 612(a)(16)(A). [614(d)(1)(A)(i)(VI)(aa)]

If the IEP team determines that the child shall take an alternate assessment on a particular state or districtwide assessment of student achievement, the IEP must include a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child. [614(d)(1)(A)(i)(VI)(bb)]

3. Revises requirements for measuring progress and reporting progress to parents.

The IEP must include a description of:

- How the child's progress toward meeting the annual goals will be measured; and

¹ Topics in this series include: Alignment With the *No Child Left Behind Act*; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; National Instructional Materials Accessibility Standard (NIMAS); Part C Amendments in *IDEA 2004*; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation and Resolution Sessions; Procedural Safeguards: Due Process Hearings; Secondary Transition; State Funding; and Statewide and Districtwide Assessments. Documents are available on the OSERS Web site at: www.ed.gov/about/offices/list/osers/index.html.

- When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

[614(d)(1)(A)(i)(III)]

4. Changes provisions regarding the statement of services.

The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child. [614(d)(1)(A)(i)(IV)]

5. Changes the secondary transition requirements.

Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter, (note: eliminates age 14 requirements) the IEP must include:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and
- The transition services (including courses of study) needed to assist the child in reaching those goals.

[614(d)(1)(A)(i)(VIII)]

6. Adds requirements for children with disabilities transferring school districts within a state and between states.

Within-state transfers: In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same state, the local education agency (LEA) shall provide such child with a free appropriate public education (FAPE), including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the LEA adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with federal and state law.

[614(d)(2)(C)(i)(I)]

Between-state transfers: In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another state, the new LEA must provide such child with FAPE, including services comparable to those described in the previously held IEP, in consultation with the parents, until such time as the LEA conducts an evaluation pursuant to IDEA requirements at Section 614(a)(1), if determined to be necessary by such agency, and develops a new IEP, if appropriate, that is consistent with federal and state law. [614(d)(2)(C)(i)(II)]

Transmittal of records: To facilitate the transition for a child described above, the new school in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled, pursuant to 34 CFR Section 99.31(a)(2); and the previous school in which the child was enrolled shall take reasonable steps to promptly respond to such request from the new school.

[614(d)(2)(C)(ii)]

7. Adds a rule of construction.

Nothing in Section 614 shall be construed to require: (1) that additional information be included in a child's IEP beyond what is explicitly required in Section 614; or (2) the IEP team to include information under one component of a child's IEP that is already contained under another component of such IEP. [614(d)(1)(A)(ii)]