

Tip Sheet: *IDEA Law*

What is the Individuals with Disability Education Act?

The Individuals with Disabilities Education Act (IDEA) guarantees children with disabilities the same access to education as children who do not have disabilities. All States must meet the minimum federal standards regarding the educational rights of children with disabilities.

How is IDEA funded in New Mexico?

Part C: NM Department of Health; Family Infant Toddler Program supports the funding for Early Intervention for children 0-3.

Part B: NM Department of Education; (PED) supports the funding for Special Education and Services for children 3-3-2.

Eligibility Criteria

Part C: (Early Intervention) Developmental delay of over 25%; Diagnosed established medical condition (examples: Downs Syndrome and other genetic conditions, Autism, Cerebral Palsy, Vision or Hearing Loss, etc.); Diagnosed biological medical risk (examples: low birth weight, prematurity etc.); or environmental family risk factors. There is no family income requirement.

Part B: (Public Education) For a child to be eligible for Part B services, the child must (1) have a disability (i.e., meet eligibility requirements) and (2) be in need of special education and related services. A team of qualified professionals and the parent of the child shall make the determination of

eligibility and determine the educational needs of the child. Determination is based on the outcomes of each developmental assessment tool used to evaluate the child's developmental skills and needs.

Referral Process

Part C: If a parent and/ or family member is concerned about the development of a child, 0-3 years of age, they can make a referral to their Family Infant Toddler provider agency in their community to begin the comprehensive evaluation progress.

Part B: If a parent and/or family member has concerns about the development of a child 3-21 years they can contact Child Find programs through their local school district to begin the evaluation process for determination of services.

How are services provided at a child care center or home?

If a child is enrolled in your program, and they have an IFSP or IEP service plan in place, these services can be provided in the childcare center or home care setting. These settings may be considered the child's least restrictive or natural environment. The school or early intervention support providers can work with childcare educators to embed individualized goals into the child care program's curriculum and classroom environment. ADA says that any childcare home or center that offers their services to the public must comply with ADA. (There is an exception if a center is run by a religious organization). The law says you must make "reasonable accommodations" for children with disabilities.

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LRE (Least Restrictive Environment): The Least Restrictive Environment states that students with disabilities should be educated with students without disabilities to the maximum appropriate extent.

Natural Environment: Like LRE, the natural environment is where a child 0-3 would naturally spend their time, such as the family home or in a community setting with children with or without disabilities.

Part B: Special education services for children 3-21 that are offered through public education programs.

Part C: Developmental support services for children 0-3 years of age that are offered in the child's natural environment.



Glossary

FAPE (Free Appropriate Public Education):

Children with disabilities in the school system are assured a free, appropriate, public education with special education and services at no cost to the family.

IFSP (Individual Family Service Plan): a plan that is for early intervention providing support services for children 0-3 years of age.

IEP (Individual Education Plan): a plan that outlines special education and related support services for children 3-21 years of age in the public school system.

LEA (Local Educational Agency): The local educational agency is the school district that the family lives in. By law, this school district should identify and evaluate any child that may be eligible for special educational services.