Americans with Disabilities Act (ADA); Individuals with Disabilities Education Act (IDEA); inclusion, mainstreaming, and “least restrictive environment”; Section 504 of the Rehabilitation Services Act; due process; and family involvement.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to all individuals regardless of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. Fair, swift, and effective enforcement of this landmark civil rights legislation is a high priority of the Federal Government.

Individuals with Disabilities Education Act (IDEA): The Individuals with Disabilities Education Act Amendments of 1997 Public Law 105-17 were signed by the President on June 4, 1997. The Final IDEA ’97 Regulations were released on Friday, March 12, 1999. The law and its associated regulations are available in several different formats, including enhanced versions that take full advantage of the linking capabilities of the web. This legislation, as the title implies, deals with the role of schools in educating those children who have disabilities. Several of the key elements of the law include individualized educational plan (IEP) that is required for the disabled child, the parents must be involved and notified, and the expectation that the programs be planned based on needs identified as students are assessed. This law uses a child first language perspective referring to the “child with a disability” not a “disabled child.”

Inclusion: This is the education of children who have special needs in the classroom full time on a regular classroom. Paraprofessionals and educational aids are involved to assist as needed to assure the learner can accomplish his/her learning objectives.
Mainstreaming: This term was once used instead of inclusion. A change that has occurred is the careful and thoughtful use of the IEP. When students are mainstreamed it is sometimes thought that they should work achieve the same goals as all students, even though they would need additional assistance. When an IEP is used the student has unique and identified goals that the teachers and the aides are to work toward.

“Least Restrictive Environment”: The least restrictive environment term is used to guide educators to educate children in a setting that allows them appropriate contact with other regular students. All learners are to have the placement that allows them to interact with other students who are different in some way. The least restrictive environment generally is the classroom unless the student with a disability disrupts the classroom in ways that limit others ability to learn course material. Regardless of whether the setting is the same or different it needs to be as similar as possible to the setting where children who do not have a disability are educated.

Section 504 of the Rehabilitation Services Act: Although parents of children with disabilities are frequently more familiar with the Individuals with Disabilities Education Act (IDEA), they should also acquaint themselves with Section 504 of the Rehabilitation Act (hereinafter "Section 504"). Section 504 requires that schools not discriminate, and in some cases undertake actions that require additional expenditures, but provides no additional financial support. For some children Section 504 is the only legal mandate requiring education agencies to provide special education or related services to a child with a disability. There are a number of differences between the two statutes, which have very different, but complementary, objectives. Perhaps the most important is that Section 504 is intended to establish a "level playing field" - usually by eliminating barriers that exclude persons with disabilities - whereas IDEA is remedial - often requiring the provision of programs and services in addition to those available to persons without disabilities. Thus, Section 504 precludes hurdles to participation. A distinction (perhaps) without a difference between IDEA and Section 504 is that the former applies to education agencies who seek to obtain funds under that specific statute, while the latter applies to education agencies if even a single of their programs or activities receive financial assistance from any Federal

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Due process: The school may not arbitrarily deprive a student (whether a special or regular education student) of his or her property, which includes his/her right to an education without a number of procedural due process criteria being met, first, adequate notice; second, a fair and impartial hearing; third, evidence; fourth, defense an opportunity for the student to be heard; fifth, the right to appeal any decision and have a retest or reevaluation.

Family involvement: Schools must send notices to parents of proposed actions, and parents must be allowed to attend meetings regarding placement or the development of the IEP for their child. Parents also have the right to appeal the decision of the school personnel.