

# Free and Appropriate Public Education for All: An Analysis of the 2004 Reauthorization of the Individuals with Disabilities Education Act

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## Abstract

*The reauthorization of the Individuals with Disabilities Education Act in 2004 introduced several changes, including aligning the Act more closely with the No Child Left Behind legislation; attempting to reduce frivolous lawsuits against schools; targeting the over- and misidentification of non-disabled students, especially minorities; requiring that students be disciplined in the same manner as their non-disabled peers; and outlining a plan for Congress to follow through on its promises to increase funding to states for the education of students with disabilities. This article traces the history of the Act, summarizes and analyzes the changes initiated in its 2004 reauthorization, and offers recommendations to social workers for implementing the Act in ways that are consistent with social work values and practice.*

## Introduction

Students with disabilities have historically had a difficult time accessing formal educational systems. The United States Congress attempted to rectify the situation with the passage of the Education for All Handicapped Children Act in 1977, which in subsequent revisions became the Individuals with Disabilities Education Act (IDEA). This article will examine the Act (particularly its reauthorization in 2004), focusing on the problem behind the legislation, its historical background, the law's implications, its strengths, and the deficiencies that require additional consideration.

## The Problem

The Individuals with Disabilities Education Act was developed to address inequality in the U.S. educational system. Hardman, Drew and Egan (1999) assert that "it is often overlooked that the rights of individuals with disabilities came to the public forum as part of a larger social issue: the civil rights of all minority populations in the United States" (p. 20). The civil rights movement brought into public consciousness the issue of discrimination that pervaded all areas of society, including employment, housing, public facilities and education. In the same way that the Civil Rights Act of 1965 addressed these inequalities, IDEA attempted to give equal educational

opportunities to all children, regardless of disabilities. Particularly, the law aimed to provide the best free public education to all in the "least restrictive environment." In other words, it was thought that disabled children should be included as much as possible in the general public education system.

In order to understand the evolution of IDEA, it is important to note that government attention to individuals with disabilities and to the special education movement, in particular, is relatively recent. As Martin, Martin and Terman (1996) point out, "Persons with physical and mental disabilities have been the target of discrimination across cultures for thousands of years" (p. 26). Well into the 20th century, disabled persons were highly marginalized and frequently subject to sterilization and institutionalization. The U.S. Department of Education reports that in 1967, "state institutions were homes for almost 200,000 persons with significant disabilities" (U.S. Department of Education [U.S. Dept. of Ed.], 2000). Often these institutions were dehumanizing and restrictive, with only the most basic provisions for food, clothing and shelter. Maintenance was their sole purpose, and very little was done in the way in of education and rehabilitation for those who were isolated in such conditions.

Disabled children were also discriminated against in the public school system for much of the 20th century. "Until the mid-1970s, laws in most states allowed school districts to refuse to enroll any student they considered 'uneducable,' a term generally defined by local school administrators" (Martin et al., 1996, p. 26). State and local governments had the power to exclude students from their schools, or to admit them without accommodation for their special educational needs. In fact, before the first federal legislation to address the problem was enacted in 1975 (Public Law 94-142, which forms the basis for the current IDEA law), one million children with disabilities were totally excluded from schools, and fifty percent of children with disabilities received an inappropriate education, either through placement in general education classrooms with no special services, inadequate provisions for such services, or unnecessary isolation in schools (Silverstein, 2005). Many children were excluded because they were thought to have "discipline" problems, and most that were served

were taught with low expectations for achievement (Silverstein, 2002). Each successive revision of the 1975 law has more clearly defined and addressed the issues surrounding the treatment of disabled children in our educational system, increasing public awareness and making strides towards providing such students with access to an educational experience that is relevant and appropriate to them.

## Historical Background of IDEA

Since the 1960s, there have been many federal and state laws that directly or indirectly relate to individuals with disabilities and special education. Typically heralded for striking down racial segregation in education, the landmark Supreme Court case *Brown v. Board of Education of Topeka, Kansas* (1954) had a tremendous impact on the future of special education legislation, setting a precedent that education must be made available to all students on an equal basis. However, it was 20 years before this ground-breaking case was referenced in support of such “free and appropriate education” for disabled students (Hardman et al., 1999).

In the 1960s, the Federal government began to address the issue of inequality for disabled students. The Bureau for Education of the Handicapped was established in 1966 under the Elementary and Secondary Education Act (ESEA), outlining a number of initiatives that earmarked small amounts of funding for serving disabled children (U.S. Dept. of Ed., 2003). Parents had also begun to push for state legislation that would require and fund special education services. By 1973, forty-five states had passed laws to educate children with disabilities (Martin et al., 1996). However, many children still remained neglected or underserved. It was clear that further legislation was necessary to ensure that students with disabilities would be provided with access to a free and appropriate public education. At the same time two court rulings – *Pennsylvania Association for Retarded Citizens v. Commonwealth of Pennsylvania* in 1971 and *Mills v. District of Columbia Board of Education* in 1972 – required free public education of students with disabilities through individualized programs and services. Citing *Brown v. Board of Education*, these cases established the 14th Amendment equal protection rights for students with disabilities (U.S. Dept. of Ed., 1995a, p. 1, as cited by The Council on Special Education, 2003). Furthermore, the Supreme Court interpreted the 14th Amendment’s due process clause to provide parents with rights that include prior notice, the opportunity to discuss changes in a

child’s educational plan before they are implemented, and the ability to appeal decisions made by school districts (Martin et al., 1996).

Through this combination of state laws and federal court decisions, states became required to provide a free, appropriate, public education to all children. Recognizing this responsibility, state leaders joined local advocates in promoting federal legislation to provide consistency, federal leadership, and federal subsidy of special education (Martin et al., 1996). In response, Congress addressed the inequality in education through two distinct approaches: nondiscrimination legislation and an educational grant program to the states. Nondiscrimination legislation came through The Rehabilitation Act of 1973 (more specifically, Section 504), which provided that “any recipient of federal financial assistance (including state and local educational agencies) must end discrimination in the offering of its services to persons with disabilities” (Martin et al., 1996, p. 29). Unfortunately, it was virtually ignored by state and local educational agencies because it lacked funding and monitoring. The Education for All Handicapped Children Act program (Public Law 94-142), which took effect in 1977 and provided grants to the states, was seen as a more powerful means to combat educational inequality. This act “required that all students with disabilities receive a free, appropriate public education and provided a funding mechanism to help with the excess costs of offering such programs” (Martin et al., 1996, p. 29). The original law included provisions for students between the ages of 6 and 21 and required that all eligible students, regardless of the type or extent of their disability, receive special services to meet their individual educational needs. Specific requirements included specially designed instruction in all settings as well as any related services (e.g., transportation, speech-language pathology and audiology, counseling) necessary to ensure that students would benefit from their educational experience (Hardman, Drew, & Egan, 1999). Public law 94-142 was also prescriptive of certain procedures that states needed to follow to receive funds, which included five basic elements: a system to locate students with disabilities, evaluations to determine the effects of the disability on the educational process, parental safeguards and involvement on behalf of the child, annual meetings that produced individualized education programs (IEPs), and assurance that the plan was carried out in the “least restrictive environment” (Hardman et al., 1999; Martin et al., 1996). States and local authorities were responsible for carrying out the law, with only

the broad protections outlined by the federal government. Individual states could opt to go beyond what was required in the regulations, as long as they remained consistent with the federal guidelines (National Information Center for Children and Youth with Disabilities, n.d.).

Although key tenets of the Education for All Handicapped Children Act (Public Law 94-142) have remained intact, the law has undergone many revisions and reauthorizations over the past three decades, adding provisions to further define eligibility criteria for students, extend the range of services to younger age groups, and improve the quality of services provided (U.S. Dept. of Ed., 2003). The 1986 amendments expanded the scope of the law to include services for preschoolers and early intervention for infants. The 1990 amendments, which renamed the law the Individuals with Disabilities Education Act, mandated that transition services from school to work be provided no later than age 16, added autism and traumatic brain injury as eligible disabilities, and also defined assistive technology devices and services. Further amendments in 1997, commonly referred to as “IDEA ’97”, expanded the emphasis on improving educational outcomes, established a mediation system to resolve conflicts between parents and school personnel, and outlined procedures for dealing with discipline issues to ensure that schools would be “safe and conducive learning environments for all children” (Silverstein, 2002, p. 4). These discipline provisions were important because they established that there could be no cessation of services to children with disabilities due to discipline problems. Instead, such problems had to be dealt with by changing the child’s placement for some interim period of time comparable to disciplinary actions that would be taken for non-disabled students. IDEA ’97 remained the active law until the most recent reauthorization of the Act in 2004.

## The Policy: IDEA 2004

In 2004 President Bush signed into law the “Individuals with Disabilities Education Improvement Act of 2004,” which went into effect on July 1, 2005, and extends until 2010 (National Center for Learning Disabilities, n.d.; “IDEA Reauthorization,” 2005). The 2004 act was based on the findings of the President’s Commission on Excellence in Special Education and constituted a push to align IDEA with the 2002 No Child Left Behind Act (NCLB). The four major areas targeted in the 2004 revision include: a greater focus on student academic outcomes (specifically aligning IDEA to NCLB);

parental choice; over-identification or misidentification of special education students; and paperwork reduction (“IDEA Reauthorization,” 2005). Additionally, the new law further defines the IDEA ’97 discipline provisions and develops a plan to achieve the full funding that Congress intended it to have in the original 1975 law.

### *Area 1: Academic Results*

IDEA 2004 hopes to improve academic results for students in a number of ways, specifically aligning it in definition and philosophy with NCLB. Under NCLB, schools, school districts, and states are asked to show progress in educating children, including children with special needs. If expectations are not met, both parents and schools qualify for additional options and emergency help (House Education Workforce Committee, 2003). As the President’s Commission urged, the new IDEA legislation also includes provisions to improve educational gains made by students with disabilities by assuring that states’ accountability systems and provisions for disabled students parallel that of NCLB. States must now create their own plans of how education of students with disabilities will comply with the law and meet criteria used to determine NCLB’s required adequate yearly progress (AYP). States must report AYP, and those having difficulty will be eligible for extra assistance. However, states will not be penalized for failing to meet subjective goals (“IDEA Reauthorization,” 2005).

Changes to the Individual Education Program (IEP) outlined in IDEA 2004 also target students’ academic achievement, giving local school districts greater flexibility in reviewing the progress of a child by replacing benchmarks and short-term objectives with the regular reporting requirements of NCLB (“IDEA Reauthorization,” 2005). Special education teachers have noted that implementing a multitude of yearly goals with specific corresponding objectives can be unrealistic within an already crowded curriculum, thereby undermining the administration and decreasing the efficacy of the IEP (L. Naset, personal communication, December 1, 2005). By creating broader special education goals that are measurable (e.g., “Johnny will utilize reading comprehension strategies with 75% accuracy throughout the curriculum”), the newly revised IEP format is intended to produce more genuine results.

As with NCLB, Congress developed a definition of a “highly qualified” special education teacher for IDEA 2004. First, special education teachers are required to be certified in special education.

Teachers who work with severely cognitively disabled children (determined by whether or not they take alternative assessments) must also have an elementary certification or an equivalent degree if they are teaching at a higher level. In addition, special education teachers who teach multiple subjects must meet the NCLB requirements for high qualification in at least one core subject area (language arts, math, or science). These teachers are required to take the High Objective Uniform State Standard of Evaluation (HOUSSE) within two years of employment to demonstrate this proficiency. Experienced special education teachers may also elect to take the HOUSSE to demonstrate their competence (“IDEA Reauthorization,” 2005). Thus, through heightened accountability provisions, new IEP formats, and more demanding qualifications for teachers, IDEA 2004 attempts to address the challenge of improving academic performance for students with disabilities.

### **Area 2: Parental Choice**

With IDEA 2004, parents gain more rights and choices than they had under the previous law. Parents and local school districts are now able to agree to change IEPs without having to have a formal IEP meeting. In addition, if a student with a disability is not making adequate yearly progress and attends a school that has been targeted for improvement by NCLB, IDEA gives parents leverage to demand that the school district receive state funds to support supplemental education services for their children. The policy focuses on the continuation and improvement of Community Parent Resource Centers, which provide information to all parents of children with disabilities but which specifically target parents of low socioeconomic status, families of color, and those with limited English proficiency. This latest reauthorization also allows parents to choose to keep their children in the same program from birth until kindergarten (“IDEA Reauthorization,” 2005).

Under IDEA 2004, if parents have a complaint, the district is required to hold a pre-hearing meeting with the parents to discuss their concerns and attempt to work together toward resolving the issue. If a consensus cannot be reached within 30 days of filing the complaint, the district must then hold a hearing. Complaints are required to be clear and detailed, and become obsolete after 2 years from the filing date. However, attorneys now are held responsible for frivolous, unreasonable or unfounded lawsuits. Through provisions like these, parents

have gained a stronger voice in advocating for their children, particularly in instances when they feel that their specific needs are being overlooked or underestimated.

### **Area 3: Over-identification/Misidentification of Special Education Students**

The issue of over-identification of special education students is also addressed by IDEA 2004. First, local school districts can now use up to 15% of their funds for early intervention services to help students before they are identified as needing special education, reducing the inaccurate labeling of children with reading problems as special education students. These funds can also be used to strengthen reading programs in general (National Center for Learning Disabilities, n.d.). The addition of early support is intended to remedy problems before students begin to demonstrate a processing deficit or other specific learning disability.

Based on current trends and research about the diagnosis of a learning disability, another provision to reduce over- and misidentification of students requires districts to eliminate the out-dated “IQ-discrepancy” model that is based upon a “wait to fail” approach for identification of particular learning disabilities. By the time a child's academic achievement is low enough to indicate a significant deficit between achievement and intelligence (IQ), he or she is often already bottoming out in the general curriculum, creating a cycle that is difficult to reverse. IDEA 2004 calls for a “response to intervention” model that identifies students with specific learning disabilities *before* they are failing at grade level (House Education and Workforce Committee, 2003).

Additional concerns regarding the over-identification of minority and at-risk students for special education services are tackled by IDEA 2004, which requires each state to create policies and procedures designed to prevent the disproportionate representation of minority children as disabled. New requirements for the collection and examination of data will help states determine if, indeed, a disproportionality problem exists. If such problems are found, states will be required to review their identification policies and practices, making any revisions necessary to minimize over-identification on the basis of race and socioeconomic status. Local education agencies will be required to use the maximum allowable funds to provide early intervention services for students who have been improperly identified (Office of Special Education Programs, n.d.).

#### ***Area 4: Paperwork Reduction***

A fourth issue addressed by IDEA 2004 concerns the reduction of required paperwork. The Act created a 15-state pilot program that allows school districts to offer parents the option of a three-year IEP instead of the yearly program. A similar pilot paperwork reduction program uses teleconferencing rather than in-person IEP meetings (“IDEA Reauthorization,” 2005).

#### ***Area 5: Discipline***

Elaborating on the 1997 disciplinary provisions, IDEA 2004 requires that students be held responsible for their actions while ensuring safety and the protection of rights. Disabled and non-disabled students must be disciplined in the same manner unless the conduct violation is directly related to the student's disability. In situations where the student is suspended for more than 10 days, the child will continue to receive educational services in working towards the goals of his or her IEP (“IDEA Reauthorization,” 2005). In the meantime, within 10 school days of any decision to change the child's placement because of a violation of a code of student conduct, the local education agency (LEA), the parent, and members of the IEP team must hold a manifestation determination, which is a hearing to determine if the infraction was a result of the child's disability or the direct result of the LEA's failure to implement the IEP (Office of Special Education Programs, n.d.). If it is determined that the infraction was, in fact, a result of the student's disability, the new law states that the LEA will then conduct a Functional Behavioral Assessment and implement a behavioral intervention plan. If such steps have already been taken prior to the infraction, then the team must review the plan in place and make any necessary adjustments. Following the interim period the child is to be returned to the original placement unless the parents and LEA agree to a permanent change as part of the modifications of the behavioral intervention plan (Office of Special Education Programs, n.d.).

#### ***Area 6: Funding***

While the IDEA '97 law “authorized the federal government to provide up to 40 percent of the average cost that schools nationwide spend to educate a student,” the government currently only pays 18% of the total costs through \$8.9 billion in direct grants to the states (Swindell, 2003, p. 829). The 2004 reauthorization establishes a 7-year plan for gaining full funding of 40%, with Republican Congressional leaders promising that they will continue to give \$1

billion increases to IDEA each year on a “glide path” to full funding (“IDEA Reauthorization,” 2005; National Education Association, n.d.). The plan also gives states the option of creating accounts for high-risk, unpredictable situations to use up to 10% of the state-level activities funds to reimburse districts. In the past, Democratic leaders have pushed for mandatory allocations for special education, but their proposals have been repeatedly rejected. As such, IDEA funding is still up for consideration as part of the annual budget appropriations process.

#### ***Summary of Provisions***

In summary, IDEA 2004 extends the Act through 2010 and includes the following: an alignment with the No Child Left Behind Act with a focus on improving the academic achievement of special education students and requiring all special education teachers to be licensed and “highly qualified”; new litigation provisions to decrease the number of frivolous lawsuits; new provisions to reduce the misidentification and over-identification of non-disabled students, especially minorities; a pilot program that allows for 3-year IEPs instead of the yearly program; a requirement that students be disciplined in the same manner as their non-disabled peers, unless the infraction is due directly to their disability; and a 7-year plan to reach the 40% funding goal.

### **Analysis of IDEA 2004**

#### ***Goals***

Generally speaking, the IDEA 2004 reauthorization includes honorable, just goals aimed at improving the quality of life for those individuals with disabilities and those serving them. According to Boehmer (n.d.), this most recent revision attempts to improve a system that has often over-focused on compliance with complex rules rather than producing the academic results that children with disabilities deserve. Several groups, however, remain skeptical about the feasibility of some of the revised law's provisions. The Disability Rights Education and Defense Fund questions how the “measurable annual goals” and quarterly progress reports will compare with previously required short-term objectives and benchmarks (National Alliance for the Mentally Ill [NAMI], 2004). These opponents fear that longer IEP terms could reduce the accountability of schools regarding progress, despite teachers' claims that this revised method offers authentic, manageable data, rather than often-assumed or fabricated percentages. Both the social work community (National Association of Social Workers, 2002) and the

Disability Rights Education and Defense Fund (2004) have expressed concern at the possible lack of accountability for responding to changing student needs.

Since school social workers are an integral part of the IEP team and one of the groups of related service providers identified in the IDEA legislation, the School Social Work Association of America (SSWAA) and the National Association of Social Workers (NASW) played a vital role in the 2004 IDEA reauthorization process. These organizations noted a number of positive changes, including a clearer definition of “specially designed instruction,” an emphasis on participation in the general education curriculum, flexibility in the triennial evaluation, and positive behavioral support strategies. Both SSWAA and NASW are optimistic that the 2004 IDEA will provide a solid framework with the incorporation of their suggestions for a more comprehensive system of personnel development, the provision for highly qualified personnel, and the allowance for new and innovative strategies, making education for the disabled an element in overall education reform (NASW, 2002). Despite these positive responses to the new legislation, however, SSWAA and NASW continue to advocate for changes in the law in order to better represent the values of social work.

### *Political Goals*

Politically, the 2004 law incorporates the Republican goal of devolution, shifting power to the states and schools. Additionally, it aligns IDEA with the No Child Left Behind Act, the centerpiece of President Bush’s educational reform. NCLB paved the way for IDEA 2004 by making reforms that were *intended* to ensure children with special needs get the education they deserve.

The National Education Association (NEA, 2005) gave qualified support to IDEA 2004, indicating an overall positive impact for students with disabilities and special education professionals. The Learning Disabilities Roundtable (2005), representing 12 national organizations concerned with specific learning disabilities, argued that the bill provided a framework that would enhance early identification and provide effective intervention. Although parents and advocates made their views known during consideration, advocates for disabled children were concerned that the law might make it harder for dissatisfied parents to take legal action to obtain services for their disabled children because they will have to submit to mediation or other meetings that give

school officials a last chance to resolve disputes before the courts may intervene (NAMI, 2004). And, if the courts deem a suit frivolous or harassing to a school system, the bill allows school districts to recover legal costs from parents or their lawyers (Schemo, 2004). Overall, though, education organizations and advocates view the IDEA reforms in a generally positive light, particularly in its efforts to clarify more complicated provisions and streamline paperwork requirements (National Association of School Psychologists [NASP], n.d.).

### *Economic Feasibility*

The quest for full funding is a central part of the IDEA debate. As discussed in the NEA’s article on the IDEA Funding Coalition, when PL 94-142 was passed in 1975, Part B originally authorized Congress to contribute up to 40% of the average per pupil expenditure (APPE) for each special education student (NEA, n.d.). This percentage has not yet been reached, although the past ten years have seen a 360% increase in spending for IDEA Part B Grants to States, which fund direct services to students, demonstrating a federal share of funding increase from 7.3% (1996) to 18.7% (2005) (National Association of School Psychologists, n.d.). While the goal is to reach the promised 40% of per-pupil funding by 2011, NASP notes skeptically that the current level of funding (19%) is still less than half that.

Regarding IDEA’s push for full funding, the Committee for Education Funding demonstrated public support for increased federal funding in its national education funding opinion poll (National Committee of Teachers of Mathematics, 2003). Based upon a representative sample of 527 adults, the poll found that 77% of Americans felt a significant increase in federal education funding would positively impact the growth of the U.S. economy. Even more impressive were the 82% who believed that increases in federal education spending would yield better access to higher education. Seventy-nine percent believed that increases in federal spending would help states avoid cuts to education at the state and local levels.

As stated in the National Association of School Psychologists’ IDEA annual summary (n.d.), the 2004 law authorizes funding increases per year of about \$2.3 billion, a disappointment to Democrats. This authorization level also contradicts the NEA’s Coalition Funding Proposal, which advocated gradually raising federal spending over the next six years through annual increases of \$2.45 billion and

switching IDEA funding from discretionary to mandatory spending, increasing the federal share of APPE by an average of 4.2% each year (NEA, "IDEA Coalition Funding," n.d.). By contrast, the current Republican congressional leaders' "glide path" promise is already falling short. Final funding for IDEA, Part B, State Grants, 6 for fiscal year 2005 was \$10.7 billion. This \$520 million increase above fiscal year 2004 was still \$480 million short of the administration's \$1 billion request and \$1.7 billion less than authorized under the new IDEA, which was signed into law only days before this funding was finalized. Hence, the margin between current and full federal funding for IDEA is narrowing, but very slowly.

### *Administrative Feasibility*

Wrightslaw's *10 Tips to Improve Your Child's Special Education* is a document that offers practical advice explaining how the new IDEA document can and will accomplish its goals of improving services and the coordination of the target groups. These tips include: using the findings and purposes in IDEA 2004 to establish a higher standard for defining a free and appropriate education; using IDEA 2004 and NCLB to improve IEPs by including research-based methodology and ensuring goals are comprehensive, specific, and measurable; allowing parents to give consent only for evaluations or portions of the IEP to which they agree; and challenging suspension or expulsion if a child's behavior was a manifestation of the disability or if the alternate placement does not provide what qualifies as a free and appropriate education (Butler, 2004). These are all good examples of ways in which the policy can, in fact, accomplish many of its goals.

There are, though, some goals of IDEA that potentially contradict one another. The decision to avoid over-identification of students may be challenged by new learning disabilities guidelines. Taking out the discrepancy model may potentially open the door to a slew of children whose parents feel they are having academic troubles and have "resisted intervention," thereby meeting the LD qualifications (NASP, n.d.). This also may increase the number of due process hearings and exacerbate the overall tension between parents and school personnel. As witnessed through the student services department in Wilmette, parents will dissect new legislation with a fine tooth comb, often looking for an "in" to allow their child more support in order for them to acquire additional educational gains and/or accommodations (most often extended time) for standardized testing (L. Naset, personal communi-

cation, December 1, 2005). Many psychologists offer mixed reviews as to both the positive and negative implications of the learning disability criteria. Limited paperwork is also a difficult goal to actualize within the world of special education, especially when NCLB guidelines call for increased accountability in a variety of areas. Also, many special education teachers agree that a 3-year IEP would only exacerbate the need for random IEP meetings to address the needs of developing children and the hurried paperwork accompanying that (L. Naset, personal communication, December 1, 2005).

### *IDEA and School Social Workers - Easing the Transition and Advocating Change*

IDEA 2004 has many implications for the school social work profession. Knowledge of this legislation offers social workers the power to better incorporate a student's social and emotional needs into an IEP and a school's programming, widening the impact of our field in schools. Furthermore, as an integral part of a child's special education services team, school social workers have an opportunity to facilitate the transition to new IDEA standards, provide a voice for the children they serve, and advocate en masse for changes to the current legislation.

To begin, social workers may provide a new avenue for referring a student for possible LD criteria under the "resistance to intervention" approach. No longer limited to the psychological battery that identifies the IQ/achievement discrepancy, the social worker may be an additional resource for identification of students who face academic struggles that may represent such resistance, as often the frustrations of academic difficulties find their way into social work sessions. Additionally, as schools begin with 3-year IEPs, social workers can advocate for appropriate programming and accommodations. Knowing the child's changing developmental needs, the social worker can alert the student services team when the IEP needs adjustment. Social workers' involvement can mitigate the risk of teachers implementing IEPs that do not fit a child's current level of functioning. Along with special education teachers, social workers are required to write goals that are required to be comprehensive, specific, and measurable. As such, they should advocate for proper training, models, and any other information on how to best do so. As the new legislation pushes for personnel development, innovative strategies, and specifically designed instruction, social workers should find themselves a place within the construction and application of these programs in order to

promote educational equity, appropriateness, and differentiation from the social work perspective.

The social worker's person-in-environment approach extends beyond the student to consider the entire family system, which places him or her in a unique position to help parents understand the background of IDEA and reasons for changes in programming. Since parents often perceive their experience with special education services as a barrage of confusing language and directives, social workers can use their clinical skills in order to help families sort out their concerns and mediate solutions that could avoid legal action.

School social workers have commented on the improvement of students' behavior due to the use of positive behavioral supports. They see the Functional Behavioral Assessment (FBA) and the Behavioral Intervention Plan (BIP) to be excellent preventative tools and advocate that, if completed *during* the IEP process (rather than after a violation occurs), they may preclude the need for more intensive disciplinary measures. Although the current legislation does not require a FBA/BIP at the time of the IEP, it does not prohibit it, either. An adept social worker will advocate for its inclusion and be proactive through this form of intervention.

As advocates for improvement of the law, school social work organizations such as NASW and SSWAA should continue to advocate for statutory language to ensure that students receive appropriate mental health and related services through collaboration and coordination with agencies outside the schools (NASW, 2002). These organizations argue that the current law's stance is more reactive than proactive in managing children's behavior. They should also push for firmer wording in the legislation surrounding such social/emotional aspects of the child's educational experience, as the law *mandates* the use of research-based interventions regarding academic issues, but language used in the reauthorization simply asks that the team *consider* (rather than *mandate*) the use of positive behavioral interventions for dealing with conduct issues.

## Conclusion

It remains to be seen whether the 2004 IDEA reauthorization will be able to reach its goals. Since it is now so closely aligned with No Child Left Behind, the law is poised to ride the coattails of the success or failure of those initiatives. If research and follow-through on NCLB initiatives fall by the way-side or fail, this will undoubtedly affect IDEA implementation. Furthermore, it is still early in the crucial

7-year period intended to fully fund IDEA to determine its efficacy. Most likely, the greatest barrier to this Act's success is the possibility that Congress may not make good on funding promises, leaving it to fall short once again on carrying out its provisions. With more than 6 million children with various disabilities currently being served in the public school system (NEA, 2005), it is essential that we keep a close eye on this legislation, continually reevaluating and refining it to ensure that it effectively meets their needs, providing them with an education that is both free *and* appropriate.

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*Erin Aydt has completed her first year of the dual degree MSW and MS in Child Development program in the School of Social Work and at the Erikson Institute. She has worked with teenagers with autism in the past and will be interning in the Foster Care and Adoption program at the Little City Foundation beginning Fall 2006. After graduation, Erin plans on continuing her work with children and families in the mental health field.*

*Jennifer Lacoff has completed her first year in the dual degree MSW and MS Child Development program in the School of Social Work and at the Erikson Institute. She has worked for the past five years at Horizons for Youth, an agency that provides access to quality education, mentoring, and enrichment opportunities for low-income elementary school children across the city of Chicago. She looks forward to interning at the Children's Research Triangle's Child Study Center this fall.*

*Joanna Miller is currently working on her MSW from the School of Social Work and her MS in Child Development from the Erikson Institute. She will begin interning Fall 2006 in the pediatric unit at Cook County Hospital. After graduation, she plans to continue her work with children in the mental health field.*

*Lauren Naset has also completed her first of the three-year MSW and MS Child Development dual degree program. Her first-year internship will be working for Teen Living Programs, supporting Chicago's homeless teens. Having spent 3 years as a high school and middle school special education teacher, Lauren plans to reenter the school system as a school social worker.*