



A Union of Professionals

## **Individuals with Disabilities Education Act Final Regulations Released!**

Regulations for the *Individuals with Disabilities Education Act (IDEA) 2004* were released on August 3, 2006. They will be formally issued in the *Federal Register* on August 14, 2006, which also will include the model Individual Education Programs (IEP), procedural safeguards and other model forms required under the law.

So that members of the public will have the opportunity to immediately review the new Part B regulation of the IDEA, the Department is temporarily posting an UNOFFICIAL copy at the link below. (This link will be replaced with that of the official copy after publication.)

### **Full Version:**

<http://www.ed.gov/policy/speced/guid/idea/idea-partb-regs-full.pdf>

### **Individual Sections:**

Preamble (part 1)—pps. 1-627:

<http://www.ed.gov/policy/speced/guid/idea/idea-partb-regs-preamble-1.pdf>

Preamble (part 2)—pps. 628-1244:

<http://www.ed.gov/policy/speced/guid/idea/idea-partb-regs-preamble-2.pdf>

Regulations—pps. 1245-1612:

<http://www.ed.gov/policy/speced/guid/idea/idea-partb-regs-regonly.pdf>

Appendices—pps. 1613-1705:

<http://www.ed.gov/policy/speced/guid/idea/idea-partb-regs-append.pdf>

AFT staff is in the process of reviewing the over 1,700 pages of regulations and will provide an analysis of the key issues to our members and affiliates in the near future.

Our initial focus will be on the following three areas of concern:

- **Learning Disabilities:** States are allowed to continue to use the discrepancy model to determine learning disabilities. However, further clarification is needed on the implementation of the Response to Intervention (RtI) than what is currently included in the final regulations.
- **Highly Qualified Special Education Teachers:** All teachers, including special educators, must hold at least a bachelor's degree, be certified or licensed in the state and demonstrate subject matter competency. States are permitted to develop a separate High Objective Uniform State Standard of Evaluation (HOUSSE) for special education teachers and are allowed the use of a

single HOUSSE covering multiple subjects. There is one notable exception: teachers providing instruction exclusively to children with disabilities taking alternate assessments based on alternate achievement standards whose instructional levels are above an elementary level must meet HQT provisions. Private school teachers are not required to meet HQT provisions.

- **IEP Meeting Excusal Provisions:** No change from the proposed regulations which permits “excusal” of an IEP team member (general educator, special educator, or related service provider) from an IEP meeting with parental consent. However, the excused member’s input must be submitted in writing.

You also may be interested to know that Part C of the Regulations (Early Intervention for Infants and Toddlers) has not been completed and is scheduled for a later release. The Department also announced a place-holder section for the 2 percent modified standards. Until completion, districts will continue their current practices.

Rest assured, AFT staff are working diligently on an analysis of the new regulations and will continue to partner with other national education and parent advocacy groups to compare interpretations so that we can disseminate materials and resources to our membership to help facilitate the implementation of the IDEA 2004 final regulations.

In the meantime, please contact Lisa Thomas in the educational issues department (202/879-4561 or [lthomas@aft.org](mailto:lthomas@aft.org)), or Matt Morrison in legislation (202/393-8631 or [mmorriso@aft.org](mailto:mmorriso@aft.org)) if you have a question or concern that requires our immediate attention.