

Children are eligible for service under IDEA if the disability negatively affects educational performance. If children are eligible for service under IDEA, they are also protected under Section 504 (but the reverse is not true). Under IDEA, children receive an Individualized Education Plan (IEP).

Children with a disability that does not negatively affect educational performance, are not qualified for special education services under IDEA, however, they are usually entitled to protections under Section 504.

Federal Resources

IDEA 2004 is the Individuals with Disabilities Education Act of 2004. It spells out specific requirements to guarantee students with disabilities get the services they need to achieve their education potential : PL 108-446 <http://idea.ed.gov/download/statute.html>

Building the Legacy (U.S Department of Education IDEA website) <http://idea.ed.gov/>

504 Plan: Refers to Section 504, of the Rehabilitation Act of 1973 P.L. 93-112
SEC. 504. No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

<http://www.dotcr.ost.dot.gov/documents/ycr/REHABACT.HTM>

The regulations interpreting the IDEA are promulgated by the United States [Department of Education's Office of Special Education and Rehabilitative Services \(OSERS\)](#). These regulations are codified at 34 C.F.R. Subt. B, Ch. III, Pt. 300. The text of the Code of Federal Regulations can be found at no cost on the [Government Printing Office's GPO Access](#) site.

State Eligibility

Free appropriate public education (FAPE): 34 C.F.R. § 300.101

Least Restrictive Environment (LRE): 34 C.F.R. §§ 300.114- 300.120

Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Parental Consent to Evaluations: 34 C.F.R. § 300.300

Evaluations and Reevaluations: 34 C.F.R. §§ 300.301-300.306

Additional Procedures for Identifying Children with Specific Learning Disabilities: 34 C.F.R. §§ 300.307-300.311

Individualized Education Programs (IEPs): 34 C.F.R. §§ 300.320-300.323

Development of IEP: 34 C.F.R. §§ 300.324-300.328

Procedural Safeguards

Due Process Procedures for Parents and Children: 34 C.F.R. §§ 300.500-300.520

Discipline Procedures: 34 C.F.R. §§ 300.530-300.537

State Resources

Minnesota Statutes on Special Education Chapter 125A

<https://www.revisor.mn.gov/statutes/?id=125A>

Minnesota Rules on Children With A Disability Chapter 3525

<https://www.revisor.mn.gov/rules/?id=3525>

Minnesota Department of Education Special Education Services

http://education.state.mn.us/MDE/Learning_Support/Special_Education/index.html

Minnesota Special Education Advisory Council <http://mnseacinfo.org/>

Minnesota Statute on SEAC 125A.24 <https://www.revisor.mn.gov/statutes/?id=125A.24>

Minnesota Department of Education Special Education Advisory Groups

http://education.state.mn.us/MDE/Learning_Support/Special_Education/Advisory_Groups/index.html

PACER Center <http://www.pacer.org/>

Education for Children With Disabilities. House

Research.<http://www.house.leg.state.mn.us/hrd/pubs/ss/sseducdis.htm>

Created by: Susan A. Trombley,
03/11