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40th Anniversary of the Individuals with Disabilities Education Act

In commemoration of the 40th anniversary of the IDEA (November 29, 1975), the U.S. Department of Education (DOE) has released new guidance clarifying its expectation that a child's annual IEP goals are to be aligned with state academic content standards for the grade in which the child is enrolled.

Under the IDEA, a child with a disability is entitled to a free appropriate public education (FAPE), which requires, in part, that a child's IEP be designed to enable the child to make progress in the general education curriculum. To ensure that children with disabilities are held to high expectations, and are prepared for college, careers, and independence, IEPs must be reasonably calculated to enable the child to make progress in the general education curriculum based on state academic content standards for the grade in which the child is enrolled.

However, the DOE cautions that the alignment of IEP goals to state academic standards should guide, *but not replace*, the individualized decision-making required in the IEP process. Additionally, for those children with the most significant cognitive disabilities whose performance must be measured against alternative academic achievement standards, those alternate standards must align with the state's grade-level content standards and be clearly related to grade-level content. Where a child's present levels of academic performance are significantly below the grade level in which the child is enrolled, the IEP Team should estimate the child's growth toward the state standards for the grade in which the child is enrolled and the time period covered by the IEP.

The full text of the Department of Education's guidance can be accessed at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-fape-11-17-2015.pdf>.

For Illinois school districts, the Illinois State Board of Education (ISBE) provides additional information on the alignment of Common Core state standards with IEP goals. ISBE recommends that districts consider: (1) using Common Core as a

foundation for the goals, but not use the standard itself as the goal; (2) aligning Common Core standards in the IEP goals with the child's current grade level, regardless of the child's performance or instructional level; and (3) for developing instructional programs for children with significant cognitive disabilities, consulting the Illinois Common Core Essential Elements documents for English Language Arts and Mathematics (found at: <http://www.isbe.net/assessment/dlm.htm>). ISBE's *Documenting Common Core State Standards on the Individualized Education Program* can be accessed at: <http://www.isbe.net/spec-ed/pdfs/guidance-ccss.pdf>.

In addition to the guidance document, the DOE has released several resources to aid parents and educators in helping students succeed in school, careers, and life:

- **Best Practices from the Field**

(<http://ccrs.osepideasthatwork.org/>), which includes resources on effective IEPs, instructional practices, assessments, student engagement, school climate, home and school partnerships, and post-school transition.

- **Classroom Strategies for Teachers**

(<https://www.osepideasthatwork.org/evidencebasedclassrooms>

[strategies](#)), which offers evidence-based, positive, proactive, and responsive classroom behavior intervention and support strategies.

- **Positive Behavioral Interventions and Support Implementation Blueprint for Educators** (<https://www.pbis.org/blueprint/implementation-blueprint>), which outlines teaching behavioral expectations throughout schools.
- **Tip Sheets for Parents** (<http://www.parentcenterhub.org/repository/age-of-majority-parentguide/>), which provides information on financial management, healthcare, and independent living and is designed to help children with disabilities successfully reach adulthood.

If you have questions regarding your district's implementation of Common Core and the IDEA, please contact one of our attorneys in Oak Brook (630-928-1200) or Flossmoor (708-799-6766).