

The Individuals with Disabilities Education Act of 2004

Part A – General Provisions

WRIGHTSLAW OVERVIEW: Part A of the Individuals with Disabilities Education Act, General Provisions, includes Sections 1400 through Section 1409 of Title 20 of the United States Code (U. S. C.):

- 20 U. S. C. § 1400. Congressional Findings and Purposes
- 20 U. S. C. § 1401. Definitions
- 20 U. S. C. § 1402. Office of Special Education Programs
- 20 U. S. C. § 1403. Abrogation of State Sovereign Immunity
- 20 U. S. C. § 1404. Acquisition of Equipment; Construction or Alteration of Facilities
- 20 U. S. C. § 1405. Employment of Individuals with Disabilities
- 20 U. S. C. § 1406. Requirements for Prescribing Regulations
- 20 U. S. C. § 1407. State Administration
- 20 U. S. C. § 1408. Paperwork Reduction
- 20 U. S. C. § 1409. Freely Associated States

The most important section in IDEA 2004 is Section 1400(d) that describes the purposes of the law. Section 1401 includes the legal definitions in alphabetical order. Section 1403 advises that states are not immune from suit if they violate IDEA. Section 1406 describes the requirements and timelines for the federal special education regulations. Sections 1407, Section 1408, and Section 1409 are new in IDEA 2004.

20 U. S. C. § 1400. Short Title; Table of Contents; Findings; Purposes

WRIGHTSLAW OVERVIEW: Section 1400 is Findings and Purposes. Section 1400(c) describes the history and findings that led Congress to pass the Education for All Handicapped Children Act of 1975 (Public Law 94-142) which is now the Individuals with Disabilities Education Act of 2004. The most important statute is Purposes in Section 1400(d): “to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living” and “to ensure that the rights of children with disabilities and parents of such children are protected . . .” When you have questions about a confusing term or section in the law, re-read Section 1400, especially Purposes in Section 1400(d). This will help you understand how the confusing portion fits into the overall purpose of the law.

(a) Short Title. This title may be cited as the ‘Individuals with Disabilities Education Act’.

(b) Table of Contents.^{1,2}

(c) Findings. Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of **ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.**

(2) Before the date of enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142), the educational needs of millions of children with disabilities were not being fully met because—

(A) the children did not receive appropriate educational services;

¹ The Overviews and footnotes in this book are by the authors and are not a part of the statute.

² Section 1400(b) lists the sections and subsections of Parts A, B, C, D, and E of the Individuals with Disabilities Education Act in a table of contents format.