

## After 50 Years of the IEP, What Should Come Next?

**Abstract.** The Individuals with Disabilities Education Act (IDEA) is an American law that ensures students with disabilities receive a Free, Appropriate Public Education. Educational access for students with disabilities has increased through use of Individualized Education Plans (IEPs), which are mandated by IDEA. Even with a law that ensures education for students with disabilities, there are still many challenges about how to provide educational services for students with disabilities. This paper reviews the history of IDEA, outlines its issues and challenges, and recommends changes that will make the IEP process easier in the future.

### Project Team

- Lindsay Crain, *Family Support Scholar*
- Angelina Iyamah-Wilson, *Family Support Scholar*
- Nancy Hunt, PhD, *Special Education Discipline Director*

### Difficulty with Implementation

- Districts have struggled to implement the provisions of IDEA with fidelity
- Obstacles include limited understanding of the law, antiquated practices, insufficient training, logistical and scheduling issues, financial restraints, and biases
- Contributes to inconsistencies in the identification of needs, service offerings, and implementation, affecting educational outcomes
- Racial bias in eligibility, disproportionality, and disparities in disciplinary actions and services for non-white students.
- Inequities faced by non-English-speaking families in communication with schools

## RECOMMENDATIONS



Shared responsibility for IEP fidelity that removes the burden from parents, centers strength-based IEPs, and addresses bias and inequities



Focus on enhancing the functionality and impact of IEPs through comprehensive reforms around quality control and cultural reform, embracing tools such as AI for support



Emphasis on creating an equitable and inclusive educational landscape where all students can learn and thrive together, transcending subjective biases and establishing that separate does not mean equal

### The Past “de minimus”

IDEA (1975; 1990; 2004)

- FAPE
- Individualized Education Plan (IEP)
- Early Intervention
- Procedural Safeguards

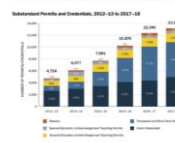
### Rowley (1982)

*The shift in legal precedents from Rowley to the Endrew case marked a significant change in expectations set by IDEA*

### The Present

#### Endrew (2017)

##### Teacher recruitment and retention



- Teacher retention in special education poses a significant challenge for IEPs.
- Approximately 40% of schools reported vacancies in special education roles.
- 78% of schools face challenges in hiring qualified special education staff.
- Persistent problem underscores the need for targeted strategies to improve recruitment, retention, and support for special education professionals.

### Educational Benefit | Appropriately Ambitious

#### Increased Enrollment Under IDEA

Over 2 million students aged 3-21 served under IDEA in the 2012-13 school year

#### Local Restrictive Environments

- IEP can often be written to serve students in the least restrictive environment

#### Challenges and Inequities:

- Racial bias in eligibility, disproportionality, and discipline in schools for non-white students.
- Inequities faced by non-English-speaking families in communication with schools.

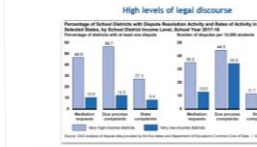
#### High levels of legal discourse

Over 100,000 cases filed in federal court each year regarding IDEA

Legal actions are less common in low-income districts, possibly due to disparities in access to legal representation or knowledge about rights under IDEA

Legal disputes highlight tensions between school districts and families, particularly those who are either non-English speaking or have limited financial resources

The progress made in educating children and youth with disabilities can be attributed to parents' success as advocates for their children



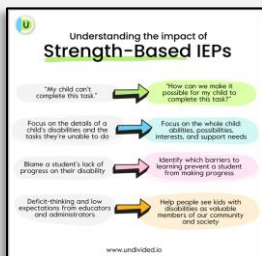
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## Envisioned Future

*We believe it is time to focus on what students can do rather than what they can't. We want to take a forward-looking perspective and suggest reforms across logistical, cultural, legal, and legislative areas.*

### Strength-Based IEPs



### Expansive Inclusion

- ✓ Advocating for the adoption of Universal Design for Learning to ensure appropriate learning alongside peers and to reallocate funds spent on placement disagreements
- ✓ Addressing pushback from districts through education, training, support, and incentives to set and maintain high expectations

### Statewide Templates

An IEP template driven by a vision that the IEP be centered on the student and their long-term goals, with a focus on increasing participation in general education for every student.

Potential Template Elements	Value statement
• Vision and mission statements	• Vision and mission statements to describe and guide the individual and the team
• Student and family engagement	• Student and family engagement to ensure appropriate and accurate data
• Progress monitoring	• Progress monitoring to ensure appropriate and accurate data
• Data review	• Data review to ensure appropriate and accurate data
• Short-term objectives	• Short-term objectives to ensure appropriate and accurate data
• Progress to include in all IEPs	• Progress to include in all IEPs to ensure appropriate and accurate data
• Connections to state standards	• Connections to state standards to ensure appropriate and accurate data
• Response to intervention	• Response to intervention to ensure appropriate and accurate data



### Artificial Intelligence

- AI tech support for teachers
- Personalizing student learning
- Accessibility and inclusivity
- Behavioral evaluation
- Real-time translation for IEP documents and meetings



## Improve Outcomes

Enable students to be involved in and progress in the general curriculum

Standards-based curriculum for all students

targeted interventions and supports to ensure equal opportunities for academic success

**Limitations.** Our work is by no means a thorough review of the literature; it is a selective exploration of history and some of the issues that have arisen since the IEP was first mandated.

For a copy of our paper, including references and acknowledgments, contact Lindsay Crain at [lindsay@undivided.io](mailto:lindsay@undivided.io) or Angelina Iyamah-Wilson at [angelinaiyamahwilson@gmail.com](mailto:angelinaiyamahwilson@gmail.com).