

CLIENT NEWS BRIEF

IDEA Regulations Amended to Align with ESSA

The United States Department of Education has released amended regulations implementing Parts B and C of the Individuals with Disabilities Education Act (IDEA) intended to align the Act's terminology with that under the Every Student Succeeds Act of 2015 (ESSA). The amended regulations, which were released on June 30, are effective immediately. A copy of the new regulations can be found [here](#).

Most of the changes will not significantly affect the day-to-day practices of local education agencies (LEAs), and are not expected to affect LEA costs.

The IDEA was reauthorized in 2004 after adoption of the No Child Left Behind Act (NCLB). The NCLB was superseded by the ESSA in 2015.

A summary of substantive amendments to the IDEA regulations includes:

- Change in the definition of "regular high school diploma" to exclude diplomas based on alternate academic achievement standards, general equivalency diploma, certificate of completion or attendance or other credential;
- Listing of special education teacher qualification requirements in § 300.156(c);
- Addition of specific references to the rules in ESSA that provide comprehensive trainings and support, such as professional development, for teachers of students with special needs;
- Alignment of requirements for assessments based on alternate academic achievement standards with those under ESSA, such that these assessments are limited to "children with the most significant cognitive disabilities"; and
- 2016-17 is the last school year for which states may report on the results of children with disabilities taking alternate assessments based on grade-level achievement standards.

A summary of technical amendments to the IDEA regulations includes:

- Change in the definition of "charter school" to reference the definition under the ESSA;
- Removal of the terms "core academic subjects," "highly qualified special education teachers," "scientifically based research;" and
- Changes "limited English proficient" to "English Learner."

If you have questions regarding these new regulations or other special education obligations, please contact the authors of this Client News Brief or an attorney at one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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