

Legislative Updates

In this webcast we will give you some legislative updates that are important for you to know about with regard to serving students with disabilities in your CTE classrooms.

In December 2008, the U.S Department of Education released changes to regulations governing the Individuals with Disabilities Education Act or IDEA. The changes affect the rules regarding parental consent, non-attorney representation, and compliance requirements.

1. Parents have now been given the right to revoke their consent for their children to receive special education services. A school district may ask why the parents wish to withdraw consent but an explanation from the parents is not required. If parents wish to reconsider, they are also allowed to change their minds and ask for their children to be reevaluated for special services.
2. States can now determine whether non-lawyers can represent parents in due-process hearings. The rule would allow parents to represent themselves in due-process hearings.
3. A third change to the rules states that if a school district determines it is out of compliance with any of IDEA's provisions it has one year to correct the problem from the date it was noted.

Amendments to the Americans with Disabilities Act or ADA were signed into law on September 25, 2008. These amendments clarify and reiterate who is covered by the law's civil rights protections. The amendments took effect January 1, 2009. The *ADA Amendments Act of 2008* revises the definition of disability to more broadly encompass impairments that substantially limit a major life activity. The Amendments have relaxed the "being regarded as" having a disability and made provisions for employers to state a claim under the ADA.

In December 2008, Amendments were proposed to the FERPA which is the Family Education Rights and Privacy Act to implement provisions of the Patriot Act and the Campus Sex Crimes Prevention Act. New exceptions were added with regard to permitting the disclosure of personally identifiable information from education records without consent. The amendments went into effect on January 8, 2009. These changes clarify the permissible disclosures to parents of eligible students and conditions that apply to those disclosures. For example, disclosures in the area of health and safety emergencies and student identifiers as well as directory information were clarified. The additions also allow disclosures to contractors and other outside parties in connection with the outsourcing of institutional services and functions. Furthermore, the updates revise the definitions of attendance, education records, personally identifiable information, and other key terms; and updated investigation and enforcement provisions.

For more information on any of the above legislations please refer to our online module called *Laws and Legislative Issues* as well as our website.