

Key Definitions in IDEA | A Reference List



A reference sheet for Parent Centers from the
Center for Parent Information and Resources (CPIR)
<http://www.parentcenterhub.org>

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This reference list is designed to accompany... | CPIR's *Brief for Parent Centers on Free Appropriate Public Education* and the *Dear Colleague Letter on FAPE* issued by OSEP on November 16, 2015.

Why does CPIR offer this reference list? | It's very important for Parent Centers and other disability stakeholders to understand how our nation's special education law, the Individuals with Disabilities Education Act (IDEA), defines terms that are central to providing a free appropriate education (FAPE) to eligible children with disabilities. We offer this handy reference list to support your Parent Center work and continuous learning.

The reference list includes the definitions... | ... of four acronyms and five key terms often used in IDEA, in the special education field, and in the *Dear Colleague Letter on FAPE* released by OSEP on November 16, 2015. The acronyms come first and are listed in alphabetical order. These are followed by the key terms, again in alphabetical order.

Beyond words | For each term, we've also identified CPIR resources that are useful in understanding the terms and their impact on children with disabilities. Those CPIR resources can be shared with families because they explain the terms in everyday language.

What Acronyms and Key Terms Are Defined?

Acronyms | FAPE, IDEA, IEP, LRE

Terms | Child with a Disability, Individualized Education Program, Related Services, Special Education, Supplementary Aids and Services

FAPE

Acronym stands for... | Free appropriate public education

FAPE as cornerstone | A cornerstone of IDEA, our nation's special education law, is that each eligible child with a disability is entitled to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs and that prepares the child for further education, employment, and independent living.¹

Defined in IDEA at | 34 CFR §300.17, as follows:

§300.17 Free appropriate public education.

Free appropriate public education or FAPE means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA [State Education Agency], including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.320 through 300.324.

Definition of FAPE in Spanish | Visit <http://www.parentcenterhub.org/definicion-fape/>

For more information about FAPE | See Wrightslaw's *FAPE: What Does It Mean?*
<http://www.wrightslaw.com/nltr/10/nl.0921.htm>

IDEA

Acronym stands for... | Individuals with Disabilities Education Act

Definition of IDEA | IDEA is the acronym for a law. Public Law 108-446 is called the “Individuals with Disabilities Education Improvement Act of 2004.” Its “short title” is Individuals with Disabilities Education Act.

For more information about IDEA | Visit CPIR's suite of pages on IDEA, where you'll find a brief history of the law, summaries of its requirements, its implementing regulations, and much more. The IDEA suite begins at:

- English | <http://www.parentcenterhub.org/idea/>
 - Spanish | <http://www.parentcenterhub.org/sobreidea/>
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IEP

Acronym stands for... | Individualized Education Program

Importance of IEP to FAPE | As OSEP's *Dear Colleague Letter on FAPE* states, “Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed IEP that is based on the individual needs of the child.”

Defined in IDEA at | 34 CFR §300.22, as follows:

Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§300.320 through 300.324.

Definition of IEP in Spanish | Visit <http://www.parentcenterhub.org/definicion-iep/>

For IDEA’s full description of IEP | See how IDEA describes what an “Individualized Education Program” must contain and how it’s developed, reviewed, and revised (page 5).

For more information about the IEP | CPIR offers a suite of information about the IEP, including a short overview and much more detailed summaries of what the IEP must contain, who develops it, and what happens at typical IEP meetings. The IEP suite begins at:

- English | <http://www.parentcenterhub.org/iep/>
 - Spanish | <http://www.parentcenterhub.org/iep-equipo-contenido/>
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LRE

Acronym stands for... | Least restrictive environment

Importance of LRE to FAPE | IDEA does not define “least restrictive environment” in its definitions section. However, it requires that each student receive special education and related services in the “least restrictive environment” and describes what this means. These provisions appear in the final Part B regulations at §§300.114 through 300.120, as part of IDEA’s provisions addressing “State Eligibility.” The core of IDEA’s LRE provisions are at §300.114, cited below.

§300.114 LRE requirements.

(a) **General.** (1) Except as provided in §300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.

(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(b) **Additional requirement—State funding mechanism—**(1) **General.** (i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child’s IEP.

(2) **Assurance.** If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

Definition of LRE in Spanish | Visit <http://www.parentcenterhub.org/definicion-lre/>

For more information on LRE | CPIR offers a suite of information about LRE and its role in determining children’s placement (where they will receive FAPE and needed special education and related services). The suite includes a short-and-sweet overview; a detailed summary of the interplay between LRE, FAPE, and placement; how school disciplinary actions can affect a child’s placement; and training materials on making placement decisions in keeping with IDEA’s LRE provisions.

- English suite begins at | <http://www.parentcenterhub.org/placement/>
- Spanish | <http://www.parentcenterhub.org/ubicacion/>
- Training module *LRE Decision Making* | <http://www.parentcenterhub.org/partb-module15/>

“Child with a Disability”

Importance of This Key Term | The definition of “child with a disability” explains how and why children are found to be eligible – or ineligible - for special education and related services under IDEA. A “child with a disability,” as defined by IDEA, is entitled to a free appropriate public education that emphasizes special education and related services designed to meet the child’s unique needs.

IDEA’s definition and beyond | IDEA’s definition of “child with a disability” includes definitions of specific disabilities such as intellectual disability, learning disabilities, and other health impairment. IDEA’s definitions guide how states define disability and who is eligible for FAPE. So it’s important for Parent Centers to know both how IDEA and their state or territory define individual disabilities. Note that, in order to fully meet the definition (and eligibility for special education and related services) as a “child with a disability,” a child’s educational performance must be **adversely affected** due to the disability. Note also that “educational performance” is not limited to academic performance.

Where “child with a disability” is defined in IDEA | 34 CFR §300.8. The complete definition of “child with a disability” is quite long, so we have not included the verbatim definition in this reference list, only the first paragraph of the definition, which reads:

§300.8 Child with a disability.

(a) **General.** (1) *Child with a disability* means a child evaluated in accordance with §§300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

Editor’s Note | Prior to October 2010, IDEA used the term “mental retardation.” In October 2010, Rosa’s Law was signed into law by President Obama. Rosa’s Law changed the term to be used in future to “intellectual disability.” The definition of the term itself did not change.

For the complete definition of “child with a disability” | To save space in this reference list, we refer you to where the full definition appears on the CPIR website, which is easy to print out and attach to this reference list.

- English | <http://www.parentcenterhub.org/categories/>
- Spanish | <http://www.parentcenterhub.org/definicion-nino/>

For more information on the disabilities included in IDEA’s definition of “child with a disability” | CPIR offers multiple fact sheets on the individual disabilities included in how “child with a disability” is defined under IDEA. These are excellent resources to share with the families you serve.

- English disability fact sheets | <http://www.parentcenterhub.org/specific-disabilities/>
- Spanish disability fact sheets | <http://www.parentcenterhub.org/especificas/>

“Individualized Education Program”

Importance of This Key Term | As the OSEP *Dear Colleague Letter (DCL) on FAPE* makes clear, the primary vehicle for providing FAPE is through an appropriately developed IEP. The DCL focuses extensively on components of the IEP that contribute directly to holding children with disabilities to high standards while also ensuring that their education includes needed supports and services—IEP components such as the present levels of academic achievement and functional performance; the annual goals set for the child; and the special education, related services, and supplementary aids and services that will be provided to support the child’s progress toward the annual goals. You’ll see all of those terms in the law’s description of the IEP.

Where the Term is Defined in IDEA | 34 CFR §300.320, as follows:

§300.320 Definition of individualized education program.

(a) **General.** As used in this part, the term *individualized education program* or *IEP* means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include—

(1) A statement of the child’s present levels of academic achievement and functional performance, including—

(i) How the child’s disability affects the child’s involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities;

(2)(i) A statement of measurable annual goals, including academic and functional goals designed to—

(A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child’s other educational needs that result from the child’s disability;

(ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

(3) A description of—

(i) How the child’s progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and

(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;

(6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with §612(a)(16) of the Act; and

(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why—

(A) The child cannot participate in the regular assessment; and

(B) The particular alternate assessment selected is appropriate for the child; and

(7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.

(b) **Transition services.** Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—

(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(2) The transition services (including courses of study) needed to assist the child in reaching those goals.

(c) **Transfer of rights at age of majority.** Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520.

(d) **Construction.** Nothing in this section shall be construed to require—

(1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or

(2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

Definition of IEP in Spanish | <http://www.parentcenterhub.org/definicion-iep/>

For more information on IEPs | There is an enormous amount to know about IEPs and the realities of how they are developed, reviewed, and revised for individual children with disabilities. The CPIR includes specific *types* of IEP information that you can use for your own learning and reference. This information can also be shared with families, to help parents understand why appropriately designed IEPs are so crucial, their guaranteed parental right to participate in developing their child's IEP, and how to align the annual goals in their child's IEP with the academic content standards in their state.

Short-and-Sweet-Overview of the IEP

- English: <http://www.parentcenterhub.org/iep-overview/>
- Spanish | <http://www.parentcenterhub.org/iep-equipo-contenido/>

What Happens When the IEP Team Meets?

- English | <http://www.parentcenterhub.org/meetings/>
- Spanish | <http://www.parentcenterhub.org/reuniones/>

Who's on the IEP Team?

- English | <http://www.parentcenterhub.org/iep-team/>
- Spanish | <http://www.parentcenterhub.org/equipo/>

Contents of the IEP

- English | <http://www.parentcenterhub.org/iepcontents/>
- Spanish | <http://www.parentcenterhub.org/componentes/>

Writing the Present Levels Statement

- English | <http://www.parentcenterhub.org/present-levels/>
- Spanish | <http://www.parentcenterhub.org/componentes#niveles>

Crafting the Annual Goals for the Student

- English | <http://www.parentcenterhub.org/iepgoals/>
- Spanish | <http://www.parentcenterhub.org/componentes#metas>

Standards-Based IEPs: What You Need to Know

- English | <https://www.understood.org/en/school-learning/special-services/ieps/standards-based-ieps-what-you-need-to-know>
- Spanish | <https://www.understood.org/es-mx/school-learning/special-services/ieps/standards-based-ieps-what-you-need-to-know>

Training Modules on the IEP | CPIR offers 3 separate training modules on the IEP that your Parent Center can use to train yourselves and the families you serve: The IEP Team, Content of the IEP, and When the IEP Team Meets. All are available in English and Spanish and include slideshows, trainer guides, and handouts for participants.

<http://www.parentcenterhub.org/webinar14-iep/>

“Related Services”

Importance of This Key Term | As the OSEP *Dear Colleague Letter on FAPE* discusses, pivotal elements in helping children with disabilities achieve to high standards in the general education curriculum for their grade level **are the supports they receive** in the classroom and elsewhere in the school, especially special education and related services. The related services that a student receives are based upon his or her unique needs related to disability. So it’s important to know what kinds of related services are available and which would appropriately support the student’s learning.

Where “related services” is defined in IDEA | 34 CFR §300.34

Long definition! | Rather than reproduce the lengthy definition in its entirety here, let us give you a brief list of the related services named in IDEA. It’s always good to read the actual language of the law and its regulations, so we will also tell you exactly where to look for IDEA’s regulations defining “related services.”

Related services, in brief | Related services help children with disabilities benefit from their special education by providing extra help and support in needed areas, such as speaking or moving. Related services can include, but are not limited to, any of the following:

- speech-language pathology and audiology services
- interpreting services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in children
- counseling services, including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes
- school health services and school nurse services
- social work services in schools
- parent counseling and training

Complete definition of related services in IDEA | Visit the pages given below to read the complete definition of “related services.” The definition also includes valuable descriptions of each service.

- English | <http://www.parentcenterhub.org/keyterms-special-ed/#related>
- Spanish | <http://www.parentcenterhub.org/servicios-relacionados>

Materials you can share with families and new staff | For a discussion of what related services are, how they help students, and how the IEP Team, including the parent(s) (and the student starting no later than age 16), decides which related services are appropriate for a given student, consider these materials.

- English | <http://www.parentcenterhub.org/iep-relatedservices/>
- Spanish | <http://www.parentcenterhub.org/componentes/#servicios>

“Special Education”

Importance of This Key Term | As the OSEP *Dear Colleague Letter on FAPE* indicates, special education is at the core of how schools address the needs of students with disabilities and support them in achieving the annual goals stated in their IEPs as aligned with the state’s academic content standards. Accordingly, how this term is defined in law and implemented in the real world is extremely important to students, families, schools, and Parent Centers.

Where “special education” is defined in IDEA | 34 CFR §300.39, as follows:

§300.39 Special education.

(a) **General.** (1) *Special education* means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(ii) Instruction in physical education.

(2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section—

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(ii) Travel training; and

(iii) Vocational education.

(b) **Individual special education terms defined.** The terms in this definition are defined as follows:

(1) *At no cost* means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) *Physical education* means—

(i) The development of—

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) *Specially designed instruction* means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child’s disability; and

(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) *Travel training* means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) *Vocational education* means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

Definition of special education in Spanish | <http://www.parentcenterhub.org/definicion-educacionespecial/>

Key points about “special education” | When you read the *Dear Colleague Letter on FAPE*, you’ll notice that there are several points made about the nature of “special education.” These include that:

- Special education is instruction that is **specially designed** to meet the unique needs of a child with a disability. The hallmark of special education is that it is **individualized** for student needs.
- Special education is provided **at no cost** to parents or students.
- Special education can be provided in different locations, depending on student needs. IDEA strongly prefers that students receive their special education services **in the general education classroom** with their nondisabled peers, as you can see by its LRE provisions.
- Special education is **not a place**, however. **It’s a set of services**, which includes **adapting instruction** (what’s presented, how it’s presented) to address the unique needs of the child that result from the disability.
- Special education isn’t separated from the academic content that students are supposed to learn for their grade. It’s meant to *support* the learning of that academic content. That’s why IDEA emphasizes that special education needs to ensure that students with disabilities have **access to the general curriculum** that all students are expected to learn. And that’s why the *Dear Colleague Letter on FAPE* stresses the importance of aligning a student’s goals in the IEP to the academic content for that student’s enrolled grade.

Materials you can share with families and new staff | For a discussion of how special education is to be implemented in schools in support of individual children with disabilities, consider these materials.

- English | <http://www.parentcenterhub.org/iep-specialeducation/>
- Spanish | <http://www.parentcenterhub.org/componentes/#servicios>

“Supplementary Aids and Services”

Importance of This Key Term | If special education and related services are at the core of providing student with disabilities with a free appropriate public education, so, too, are supplementary aids and services for many such students. Supplementary aids and services are often critical elements in supporting the education of children with disabilities in regular classes and their participation in a range of other school activities.

Where “supplementary aids and services” is defined in IDEA | 34 CFR §300.42, as follows:

§300.42 Supplementary aids and services.

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.

Definition in Spanish | <http://www.parentcenterhub.org/definicion-suplementario/#def>

Examples | Some examples of these additional services and supports are:

- adapted equipment—such as a pencil grip, special seat, or cut-out cup for drinking;
- a one-on-one aide;
- assistive technology—such as a computer, special software, or a communication system;
- training for staff, the student, and/or parents;
- adapted materials—such as books on tape, large print, or highlighted notes;
- peer tutors; and
- collaboration/consultation among staff, parents, and/or other professionals (such as an occupational therapist, a behavior specialist, or a mobility specialist).

Who decides? | The IEP Team (which includes the parents, and the student no later than age 16) determines what supplementary aids and services are appropriate for a student with a disability, given the student’s disability-related needs, the curriculum and academic content to be learned, and the school routine. The team then documents their decision in the IEP.

Read more on supplementary aids and services | Here are several resources you can consult and, as appropriate, share with the families you serve.

- English | <http://www.parentcenterhub.org/iep-supplementary/>
- Spanish | <http://www.parentcenterhub.org/definicion-suplementario/>

¹ OSEP’s Dear Colleague Letter on FAPE (2015, November 16). Online at: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-fape-11-17-2015.pdf>



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