

# Building the Legacy: IDEA 2004 Training Curriculum

## Module 1

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### The Top 10 Basics of Special Education



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**NICHCY is here for you.**

This training curriculum is designed and produced by NICHCY, the National Dissemination Center for Children with Disabilities, at the request of our funder, the Office of Special Education Programs (OSEP) at the U.S. Department of Education.

We have a tremendous amount of information available on our Web site, in our library, and in the combined expertise of our staff. Please feel free to contact NICHCY for the latest information and connections in research and disabilities. We'd also love for you to visit our Web site and help yourself to all that's there.

## Background and Discussion

This module is part of a training package on the 2004 Amendments to the Individuals with Disabilities Education Act, developed by NICHCY for the Office of Special Education Programs at the U.S. Department of Education. The training curriculum is entitled *Building the Legacy*; this module is entitled *The Top 10 Basics of Special Education*.

### Welcome to IDEA and to Special Education!

Thanks to a powerful and important federal law called the *Individuals with Disabilities Education Act*, or IDEA, more than 6.8 million children<sup>1</sup> with disabilities attend public schools every year. Once there, these children work with their peers toward achievement of high academic standards, participate in large-scale testing programs to measure their achievement, and steadily learn, moving toward adulthood and the time they'll leave secondary school, reach their age of majority, and...what? Hopefully, have their fair share of economic opportunity and self-sufficiency, live independent and fulfilling lives, and participate freely in the great adventure of life. Certainly, those are IDEA's stated purposes. The statute passed by Congress (Public Law 108-446) and signed into law by President George W. Bush in December 2004 opens with:

(c) FINDINGS.—  
Congress finds the following: (1) Disability is a natural part of the human experience and in no way diminishes the

### How This Discussion Section is Organized

As with the other modules in this curriculum, this discussion section is organized by overhead. A thumbnail picture of each overhead is presented, along with brief instructions as to how the slide operates. This is followed by a discussion intended to provide trainers with background information about what's on the slide. Any or all of this information might be appropriate to share with an audience, but that decision is left up to trainers.

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.

The final regulations for Part B of IDEA, published in August 2006,<sup>2</sup> open with a statement of the IDEA's purposes, which are:

(a) 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;

(b) To ensure that the rights of children with disabilities and their parents are protected;

(c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and

(d) To assess and ensure the effectiveness of efforts to educate children with disabilities. (§300.1)



### Trainer's Note

Throughout this training module, all references in the discussion section for a slide are provided at the *end* of that slide's discussion.



Thus, because of IDEA, children with disabilities are entitled to a “free appropriate public education” (often called FAPE). This means that schools must provide eligible children who have a disability with specially designed instruction to meet their unique needs, at no cost to the child’s parents. This specially designed instruction is known as *special education*.

To say that IDEA has a huge impact on educational policy and practice is to understate the reality. IDEA’s Part B regulations provide States with extensive guidelines and requirements in how to design and implement special education programs for children with disabilities, including federal fiscal support via formula grants to States exceeding \$10.5 billion annually.<sup>3</sup>

## This Module in Time and Space

This module on *The Top 10 Basics of Special Education* falls within the umbrella topic of **Theme A, Welcome to IDEA**. There are two modules under that umbrella, as follows:

- *Top 10 Basics of Special Education* (this module) looks at the steps involved in accessing special education and related services and 10 key definitions in IDEA everyone should know.
- *Overview of Key Changes in IDEA 2004* takes a brief and summarizing look what’s new and different in IDEA 2004.

## For Whom Is This Module Designed?

For educational personnel who work with children with disabilities in our schools, getting to know the IDEA is essential. The same is true for parents, grandparents, and other family members of a child who has a disability. This module opens the *Building the Legacy* training curriculum and serves as the introduction to IDEA. It is primarily intended for audiences who are newcomers to the law and the special education process. As such, it’s best suited for:

- parents who suspect that their child may have a disability and who want to know where to get help and what to do next;
- parents whose school-aged child has been recently diagnosed with a disability and who are just beginning the journey into special education and related services;
- other family members of a child with a disability;
- preservice teachers who are learning about the special educational needs of children with disabilities and the legal foundation for the IDEA-funded services they receive in public schools;
- practicing regular education teachers who now have children with disabilities in their classrooms or who are retraining and expanding their

certifications to include special education;

- new staff, school board members, advocates, policy makers, administrators, or educators who will be working with children who have disabilities, their families, or school personnel involved in planning or providing special education services, but who have little prior knowledge of disability or special education.

## Organization of the Module

This module is divided into three sections:

- *Section 1*: the 10 steps involved in the special education process as prescribed by IDEA;
- *Section 2*: five acronyms frequently heard (and used) in the special education field; and
- *Section 3*: five additional essential terms that are defined within IDEA and applied in our public schools every day, thousands upon thousands of times.

The first two sections are covered in one slide show file and described herein, with supportive background information in abundance. The slide show file for these first two sections is: 1A-slideshow.zip

The last section—five essential terms defined—is treated in a **separate** slide show file (although it is also described herein) and is intended for the hardest and most deeply involved of trainee participants. We’ve split off this last section into a separate slide show to give trainers the maximum flexibility

in its use. Not all trainees will need to look in such depth at the five key terms the last section addresses (child with a disability, special education, related services, supplementary aids and services, and secondary transition services). Trainers can make that judgment on their own, using what they know about their audience in a given training session. Find the slide show for this third section in the file: 1B-slideshow.zip

## Files You'll Need for This Module

Module 1 includes the following components provided in separate file in either Word® or PDF format. All components for Module 1 are available online at: [www.nichcy.org/laws/idea/legacy/module1](http://www.nichcy.org/laws/idea/legacy/module1)

- **Trainer's Guide Discussion.** The discussion text (what you're reading right now) describes how the slides operate and explains the content of each slide, including relevant requirements of the statute passed by Congress in December 2004 and the final regulations for Part B published in August 2006.
- **Handouts in English.** The handouts for this module (and for Module 2 as well) are provided within an integrated package of handouts for the entire umbrella topic of Theme A, **Welcome to IDEA**. Handouts are available in PDF and in Word® format.
- **PowerPoint® slide shows.** NICHCY is pleased to provide two slide shows (produced in PowerPoint®) around which trainers can frame their presentations and training on the basics of special education.

If you're planning a short training emphasizing just the basics of special education and the first 5 acronyms, you'll need only the file named: 1A-slideshow.zip

If you're also planning to provide training from Section 3 (as described in Organization of the Module), you'll also need the file named: 1B-slideshow.zip



*Important note:* You do NOT need the PowerPoint® software to use these slide shows. It's set to display, regardless, because the PowerPoint Viewer® is included. (You may be asked to agree to Viewer's licensing terms when you first open the slideshow.)

### Ahhhh! There's text over the pictures!

Don't be alarmed that, in their unlaunched state, slides have text over the pictures. This will disappear when you launch the slide show.

### To launch the slide show:

Once you've unzipped the slide show folder and extracted its contents to the place of your choice, all you need to do to launch the slide show is **double-click the PLAY.bat file**. The

## Module 1 in Spanish!

Module 1 is also available in Spanish, for trainers who would like to share these basics of IDEA with Spanish-speaking families. Materials include:

### Guía para Entrenadores

which shows how the slideshow in Spanish works, what clicks to make, and what happens as a result. Explanations of the *content* of the slides are not included--you'll find those in the English version of the Trainer's Guide for Module 1.

### Folletos para Participantes

All handouts for participants are translated into Spanish, and are available in both PDF and Word formats.

### Diapositivas | PowerPoint® slide shows in Spanish

Yes, even the slide shows are in Spanish—saved as PowerPoint *shows*. These automatically launch (you don't have to double-click on the PLAY.bat file).



## Looking for IDEA 2004?

### *The Statute:*

- [www.nichcy.org/wp-content/uploads/docs/PL108-446.pdf](http://www.nichcy.org/wp-content/uploads/docs/PL108-446.pdf)
- <http://idea.ed.gov>

### *Final Part B Regulations:*

- [www.nichcy.org/wp-content/uploads/docs/IDEA2004regulations.pdf](http://www.nichcy.org/wp-content/uploads/docs/IDEA2004regulations.pdf)
- <http://idea.ed.gov>

## Finding Specific Sections of the Regulations: 34 CFR

As you read the explanations about the final regulations, you will find references to specific sections, such as §300.173. (The symbol § means “Section.”) These references can be used to locate the precise sections in the federal regulations that address the issue being discussed. In most instances, we’ve also provided the verbatim text of the IDEA regulations so that you don’t have to go looking for them.

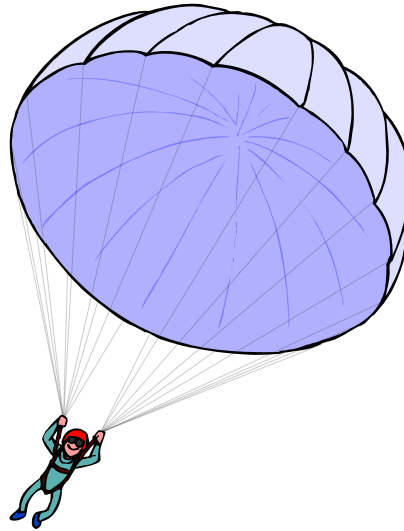
The final Part B regulations are codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It’s not unusual to see references to specific sections of IDEA’s regulations include this—such as 34 CFR §300.173. We have omitted the 34 CFR in this training curriculum for ease of reading.

## Citing the Regulations in This Training Curriculum

You’ll be seeing a lot of citations in this module—and all the other modules, too!—that look like this: 71 Fed. Reg. at 46738

This means that whatever is being quoted may be found in the *Federal Register* published on August 14, 2006—Volume 71, Number 156, to be precise. The number at the end of the citation (in our example, 46738) refers to the page number on which the quotation appears in that volume. Where can you find Volume 71 of the *Federal Register*? NICHCY is pleased to offer it online at:

[www.nichcy.org/wp-content/uploads/docs/IDEA2004regulations.pdf](http://www.nichcy.org/wp-content/uploads/docs/IDEA2004regulations.pdf)



## References

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- <sup>1</sup> U.S. Department of Education. (2007). *FY 2008 education budget summary and background information*. Retrieved May 26, 2007, at: <http://www.ed.gov/about/overview/budget/budget08/summary/edlite-section2b.html>
- <sup>2</sup> Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540 (August 14, 2006) (at 34 C.F.R. pt.300). Available online at:
  - [www.nichcy.org/reauth/IDEA2004regulations.pdf](http://www.nichcy.org/reauth/IDEA2004regulations.pdf)
  - <http://idea.ed.gov>

Unless otherwise noted, the citations to the final Part B regulations are to those that took effect on October 13, 2006.

- <sup>3</sup> U.S. Department of Education. (2007). *FY 2008 education budget summary and background information*. Retrieved May 26, 2007, at: <http://www.ed.gov/about/overview/budget/budget08/summary/edlite-section2b.html>



## The Top 10 Basics of Special Education

### *How to Operate the Slide:*

Slide loads fully. No clicks are necessary except to advance to the next slide.

**CLICK** to advance to next slide.

Use Slide 1 (above) to orient your audience to what this training will be about: The top 10 basics of special education.

Use **Handout A-1** to break the ice and involve participants immediately in the training session (see instructions on the next page). Then engage them in a discussion that activates their prior knowledge about special education—its acronyms, in particular.

Be sure to explore how today's training on special education and IDEA is personally relevant to their lives.

### **Theme A, Among Other Themes**

While this slide presents the title for the training session, it can also be used to highlight that this module on the top 10 basics of special education is one of two in *Building the Legacy's*

### **Themes in *Building the Legacy***

#### **Theme A**

Welcome to IDEA

#### **Theme B**

IDEA  
and General Education

#### **Theme C**

Evaluating Children  
for Disability

#### **Theme D**

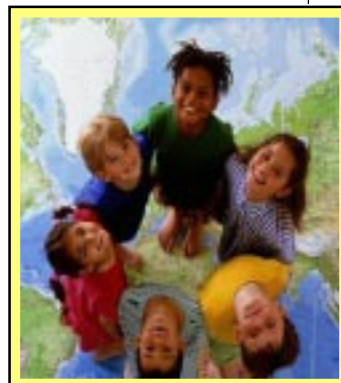
Individualized Education  
Programs (IEPs)

#### **Theme E**

Procedural Safeguards

*Available online at:*

[www.nichcy.org/training/  
contents.asp](http://www.nichcy.org/training/contents.asp)



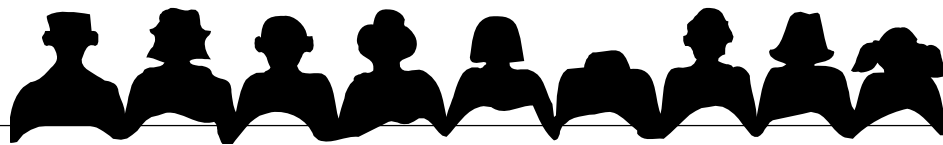


**Theme A, Welcome to IDEA.** As identified in the introduction, the other module in Theme A is *Key Changes in IDEA*.

And just as this module exists within a series, Theme A exists within a curriculum of multiple themes. Those themes represent critical components and organizing elements within IDEA. You

may wish to make participants aware that there are other themes around which important IDEA-related issues can be (and are!) meaningfully grouped. A list of themes in this training curriculum is provided in the box on the previous page. If participants want to learn more on their own (or share informa-

tion with their family or colleagues), they're welcome to visit NICHCY's Web site and download any and all modules they wish.



### Opening Activity

#### Purpose

To have participants focus on acronyms in a fun way and then identify what special education acronyms they may know or have heard.

#### Total Time Activity Takes

15 minutes.

#### Group Size

Work in pairs, then discuss in large group.

#### Materials

Handout A-1

#### Instructions

1. Refer participants to **Handout A-1**. Indicate that this is the activity sheet they have to complete. They will have 5 minutes to work with a partner.

2. At the end of the time allotted, call the audience back to large-group focus.

3. Take 2-3 minutes to see how they did—could they match the license tag abbreviations with the car owner's profession?

4. Take 5 minutes to relate this exercise to the training and explore what trainees already know about special education, its acronyms, and other key terms. Highlight any experiences that trainees have had where they were bewildered by a term they heard (this doesn't necessarily have to be related to special education or IDEA). What terms or aspects of IDEA do they *wish* to know? Why have they come to this training session today? How do their lives intersect with IDEA? How do they expect to use the information they gain today at some future point in time?

## This module looks at:

10...

... Steps in the  
special education  
process

5...

... Acronyms  
to know

5...

... Key terms  
defined

Slide loads  
completely. No  
clicks are necessary  
except to advance to  
the next slide.

**CLICK AGAIN** to advance to next slide.

Slide 2 is an advance organizer for the audience, to alert them to the areas covered in this training module. You can talk with the audience about what they think each of these elements will involve, asking such questions as:

- What steps might you guess would be involved in accessing special education services for a child with a disability?
- What acronyms have you heard that made you wonder, huh? What does that mean?
- Have you ever had an experience with an acronym—in special education or otherwise—where knowing what the acronym meant made all the difference in the world?
- What key terms might you expect to hear defined here? Any wild guesses?

Make a list of the terms and acronyms that people mention and refer back to it if one of the terms or acronyms comes up in the training.

### Trainer Note

Remember that the third section of this training module—represented on the slide as “5 key terms defined”—is provided through a separate slide show (1slideshow-Part3.zip). The five terms are examined in a level of detail that not all audiences may need. If you don’t intend to “go there” with your current audience, you may need to adjust what you say here on this agenda slide.

## 10 Steps: The Basics of Special Education Process under IDEA

**Step 1.** Child is identified as possibly needing special education and related services



Slide loads completely. No clicks are necessary except to advance to the next slide.

**CLICK** to advance to next slide.

The first section of this training session, meant for green-horns to special education, focuses on the 10 basic steps involved in the special education process. Participants will find the 10 steps depicted on **Handout A-2**.

Slide 3 talks about Step 1, when a child is identified as possibly needing special education and related services. Translate this to mean: the child is having some sort of difficulty in school—and this can cover a broad range of possibilities, including:

- academic troubles (although a child does not need to show academic difficulties in order to be “identified” as *possibly*

needing special education and related services, which we’ll discuss in a moment);

- behavioral problems;
- a physical issue that adversely affects his or her educational performance;
- emotional or social dysfunction or difficulty; or

- some other manifestation of difficulty (e.g., inattention, hyperactivity, tics or odd outbursts, speech problems).

When children are having any of these difficulties in school, someone generally notices, becomes concerned, and wants to get to the root of the problem. This may be the child’s teacher or parent(s). At other times, the child’s performance

### Trainer Note

**Handout A-2** will also serve you well if you have only a short amount of time available for this training session and need to present the 10 steps in their barest bones. If that’s not the case and you don’t need to minimize, much additional information is provided in the discussion section for each slide to flesh out those bones and offer participants a more substantial look at each of the 10 steps.

on a large-scale test may be what sounds the alarm bell. To find out what's amiss and whether or not the child needs special education and related services, a full and individual evaluation of the child must be conducted. (That's Step 2, the subject of the next slide.) Let's look at two of the mechanisms through which children come to be evaluated under IDEA.

## Child Find

IDEA includes a component called *child find* that requires States to identify, locate, and evaluate all children with disabilities, aged birth to 21, who are in need of early intervention or special education services. IDEA's Part B child find provisions are found at §300.111 and begin:

### §300.111 Child find.

(a) *General.* (1) The State must have in effect policies and procedures to ensure that—

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

(ii) A practical method is developed and implemented to determine which children are currently receiving needed

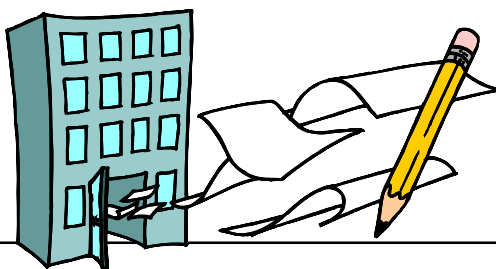
special education and related services.

Thus, each State must operate comprehensive systems of child find in order to identify, locate and evaluate children with disabilities residing in the State and who are in need of special education and related services. Before children are old enough to attend public school, however, it's not uncommon for a babysitter, a daycare provider, or preschool staff to express concern to the young child's parents about developmental or learning delays and suggest that the parents contact the appropriate State agency to have the child screened to determine whether the child should be referred for a full evaluation to determine eligibility for special education and related services. Such screenings cover a range of skill areas—vision and hearing (often over-

looked as the root of the problem), gross and fine motor skills, speech and language use, and more.

Parents don't have to wait until someone suggests that their child be screened, though. If they are concerned about their child's developmental progress, they should get in touch with the State agency themselves and arrange to have their child screened. Such screenings are free of charge to parents. They are considered part of the State's responsibility toward the well-being of its resident children.

If the screening finds some sort of problem or greater cause for concern based on the child's age and skills, then a full and individual evaluation is in order. This, too, is free of charge to parents and child, and requires the parents' informed written consent, among other things (to be discussed in the next slide).



### The Term "Public Agency"

The term "public agency" in IDEA refers to the agency that is responsible for providing education to children with disabilities. The "public agency" may vary from location to location and from child to child. In some instances, it is the State educational agency (SEA); in others, it is the local educational agency (LEA), a public charter school, or some other entity responsible for providing education to children with disabilities.

Although *public agency* is not a term most people are familiar with, we have chosen to use this term to refer to the agency in your area that is responsible for providing education to children with disabilities. In most cases, this agency will be your local school district.

For school-aged children, the request to conduct an initial evaluation typically comes through the school itself—or in the terms used by IDEA, what’s called the *public agency*. You’ll hear a lot in this training curriculum about the responsibilities and rights of the agency that’s responsible for providing education to children with disabilities. There’s more in the box on the previous page about this term. It may be very helpful to your audience to specifically mention the term and discuss what it means, since it’s used consistently throughout IDEA.

## Requesting an Evaluation

As stated above, a parent or a public agency is usually the one that requests that a school-aged child (K-12) be evaluated. The regulations at §300.301 cover requests for initial evaluations:

(b) *Request for initial evaluation.* Consistent with the consent requirements in §300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

The public agency may contact the parents, explain its concerns, and request the parents’ permission to evaluate the child. IDEA is very specific about the information that must be included in such a request (more on that below). Alternatively, parents may contact the school (or the public agency, the Director of Special Education for the district, or the principal of the

child’s school), indicate that they think their child has a disability and needs special education help, and ask the school to evaluate the child. If the public agency agrees that the child may have a disability, the agency must evaluate the child at no cost to the child or parents.

It’s important for parents to know that the public agency does not have to evaluate the child just because parents have asked. The public agency may refuse to do so if it “does not suspect that the child has a disability” (71 Fed. Reg. at 46636). In keeping with IDEA’s provisions governing such a refusal, the public agency must provide written notice to the parents [consistent with §300.503(b)], “which explains, among other things, why the public agency refuses to conduct an initial evaluation and the information that was used as the basis to make that decision. The parent may challenge such a refusal by requesting a due process hearing” (*Id.*). Due process hearings are discussed in the module *Options for Dispute Resolution*.



## Finding Your State’s PTI

NICHCY, the National Dissemination Center for Children with Disabilities, maintains *State Resource Sheets* for every State and territory of the U.S. These will list the contact information for the PTIs serving the State. State resource sheets are available online 24/7 ([www.nichcy.org/states.htm](http://www.nichcy.org/states.htm)), or people may call or email NICHCY for the information.

If the public agency refuses to evaluate the child, there are two things parents can do immediately:

- Ask the school system for information about its special education policies and obtain a copy of the procedural safeguards, as well as parent rights to disagree with decisions made by the school system. These materials should describe the steps parents can take to challenge a school system’s decision.
- Get in touch with the State’s Parent Training and Information (PTI) center. The PTI is an excellent resource for parents to learn more about special education, their rights and responsibilities, and the law. The PTI can tell parents what steps to take next to find help for the child. The box below provides information on how to get in touch with your State’s PTI.

## New Timeframe for Evaluation

Congress added a specific timeframe to IDEA 2004 within which initial evaluations must be conducted. This has been addressed in the regulations as follows:

The initial evaluation—

(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or

(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe...[§300.301(c)(1)]

Under prior law, public agencies were required to conduct initial evaluations within a “reasonable period of time” after receiving parental consent [34 CFR §300.343(b)(1999)], so the specification of a 60-day timeframe in IDEA 2004 represents a significant change that should be identified as such to your audience. It’s important to note, however, that *any timeframe established by the State takes precedence over the 60-day timeline required by IDEA*, as is clear in use of the word “or” between (i) and (ii).

## Before Conducting an Initial Evaluation

Before conducting any initial evaluation of a child, there are three actions that a public agency must take:

- Provide parent with prior written notice,
- Provide parent with procedural safeguards notice, and
- Obtain parent’s informed written consent.

As discussed in Module 10, *Initial Evaluation and Reevaluation*, these actions are very important; depending on the time you have available for training and the

## Trainer Note

Be aware that both prior written notice and the procedural safeguards notice are discussed in full as part of the module *Introduction to Procedural Safeguards*. Some of the background text accompanying that module is reproduced here, for convenience, but if you intend to take up either of these subjects in any detail, you may want to read that background material completely rather than rely on what’s presented here, which has been streamlined to focus on how either of these two notices might look when they are provided regarding initial evaluation.

needs of your audience, you may either state these as solid requirements of law and move on, or examine parent notification (both the prior written notice and the procedural safeguards notice) and parent consent in more detail.



## What is Prior Written Notice?

*Prior written notice* refers to the public agency’s obligation to inform parents a reasonable time before it proposes to take specific actions, or refuses to take specific actions—in this case, initiate an initial evaluation of the child.

According to the regulations at §300.503(a) (provided in this training package in the module *Introduction to Procedural Safeguards*, as Handout E-2), the public agency must provide parents with prior written notice whenever it:

(1) Proposes to initiate or change the identification, evaluation, or educational

placement of the child or the provision of FAPE to the child; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. [§300.503(a)]

Within the context of the current module, the prior written notice that the public agency provides to parents must describe its proposed action—in this case, to conduct an initial evaluation of a child or its refusal to do so. IDEA requires that this description be comprehensive, as can be seen in its provisions detailing the “content of the prior written notice” given a bit further below. It is not sufficient for the agency to tell parents that it would like to evaluate their child or that it refuses to evaluate their child. The agency must also:

- explain why it wants to conduct the evaluation (or why it refuses);
- describe each evaluation procedure, assessment, record, or report used as a basis for proposing the evaluation (or refusing to conduct the evaluation);

- let parents know that they have protection under IDEA's procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which parents can obtain a description of those safeguards;
- where parents can go to obtain help in understanding IDEA's provisions;
- what other options the agency considered and why those were rejected; and
- a description of any other factors that are relevant to the agency's proposal (or refusal) to evaluate the child. [§300.503(b)]

The purpose behind this thorough explanation is to ensure that parents are fully informed, understand what is being proposed (or refused), and understand what an evaluation of their child will involve (or why the public agency is refusing to conduct an evaluation of the child).

### What is the Procedural Safeguards Notice?

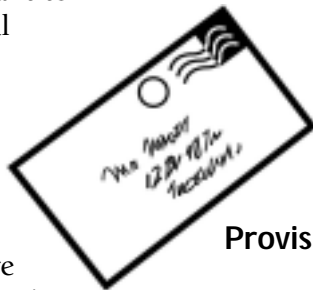
The *procedural safeguards notice* refers to the comprehensive written explanation that public agencies must provide parents on specific occasions to, among other things, fully inform them of IDEA's procedural safeguards. "Upon initial referral or parent request for evaluation" are two occasions that trigger the provision of the procedural safeguards notice [§300.504(a)(1), see Handout E-4 in the module

*Introduction to Procedural Safeguards*].

### Making These Notices Understandable

IDEA requires more of public agencies than simply providing parents with the two aforementioned notices. Agencies must also ensure that parents can understand the notices, which must involve, as necessary:

- providing notice to parents in their native language or other mode of communication used



by the parent, unless it is clearly not feasible to do so; and

- writing the notice in language that is understandable to the general public. [§300.503(c)(1)]

What if the parents' language is not a written one? IDEA 2004 and the final regulations include the following requirements in such cases:

- (2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—

### Provisions in IDEA 2004 and the Final Part B Regulations: Content of the Prior Written Notice

(b) *Content of notice.* The notice required under paragraph (a) of this section must include—

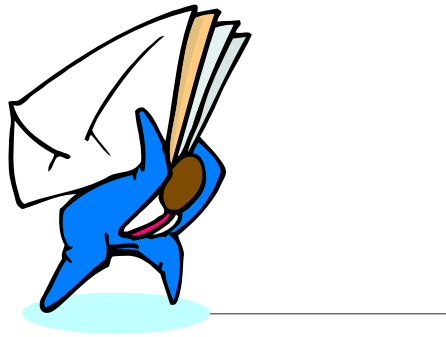
- (1) A description of the action proposed or refused by the agency;
- (2) An explanation of why the agency proposes or refuses to take the action;
- (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- (7) A description of other factors that are relevant to the agency's proposal or refusal. [§300.503(b)]



(i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(ii) That the parent understands the content of the notice; and

(iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met. [§300.503(c)(2)]



from the parent of the child before conducting the evaluation. [§300.300(a)(1)(i)]

## Parental Consent

*Consent* within IDEA has a very specific meaning that rises out of, and is closely tied to, its provisions regarding prior written notice. Consent, in IDEA, means *informed written* consent. The comprehensive description of a proposed or refused action, as contained in the prior written notice, is intended to inform parents fully about a specific issue. Only by building that foundation of understanding can *informed* consent be given.

Therefore, before a public agency may initiate the evaluation of a child, it must obtain a parent's informed written consent for that evaluation. The following provision makes that very clear:

The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§300.503 and 300.504, obtain informed consent, consistent with §300.9,

## Reasonable Efforts to Obtain Consent

The final regulations implementing IDEA 2004 add a provision that “[p]ublic agencies must make reasonable efforts to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability” [§300.300(a)(1)(iii), see Handout C-1]. To illuminate what is meant by “reasonable efforts,” another new provision has been added to the final regulations at §300.300(d)(5) and reads, in part:

...the public agency must document its attempts to obtain parental consent using the procedures in §300.322(d).

What *are* the procedures in §300.322(d)? They're the same as those required when the public agency seeks parental consent for initial evaluation—namely, detailed records of phone calls made or attempted, any correspondence sent to parents and responses received, and visits made to the parent's home or place of employment and the results of those visits.

## What if the Public Agency Cannot Obtain Parental Consent?

There are two circumstances under which a public agency would not be able to obtain a parent's consent for an initial evaluation. For each, IDEA contains explicit provisions to guide public agencies in executing their duties and ensure that the rights of parents regarding consent are not violated. These circumstances are:

- The parent explicitly refuses to provide consent.
- The parent fails to respond to a request to provide consent.

Both of these circumstances are examined in Module 10, *Initial Evaluation and Reevaluation* (see Slide 7). We won't repeat that information here but, rather, refer you to Module 10 if you feel it's important to share that information with the audience.



## 10 Steps: The Basics of Special Education Process under IDEA

Step 1. Child is identified  
as possibly needing  
special education and  
related services

**Step 2.** Child is evaluated



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**CLICK AGAIN** to advance to next slide.

Step 1 has been completed. The public agency has adhered to IDEA's requirements about providing parents with prior written notice and the procedural safeguards notice, and has obtained their informed written consent to conduct the evaluation. Now comes Step 2—evaluating the child. This, too, appears on **Handout A-2**, with a bare bones summary.

How do the final Part B regulations define evaluation? Do they define evaluation? Yes, they do, as follows:

### **§300.15 Evaluation.**

*Evaluation* means procedures used in accordance with §§300.304

through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Although you could talk all day about what evaluation entails, this is, after all, only an

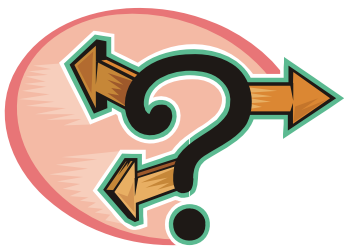
introduction to IDEA and the 10 basic steps in special education. In pursuit of brevity, you may wish to paint the broad picture for the audience, which might be summarized as follows: Information gathered during the evaluation process is used to fully understand the educational needs of the child and to guide

### **Trainer Note**

Evaluation is an enormous topic in its own right—that's why the three modules in Theme C or this training curriculum are devoted to it. The background material provided for the current slide is drawn from those modules with an eye to identifying the information most important to share with newcomers to special education, especially parents. How much detail you provide, however, is your choice, given the needs of the audience and by selecting additional material from the three evaluation modules.

decision making about the kind of educational program that is appropriate for the child. From evaluation, it is possible—no, it is imperative—to *fully learn* the *nature* and *extent* of the special education and related services the child needs, so that a comprehensive and appropriate individualized education program (IEP) can be developed and implemented. The underlying standards to be used and the multiple ways in which schools are to learn this vital information about each child with a disability is the focus of Module 9, *Introduction to Evaluation*.

Here are some key points also important to share with the audience, adding detail as you deem responsive to the needs and interests of participants. We've grouped these points into areas of concern or intent and included a brief summary, when appropriate.



## Purposes of Evaluation

- To see if the child is a “child with a disability,” as defined by IDEA;
- To gather information that will help determine the child’s educational needs; and
- To guide decision making about appropriate educational programming for the child



## Who’s Involved?

Who’s involved in the evaluation process? According to IDEA, the group involved in the evaluation is the IEP Team (including the parents) and other qualified professionals [§300.305(a)].

Since we haven’t gotten to IEPs in this training module yet, this point may be a bit sticky to discuss. Be aware that true beginners in the audience may not know what an IEP is, let alone who’s on an IEP Team. Therefore, identify the typical players in evaluation by mentioning “qualified professionals” and then going down IDEA’s regulations describing the IEP Team, as follows:

- The parents of the child;
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the public agency who must have specific qualifications;

- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team already described (but not the parent);
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability. [§300.321(a)]

## Scope of Evaluation

*A child’s initial evaluation must be full and individual.* This is a longstanding provision of IDEA, found at §300.301(a). Make it clear to participants that an “individual” evaluation is just that—*individual*. Focused on that child and that child alone. An evaluation of a child under IDEA means much more than the child sitting in a room with the rest of his or her class taking an exam for that class, that school, that district, or that State. How the child performs on such exams will contribute useful information to an IDEA-related evaluation, but large-scale tests or group-administered instruments are not enough to diagnose a disability or determine what, if any, special education or related services the child might need, let alone plan an appropriate educational program for the child. More information available in Module 9, *Introduction to Evaluation*.

*The evaluation must gather relevant functional, developmental, and academic information about the child, including information provided by the parent* [§300.304(b)(1)]. When conducting an initial evaluation, it is necessary to examine all areas of a child's functioning related to the suspected disability (e.g., intelligence, language, speech, hearing, vision, fine and gross motor skills, social/emotional behavior) to establish baseline information on the child and to recognize areas of impairment. As the IDEA states:

Each public agency must ensure that—

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

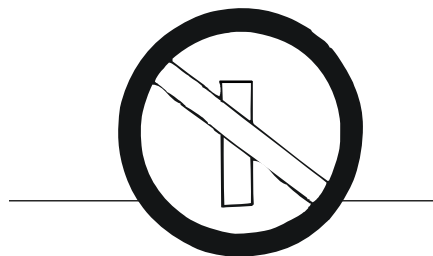
(5)...

(6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. [§300.304(c)]

An example may help crystallize the comprehensive scope of evaluations: Consider a first-grader with suspected hearing and vision impairments who's been referred for an initial evaluation. In order to *fully* "gather relevant functional,

developmental, and academic information" and "identify *all* of the child's special education and related services needs," evaluation of this child will obviously need to focus on hearing and vision, *as well as* cognitive, speech, language, motor, and social/behavioral skills, to determine not only the degree of impairment in vision and hearing and related educational needs, but also:

- the impact of these impairments (if any) on the child in other areas of functioning, *and*
- if there are additional impairments in any other areas of functioning (including those not commonly linked to hearing and/or vision impairment).



*The evaluation must use a variety of assessment tools and strategies.* In other words, it cannot be based solely on one test or criterion. As IDEA states at §300.304(b)(1) and (2):

(b) *Conduct of evaluation.*

In conducting the evaluation, the public agency must—

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining...

(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child...

These provisions are not new in IDEA 2004. In fact, one of the cornerstones of the IDEA's evaluation requirements is that it is inappropriate and unacceptable to base any eligibility or placement decision upon the results of only one procedure. Tests alone will not give a comprehensive picture of how a child performs or what he or she knows or does not know. Only by collecting data through a *variety of approaches* (e.g., observations, interviews, tests, curriculum-based assessment, and so on) and from a *variety of sources* (parents, teachers, specialists, child) can an adequate picture be obtained of the child's strengths and weaknesses. Synthesized, this information can be used to determine whether the child has a disability under IDEA, the specific nature of the child's special needs, whether the child needs special education and related services and, if so, to design an appropriate program.

## Ensuring Technical Quality and Soundness

IDEA 2004 (as in prior law) requires public agencies to use technically sound instruments and processes in evaluation [§300.304(b)(3) and (c)]. “Technically sound instruments” generally refers to assessments that have been shown through research to be valid and reliable (71 Fed. Reg. at 46642). “Technically sound processes” requires that assessments and other evaluation materials must be:

- administered by trained and knowledgeable personnel;
- administered in accordance with any instructions provided by the producer of the assessments; and
- used for the purposes for which the assessments or measures are valid and reliable.

Much more information on this aspect of evaluation is available in Module 9, *Introduction to Evaluation*.

## Considering Language, Communication Mode, and Culture

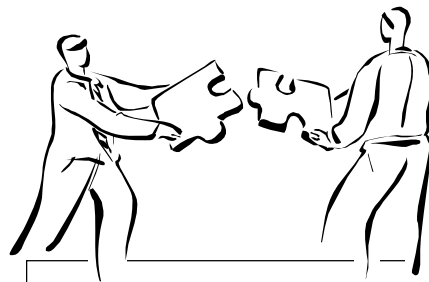
Slide 13 in Module 9 addresses an issue that may be very important to many audience members, especially those working with or parenting children:

- for whom English is not the native language,
- who communicate by signing,
- who use alternative augmentative communication, or

- who use other means to communicate.

Assessments of such children must be conducted in accordance with their typical, accustomed mode of communication (unless it is clearly not feasible to do so) and in a form that will yield accurate information. To assess the child using a means of communication or response not highly familiar to the child raises the probability that the evaluation results will yield minimal, if any, information about what the child knows and can do.

IDEA’s requirements in this regard appear at §300.304(c)(1) (i) and (ii) and in the box on this page (relevant provisions in bold).



*Avoiding discriminatory practices.* Concern has been expressed in recent years about the overrepresentation of minority children in special education programs, particularly in programs for children with mild disabilities, and a great deal of research has been conducted to identify the reasons why. This is much more fully addressed in the module on *Disproportionality and Overrepresentation*, but briefly, here, many factors appear to contribute, including bias against children from different cultural and linguistic backgrounds, particularly those who are poor. For example, on many tests, being able to answer questions correctly too often depends upon having specific culturally-based information or knowledge. If children have not been exposed to that information through their culture, or have not had the experiences that lead to gaining specific knowledge, then they will not be able to answer certain questions

### §300.304 Evaluation procedures.

- (a)...
- (b)...
- (c) *Other evaluation procedures.* Each public agency must ensure that—
  - (1) Assessments and other evaluation materials used ...
    - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

**(ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;**

at all or will answer them in a way that is considered “incorrect” within the dominant culture. This can lead to inappropriate conclusions about whether a child has a disability, as defined by IDEA.

*When English proficiency is limited.* Before conducting any formal testing of a child who is a non-native speaker of English, it is critical to determine the child’s preferred language and to conduct a comprehensive language assessment in the appropriate language. It is highly inappropriate to evaluate children in English when that is not their dominant language (unless the purpose of the testing is to assess the child’s English language proficiency). If possible, the evaluator in any testing situation or interview should be familiar to the child and speak the child’s language.

When tests or evaluation materials are not available in the child’s native language, examiners may find it necessary to use English-language instruments. Because this practice is fraught with the possibility of misinterpretation, examiners need to be cautious in how they administer the test and interpret results. Alterations may need to be made to the standardized procedures used to administer tests. These can include paraphrasing instructions, providing a demonstration of how test tasks are to be performed, reading test items to the child, allowing the child to respond verbally rather than in writing, or allowing the child to use a dictionary. However, if any such alterations are made, it is important to recognize that standardization has been broken, limiting the usefulness and

applicability of test norms. Results should be cautiously interpreted, and all alterations made to the testing procedures should be fully detailed in the report describing the child’s test performance in accordance with standard test administration practice (71 Fed. Reg. at 46633). It is also essential that other assessment approaches be an integral part of collecting information about the child, such as interviews and observations.



*When the child uses another mode to communicate.* Language and cultural difference is not the only factor that can confound effective evaluation. As IDEA recognizes, so can having another mode of communicating—such as sign, augmentative communication devices, or Braille. It should be readily apparent that using speech or the written word to evaluate a child who uses another mode of communication would produce inaccurate and misleading results. Such results could not be used to determine if the child is a “child with a disability” or to plan an appropriate educational program for that child. Therefore, unless it is clearly not feasible to do so, the child’s mode of communication must be the mode through which evaluation is conducted—only in that way can the child accurately demonstrate what he or she knows or can do. If not feasible to do so, then results must be interpreted cautiously and all

modifications described thoroughly in the evaluation report, along with their implications for the test results.

## Reviewing Existing Data

The points above speak more to the responsibilities of the public agency than they do to the actual step-by-step process of evaluation. For those who will be involved in evaluating a child, it is important to understand the step-by-step, too. Evaluation typically begins with a review of existing evaluation data on the child, which may come from the child’s school file, his or her recent test scores on State or district assessments, classroom work, and so on. This requirement is stated in the final Part B regulations at §300.305(a)(1):

(a) *Review of existing evaluation data.* As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—

(1) Review existing evaluation data on the child, including—

(i) Evaluations and information provided by the parents of the child;

(ii) Current classroom-based, local, or State assessments, and classroom-based observations; and

(iii) Observations by teachers and related services providers...

Following this review, the group involved in the evaluation must identify what additional



data (if any) are needed to determine:

- If the child is a “child with a disability” as defined by IDEA;
- The child’s educational needs;
- The child’s present levels of academic achievement and related developmental needs;
- Whether the child needs special education and related services; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet annual goals in the IEP and to participate in general education curriculum (*as appropriate*).  
[§300.305(a)(2)]

This review of existing evaluation data may be held without a meeting [§300.305(b)]. How is that possible, you might ask, considering the questions that must be addressed and the determinations that must be made? Neither the statute nor the regulations, however, require that the public agency call a meeting for the purpose of reviewing a child’s existing evaluation data, nor do they specify what other means or methods the evaluation group might use to make the determinations they need to make, based on the review of existing evaluation data and parent input. As in many other matters, this is left up to State and local authority. Either might require a meeting be held to review these data, but the IDEA does not require this. The IDEA only requires that the review be conducted by the group speci-

### Provisions in IDEA and the Final Regulations at §300.305(d): Requirements if Additional Data Are Not Needed

(d) *Requirements if additional data are not needed.* (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs, the public agency must notify the child’s parents of—

(i) That determination and the reasons for the determination; and

(ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child’s parents.

fied at §300.305(a) and that the determinations identified above are made.

*More data are needed.* Suppose the group determines that there is not enough information available in the existing evaluation data to make the determinations they need to make. What happens then? As stated in IDEA 2004 and the final regulations at §300.305(c):

(c) *Source of data.* The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.

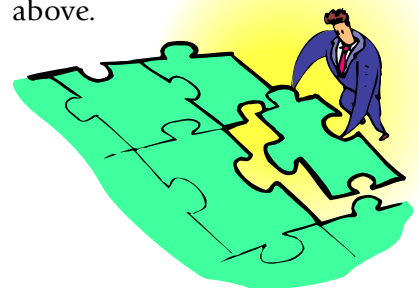
Before the public agency may proceed with gathering additional information for the initial evaluation of the child, it must notify the parents (in other words, provide prior written notice), request their consent for the evaluation, provide the procedural safeguards notice,

and obtain their informed consent. The evaluation may then proceed.

*Enough data exist.* Suppose the group determines there is sufficient information available to make the determinations they need. In this case, the public agency must notify parents:

- of that determination and the reason for it; and
- that parents have the right to request assessment of the child.

The public agency is not required to conduct the assessment of the child unless the parents request that it does so. Relevant regulations appear at §300.305(d) and in the box above.



## 10 Steps: The Basics of Special Education Process under IDEA

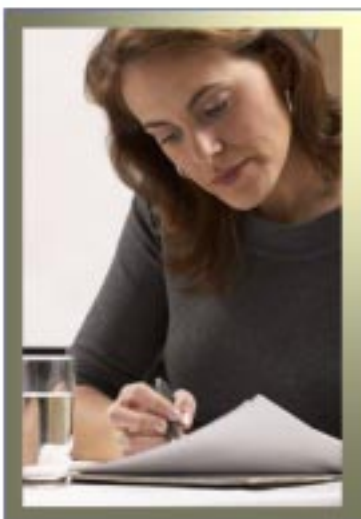


**Step 3.** Eligibility is decided

**View 1**

Slide loads with this view listing Step 3.

## 10 Steps: The Basics of Special Education Process under IDEA




**Step 3.** Eligibility is decided

*Parents are part of the group that decides eligibility*

**Click 1**

Click 1:  
"Parents are part of the group..." loads.

**CLICK AGAIN** to advance to next slide.

(discussion on next page) 



Slide 5 moves to the next step in the special education process—determining the child’s eligibility for special education and related services under IDEA. A bare bones description of the step appears on **Handout A-2**.

## Group Determining Eligibility

The first noteworthy element of this important step is that IDEA assigns the task of determining eligibility to “a group of qualified professionals and the parent” [§300.306(a)(1)]. It is left up to the public agency to determine what constitutes a “qualified professional.”

This group may or may not be the same individuals who were involved in the review of existing evaluation data. That group was comprised of “the IEP Team and other qualified professionals, as appropriate” [§300.305(a)], so there may be overlap in the membership of these two groups. Certainly the parents are entitled to be involved in both groups and in the decisions each group makes.

## Factors to Consider: Special Rule

The second noteworthy element involved in determining a child’s eligibility relates to the range of factors that IDEA 2004 requires the eligibility group to consider as part of making that determination. The first of these factors is called a “special rule,” which reads:

(b) *Special rule for eligibility determination.* A child must not be determined to be a child with a disability under this part—

(1) If the determinant factor for that determination is—

(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency; and

(2) If the child does not otherwise meet the eligibility criteria under §300.8(a).

The overall thrust of this special rule is to ensure that children are not found to be eligible for special education and related services because of a lack of appropriate instruction in specific key subjects or because they have a limited proficiency in English. The determination of



whether a child has received “appropriate instruction” is, in the words of the Department, “appropriately left to State and local officials” (71 Fed. Reg. at 46646). Much more is said about this special rule (including how Elementary and Secondary Education Act (ESEA) defines the essential components of reading instruction) in Module 10, *Initial Evaluation and Reevaluation*. If you’d like to elaborate on the special rule, please consult that module.

## Factors to Consider: A “Variety of Sources”

When a child’s eligibility for special education and related services is being determined, the public agency must also:

(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and

(ii) Ensure that information obtained from all of these sources is documented and carefully considered.  
[§300.306(c)(1)]



Requiring eligibility determinations to be based on “a variety of information sources” dovetails nicely with requiring the public agency to “document and carefully consider” the information from all of these sources. It’s not enough to merely gather it and have it available in a folder. There must also be evidence that the information, in its variety, was considered in making the determination regarding the child’s eligibility.

### **Additional Procedures for Identifying Children with Learning Disabilities**

Does the audience need to know that, in addition to all that’s been said so far on this subject, there are yet more provisions within IDEA that may be very relevant to the evaluation process and the factors that must be considered when determining a child’s eligibility—namely, provisions in IDEA and the final regulations at §§300.307-300.311, called “Additional Procedures for Identifying Children with Specific Learning Disabilities.” These provisions are the subject of Module 11, *Identification of Children with Specific Learning Disabilities*.

Alert the audience to both the existence of additional evaluation procedures to be applied to identifying children with learning disabilities, and the availability of stand-alone training on the matter.

### **In Conclusion**

Ultimately, the group responsible for the child’s evaluation (which includes the parents) must make a determination as to whether or not the child is eligible for special education and related services—yes or no. Which will it be? Go on to the next slide, where both scenarios are discussed.

## 10 Steps: The Basics of Special Education Process under IDEA



Step 3. Eligibility is  
decided

Yes

Step 4. Child is found  
eligible for services

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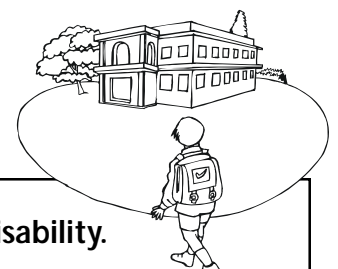
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Slide 6 postulates a “yes” answer to the question of eligibility, but the answer may very well be “no,” the child is not eligible for special education and related services. We don’t want to end the story here with a “no,” but that scenario will be discussed, including what alternatives parents may have in that situation. First, it’s important to state what’s involved in making either determination.

The question of eligibility under IDEA comes down to its definition of the term “child with a disability.” In this introduction to the 10 basics of special education, it’s not necessary to go into that definition in great detail; that’s a treat provided in the training in Section 3 of this module—which, as was

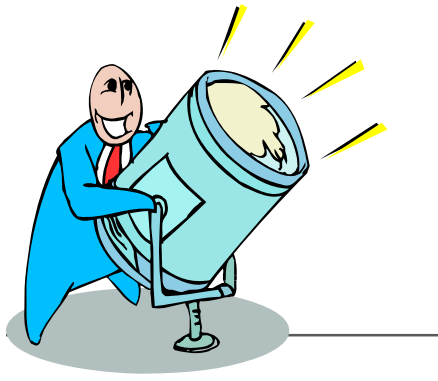
explained in the introduction, is provided via a separate slide show file focusing solely on “five key terms defined.” If you don’t judge Section 3’s level of detail appropriate to this audience, then you’ll find key points about the meaning of “child with a

disability” summarized below. Use the opening paragraph of IDEA’s definition (in the box below) as your reference point for this discussion.



### The Beginning of §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 mental retardation, 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.



## A Brief Look at the Big Definition

**Point 1:** The meaning of “child with a disability” is extremely, extremely important in IDEA. A great deal pivots on that definition, *especially* the eligibility determination and the child’s right to special education and related services. Every time IDEA uses the term “child with a disability,” it means the same thing—the definition appearing at §300.8.

**Point 2:** IDEA provides a list of 13 disability categories under which a child may be identified. These are: mental retardation, 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.

Each of these terms has its own definition, all of which appear at §300.8(c). Regardless of how much detail you go into here, the entirety of IDEA’s definition of “child with a

disability” appears on **Handout A-3**, including the individual disability terms defined.

**Point 3:** Another critical part of IDEA’s definition is contained within the phrase “by reason thereof.” As participants can see in the opening paragraph of §300.8(a) (on **Handout A-3** and in the box on the previous page), it’s not enough for a child to have one of the disabilities listed in IDEA. That child must also have been “evaluated in accordance with §§300.304 through 300.311” (discussed here in brief as Step 2), have one of the disabilities listed—and, *by reason thereof*, need special education and related services. It’s the “by reason thereof” that sometimes causes confusion and even gets forgotten in IDEA’s definition of “child with a disability.” This short phrase adds another level to what it means for a child with a disability to be eligible for special education and related services under IDEA 2004. “By reason thereof”—meaning, *because* that disability causes the child to need special education and related services. Many disabilities don’t result in the need for special education (which is, as we’ll see, specially designed instruction). (Refer to Section 3 for an elaborated discussion of this point.)

**Point 4:** And that brings us to the crucial role that State definitions play in eligibility determinations. An entire slide is devoted to making this point in the separate slide show for Section 3 of this module (see Slide 9). As described there, States can establish criteria in the disability areas and frequently do, establishing policies of their own that explain each of these disabilities in their own terms (provided that all children with disabilities who are in need of special education and related services who have impairments listed in the definition of “child with a disability” in IDEA and the final regulations are identified and receive appropriate special education and related services).

*Specific learning disability* is an excellent example. States differ in how they explain this term; in one State a child may be considered to have a specific learning disability, while in another State the child will not.

Thus, while the term “child with a disability” is defined within IDEA 2004, the term also has an operational explanation at the State level. So what the term really means, and whether or not a group of people decide

### Important!

Every time IDEA uses the term  
“child with a disability”

it means the same thing—  
the definition appearing at §300.8.

that a child has a particular disability, is a matter of how this federal definition intersects with State definitions and policies.

**Point 5:** The last point you'll want to include in this training relates to State use of the term "developmental delay." As extensively discussed in Module 10 (see Slide 22), under §300.8(b) and repeated in its detail in Section 3 of this module, a State may adopt a definition of "child with a disability" that includes children aged 3 through 9 (or any subset of that age range that the State establishes) who are experiencing "developmental delays" and "who, by reason thereof," need special education and related services. (Hmmm, there's that phrase again, *by reason thereof*...it means the same thing here as just discussed.)

This provision allows States to find a child with developmental delays (aged 3 through 9, or any subset of age ranges that the State establishes) to be an eligible "child with a disability" and to provide that child with special education and related services without having to classify the child under a specific disability category. This provision



## And So Is This!

State explanations of disability play a crucial role in eligibility determinations.

of law is intended to address the often difficult process of determining the precise nature of a child's disability in the early years of his or her development.

*Additional clarifying information:* States do not have to adopt use of the term "developmental delay" in their definitions of "child with a disability." It's an option for States. Even if the State adopts the term (which includes defining the age range of children to which it applies), it can't force any of its LEAs to do so. If the State does not adopt the term, its LEAs may not independently decide they *will* use the term. It's only an option for LEAs if the State adopts the term—and then, the LEA must use the State's definition, including the age range specified by the State.

**Point 6:** Regardless of what the eligibility determination is—*yes*, the child is eligible, or *no*, the child isn't—the public agency must provide the parent with a copy of the evaluation report and the documentation of determination of the child's eligibility. Both of these must be provided at no cost to the parent. The relevant regulatory provision states:

### §300.306 Determination of eligibility.

(a) *General.* Upon completion of the administration of assessments and other evaluation measures—

(1)...

(2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

Of additional interest to your audience may be the Department's observation in the Analysis of Comments and Changes that accompanied publication of the final Part B regulations:

[I]t would not be appropriate for a public agency to provide documentation of the determination of eligibility prior to discussing a child's eligibility for special education and related services with the parent. Section 300.306(a)(1) and section 614(b)(4)(A) of the Act require that a group of qualified professionals and the parent determine whether the child is a child with a disability. Therefore, providing documentation of the eligibility determination to a parent prior to a discussion with the parent regarding the

child's eligibility would indicate that the public agency made its determination without including the parent and possibly, qualified professionals, in the decision. (71 Fed. Reg. at 46645)

## The "Yes" Determination

Back to the 10 steps in the special education process. Based on all that's been said so far, let us say that the eligibility group determines that, yes indeed, the child is a "child with a disability" as defined by IDEA and the State. That child is then considered eligible for special education and related services and moves to the Steps 5-10 (described in upcoming slides).

## The "No" Determination

Now let's suppose that the eligibility group determines that the child in question is *not* a "child with a disability." It's a distinct possibility and must be mentioned to participants.

If the eligibility determination is "no," parents must receive a copy of the evaluation report and the documentation of that determination (mentioned in Point 5 above). Under the IDEA, parents must also be given information about what they can do if they disagree with the eligibility decision.



IDEA itself gives parents (and the public agency as well) the right to request mediation or a due process hearing to resolve a dispute about the child's identification, evaluation, or educational placement, or any aspect related to the provision of FAPE to the child [§300.507(a)]. As described in Module 10, *Initial Evaluation and Reevaluation*, and in Module 17, *Introduction to Procedural Safeguards*, parents also have the right to obtain an independent educational evaluation (IEE), the results of which must be considered. It's beyond the scope of the current module to discuss either of these two rather involved avenues, but information can certainly be borrowed from either module to expand the discussion here of parental options. At a minimum, you may wish to observe that:

- Parents may wish to get in touch with their State's Parent Training and Information (PTI) center, which can describe a parent's options at this point and what steps to take next (as was said on Slide 3, PTIs are listed on NICHCY's *State Resource Sheets*);

- A child who has a disability but who is not eligible under IDEA may be eligible for the protections afforded by other laws—such as Section 504 of the Rehabilitation Act of 1973, as amended. It's not uncommon for a child to have a 504 plan at school to address disability-related educational needs, instead of an IEP.



## 10 Steps: The Basics of Special Education Process under IDEA



Step 5. IEP  
meeting is  
scheduled

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Slide 7 doesn't seem like much, does it? But we're verging into IEP territory now, and that, in and of itself, is a vast terrain to cross. In this overview of the 10 basic steps to special education, we'll try to be as succinct as possible and leave all the bridges and bogs of IEPs for more detailed modules. If you need to make the bare-boniest of summaries, refer to the skeleton list of points for Step 5 on **Handout A-2**.

### What's an IEP?

This is an acronym standing for *individualized education program*, the centerpiece and crown jewel of special education. IEP is definitely one of the five

acronyms mentioned in the next section of this training module. Because it will be discussed in more than one upcoming slide, you only need to lay the foundation here—what IEP means, who develops the IEP, what type of information the document contains, and what's involved in scheduling a meeting to develop the IEP (the subject of the current slide).

Very briefly, an IEP is a written statement of the educational program designed to meet a child's individual needs. Every child with a disability who receives special education and related services under IDEA must have an IEP. The IEP has two general purposes: (1) to set reasonable learning goals for the

child; and (2) to state the services that the public agency will provide for the child. This vital document is developed by a team of individuals defined within IDEA, including the parents. The actual membership of the IEP Team was discussed under Slide 4 and is thoroughly examined in Module 9, *The IEP Team: Who Is A Member?*

### Timeframes for IEP Meetings

An IEP meeting must be held within 30 calendar days after it is determined, through the full and individual evaluation, that a child has one of the disabilities listed in IDEA and needs special education and related services [§300.323(c)(1)]. (Note: The IEP meeting may go by different

## Key IDEA Provisions at §300.322: Parent Participation

(a) *Public agency responsibility—general.* Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) *Information provided to parents.* (1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

(2) For a child with a disability 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, the notice also must—

(i) Indicate—

(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with §300.320(b); and

(B) That the agency will invite the child; and

(ii) Identify any other agency that will be invited to send a representative.

[§300.322(a)-(b)]



names in different locales; for example, in some places, you won't hear the term IEP meeting but, rather, ARD meeting.) A child's IEP must be reviewed at least annually thereafter to determine whether the annual goals are being achieved and must be revised as appropriate [Section 300.324(b)].

## Scheduling the Meeting

For such a basic step in special education, IDEA includes an extensive set of provisions regarding scheduling all IEP meetings. These provisions are found at §300.322(a)-(b) (see the box at the left) and are thoroughly examined in Module 14, *Meetings of the IEP Team* (see Slide 9). We've extracted key points below, but refer you to the fuller discussion in Module 14, should you wish to expand the discussion here.

**Point 1:** IDEA's provisions involve both common sense and courtesy, and are intended to ensure that parents have every opportunity to attend the meeting and contribute. In a nutshell, the school and parents have to agree when and where they are going to meet.

**Point 2:** Parents must be notified of the meeting early enough to ensure they have an opportunity to attend. As the provisions in the box indicate, the public agency must tell parents the purpose, time and location of the meeting; who will be at the meeting; and that both the parents and public agencies have the right to invite other people with knowledge or special expertise about the child, including related services personnel as appropriate. (Additional clarification: The party inviting such an individual makes the determination that the individual possesses the requisite knowledge or special expertise regarding the child.)

In the case of a child who was previously served under Part C of IDEA (the early intervention system) and who is now transitioning to Part B services for school-aged children (including children ages 3-5), this notice must also let parents know that, if they request it, the Part C service coordinator or other representatives of the Part C system must be invited to attend the initial IEP

meeting [in accordance with §300.321(f)].

Knowing each of these elements in advance of the meeting gives parents the opportunity to prepare and more fully participate in meeting discussions and decisions.

**Point 3:** If parents need an interpreter, including a sign language interpreter, they should let the public agency know in advance of the meeting, so that the public agency has time to make suitable arrangements. Public agencies are required to take the necessary steps to give parents the opportunity to understand the proceedings at

an IEP Team meeting [§300.322(e)], but parents should not assume that such an arrangement will be made by the public agency. Parents who need an interpreter may wish to check with their school district to find out how much time is needed to arrange for an interpreter to be present at the IEP meeting.

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## 10 Steps: The Basics of Special Education Process under IDEA



**Step 6.** IEP meeting is held, and the IEP is written

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Oh boy, now we're getting into the vast landscape of IEP development. All of Theme D is devoted to the IEP, so it's easy to see that there's a lot to say. Here, in this overview, though, we've narrowed this down to its essence and a few key points. Again, the bare bones appear on **Handout A-2**.

**Point 1:** As was mentioned on the last slide, the first IEP meeting must be held within 30 calendar days of the eligibility determination that, yes, the child needs special education and related services.

**Point 2:** Writing the IEP is a challenge the IEP Team undertakes together, drawing on the evaluation data and the picture it provides of the child's strengths

and academic, developmental, and functional needs; and the parents' concerns for enhancing the education of their child. [§300.324(a)]

**Point 3:** The IEP must contain specific information about the child, as detailed at §300.320 (Content of the IEP), as the "bonus term" on **Handout A-3**, in the box on the next page, and in the separate module *Content of the IEP*. Go through the content of the IEP that appears as the last item on **Handout A-3** with participants to ensure they get the story straight from the horse's mouth. Especially emphasize the importance of how the IEP starts—the description of "the child's present levels of academic achievement and functional performance"

[§300.320 (a)(1)]. The child's "present levels" statement is, in essence, a comprehensive description of a child's abilities, performance, strengths, and needs. It is no exaggeration to say that a fully developed, well-written "present levels" statement is the foundation upon which the rest of the IEP can be developed to specify appropriate goals, services, supports, accommodations, and placement for the child.

**Point 4:** IDEA has a strong preference for educating children with disabilities within the regular educational environment. While you're looking at the content of an IEP (Point 3), ask

continued on page 1-35 ➡

### **§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.

trainees to identify the phrases that illustrate this preference: How the child's disability affects the child's involvement and progress in the general education curriculum... To be involved in and make progress in the general education curriculum.... To be educated and participate with other children with disabilities and nondisabled children.... An explanation of the extent, if any, to which the child will not participate with nondisabled children....

To support the actualization of this preference, IDEA requires the IEP Team to consider what types of supports the child needs in order to receive his or her education in the general education environment to the maximum extent appropriate for that child (e.g., classroom, curriculum, range of school activities in which children without disabilities participate). For example, what supplementary aids and services, assistive technology, or supports for school personnel are needed in order to support the child's involvement and participation in general education and other activities in the school? The regulations may list the content of an IEP as one item, then another, but they are intended to go together and work together in support of the child's educational attainment.

**Point 5:** In addition to including these specific elements in a child's IEP, the IEP Team must also consider what are called *special factors*, listed at §300.324(a)(2) and provided in the box on this page for your convenience in guiding the discussion. These are extensively discussed in Module 14, *Meetings of the IEP Team*, from which you can draw to expand what's said here. The IEP Team must consider the child's individual needs associated with behavior problems, limited English proficiency,

blindness or visual impairment (especially the child's need for instruction in Braille), and communication issues (especially for children who are deaf or hard of hearing). The IEP Team must also discuss whether the child needs assistive technology (AT) devices and services, an area of tremendous growth in recent years.



### IDEA 2004 Provisions: Special Factors to Be Considered

(2) *Consideration of special factors.* The IEP Team must—

(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child needs assistive technology devices and services. [§300.324(a)(2)]

## When the IEP is Written

A longstanding provision of IDEA requires that the public agency provide a copy of the child's IEP to the parent at no cost to that parent. The regulation is found at §300.322(f) and reads:

(f) *Parent copy of child's IEP.* The public agency must give the parent a copy of the child's IEP at no cost to the parent.

## Placement

Placement—where the child will receive his or her special education and related services—is a complicated issue to explain and is the subject of an entire module: *LRE Decision Making*. We would not recommend delving into it at this time beyond a few summary remarks drawn directly from IDEA's regulations at §300.116 (provided in the box at the right):

- A child's placement is based on his or her IEP.
- Unless that IEP requires some other arrangement, the child is to be educated in the school he or she would attend if nondisabled and as close as possible to his or her home.
- It is not permissible to remove the child from being educated in age-appropriate regular classrooms solely because modifications need to be made in the general education curriculum.

- The placement decision is made by a group of people that includes the parents.
- That group must also include other persons who are knowledgeable about the child, the meaning of the evaluation data, and the options for placement;
- The placement decision must be made in conformity with IDEA's LRE provisions.

## Other Points of Interest

While you may not have time in the training session to delve into the myriad of other points of interest, there are numerous additional issues that may be important to share with the



### §300.116 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that—

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§ 300.114 through 300.118;

(b) The child's placement—

(1) Is determined at least annually;

(2) Is based on the child's IEP; and

(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

audience. Rather than repeat information already available elsewhere, we're going to list several areas of common interest to audiences, especially parents, and indicate where these are treated in other modules. Pull material from those modules as you deem appropriate to your training objectives and the needs of audience members.

- What kind of information is a parent expected to share in an IEP meeting? See Module 12, *The IEP Team: Who Is A Member?*, Slide 2.
- What kind of information is a regular educator expected to share in an IEP meeting? See Module 12, *The IEP Team: Who Is A Member?*, Slide 5.
- The child with a disability doesn't attend IEP meetings?! Oh yes, the child may certainly attend the meeting where his or her IEP is developed. If secondary transition services are going to be discussed at the meeting, the student must be invited to attend. Find out more in Module 12, *The IEP Team: Who Is A Member?*, Slides 11 and 12.
- May an IEP meeting be held without the parents attending? Yes, given certain conditions. See Module 14, *Meetings of the IEP Team*, Slide 20.
- May a member of the IEP Team be excused from attending the meeting? Yes, given certain conditions. See Module 14, *Meetings of the IEP Team*, Slides 17 and 18.
- Does the IEP Team always have to physically meet? No, but conditions apply. See Module 14, *Meetings of the IEP Team*, Slides 28 and 29.
- What resources on addressing behavior problems exist? Lots! See Module 14, *Meetings of the IEP Team*, Slide 12.
- What kind of assistive technology is available to help children with disabilities? Lots, with more emerging every year. See Module 14, *Meetings of the IEP Team*, Slide 16.

## 10 Steps: The Basics of Special Education Process under IDEA



Step 7. Services are provided

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Once the IEP is written, it is time to carry it out—in other words, to provide the child with the special education and related services as listed in the IEP. This includes all supplementary aids and services and program modifications that the IEP Team identifies as necessary. Unfortunately, it is beyond the scope of this module to discuss in detail the many issues involved in implementing a child's IEP, but several points are worth noting. These are:

**Point 1:** The public agency must have the parents' written informed consent before the initial provision of special education and related services to the child. [§300.300(b)]

**Point 2:** IDEA states that, as soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. [§300.323(c)(2)]

**Point 3:** IDEA also requires that the public agency ensure that all service providers who will be implementing the IEP:

- have access to the IEP.
- are informed of their specific responsibilities.
- are informed of specific accommodations, modifications, and supports to be provided to the child, in accordance with the IEP. [§300.323(d)]

**Point 4:** At the beginning of each school year, each public agency must have an IEP in effect for each child with a disability within its jurisdiction. [§300.323(a)]

## 10 Steps: The Basics of Special Education Process under IDEA



**Step 8.** Progress  
is measured and  
reported to  
parents

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Part of a child's IEP must specify how the child's progress will be measured. That progress, whatever it is, must also be *reported* periodically to parents, as the regulations make clear (see box at right).

The examples of how a public agency might periodically report to parents are just that—examples. As the Department clarifies:

The specific times that progress reports are provided to parents and the specific manner and format in which a child's progress toward meeting the annual goals is reported is best left to State and local officials to determine. (71 Fed. Reg. at 46664)

The periodic reporting of progress gives parents, other members of the IEP team, and the public agency the opportunity to review the IEP and make adjustments if they are warranted.



### IDEA Provisions at §300.320(a)(3)

(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...



View 1

# 10 Steps: The Basics of Special Education Process under IDEA

Step 9. IEP is reviewed



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# 10 Steps: The Basics of Special Education Process under IDEA

Step 9. IEP is reviewed

Step 10. Child is reevaluated



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This slide contains two steps to discuss, Step 9 (reviewing the IEP) and Step 10 (reevaluation).

### Step 9: Reviewing the IEP

The IEP is not a static document. It can be changed to reflect the child's learning and growth—or, as the case may be, his or her lack of expected progress. The IEP Team is responsible for determining how and when the IEP needs to be changed to appropriately address the child's needs.

The reviewing of the IEP (and its revision, as warranted) is examined in Module 14, Meetings of the IEP Team. Here are some key points from that discussion you may wish to share with the audience:

**Point 1:** IDEA requires that the IEP Team review the child's IEP "periodically" but not less than once a year. One purpose of this review is to see whether the child is achieving his or her annual goals and to revise the document to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate. [§300.324(b)]

**Point 2:** The IEP Team may find it necessary to review and revise the IEP more often. Either the parents or the school can ask to hold an IEP meeting to revise the child's IEP.

**Point 3:** The basic process already described for developing the IEP—parent notification, scheduling, arranging for interpreters, membership of the IEP

Team, considering the special factors, the parents' right to a copy of the IEP, ensuring that all service providers of the child have access to the child's IEP and know their responsibilities—also applies when the IEP is reviewed and, as appropriate, revised.

### Step 10: Reevaluation

Made it! We've come to Step 10 of 10, is reevaluation of the child. There's a lot that can be said about reevaluation, as most of the provisions governing initial evaluation apply to the reevaluation process. Detailed information is available in Module 10, *Initial Evaluation and Reevaluation*. The material below is drawn from that module in summary fashion.

### Purpose of Reevaluation

The purpose of reevaluation is to find out:

- if the child continues to be a "child with a disability," as defined by IDEA and the final regulations, and
- the child's educational needs.



### §300.303 Reevaluations.

(a) *General.* A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311—

(1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

(2) If the child's parent or teacher requests a reevaluation.

(b) *Limitation.* A reevaluation conducted under paragraph (a) of this section—

(1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

## When Reevaluation May Occur

IDEA's provisions regarding reevaluations are provided below in the box. Specifically, under IDEA:

- Reevaluations are not to occur more than once a year—unless the parent and the public agency agree otherwise.
- Reevaluations must occur at least once every three years—unless the parent and public agency agree that a reevaluation is unnecessary.

As you can also see in the provisions at §300.303, IDEA provides that a reevaluation must be conducted:

- If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If the child's parent or teacher requests a reevaluation.

Children grow and change, and the public agency has an affirmative obligation to monitor their educational and developmental progress. As progress is noted, or as the child's needs change, the public agency may ask to reevaluate the child to ensure that his or her educational program reflects current educational or related services

needs. Teachers are also in a good position to observe a child's development and progress, and may request a reevaluation to determine if the existing program of special education and related services continues to appropriately address the child's needs. The same is true of the parent.

## What Reevaluation Shares with Initial Evaluation

As Slide 10 in Module 10 describes, IDEA's provisions regarding reevaluation share a great deal in common with its requirements for initial evaluation. This includes:

- Its purposes
- Prior written notice

- Procedural safeguards notice upon parent request for an evaluation
- Review of existing evaluation data
- Parent consent
- Gathering additional data, if needed
- Parent involvement in evaluation group
- Parent involvement in eligibility determination
- Factors involved in determining eligibility
- Reporting to parents



## Concluding Section 1 of Training Module

You've come to the end of Section 1 of the 10 basic steps in the special education process. Next up will be a look at five special education acronyms everyone should know.

Time for a break first? It's good timing, and hopefully the audience will return refreshed and ready to go again.

## 5 Acronyms Defined

Guess what 5  
acronyms are  
*so* important,  
they made this  
list



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CLICK AGAIN to advance to next slide.

It's time now for the Section 2 of this module—the top 5 acronyms in special education and their definitions under IDEA 2004. Section 2 opens up with two slides intended to set an easy-going mood before the real work with acronyms begins.

The current slide asks audience members to do a little guesswork. What acronyms are *so* important that they've made the list? What special education acronyms has the audience heard or seen that they can recall? Anyone care to share a personal experience with acronyms—first, they're like Greek, and then you start using them yourself!

Jot down suggestions from the audience, as appropriate. Refer back to whatever list they generated throughout Section 2, especially when an acronym on their list comes up on a slide. If there are unmentioned acronyms at the end of the session, you may wish to briefly explain what they mean, for people's future reference.



Slide loads fully. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Use this slide to signal the audience that you're bringing on the ALPHABET SOUP.

Where else to start, really, but with acronyms? Special education is loaded with them. It's like a secret language, and not knowing what these acronyms mean can leave you straight out of the conversation, wondering what planet you've unexpectedly descended on. So let's jump in ASAP into the alphabet soup of special education. Here come 5 terms most commonly referred to by their *letters*.

## 5 Acronyms Defined



*Individuals with Disabilities Education Act*

Our nation's special education law

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

The content portion of Section 2 of this training module is comprised of 14 slides covering 5 acronyms. Many can be moved through rather quickly, because they may be familiar by now to participants. Their meanings, and how IDEA defines the terms, are provided on **Handout A-3**.

The first acronym is: IDEA. Sometimes you'll hear it pronounced as if you were spelling the word *idea*, as in I...D...E...A. But either way, the letters mean the same thing. The Individuals with Disabilities Education Act, our nation's special education law and the exclusive subject of this training package.

Sometimes people append numbers, such as IDEA '97 or IDEA 2004, when they're referring to a specific set of amendments to IDEA. You'll hear a lot about IDEA '97 and IDEA 2004 in these modules, as we talk about the changes IDEA 2004 has brought to IDEA '97.

### Discussing IDEA

If you wish to expand what you say about IDEA beyond what it means, pull from the introduction to this training module, which provides some of IDEA's prestigious background as well as information about how to get a copy of both the statute and the final Part B regulations.

Some additional points of interest include:

**Point 1:** IDEA hasn't always been known as IDEA. It's also been called the EHA (the acronym commonly used for two of its prior titles, the Education of the Handicapped Act and the Education for All Handicapped Children Act). And before that, it was part of ESEA (the Elementary and Secondary Education Act). Oh, acronyms! Aren't they useful? That is, of course, if you understand what they mean...

IDEA became IDEA in the amendments of 1990, where the name was changed to reflect a movement toward people-first language. In its current reauthorized form, IDEA is also referred

to as IDEA 2004 (the year it was reauthorized), with the actual title of the Individuals with Disabilities Education Improvement Act of 2004.

**Point 2:** IDEA authorizes special education and related services in the United States. More than 6.8 million children with disabilities are served under its provisions.

**Point 3:** IDEA also authorizes a wide range of supports to improve the results and outcomes that children with disabilities achieve in our schools and communities. This includes fiscal and programmatic support for research, technical assistance, dissemination of the field's knowledge base (NICHCY! for example), personnel preparation, and much, much more.

**Point 4:** It's a great law—very powerful, thoughtful, detailed, ever evolving, far reaching, with the well-being of children with disabilities at its core. Every year it impacts millions of people's lives. Imagine how many have been impacted over the law's 30-year history!



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—Space for Notes—



## 5 Acronyms Defined



*Free Appropriate Public Education*

What States must make available  
to all eligible children with disabilities

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

FAPE. That's not the noise that a bag caught on your foot makes when you try and shake it off. FAPE stands for "free appropriate public education," a very central concept in IDEA and acronym number 2. Six slides will be devoted to discussing FAPE, walking participants through what each of its letters mean, and looking at IDEA's relevant provisions.

### Defining FAPE

IDEA's definition of FAPE (in the box at the right) hasn't changed much over the years. IDEA 2004 changed it not at all. Refer participants to **Handout A-3**, where the definition of FAPE appears.

### §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, 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.

If you break the definition down, you'll see there are six components. In "common speak" language, FAPE is:

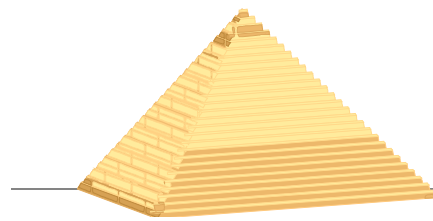
- special education and related services;
- free to families, provided at public expense;
- supervised and directed by a public agency (via State and local educational agencies, e.g., public schools);
- based on the standards of the SEA (e.g., the state's general *and* special education standards and regulations);
- provided in an appropriate preschool, elementary school, or secondary school in the State; and
- provided in accordance with an appropriately developed IEP.

## Understanding FAPE

Alas, IDEA's definition isn't especially helpful in understanding the importance of FAPE in the lives of children with disabilities, educational practice in our schools, or the obligations that States and LEAs have to make FAPE available to eligible children. That's why six slides are devoted to this acronym. Looking at each of its letters-as-words alone (which upcoming slides will do) can be a useful way of understanding what FAPE is.

Module 13, *Content of the IEP*, also contains an extensive and evocative discussion of FAPE you may wish to consult. We've excerpted a bit of that discussion below. Communicating to the audience the centrality of FAPE

in IDEA's principles and provisions is very important, although it's also wise to admit that the concept can be elusive.



## Frame of Reference for FAPE

FAPE is the fundamental core of the IDEA and the IEP. Conceptually, FAPE is both the goal and the path to reaching the goal. FAPE—a free appropriate public education—is an *entitlement* of a child with a disability, as IDEA defines that term, with the IEP serving as a means by which this entitlement is mapped out. In terms of developing or building an IEP, the foundation is FAPE, and the apex is FAPE.

Yes, those are violins in the background.

Joking aside, what is not immediately clear about FAPE, but what is true nonetheless, is that for each child with a disability *FAPE is different*. While each child's education must be free to him or her and while a public agency provides and pays for that education, what is "appropriate" for one child will not necessarily be appropriate for another. Defining what is appropriate for a specific child requires a process of discovery that begins with an individualized evaluation of that child, where his or her areas of strength and weakness are identified in as much detail as possible, and

information is gathered relative to the child's participation in the general curriculum and other factors. It is through evaluation that information is gathered to illuminate the dimensions of an "appropriate" education for a given child.

## State's Obligation to Make FAPE Available

In order to receive federal funding under IDEA, each State must make an assurance to the Department that it has in effect policies and procedures to meet all the requirements of the law. One of these provisions requires that each State make FAPE available to eligible children with disabilities in the State. The IDEA specifies the scope of this obligation at §§300.101 and 300.102 by describing the age range of children for whom FAPE must be made available and exceptions to the State's obligation to make FAPE available. We won't go into all of that here in this introductory module, but much additional information is available in Module 13, *Content of the IEP*.

Here's the opening paragraph at §300.101(a), however, because it illustrates the State's affirmative obligation regarding FAPE's availability to eligible children with disabilities.

### §300.101 Free appropriate public education (FAPE).

(a) *General*. A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including

children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d).

That's powerful stuff.

The exceptions at §300.102 are important to remember (see the trainer note), but the four letters of FAPE hold enormous meaning, which we're going to further explore right now.

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## Trainer Note

As an example of exceptions to FAPE, consider that FAPE *does not apply to children ages 3, 4, 5, 18, 19, 20, or 21* in a State that does not require the provision of general public education to nondisabled children of these ages.

All the exceptions listed at §300.102 (and the additional aspects of FAPE described at §300.101) are provided in this training package as part of the handouts for **Theme D** (and are specifically discussed in Module 13).

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—Space for Notes—

## 5 Acronyms Defined



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

FAPE begins with the letter F for *free*. Free is a vital part of the law's requirement. The education of each child with a disability must be "provided at public expense...and without charge" to the child or the child's parents.

## 5 Acronyms Defined

FAPE



Appropriate



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

A...for *appropriate*.

“Appropriate” is a highly influential term in IDEA. You’ll see it a lot, used in different contexts but generally meaning the same thing. It means whatever’s suitable, fitting, or right *for a specific child*, given that child’s specific needs, specific strengths, established goals, and the supports and services that will be provided to help the child in reaching those goals.

Thus, as has been said, what is an “appropriate” education differs for each child with a disability. Yet each child with a disability is entitled to an education that is “appropriate” for his or her needs. The law specifies in some detail how the public agency and parents are to plan the education that each child receives so that it is appropriate, meaning responsive to the child’s needs.

## 5 Acronyms Defined



FAPE



Public

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

P...for *public*.

“Public” generally refers to our public school systems and the use of public funds to pay for education in those schools. Children with disabilities have the right to attend public school just as other children do, regardless of the nature or severity of their disabilities. The public school system must serve children with disabilities, respond to their individual needs, and help them plan for their futures.

The use of the word “public” in FAPE also implies that there are differences for children with disabilities who are placed by their parents in private schools, which is true. These differences are explored in Module 16, *Children with Disabilities Placed by Their Parents in Private Schools*, and will not be discussed further here.



## 5 Acronyms Defined

FAPE



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

E...for *education*.

“Education” is what the law is all about. IDEA is an *education* act. It guarantees that FAPE is available to eligible children with disabilities. Here, “education” means “special education and related services...provided in conformity with an IEP” that meets requirements specified within the law and is based upon the child’s individual needs.



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

This concluding slide on FAPE shows just the picture—the promise—of children running to clamor on the school bus. You might say nothing when this picture is displayed, or perhaps summarize with something along the lines of:

---

*FAPE is an exciting and important principle of the law. While in practice FAPE differs for each child, in principle it is the same for each child... a guarantee of access to a free appropriate public education that indeed opens the doors to opportunity and learning.*



## 5 Acronyms Defined



### *Individualized Education Program*

Every public school child with disabilities  
receiving IDEA-funded special education  
must have one

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Let's have a new acronym now. IEP, standing for *individualized education program*. The definition of IEP appears on **Handout A-3**.

Considering Section 1 of this training module, participants shouldn't find the acronym "IEP" all that new. Ask for a show of hands. How many in the audience came to the session not knowing what IEP meant? Did they recognize the acronym and its meaning when the slide first came up?

The definition for FAPE includes a direct reference to the IEP, which is a *cornerstone* in the education of each child with disabilities. Cornerstones are very important in holding

buildings up. The IEP is just as important to children with disabilities.

As the slide indicates, under IDEA 2004 (and under its predecessors), each public school child with a disability who receives special education and related services must have an IEP. This requirement also applies to each child with a disability who is placed in, or referred to, a private school or facility by a public agency.

### Discussing the Slide

The three separate modules in Theme D are devoted to the IEP, which is one monster topic. Trainers will have to judge for themselves how much to say about the IEP in this opening module. What was said about IEPs when the subject came up as part of Slides 7 and 8? What do you plan to say on the next two slides coming up, Slides 22 and 23?

Conversely, instead of communicating information, consider soliciting input from the audience, possibly some of their IEP questions, perhaps some IEP stories.

## IDEA's Definition of IEP

View 1



The slide loads  
"IEP's definition  
of IEP" and its  
location in the  
regulations.

## IDEA's Definition of IEP




§300.320 — §300.324



Click 1

*Click 1:*  
An arrow extends to  
indicate that IDEA's  
provisions on the IEP  
are found at  
§§300.320-300.324.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Continuing to look at the IEP, here's Slide 22. Its purpose is to let the audience know *where* and *how* IDEA defines the term and that its definition is very short, not much bigger than the acronym itself. That definition, however, contains a direct reference to IDEA's other provisions about IEPs, and those provisions are quite lengthy and detailed. IDEA is very specific about how a child's IEP is developed, reviewed, and, as appropriate, revised (as covered in Section A of this module, see Slides 5, 6, and 9 in particular).

### The Slide's Design

This slide is designed so that you can easily contrast the brevity of IDEA's definition of IEP with its IEP provisions. When the slide launches, you can cover the definition at §300.22. When you're ready to carry the story forward to the contrast, click and the rest of the slide will display (the §§300.320-300.324 part).

### Defining IEP

IDEA defines IEP (refer participants to **Handout A-3**) as follows:

§300.22 Individualized education program.

*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.

- When IEPs must be in effect (§300.323)
- Development, review, and revision of IEP (§300.324)

Five key points about the IEP, embodied in the requirements within this span of provisions, are discussed on the next slide.

### The Contrast: Doing the IEP Justice

Considering the centrality of the IEP in the process by which students with disabilities receive educational services designed to meet their unique educational needs, it's not surprising that IDEA would flesh out its little IEP definition in provisions from §§300.320-300.324. These provisions are individually entitled:

- Definition of individual education program (§300.320)
- IEP Team (§300.321)
- Parent participation (§300.322)



## Basics about the IEP



- *Individualized*

View 1

Slide loads with  
Bullet 1.



## Basics about the IEP



- *Individualized*
- Written plan for a child's education
- Written by parents and school staff together
- Lists the special education the child will receive, *and more*
- Is both a document *and* a process

Clicks 1-4

Clicks 1-4:  
Bullets 2-5 load,  
one per click.

CLICK AGAIN to advance to next slide.

(discussion on next page)





The five key points about IEPs appearing on the slide should, by now, be familiar to even the freshest newcomer. Thus, this slide can be handled in dialogue with the audience. For each bullet, talk with the audience about the point being made. Can they add any details to the bare bones of each bullet?

With the last bullet, see if the audience can tell you some of the ways in which the IEP is a *process*, even as it's a concrete, physical document. IDEA does not *say* that the IEP is a process but in the field, hearing people use the term, hearing *how* they

use the term, the notion of "IEP as process" is readily apparent. At each step of an IEP's life (if you'll permit the liberty of looking at it that way), a team is involved: a team to write the document, a team to implement it, a team to revise it. The modules in this training package talk about IEP teams, IEP team meetings, IEP reviews, IEP modifications, and all sorts of IEP things.

And that's a lot of process!

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—Space for Notes—



## Acronyms Defined



*Least Restrictive Environment*

Children with disabilities are to be educated  
with children who do not have disabilities,  
to the maximum extent appropriate

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

LRE: Least Restrictive Environment. This is another essential concept under the IDEA. Since the Education for All Handicapped Children Act was passed in 1975, schools have been required to provide children with disabilities with a free appropriate public education—everyone remembers the acronym, right?—in the least restrictive environment possible. But what *is* LRE?

Understanding what LRE is can be as elusive as understanding what FAPE is, so it's no wonder the terms are frequently used in the same sentence. Like FAPE, LRE differs for each child with a disability receiving special education and related services.

It's best to start with what IDEA 2004 has to say about LRE. The central hub of the LRE provisions can be found at §300.114, with additional provisions continuing through §300.120. The *conceptual* core of LRE—where you'll find its heart, soul, and intent—is located at §300.114(a)(2), which appears in the box on the next page and on **Handout A-3**.

So—what does all that mean, and how is it achieved? Basically, a child's LRE is the environment where the child can receive an appropriate education designed to meet his or her special educational needs, while still being educated with nondisabled peers to the maximum extent appropriate.

Appropriate. There's that term again, meaning more or less what it meant on Slide 17, what it means in the acronym FAPE. What's appropriate here, with LRE, will also depend on the *specific child*, given that child's specific needs, specific strengths, established goals, and the supports and services that will be provided to support the child in reaching those goals. Depending on the child's individual needs, the LRE could be, for example:

- the regular classroom, with or without supplementary aids and services;
- a pull-out program for part of the day with the remainder of the day being spent in the regular classroom or in activi-

ties with children who do not have disabilities;

- a special education class within the child's neighborhood school; or even
- a separate school specializing in a certain type of disability.

More will be said about the range of options in a moment (and on the next slide). For now, it's important to grasp that one child's least restrictive environment—where that child can get the education he or she needs while still interacting with nondisabled peers—may be very different from another child's. The determining factor is the child's needs.

### Determining a Child's LRE

IDEA's LRE provisions clearly show the law's strong preference for educating children with disabilities in regular education environments. In fact, the child's placement in the general education classroom is the *first* option the IEP Team must consider.

To decide that question, however, the Team must make an *individualized* inquiry into the possible range of supplementary aids and services that are needed to ensure that the child can be satisfactorily educated in the general education environment. If the IEP Team determines that the child *can* be educated satisfactorily in that environment, then *that* placement is the LRE for that student. (Note: The definition of supplementary aids and services also appears on **Handout A-3**.)

However, the IEP Team may determine that the child cannot be educated satisfactorily in the general education classroom, even when supplementary aids and services are provided. An alternative placement must then be considered. Accordingly, IDEA requires school systems to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. This is one of the focal points of the next slide.



### The Conceptual Core of IDEA's LRE Provisions: §300.114(a)(2)

(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.



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

This slide can be used to continue the discussion of the continuum of alternative placements and to summarize the nature of LRE. There are no words on the slide, just pictures of children with disabilities engaged in academic work in a variety of settings.

### A Continuum for Children's Varying Needs

In IDEA, the provisions at §300.115 contain the public agency's obligation to make available a range of alternative placements for children. Those provisions appear in the box at the right.

#### §300.115 Continuum of alternative placements.

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and


(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Thus, the continuum of placements that each public agency must make available spans a range of possibilities: instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The continuum of alternative placements also reinforces the importance of the individualized inquiry, not-a-one-size-fits-all approach, in determining what placement is the LRE for each child with a disability.

### Placement-Neutral Funding

While it's outside the scope of this module per se, we'd like to mention one additional LRE provision that truly illustrates how IDEA's various provisions weave together to solidify the foundations of the law—LRE being one of those foundations. This information is primarily offered as a trainer's option to share or not to share as appropriate for the audience and time constraints.

IDEA '97 marked a time where LRE provisions included a substantial revision. That reauthorization introduced what's called *placement-neutral funding*, a requirement of law that is maintained in IDEA 2004. Included within the provisions at §300.114 where the conceptual core of LRE is also found (discussed on the last slide), there's an additional requirement that effectively prohibits States from using a funding mechanism that results in placement violating LRE requirements. (See **Handout A-3**.) States also may not use any funding mechanism that distributes funds based on the type of setting in which a child is served...well, best to read the regulations yourself! Here they are:



#### Placement-Neutral Funding Provisions: §300.114(b)

(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.



## Acronyms Defined



*Technical Assistance  
& Dissemination Network*

Need help?

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

We've come to the last acronym in the series: TA&D. Two slides will be devoted to this acronym.

Okay, so we slipped this one in. It's not a term you'll hear overmuch in special education, but you should. TA&D stands for Technical Assistance and Dissemination, and that means there's help and assistance available to implement the IDEA 2004 through services and programs that work.

OSEP, the Office of Special Education Programs at the U.S. Department of Education, is responsible for guiding, supporting, and monitoring the implementation of IDEA on behalf of

children with disabilities in the nation. As part of that responsibility, OSEP funds what is known as the TA&D network of projects, more than 40 projects with specialized areas of knowledge.

All current TA&D projects are listed on **Handout A-4**, for participants' future reference. If participants need information or assistance in an area of special education, encourage them to take advantage of the TA&D center that addresses that area.



TA&amp;D

Just the start of  
the acronyms!

NICHCY

View 1

Slide loads the title, "Just the start of the acronyms!" and "NICHCY."

TA&amp;D

Just the start of  
the acronyms!

NICHCY

NECTAC

PTACs

NCEO

NRCLD

PBIS

RRCs

NIMAS

ECO

FCTD

FRC

NCCREST

CADRE

Click 1

Click 1:  
One by one, the acronyms of different TA&D centers appear until the screen is full.

TA&amp;D

Just the start of  
the acronyms!

ETC...

ETC...

ETC...

Click 2

Click 2:  
All the acronym-names disappear, and "etc... etc... etc..." appears.



Some examples of TA&D projects? More alphabet soup? Certainly! Coming right up...

As the slide illustrates, the TA&D is a hotbed of letters. NICHCY is the first acronym to appear and stands for the National Dissemination Center for Children with Disabilities. NICHCY has been around, with different names, for more than 25 years as part of the TA&D network. It's the *dissemination* end of the network—getting disability, research, and special education information out to those who need it.

Other centers? **CLICK** once and their acronyms will appear, one by one. There won't be enough time in between each name to say what each set of letters stands for, let alone describe what area of expertise the TA&D

project emphasizes or what type of assistance it provides to the field. Participants may pursue that level of information on their own, using **Handout A-4**. For your convenience, we've deciphered all those appearing on the screen in the list at the bottom of the page, which is organized alphabetically by acronym.

What should be clear is that there is a lot of help available to support implementation of IDEA, including building staff and institutional capacity that will surely impact outcomes for children with disabilities.

What's listed on the slide is all that what would *fit* on the slide—there are still more acronyms and TA&D projects available to the field. The second

**CLICK** you make will erase all the acronyms and bring up "ETC ETC ETC" to indicate that there's more to the TA&D network than what's shown here. Before you make that second **CLICK**, are there any projects listed whose expertise would be well suited to the needs of your particular audience? If so, you may wish to identify them explicitly and describe a bit of what they do and what type of help they can offer.

The TA&D is a great acronym as acronyms go, and OSEP would encourage the audience to access its funded centers of expertise liberally and often.

### "Cracking the Code"



**CADRE**—Consortium for Appropriate Dispute Resolution in Special Education

**ECO**—Early Childhood Outcomes Center

**FCTD**—Family Center on Technology and Disability

**FRC**—Federal Resource Center for Special Education

**NCCRESt**—National Center for Culturally Responsive Educational Systems

**NCEO**—National Center on Educational Outcomes

**NECTAC**—National Early Childhood Technical Assistance Center

**NICHCY**—National Dissemination Center for Children with Disabilities

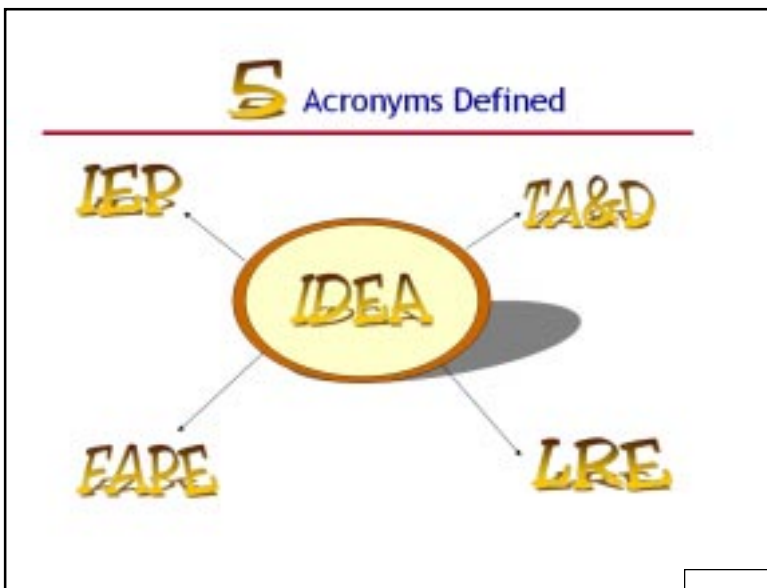
**NIMAS**—National Instructional Materials Accessibility Standard Development and Technical Assistance Centers

**NRCLD**—National Research Center on Learning Disabilities

**PBIS**—Center on Positive Behavioral Interventions and Supports

**PTACs**—Regional Parent Technical Assistance Centers (there are 6 PTACs)

**RRCs**—Regional Resource Centers (there are 6 RRCs)



Slide loads completely. No clicks are necessary except to END the slide show for Sections 1 and 2 of this module.

*Note:* Section 3 is provided through a separate slide show file (1slideshow-section3.zip), with the trainer guide discussion of its slides available in the file: 1-discussion-section3.pdf

CLICK AGAIN to END this slide show.

Slide 28 shows the full alphabet soup we've consumed—the five acronyms defined in this module. Tasty, wasn't it?

Use this slide as you see fit to review and recap what's been said to date, especially drawing upon audience input and making participants do the recalling. This is the end of Section B of this module.

### Looking Ahead

The third and last section of this module is presented via a separate slide show file (1slideshow-section3.zip). This was done in part to address how gigantic the slide show file would be if all the images and information were included in one file, but the more compelling reason to split the shows into two parts is the nature of what's coming up. The last section of this module looks at five key terms in special education—in much greater detail than what's been used in the

current slide show. The terms examined are IDEA's definitions of:

- child with a disability,
- special education,
- related services,
- supplementary aids and services, and
- transition services.

While a trainer may treat the separate slide show in a summarizing, not-too-detailed fashion, the very centrality of these terms in the understanding and implementation of IDEA begs for a deeper, more comprehensive look at their definitions. Splitting the last section off from the first two sections of this module gives trainers the flexibility to design training appropriate to the needs of specific audiences within the time constraints of different situations. You can stop here. Or you can go on and

jump into the last part. And, if you go there, you can provide the information in overview or in detail. In the upcoming slide discussions (provided in file 1-discussion-section3.pdf), we offer suggestions for how to summarize or expand the information you present.

In any event, you can exit the current slide show. Now's a good time for a break—even a siesta.

### To Continue to Section 3 of This Module

If you decide to continue and present the third and final section of this module, you will need to open the separate slide show file (1B-slideshow.zip) and **double-click the PLAY.bat file** to launch the slide show. The discussion of its slides are provided below. Note that we've started their numbering anew—and just like that, you're back to Slide 1!

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—Space for Notes—



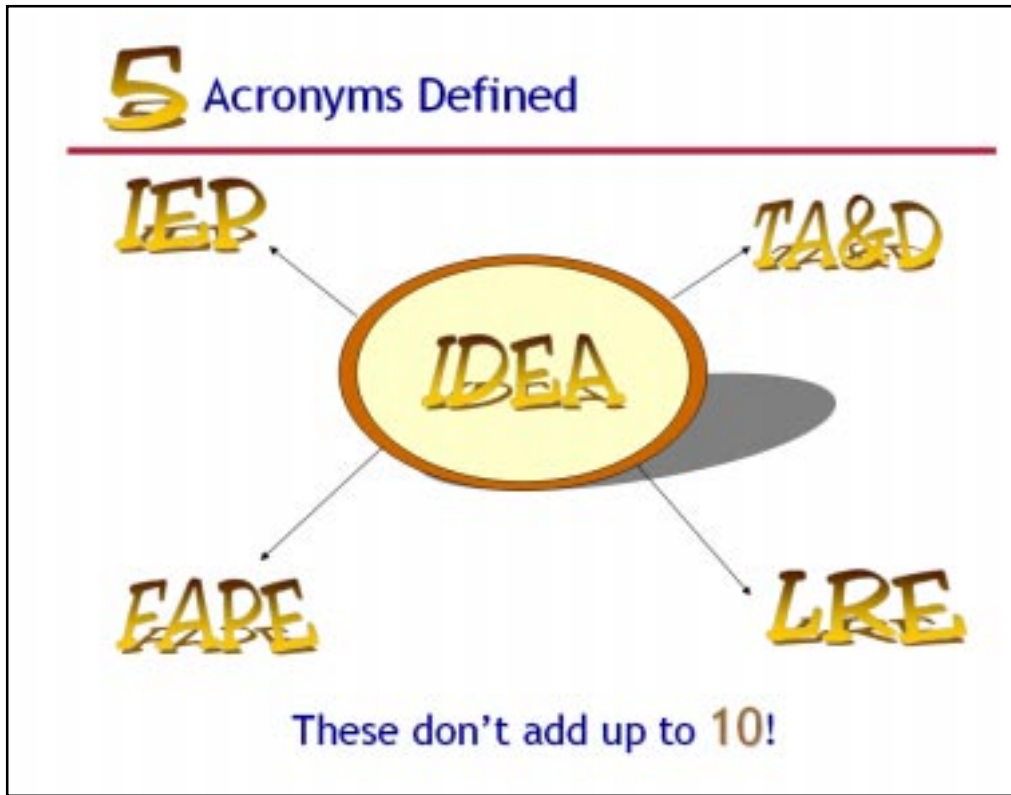
Slide loads fully. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Having launched the separate slide show for Section 3 of the *Top 10 Basics of Special Education*, you arrive at this title page, reintroducing the module and clearly indicating that you've come to the "final 5" of the top 10.

Offer whatever re-introduction you feel appropriate. If this is being shown to an audience that didn't participate in Sections 1 and 2 of the module (available in slide file 1A-slideshow.zip)—and it *can* be used that way, it

doesn't require an audience to have gone through Sections 1 and 2—adjust your intro accordingly.



Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Slide 2 repeats the last slide of the earlier slide show, giving you an opportunity to either:

- go over these acronyms as a review with the audience (if members participated in Sections 1 and 2, or
- talk a bit about what each of these acronyms mean (if you're working with a new audience that hasn't seen the earlier slide show).

The tag line "These don't add up to 10!" refers back to the promise of 10 terms defined made in that earlier show, but considering the title of the module, it shouldn't cause confusion with an audience taking only this section of the training.





## 10 Definitions

“All right, now  
I’ll have 5  
real words in  
phrases, please.”

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

For those who participated in the prior training (in Sections 1 and 2), the man shown in the restaurant should be familiar—in Section 2, he ordered ALPHABET SOUP, which led to the presentation of the 5 special education acronyms.

Now, apparently he’s ready for a decent meal of *real* words. And here they come, starting with the next slide.

## View 1

The slide loads the term "child with a disability" and a picture of one such child.

"Definition #6" also appears (on far right).

**Child with a Disability**



**Definition #6**

## Click 1

Click 1:  
The screen fills with the definition in IDEA, very small and overwhelmingly long.

(a) General. (1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, 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.

(2)(i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(ii) If, consistent with §300.39(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.

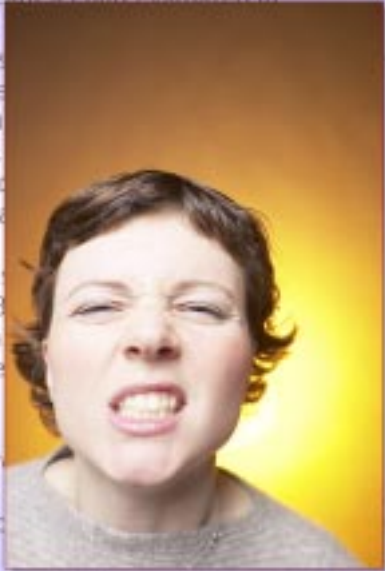
(continued on next page) ➡

(a) General. (1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 who has a hearing impairment (including deafness), a visual impairment (including blindness), a severe emotional disturbance (referred to in this part as "emotional disturbance"), mental impairment, autism, traumatic brain injury, specific learning disability, deaf-blindness, or multiple disabilities by reason thereof, needs special education and services.

(2)(i) Subject to paragraph (a)(2)(ii) of this section, a child has one of the disabilities identified in paragraph (a)(1) of this section but only needs a related service and not special education under this part.

(ii) If, consistent with §300.39(a)(2), the child is considered special education rather than a child with a disability under this part, the child would be determined to be a child with a disability under this part.

Click 2



CLICK AGAIN to advance to next slide.

Click 2:  
The picture of a woman squinting to read the definition appears atop the definition.

#### Slide 4 (Section 3): Background and Discussion

2 Clicks



Slide 4 brings up the first key term and definition in this slide show: "child with a disability" (Definition #6). The child you see out and about in the woods with his walker is named Max.

This slide is both the truth and a bit of a joke. Regrettably, with your first **CLICK**, the definition of "child with a disability" will cover Max's picture, but the audience will get a gander at the full definition. To fit on the screen, the text is very tiny, which illustrates two things simultaneously:

- how detailed and involved the definition of this all-important term is, and

- the reason why you're going to break the definition down and look at it a piece at a time.

Let the audience see the crowded screen of this slide for a small bit of time, enough to absorb the absurdity of trying to read it—and then **CLICK** to bring up the woman's squinting face. Indicate that maybe it would be best if you all tackled this crucial definition a piece at a time, and **CLICK** to advance to the next slide.

(1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having...

View 1



- ✓autism
- ✓deaf-blindness
- ✓deafness

Slide loads with the lead-in paragraph (e.g., **Child with a disability...**), the picture of the girl, and the first 3 disabilities in the list.

(1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having...

Click 1

- ✓emotional disturbance
- ✓hearing impairment
- ✓mental retardation



Click 1:  
The next 3 disabilities appear.

(continued on next page) ➡



(1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having...

Click 2



- ✓multiple disabilities
- ✓orthopedic impairment
- ✓other health impairment

Click 2:  
The next 3  
disabilities  
appear.

(1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having...

Click 3



- ✓specific learning disability
- ✓speech or language impairment
- ✓traumatic brain injury *or*
- ✓visual impairment (including blindness)

Click 3:  
The next 4  
disabilities  
appear.

(continued on next page) ➡

(1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having...



- ✓autism
- ✓deaf-blindness
- ✓deafness
- ✓emotional disturbance
- ✓hearing impairment
- ✓mental retardation
- ✓multiple disabilities
- ✓orthopedic impairment
- ✓other health impairment
- ✓specific learning disability
- ✓speech or language impairment
- ✓traumatic brain injury *or*
- ✓visual impairment (including blindness)

...and who, **by reason thereof**, needs special education and related services.

Click 4

Click 4:  
Full list appears,  
with the text below  
the line emphasizing  
“by reason thereof...”

CLICK AGAIN to advance to next slide.

## Slide 5 (Section 3): Background and Discussion

4 Clicks

Slide 5 presents, through a series of Clicks, the 13 disability categories listed in IDEA 2004 and the final regulations, giving trainers the opportunity to present these categories in the level of detail they deem appropriate for the needs of their audience. It's important for the audience to know these 13 categories, for they are part of the core definition of “child with a disability,” a term with enormous implications under IDEA—including but certainly not limited to whether or not a child is determined to be eligible for special education and related services. State and local educational agencies have multiple and serious obligations toward every child that is determined eligible for these services as a “child with a disability.”

The slide presents these disability categories:

- autism
- deaf-blindness
- deafness
- emotional disturbance
- hearing impairment
- mental retardation
- multiple disabilities
- orthopedic impairment
- other health impairment
- specific learning disability
- speech or language impairment
- traumatic brain injury, or
- visual impairment (including blindness).

### Trainer Note

This slide and most of the discussion below are drawn from Module 10, *Initial Evaluation and Reevaluation*, which also examined IDEA's definition of a “child with a disability.”

**Handout A-3** presents IDEA 2004's complete definition of "child with a disability" at §300.8. Refer participants to this handout for their later reading if you're skimming over these categories. If you're taking a deeper look, **Handout A-3** includes individual definitions of the disabilities that are worthwhile examining, especially if the audience is invited to say which definitions they'd like to look at first. (Postpone discussing the meaning of "by reason thereof," which will be discussed on the next slide.) Among the points you may wish to emphasize are:

*The child's needs drive the services, not the disability category into which the child is classified.* The Department reminds us that "[s]pecial education and related services are based on the identified needs of the child and not on the disability category in which the child is classified" (71 Fed. Reg. at 46549).

*The meaning of "adversely affects educational performance."* This phrase—adversely affects educational performance—appears in most of the disability definitions. Have participants look at the individual definitions on the third page of **Handout A-3** and identify the disability categories in which this phrase is used: autism, deafness, emotional disturbance, hearing impairment, mental retardation, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury (TBI), and visual impairment, including blindness. Where the phrase doesn't appear, it can be implied due to the actual language used, such as:

- "which causes such severe communication and other developmental and educational needs" (deaf-blindness);
- "which causes such severe educational needs" (multiple disabilities); and
- "may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations" (specific learning disabilities).

May school district personnel interpret the phrase "adversely affects a child's educational performance" to mean that a child must be failing in school to receive special education and related services? No, according to the Department. In fact, "we have clarified in §300.101(c) that a child does not have to fail or be retained in a course or grade in order to be considered for

special education and related services" (*Id.*). And what does §300.101(c) say? Take a look at the provision presented below, along with the lead-in paragraph at (a), for context. This is one among many provisions related to FAPE, one of the acronyms discussed in Section 2 of this training module.

*Terminology: Mental retardation or intellectual disability?* Those in your audience who are involved with children or adults who have intellectual disabilities may have opinions about the continued use of the term "mental retardation." Certainly, there is a noticeable movement in the field away



#### §300.101 Free appropriate public education (FAPE).

(a) *General.* A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d).

(b) ...

(c) *Children advancing from grade to grade.* (1) Each State must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

(2) The determination that a child described in paragraph (a) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.



from using that term, as witnessed by many name changes in recent years, including the 2003 Executive Order 12994 to change the name of the President's Committee on Mental Retardation to the President's Committee for People with Intellectual Disabilities (PCPID) and the adoption of the same terminology by the U.S. Equal Employment Opportunity Commission (EEOC). The Department acknowledges this recent trend but maintains the IDEA's use of the term "mental retardation," explaining as follows:

Section 602(3)(A) of the Act refers to a "child with mental retardation," not a "child with intellectual disabilities," and we do not see a compelling reason to change the term. However, States are free to use a different term to refer to a child with mental retardation, as long as all children who would be eligible for special education and related services under the Federal definition of mental retardation receive FAPE. (71 Fed. Reg. at 46550)

The Department goes on to say:

We do not believe the definition of mental retardation needs to be changed because it is defined broadly enough in §300.8(c)(6) to include a child's functional limitations in specific life areas...There is nothing in the Act or these regulations that would prevent a State from including "functional limitations in specific life areas" in a State's

definition of mental retardation, as long as the State's definition is consistent with these regulations. (*Id.*)

*Defining emotional disturbance.* The Department received many comments on the definition of "emotional disturbance" in IDEA and the final regulations. In the end, the definition was maintained unchanged from prior law. The Department's remarks (in the box) are interesting in that they provide a mini-review of how this term and its definition have been scrutinized in the past.



*Multiple disabilities? But it's not in the Act!* Some in your audience may wonder why "multiple disabilities" is included in the list of disability categories in the final regulations and defined there [at §300.8(c)(7)], when it is not included in the statute's list of disability categories. The Department explains, as follows:

The definition of multiple disabilities has been in the regulations since 1977 and does not expand eligibility beyond what is provided for in the Act. The definition helps ensure that children with more than one disability are not counted more than once for the annual report of children served because States do not have to decide among two or more disability categories in which to count a child with multiple disabilities. (71 Fed. Reg. at 46550)

#### Department of Education Remarks on the Definition in IDEA and the Final Regulations of "Emotional Disturbance"

Historically, it has been very difficult for the field to come to consensus on the definition of *emotional disturbance*, which has remained unchanged since 1977. On February 10, 1993, the Department published a "Notice of Inquiry" in the **Federal Register** (58 FR 7938) soliciting comments on the existing definition of *serious emotional disturbance*. The comments received in response to the notice of inquiry expressed a wide range of opinions and no consensus on the definition was reached. Given the lack of consensus and the fact that Congress did not make any changes that required changing the definition, the Department recommended that the definition of *emotional disturbance* remain unchanged. We reviewed the Act and the comments received in response to the NPRM and have come to the same conclusion. Therefore, we decline to make any changes to the definition of *emotional disturbance*. (Analysis of Comments and Changes, 71 Fed. Reg. at 46550)

## Concluding the Discussion


As noted earlier in the discussion, having a disability does not necessarily mean that a child meets IDEA's definition of "child with a disability." There are numerous factors involved in

reaching that determination, including how IDEA and the final regulations define each individual disability term. However, one very crucial factor merits a close look on its own. "By reason thereof..." is a part of

the definition in IDEA and the final regulations of a "child with a disability" and is the subject of the next slide.

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—Space for Notes—



Who, by reason thereof...

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Slide 6 sets the phrase "*who, by reason thereof...*" apart from the rest of IDEA's definition of a "child with a disability" because "*who, by reason thereof...*" is often forgotten but is actually a critical part of that definition. The phrase adds another level to what it means for a child with disabilities to be eligible for special education and related services under IDEA 2004.

As previously stated, having a disability does not necessarily qualify a child for special education services under IDEA. Many children have disabilities but do not need special education. IDEA's definition of "child with a disability" explicitly acknowledges this fact—by including the phrase "*who, by reason thereof*" and by containing the provisions noted in the box at the right.

If you look at these provisions, you'll see they relate to a child who has one of the disabilities identified within IDEA but who only needs a related service, not special education. That child would not be consid-

### Trainer Note

This slide and most of the discussion below are also drawn from Module 10, *Initial Evaluation and Reevaluation*.



### An Excerpt From The Definition of "Child with a Disability" in IDEA and the Final Regulations

(2)(i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(ii) If, consistent with §300.39(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section. [§300.8(a)(2)]

ered a “child with a disability” under Part B—unless under State standards the related service required by the child is considered special education, not a related service. This provision recognizes that, although IDEA may list a service as a related service, a State may classify the very same service as special education.

It is very important to discuss with the audience that not all children with a disability will be eligible under IDEA. That is one reason this training curriculum

frequently puts the term in quote marks—“child with a disability”—which is intended to remind everyone that the term has a specific meaning within this law.

You may want to point out that a child who has a disability but who is not eligible under IDEA may be eligible for the protections afforded by other laws—such as Section 504 of the Rehabilitation Act of 1973, as amended. As was mentioned earlier in this training module,

it’s not uncommon for a child to have a 504 plan at school to address disability-related educational needs, instead of an IEP.

It’s obviously beyond the scope of this training curriculum to go into the protections offered by other laws, but more information is available about them at NICHCY’s Web site ([www.nichcy.org](http://www.nichcy.org)) or by calling NICHCY (1.800.695.0285), should you or any participants want to pursue this topic.

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—Space for Notes—

## Child with a Disability

Under §300.8(b), a State may adopt a definition of "child with a disability" that includes:



Children aged  
3 through 9\*  
who are  
experiencing  
"developmental  
delays"

\*(or any subset  
of that age range)

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Slide 7 introduces another aspect of the term "child with a disability"—how it can be applied to children who have a developmental delay. The term "developmental delay" can only be applied to children aged 3 through 9 under Part B of the IDEA. (Under Part C of the IDEA, this term is used for children aged birth to three.) As you can see on this slide, under the conditions specified at §300.111(b), a State may apply the term "child with a disability" to a child aged 3 through 9, or to a child in a subset of that age range, who:

- experiences developmental delays, and
- by reason thereof needs special education and related services.

There's that phrase again—*by reason thereof*. It means the same thing here as just discussed.

Subject to the conditions at §300.111(b), the provision allows States to find a child with developmental delays (aged 3 through 9, or any subset of age range within) to be an eligible "child with a disability" and to provide that child with special education and related services without having to classify the

child under a specific disability category. This provision of law is intended to address the often difficult process of determining the precise nature of a child's disability in the early years of his or her development.

There's still more to IDEA's "developmental delay" provisions that may be important for your audience to know. These are examined on the next slide.

### Trainer Note

You guessed it, the discussion on this slide is drawn from Module 10, *Initial Evaluation and Reevaluation*. Be aware that additional information is available in that module about changes in IDEA 2004 that have clarified aspects of IDEA '97's provisions people often found confusing.

View 1

## Developmental Delay?

Defined by the State



Slide loads with only "Developmental Delay?" at the top. Then "Defined by the state" and the picture appear.

Click 1

## Developmental Delay?

Defined by the State

Measured by appropriate diagnostic instruments and procedures, in 1 or more of these areas:



- physical development
- cognitive development
- communication development
- social or emotional development *or*
- adaptive development

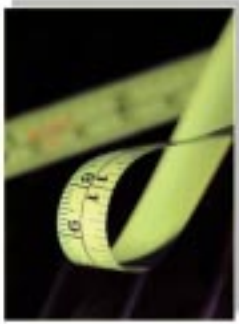
Click 1: "Measured by appropriate diagnostic instruments..." appears, with a new picture, and Bullets 1-5 (as a group).

(continued on next page) ➡

## Developmental Delay?

Defined by the State

Measured by appropriate diagnostic instruments and procedures, in 1 or more of these areas:



- physical development
- cognitive development
- communication development
- social or emotional development *or*
- adaptive development

Definition includes that all-important “*by reason thereof*”

Click 2

Click 2:  
The text “Definition includes that all-important *by reason thereof*...” appears.

CLICK AGAIN to advance to next slide.

### Slide 8 (Section 3): Background and Discussion

2 Clicks



Slide 8 concludes the discussion of using “developmental delay” within the definition of “child with a disability.” This slide corresponds directly to the provisions at §300.8(b)(1) and (2), which indicate that, for children ages 3 through 9, or any subset of that age range, the term “child with a disability” can include a child:

(1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication

development, social or emotional development, or adaptive development; and

(2) Who, by reason thereof, needs special education and related services.

These provisions are unchanged from prior law, so you may have participants who are already familiar with the information on this slide. For those who are not, however...

Defined by the State

A State is not required to adopt this term or define it. If it does define the term, then it is the State (not an LEA) that determines whether the term applies to children ages 3 through 9, or to a subset of that age range (e.g., ages 3 through 5), as §300.111(b) makes clear. The LEA

#### Trainer Note

Yes, yes, this is gonna be drawn from Module 10, *Initial Evaluation and Reevaluation*.



must conform with both how the State defines the term and the age range(s) to which it applies the term. If the State chooses not to adopt the term, then the LEA may not separately and independently do so. However, the converse is not true. The State may adopt the term, but the LEA does not have to adopt it and cannot be compelled by the State to do so.

#### As Measured By...

The meaning of the middle part of the slide is clear and unsurprising, given IDEA's requirement that evaluation of children be technically sound and utilize instruments and methods that are appropriate to the purpose of the evaluation. Comprehensiveness of evaluation is required as well, just as with any child suspected of having a disability involved in initial evaluation and, ultimately, subject to a determination of eligibility. The areas of develop-

ment mentioned are broad but extensive:

- physical development;
- cognitive development;
- communication development;
- social or emotional development; or
- adaptive development.

#### By Reason Thereof

The slide specifically notes that the phrase "*by reason thereof...*" is also included as part of IDEA's requirements regarding "developmental delay." Used here, it has the same meaning as previously discussed.

View 1




Slide loads with only Picture 1 of the States, representing "State definitions of disability."

Click 1

*Click 1:*  
An arrow appears, leads to the "plus" sign, and the 2nd picture appears, representing "State definition + federal definition = " No more clicks are necessary; last picture loads itself. Taken as a whole, the slide depicts the interaction between IDEA's definition of a "child with a disability" and individual State definitions of that term.



CLICK AGAIN to advance to next slide.

(discussion on next page) 



Slide 9 finishes this examination of what it means to meet the definition of “a child with a disability”—by looking at the interaction of the federal definition contained within IDEA with individual State explanations.

States can further explain the disability areas and frequently do, establishing policies of their own that describe each of these disabilities in the State’s own terms, provided that all children with disabilities who are in need of special education and related services who have impairments listed in the definition in IDEA and the final regulations of “child with a disability” receive appropriate instruction and services.

*Specific learning disability* is an excellent example (this point was mentioned in Section 1 of this module as part of talking about Step 4 in the special education process; see discussion under that section’s Slide 6). States differ in how they explain this term; in one State a child may be considered to have a specific learning disability, while in another State the child will not.

### Discussing the Slide

The slide has no text, only the opening graphic of the United States shown as all the separate States. This allows trainers to introduce the additional element of State-specific definitions of IDEA’s disability categories.

One **CLICK** will unravel the rest of the story. A line will appear, then a “plus” sign (+), and then the graphic of the United States as a whole, with the legal-looking backdrop. This graphic is intended to indicate the federal definition of “child with a disability” available under IDEA. The plus sign (+) joins the two—State and federal definition—to yield the top graphic, which is a friendly, “in agreement” handshake with the United States yet again in backdrop.

Summarized, the slide is meant to show that, while the term “child with a disability” is defined within IDEA and the final regulations, the term also has an operational explanation at the State level. In the end, what the term really means, and whether or not a group of people decides that a child qualifies as a “child with a disability” under IDEA, is a matter of how the federal definition interacts with State explanation and criteria.

### Trainer Note

Slide and discussion are courtesy of Module 10, *Initial Evaluation and Reevaluation*.

## View 1

Slide loads the term "Special Education," identifies it as definition #7, and presents the intro paragraph (...specially designed instruction...).

## Special Education

## Definition #7

...specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability..."



## Click 1

Click 1:  
"This includes"  
and the text at (A)  
appear.

## Special Education

## Definition #7

...specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability..."

This includes:

"(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and



(continued on next page) ➡

Click 2

## Special Education

## Definition #7

...specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability..."

This includes:

"(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

"(B) instruction in physical education "



Click 2:  
Text at (B)  
appears.

CLICK AGAIN to advance to next slide.

### Slide 10 (Section 3): Background and Discussion

Special education. Sometimes, when the term is used, it means "special education" as defined by IDEA at §300.39, and other times it's a reference to the field at large—teachers, offices, knowledge base, professional practice, the *system*. However, when *IDEA* uses the term, its meaning is never mixed or ambiguous. Every single time "special education" is used in the law and the final Part B regulations, its meaning is the same—the definition we're going to look at now.

Refer participants to the full definition on page 6 of **Handout A-3**; it's also provided in the box on page 1-90. Because of the definition's length, we'll walk through it, bit by bit. Only the

first bit is captured on a slide, allowing you to adjust the amount of detail you provide to fit your current training situation.

#### "Special Education" Begins...

The 20 opening words of special education's definition—specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability—contain the *core* of the term's meaning. The 362 other words in the definition, while still very critical, add detail to that core and further clarify it. The chart on the next page hopefully illustrates this point.

2 Clicks



When an abbreviated definition of the term special education is called for, you're most likely to hear its core: "Special education is specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability."

In the definition's full form, examples roll out and take away gray areas about the some of the scope and substance of special education. Special education can be, for example,;

- travel training (which has its own definition);

- vocational education (also defined on its own); and
- services that may be listed in IDEA as a related service but that a State may consider as special education—which

makes them “special education” in that State.

Special education can also occur in a variety of settings: in the classroom, in a home, in a hospital or institution, and in other settings. This is why you

might also hear that “special education is not a place.” It’s not. *Where* it is provided for a specific child with a disability will depend on that child’s unique needs as determined by

*continued on page 1-92*

### Special Education...

...(means) <i>specially designed instruction</i> * to meet the unique needs of a child with a disability          * At no cost to parents	... including instruction ...	...conducted in the classroom, home, hospitals, institutions, and in other settings	Specially designed instruction means adapting... the content, methodology, or delivery of instruction—(i) To address the unique needs ... (ii) To ensure access of the child to the general curriculum....
		...in physical education	(which means) 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...  (which includes) special physical education, adapted physical education, movement education, and motor development.
	(means) 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		
...(includes) each of the following   ...if the services otherwise meet requirements of paragraph (a)(1)	Speech-language pathology services, or any other related service	if the service is considered special education rather than a related service under State standards	
	Travel training	(means) providing instruction...to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—develop an awareness of the environment in which they live; and learn the skills necessary to move effectively and safely from place to place...	
	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	

## IDEA's Definition of Special Education

### §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.



the group of individuals (which includes the parents) that makes the placement decision. (Recall the brief look at placement under Section 1, Slide 8.)

### Closer Look at “Specially Designed Instruction”

Given the prominence of “specially designed instruction” in the core of special education’s definition, the audience may also find it useful to take a closer look at how *that* term is defined:

(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.  
[§300.39(b)(3)]

According to these provisions, as part of designing the instruction to fit the needs of a specific child, adaptations may be made in the content, methodology, or delivery of instruction. This is a strong point of pride within the special education field (see, we’re trying not to mix up IDEA’s use

of the term with its more generalized use) and a considerable accomplishment that’s come from 30 years of practice: the individualization of instruction.

As the provisions above show, adaptations can take many forms in response to the child’s needs; the field is replete with guidance on this critical part of special education. As appropriate, connect the audience with the TA&D network (discussed in Section 1 on Slides 26 and 27 and listed on **Handout A-4**) and NICHCY’s online resource library of all available TA&D’s products and publications ([www.nichcy.org/search.htm](http://www.nichcy.org/search.htm)), which will open a true treasure chest of offerings.

### The Role of States

This discussion of special education as a term brings to mind how it is also a *process*, a *system*. IDEA may define the term and establish rigorous standards for its implementation, but how special education unfolds in schools is very much a State and local matter. Education is traditionally a State responsibility; each State is vested with the authority to determine its own policies within the parameters of federal requirements. This is one reason why it’s so critical to know your State’s specific special education policies and requirements.

So—where to look for that information? How about the National State Policy Database? The NSPD is available online, courtesy of the National Association of State Directors of Special Education (NASDSE) and the Federal Resource Center for Special Education (FRC). There, you can search State and federal special education regulations and save excerpts from those documents into a downloadable file. Sweet! Find the NSPD at: <http://nspd.rrfcnetwork.org/search/searcher.php>

**Related Services****Definition #8**

View 1

**§ 300.34 Related services.**

(a) General. *Related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes 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, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

(b) Exception; services that apply to children with surgically implanted devices, including cochlear implants. (1) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device...

Slide loads completely. No clicks are necessary except to advance to the next slide.

This starting view shows the overwhelming beginning of the definition of "related services."

The scene below auto-loads.

Auto-Loads

**Related Services****Definition #8**

The picture of the girl covering her face loads automatically.

CLICK to advance to next slide.

The design of this slide mimics the slide that showed the full definition of "child with a disability" and the squinting woman. Its intent is the same, too: to indicate that the definition of related services is long and detailed and, to be examined adequately, must be broken

apart and taken piece by piece. The first piece will be displayed on the next slide.

View 1

Slide loads the first part of the definition of related services.

## Related Services

## Definition #8

*Related services* means transportation and such developmental, corrective, and other supportive services...



Click 1

Click 1:  
The remainder of the sentence loads.

## Related Services

## Definition #8

*Related services* means transportation and such developmental, corrective, and other supportive services...

...as are required to assist a child with a disability to benefit from special education...



CLICK AGAIN to advance to next slide.

(discussion on next page) ➡



IDEA's definition of related services at §300.34 begins:

#### §300.34 Related services.

(a) *General.* Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes...

This part of the definition is the subject of Slide 12; what IDEA "includes..." (the last word of the slide) in its list of related services will be the subject of Slide 13. The piece at hand represents the core of the definition, just as the first 20 words of special education's definition captures *its* core. The term related services is typically spoken in the same breath as special education and, when used in IDEA, will always have the same meaning discussed in this and the next four slides.

What other terms can the audience think of that always seem to appear in tandem? Ham and eggs, peas and carrots, Ps and Qs...special education and related services are like that. However, as should be evident from the definition of special education, a child must need special education to be considered eligible for related services (unless the related service needed by the child is considered special education rather than a related service under State standards).

The second half of the slide contains the key to the intent of related services in the educational life of a child with a disability. Related services are those services "as are required to assist a child with a disability to benefit from special education" [§300.34(a)]. They are intended to support the child's education and allow the child to derive benefit from that education. They are services that are developmental, corrective, and otherwise supportive in nature. The upcoming list of what are typically thought of as related services is extensive and, as the definition indicates, also includes "transportation."



#### Transportation as a Related Service

Transportation is included in an eligible child's IEP if the IEP Team determines that such a service is needed in order for the child to benefit from his or her special education and receive FAPE. The term has a specific meaning. IDEA defines *transportation* as:

- travel to and from school and between schools;
- travel in and around school buildings; and
- specialized equipment (such as special or adapted buses,

lifts, and ramps), if required to provide special transportation for a child with a disability. [§300.34(c)(17)]

The last bullet isn't just talking about a separate bus that only children with disabilities ride to school. The Department states, "It is assumed that most children with disabilities will receive the same transportation provided to nondisabled children" (*Id.*), in keeping with LRE requirements. Thus, transportation as a related services may also mean providing modifications and supports so that a child may ride the regular school bus transporting children without disabilities. (71 Fed. Reg. at 46576)

As part of longstanding OSEP policy and numerous written policy letters, memos, and summaries,<sup>1</sup> public school districts must provide transportation to children with disabilities in two situations. These are:

- if a district provides transportation to and from school for the general student population, then it must provide transportation for a child with a disability; and
- if a school district does not provide transportation for the general student population, then the issue of transportation for children with disabilities must be decided on a case-by-case basis if the IEP Team has determined that transportation is needed by

the child and has included it on his or her IEP.

Not all children with disabilities are eligible to receive transportation as a related service. A child's need for transportation as a related service and the type of transportation to be provided

must be discussed and decided by the IEP Team. If the Team determines that the child needs this related service to benefit from his or her special education, a statement to that effect must be included in the IEP, along with relevant details and arrangements.



<sup>1</sup> See:

- OSEP *Letter to Smith*, dated July 12, 1995 ([www.stnonline.com/stn/specialneeds/osep95hehir.htm](http://www.stnonline.com/stn/specialneeds/osep95hehir.htm));
- OSEP *Letter to [redacted]*, dated April 19, 2002 ([www.ed.gov/policy/speced/guid/idea/letters/2002-2/redact041902-2q2002.doc](http://www.ed.gov/policy/speced/guid/idea/letters/2002-2/redact041902-2q2002.doc)).
- Appendix A to the federal regulations for IDEA '97 (64 Fed. Reg. at 12478) and Attachment 1 (64 Fed. Reg. at 12551), March 12, 1999.
- OSEP *memo 03-10* to the State Directors of Special Education, dated August 22, 2003 ([www.ed.gov/policy/speced/guid/idea/letters/2003-3/osep0310relsvcs3q2003.doc](http://www.ed.gov/policy/speced/guid/idea/letters/2003-3/osep0310relsvcs3q2003.doc)).

View 1

**Related Services****Definition #8***...and includes—*

- speech-language pathology and audiology services
- interpreting services
- psychological services
- physical and occupational therapy



Slide loads with  
Bullets 1-4 showing  
(through PT and OT).

Click 1

**Related Services****Definition #8***...and includes—*

- 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, and

Click 1:  
Bullets 5-8 appear  
(through O&M  
services).

(continued on next page) ➡



Click 2

## Related Services

## Definition #8

...and  
includes—

- 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, and
- medical services for diagnostic or evaluation purposes

Click 2:  
Bullet 9 (medical  
services) appears.

Click 3

## Related Services


## Definition #8

...and  
includes—

- 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, and
- medical services for diagnostic or evaluation purposes
- school health services and school nurse services
- social work services in schools
- parent counseling and training

Click 3:  
Remainder of slide  
loads (Bullets 10-  
12).

CLICK AGAIN to advance to next slide.

(discussion on next page) 





The slide presents the list of related services contained in IDEA, which is *not* to be considered an exhaustive list. Other related services exist and are often provided to children with disabilities who need them in order to receive FAPE (as determined by their IEP Teams). The list you see on the slide corresponds to IDEA's provision in the box below, which picks up where the text of the last slide left off.

### Discussing Related Services

How much information to present about related services? There's a lot available and worth discussing, but how much your audience needs at this point is something only you can judge.

- A minimal presentation would involve going through the list, so participants are aware of its breadth (make it clear that it's not an exhaustive list).
- Detail can be added by briefly describing what each service entails, drawing from IDEA's definitions of each individual term at §300.34(c).
- You can also go more in-depth by discussing what's changed in IDEA's list and definitions of related services and highlighting some of the key points identified below.

### Trainer Note

Reference footnotes appearing in the trainer text for this slide are provided at the end of the slide's discussion, page 1-108.

### Determining What Related Services a Child Needs

The evaluation process is intended to provide decision makers with the information they need to determine: (a) if the child has a disability and by reason thereof needs special education and related services; and, if so, (b) an appropriate educational program for the child. It also allows them to identify the related services a child will need. You'll recall that the law requires a child to be assessed in all areas related to his or her suspected disability. Using the data gathered during evaluation, the IEP Team can make determinations as to what related services the child needs in order to benefit from special education. The strong link between evaluation and determining what related services a child needs is the subject of the next slide, so you may wish to postpone talking about it until you get to that slide.

### Not an Exhaustive List

It is important to recognize that each child with a disability may not require all of the available types of related services—and that the list of services in IDEA is not considered exhaustive, as the following remark of the Department illustrates:

Section 300.34(a) and section 602(26) of the Act state that related services include other supportive services that are required to assist a child with a disability to benefit from special



### §300.34 Related services.

(a) *General.* Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, **and includes 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, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.**

education. We believe this clearly conveys that the list of services in §300.34 is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education. (71 Fed. Reg. at 46569)

As States respond to the requirements of federal law, many have legislated their own related service requirements, which may include services beyond those specified in IDEA. *Artistic/cultural programs* are an example of a related service not listed in the law but commonly provided, and may include art, music, or dance therapy as required to assist a child with a disability to benefit from special education.

### Listing Related Services in the IEP

Once the IEP Team has determined which related services are required to assist the child to benefit from his or her special education, these must be listed in the IEP. The IEP must also specify with respect to each service:

- when the service will begin; and
- the anticipated frequency (*how often*), location (*where*), and duration (*how long*) of the service. [§300.320(a)(7)]

The IEP is a written commitment for the delivery of services to meet a child's educational needs. A school district must ensure that all of the related services specified in the IEP, at the right amount, are provided to the child.

### At No Cost

School districts may not charge parents of eligible children with disabilities for the costs of related services that have been included on a child's IEP. Just as special and regular education must be provided to an eligible child with a disability at no cost to the parent or guardian, so, too, must related services when the IEP Team has determined that such services are required in order for the child to receive FAPE and have included them in the child's IEP.

### About Specific Services

If you wish to delve into individual related services and talk with the audience about what each involves and what's changed in IDEA 2004's related services provisions, the following discussion may be helpful. It

includes brief summaries of each related service and identifies noteworthy changes. The list of services is discussed in alphabetical order.

### Audiology

The definition of audiology as a related service appears at §300.34(c)(1), in the box below, and on **Handout A-3**. Audiology is primarily provided to support the needs of children with hearing loss and includes (but is not limited to) key services such as determining the range, nature, and degree of a child's hearing loss and both group and individual needs for amplification. The National Institute on Deafness and Other Communication Disorders (2006) estimates that 17 of every 1,000 children under 18 have a



#### Description of an Individual Related Service: Audiology

(1) *Audiology* includes—

(i) Identification of children with hearing loss;

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

(iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

(iv) Creation and administration of programs for prevention of hearing loss;

(v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and

(vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.  
[§300.34(c)(1)]

hearing loss.<sup>1</sup> More than 71,900 children, ages 6-21, are served in the U.S. under IDEA's category of hearing impairments.<sup>2</sup>

Some schools have hearing screening programs and staff trained to conduct audiology screenings of children. Others may participate in regional cooperatives or other arrangements that provide audiology services. Those school districts that do not have diagnostic facilities to evaluate children for hearing loss and related communication problems or central auditory processing disorders may refer children to a clinical setting, such as a hospital or audiology clinic, or make other contractual arrangements.

## Counseling Services

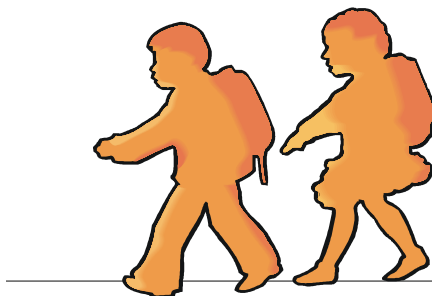
IDEA 2004 defines counseling services as follows:

(2) *Counseling services* means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. [§300.34(c)(2)]

According to the American School Counselor Association (2007), counseling services are intended to help all children in the areas of academic achievement, personal/social development and career development.<sup>3</sup> This can include helping children with personal and social concerns such as developing self-knowledge, making effective decisions, learning health choices, and improving responsibility. Counselors may also help children with future planning related to setting and reaching

academic goals, developing a positive attitude toward learning, and recognizing and utilizing academic strengths.

Note that IDEA's list of related services includes other counseling services—parent counseling and training; and rehabilitation counseling (that is, counseling specific to career development and employment preparation). These are defined separately in IDEA and are clearly different from counseling services (which are also not to be confused with *psychological services*).



## Early Identification and Assessment of Disabilities in Children

This related service is defined at §300.34(c)(3) as follows:

(3) *Early identification and assessment of disabilities in children* means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

The disability and medical fields are replete with information about, and the importance of, early identification of disabilities in children as well as assessing the scope and impact of a child's disability. This literature is focused on system-level issues such as setting up screening programs for specific disabili-

ties (e.g., autism, speech-language impairment, visual and hearing impairments) and establishing mechanisms within the educational system by which children at risk of learning problems are quickly identified and their learning issues addressed.

As a related service, however, early identification and assessment of disability in children represents an *individual* service for one child. If a child's IEP Team determines that identifying and assessing the nature of a child's disability is necessary in order for the child to benefit from his or her special education, then this related service must be listed in the child's IEP and provided to the child by the public agency at no cost to the parents. A formal plan would be written to establish the process and procedures by which the child's disability will be identified. This may seem strange—identifying the disability? isn't that one of the purposes of evaluation?—but disability can elude diagnosis, even as it adversely affects academic and functional performance in clear and measurable ways. Permitting States to adopt the term “developmental delay” acknowledges that it's not always possible to say what's causing a learning or other problem, but that intervention is still necessary. Early identification and assessment of disability in children, as a related service, acknowledges that continuing to search for and identify the disability as early as possible in a child's life may be necessary if the child is going to derive benefit from special education.

## Interpreting Services



*Interpreting services* has been added to IDEA's list of related services in this reauthorization. If you have an audience who are familiar with IDEA '97, you'll probably want to mention this newcomer to the related service expressly identified in law and regulations. IDEA's definition of interpreting services appears at §300.34(c)(4), on **Handout A-3**, and in the box below.

Interpreting services may be new to IDEA's definition of related services, but they have been provided over the years to many children who are deaf or hard of hearing, as part of providing them with access to instruction. The definition of interpreting services indicates a range of possible such services (e.g., oral transliteration, cued language), all of which refer to specific communication systems used within the deaf and hard-of-hearing community. To find out more about these various systems, visit such organizations as:

- Laurent Clerc National Deaf Education Center  
<http://clerccenter.gallaudet.edu/InfoToGo/index.html>
- National Institute on Deafness and Other Communication Disorders Information Clearinghouse  
<http://www.nidcd.nih.gov/health/hearing/>

## Medical Services

Medical services are considered a related service only under specific conditions: when they are provided (a) by a licensed physician; and (b) for diagnostic or evaluation purposes only. This is clear from the very definition at §300.34(c)(5):

(5) *Medical services* means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

This related services has a long and interesting history that has only gotten more interesting as medical science has advanced and children with diverse medical conditions are being educated in increasing numbers in general education classrooms. The support that many such children need in order to attend school, school districts have argued, is medical in nature, complex and continual, and is not the responsibility of public agencies because IDEA clearly states that medical services are allowable related services only when provided for diagnostic or evaluation purposes.

The case of *Cedar Rapids Community School District v. Garret F.*,<sup>4</sup> which took place in 1999, turned the gray line about the provision of related services to children with complex medical needs into a "bright line."<sup>5</sup> The U.S. Supreme Court found that, if a related service is required to enable a qualified child with a disability to remain in school, it *must* be provided as long as it is not a purely "medical" service. What is considered "medical," as IDEA's definition amply indicates, are those services that can only be provided by a licensed physician (and only for the purposes of diagnosis or evaluation). If a non-physician can deliver the services, then the service *must* be provided by public agencies, regardless of the staffing or fiscal burdens they may impose. Health care services that can be provided by a non-physician are not provided under the category of medical services, however. (Examples of such services



### Description of an Individual Related Service: Interpreting Services

(4) *Interpreting services* includes—

(i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and

(ii) Special interpreting services for children who are deaf-blind. [§300.34(c)(4)]



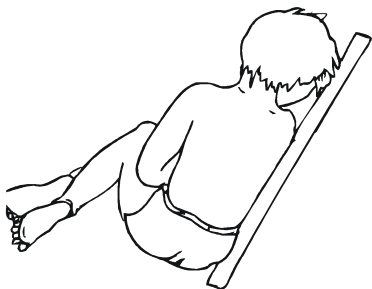
include bladder catheterization, tracheostomy tube suctioning, positioning, and monitoring of ventilator settings, to name a few.) Today such services would be as considered school health services and school nurse services.

## Occupational Therapy

The term occupational therapy (OT) is likely to be familiar to many in the audience and is defined in IDEA at §300.34(c)(6) (see **Handout A-3** and the box at the right).

OT services can enhance a child's ability to function in an educational program and may include such services as:

- self-help skills or adaptive living (e.g., eating, dressing);
- functional mobility (e.g., moving safely through school);
- positioning (e.g., sitting appropriately in class);
- sensory-motor processing (e.g., using the senses and muscles);
- fine motor (e.g., writing, cutting) and gross motor performance (e.g., walking, athletic skills);
- life skills training/vocational skills; and
- psychosocial adaptation.



## Orientation and Mobility Services

We're getting there! Almost through with the O's!

Orientation and mobility services (O&M) became part of IDEA's list of related services with IDEA '97. They are defined at §300.34(c)(7) (see box below

and **Handout A-3**) and even a brief read makes it clear that O&M services are intended for children who are blind or visually impaired, with the purpose of teaching them how to orient themselves in a range of environments (school, home, community) and to move safely within those environments.

### Description of an Individual Related Service: Occupational Therapy

#### (6) *Occupational therapy*—

(i) Means services provided by a qualified occupational therapist; and

#### (ii) Includes—

(A) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;

(B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and

(C) Preventing, through early intervention, initial or further impairment or loss of function. [§300.34(c)(6)]

### Description of an Individual Related Service: O&M Services

#### (7) *Orientation and mobility services*—

(i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

#### (ii) Includes teaching children the following, as appropriate:

(A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;

(C) To understand and use remaining vision and distance low vision aids; and

(D) Other concepts, techniques, and tools. [§300.34(c)(7)]

As was discussed in the Analysis of Comments and Changes that accompanied publication of the final Part B regulations for IDEA '97, O&M services are not intended for children with disabilities other than visual impairments. If such a child needs to learn how to safely navigate a variety of settings, that child would generally not receive O&M services but, rather, travel training. Travel training is included in the definition of special education (see Section 3's Slide 10) and means providing instruction to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live and learn the skills necessary to move effectively and safely from place to place [§300.39(b)(4)].

## Parent Counseling and Training

Parent counseling and training is an important related service that can help parents enhance the vital role they play in the lives of their children. Its definition is found at §300.34(c)(8) and reads:

(8)(i) *Parent counseling and training* means assisting parents in understanding the special needs of their child;

(ii) Providing parents with information about child development; and

(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

The first two parts of this definition are longstanding in IDEA. The last part—regarding helping parents acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP—was added in IDEA '97 “to recognize the more active role of parents as participants in the education of their children” (71 Fed. Reg. at 46573) and is retained in IDEA 2004. As with all related services, parent counseling and training would only be provided to parents “if a child's IEP Team determines that it is necessary for the child to receive FAPE” (*Id.*).

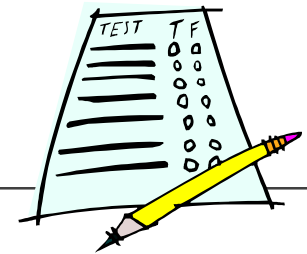
## Physical Therapy

IDEA defines physical therapy as “services provided by a qualified physical therapist” [§300.34(c)(9)]. These services

generally address a child's posture, muscle strength, mobility, and organization of movement in educational environments. Physical therapy may be provided to prevent the onset or progression of impairment, functional limitation, disability, or changes in physical function or health resulting from injury, disease, or other causes.

## Psychological Services

Now here comes a longish definition! IDEA defines psychological services at §300.34(c)(10), which is provided in the box below and on **Handout A-3**.



### Description of an Individual Related Service: Psychological Services

(10) *Psychological services* includes—

(i) Administering psychological and educational tests, and other assessment procedures;

(ii) Interpreting assessment results;

(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

(iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;

(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and

(vi) Assisting in developing positive behavioral intervention strategies. [§300.34(c)(10)]

Psychological services are delivered as a related service when necessary to help eligible children with disabilities benefit from their special education. In some schools, these services are provided by a school psychologist, but some services are also appropriately provided by other trained personnel, including school social workers and counselors.

You may notice that counseling is mentioned in the definition of this related service, and is also mentioned in IDEA's definition of social work services (specifically, group and individual counseling with the child and family). In response to public comments questioning this, the Department clarified:

Including counseling in the definition of *social work services in schools* in §300.34(c)(14) is intended to indicate the types of personnel who assist in this activity and is not intended either to imply that school social workers are automatically qualified to perform counseling or to prohibit other qualified personnel from providing counseling, consistent with State requirements. (71 Fed. Reg. at 46573-4)

Further, the definition of psychological services uses the phrase "planning and managing a program of psychological services"—which includes "psychological counseling for children and parents." The more administrative nature of "planning and managing" is a telling difference in how counseling is included in the definitions of these two related services.

IDEA's definition of psychological services also specifically mentions positive behavioral intervention strategies, often referred to as PBS or PBIS. Behavior is an area of great concern these days, and it's useful to know that many of IDEA's provisions support taking a proactive approach to addressing behavior that interferes with a child's learning or the learning of others. For such a child, the IEP Team must consider, if appropriate, strategies (including positive behavioral interventions, strategies, and supports) to address that behavior [§300.324(2)(i)]. Much more information on addressing behavior issues is available in Module 14, *Meetings of the IEP Team* (see Slide 12), some of which you may wish to share with participants here.

The fact that psychological services can include "assisting in developing positive behavioral intervention strategies" does not mean that only the professionals who provide psychological services may provide such assistance or that they are even necessarily qualified to do so. As the Department states:

There are many professionals who might also play a role in developing and delivering positive behavioral intervention strategies. The standards for personnel who assist in developing and delivering positive behavioral intervention strategies will vary depending on the requirements of the State. Including the development and delivery of positive

behavioral intervention strategies in the definition of *psychological services* is not intended to imply that school psychologists are automatically qualified to perform these duties or to prohibit other qualified personnel from providing these services, consistent with State requirements. (71 Fed. Reg. at 46574)



## Recreation

We're to the R's, making slow but sure progress through IDEA's list of related services. Recreation as a related service is defined at §300.34(c)(11) and reads:

(11) *Recreation* includes—

- (i) Assessment of leisure function;
- (ii) Therapeutic recreation services;
- (iii) Recreation programs in schools and community agencies; and
- (iv) Leisure education.

Recreation services generally are intended to help children with disabilities learn how to use their leisure and recreation time constructively. Through these services, children can learn appropriate and functional recreation and leisure skills. Recreational activities may be provided during the school day or in after-school programs in a





school or a community environment. Some school districts have made collaborative arrangements with the local parks and recreation programs or local youth development programs to provide recreational services.

As part of providing this related service, persons qualified to provide recreation carry out activities such as:

- assessing a child's leisure interests and preferences, capacities, functions, skills, and needs;
- providing recreation therapeutic services and activities to develop a child's functional skills;
- providing education in the skills, knowledge, and attitudes related to leisure involvement;
- helping a child participate in recreation with assistance and/or adapted recreation equipment;
- providing training to parents and educators about the role of recreation in enhancing educational outcomes;
- identifying recreation resources and facilities in the community; and
- providing recreation programs in schools and community agencies.<sup>6</sup>

## Rehabilitation Counseling

And here is another related service that specifically mentions counseling. Rehabilitation counseling, however, uses such key terms as employment, career, and independence, which narrows the focus of the counseling and the purpose for which it is provided. The definition reads:

*(12) Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq. [§300.34(c)(12)]*

Wondering about the reference to vocational rehabilitation (VR)? VR is a nationwide federal-state program for assisting eligible people with disabilities to define a suitable employment goal and become employed. Each State has a central VR agency, with local offices in most States. VR provides medical, therapeutic, counseling, educa-

tion, training, and other services needed to prepare people with disabilities for work. VR is an excellent place for a youth or adult with a disability to begin exploring available training and support service options. More information about vocational rehabilitation programs funded under the Rehabilitation Act of 1973 is available at: <http://www.jan.wvu.edu/SBSES/VOCREHAB.htm>

## School Health Services and School Nurse Services



*New in  
IDEA 2004!*

School health services have long been a part of IDEA's related services definition. In IDEA 2004, the term has been changed to school health services and school nurse services, with the following definition at §300.34(c)(13):

*(13) School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.*



Returning to an issue that was raised under Medical Services, many children with disabilities, especially those who are medically fragile, could not attend school without the supportive services of school nurses and other qualified people. Over the years, the extent of the health-related services that are provided in schools has grown, as might be expected when you consider medical advances in the last decade alone. In *Cedar Rapids Community School District v. Garret F.*, the question of whether or not public agencies are responsible for providing health-related supports that are complex or continuous was settled. They are, “only to the extent that the services allow a child to benefit from special education and enable a child with a disability to receive FAPE” (71 Fed. Reg. at 46574-5). What was previously called “school health services” in IDEA has been expanded to distinguish between services that are provided by a qualified nurse and those that may be provided by other qualified individuals.

States and local school districts often have guidelines that address school health services and school nurse services. These may include providing such health-related support as:

- special feedings;
- clean intermittent catheterization;
- suctioning;
- the management of a tracheostomy;
- administering and/or dispensing medications;

- planning for the safety of a child in school;
- ensuring that care is given while at school and at school functions to prevent injury (e.g., changing a child’s position frequently to prevent pressure sores);
- chronic disease management; and
- conducting and/or promoting education and skills training for all (including the child) who serve as caregivers in the school setting.<sup>6</sup>

### Social Work Services in Schools

Issues or problems at home or in the community can adversely affect a child’s performance at school, as can a child’s attitude

or behavior in school. *Social work services in schools* may become necessary in order to help a child benefit from his or her educational program. They are also a familiar related service, included in IDEA from its early days, and are currently defined at §300.34(c)(14), which appears in the box below.

The discussion of this related service in the Analysis of Comments and Changes raises two interesting points that may be relevant to an audience that’s delving into the definitions one by one. The first is that the definition of social work services in schools includes *examples* of services “that might be provided to a child if the child’s IEP Team determines that such services are needed for the child to receive FAPE.” (71 Fed. Reg. at 46575) On



#### Description of an Individual Related Service: Social Work Services in Schools

(14) *Social work services in schools* includes—

- (i) Preparing a social or developmental history on a child with a disability;
- (ii) Group and individual counseling with the child and family;
- (iii) Working in partnership with parents and others on those problems in a child’s living situation (home, school, and community) that affect the child’s adjustment in school;
- (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (v) Assisting in developing positive behavioral intervention strategies. [§300.34(c)(14)]

that basis the Department declined to add “functional behavioral assessment” to the definition, although “conducting a functional behavioral assessment typically precedes developing positive behavioral intervention strategies.” (*Id.*) This does not exclude functional behavioral assessments as a social work service in schools; rather, it illustrates that this service isn’t limited to what’s listed in its definition but can include other activities as determined necessary by a child’s IEP Team.

The second point that may be relevant to some members of your audience (if you’re digging into the definitions, that is, as opposed to skimming the list) is that “mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program” does not extend to creating community resources that don’t exist. (*Id.*). If no such community resources exist, they obviously cannot be “mobilized” on the child’s behalf, and “the IEP Team would need to consider other ways to meet the child’s needs.” (*Id.*)

## Speech-Language Pathology

Speech-language pathology services are provided by speech-language professionals and speech-language assistants, in accordance with State regulations, to address the needs of children and youth with disabilities affecting either speech or language. IDEA defines this related service at §300.34(c)(15), which appears in the box at the on this page.

Speech-language pathology services are longstanding related services in IDEA. They are also crucial in the education of many children with disabilities. More than 1 million children are served under the disability category of “speech or language impairments” alone, according to the 25<sup>th</sup> annual report to Congress.<sup>7</sup>

## Transportation

This related service was discussed previously, when the term “related services” was first introduced. Refer to Slide 12.



### Description of an Individual Related Service: Speech-Language Pathology Services

(15) *Speech-language pathology services* includes—

- (i) Identification of children with speech or language impairments;
- (ii) Diagnosis and appraisal of specific speech or language impairments;
- (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
- (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments. [§300.34(c)(15)]

## In Conclusion

That’s quite a list, isn’t it? If you and the audience moved through it in any detail, you no doubt now have a very good sense of how extensive, well-thought-out, and important related services actually are for children with disabilities who need them. It’s no wonder the term so often appears with its buddy, special education.

Time for a break? The slides on related services aren’t over yet, though—two more to go.



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### References for Slide 13 (Section 3)

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- <sup>1</sup> National Institute on Deafness and Other Communication Disorders. (2006). *Statistics about hearing disorders, ear infections, and deafness*. Bethesda, MD: Author. Available online at: <http://www.nidcd.nih.gov/health/statistics/hearing.asp>
- <sup>2</sup> Office of Special Education and Rehabilitative Services, U.S. Department of Education. (2006). *26th annual report to Congress on the implementation of IDEA: Vol. 2*. Washington, DC: Author. Available online at: <http://www.ed.gov/about/reports/annual/osep/2004/index.html>
- <sup>3</sup> American School Counselor Association. (2007). *Role of the school counselor*. Retrieved June 4, 2007 at <http://www.schoolcounselor.org/content.asp?pl=327&sl=341&contentid=341>
- <sup>4</sup> *Cedar Rapids Community School District v. Garrett F*, 526 U.S. 66 (1999). Available online at: [www.reedmartin.com/garrettf.htm](http://www.reedmartin.com/garrettf.htm)
- <sup>5</sup> Supreme Court adopts bright-line test in medical services case. (1999, March 12). *The Special Educator*, 14(15), 1, 6-7.
- <sup>6</sup> Mattson, B. (2001). Related services (2nd ed.). *NICHCY News Digest* 16, 1-20. Available online at: [www.nichcy.org/pubs/newsdig/nd16txt.htm](http://www.nichcy.org/pubs/newsdig/nd16txt.htm)
- <sup>7</sup> Office of Special Education Programs, U.S. Department of Education. (2003). *Annual report to Congress on the implementation of the Individuals with Disabilities Education Act, Vol. 2*. Washington, DC: Author. Available online at: [www.ed.gov/about/reports/annual/osep/index.html](http://www.ed.gov/about/reports/annual/osep/index.html)



How in the world



would you  
decide **which**  
related  
services a  
child needs?

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Slide 14 in Section 3 addresses how an IEP Team decides which related services a child needs. The answer was touched upon in the last slide, under the header "Determining What Related Services a Child Needs." As indicated there, key information for decision makers will be available from the evaluation process, since the child must be assessed in all areas related to his or her suspected disability. The IEP Team must look carefully at the evaluation results, which show the child's areas of strength and need, and decide upon measurable annual goals, among other things, that are appropriate for the child. Part of developing the IEP also includes specifying "the special education and related services and supplement-

tary aids and services 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. [§300.320(a)(4), see the "bonus term" on **Handout A-3**]

The scope of this consideration is important to note. What would enable the child to advance appropriately toward attaining the annual goals, to be involved in and make progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated both with other children with disabilities and those who do not have disabilities?

Thus, based on the evaluation results and keeping in mind the above scope of a child's educational undertakings, environments, and participation, the IEP Team discusses, decides upon, and specifies the related services that a child needs in order to benefit from special education. Making decisions about how often a related service will be provided, and where and by whom is also a function of the IEP Team.

### IEP Team Considered

IDEA purposefully requires an IEP Team to be comprised of individuals with a range of expertise and duties (the Team's membership is described at §300.321). For the purposes of answering the question posed by this slide, it's helpful to consider some of the players that typically contribute to determining what related services a child needs in order to benefit from his or her special education. Three in particular come to mind, although any individual on the Team may inform the process:

- *Related services personnel.* The IEP Team may include related services personnel, which IDEA expressly mentions as an example of a person "with special knowledge or expertise



These individuals pool their knowledge with that of the other members of the IEP Team, including the child's parents, to specify the related services that the child will receive as part of FAPE. It is important to recognize that each child with a disability may not require all of the available types of related services.

regarding the child" who may be invited, at the discretion of either the public agency or the child's parents, to participate on the Team. [§300.321(a)(6)]

- *"An individual who can interpret the instructional implications of evaluation results"* is another required member of the IEP Team. The expertise that this person brings to the table will be very useful when determining a child's related services.
- *"A representative of the public agency"* is also required on the Team and must possess specific qualifications, including knowing what resources the public agency has available. This person must also possess the authority to commit those resources to support and provide a child with special education and related services.



## Related Services

## Definition #8

View 1



*Exception; services that apply to children with surgically implanted devices, including cochlear implants*

The slide loads the "exception."

Click 1

## Related Services

## Definition #8

Related services do **not** include:

- a medical device that is surgically implanted;
- the optimization of that device's functioning (e.g., mapping);
- maintenance of that device; or
- the replacement of that device...



*Exception; services that apply to children with surgically implanted devices, including cochlear implants*

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("Related services do not include" and the bullets).

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(discussion on next page) ➡



The slide concludes this look at related services by noting IDEA's exception regarding surgically implanted devices, including cochlear implants (see the box below and **Handout A-3** for the text of the exception). This exception is new with IDEA 2004 and shows the advance of time and technology. A relatively new technological development, the cochlear implant is a "small, complex electronic device that can help to provide a sense of sound to a person who is profoundly deaf or severely hard-of-hearing" (National Institute on Deafness and Other Communication Disorders, 2006).<sup>1</sup> While an implant does not restore normal hearing, it does give the recipient "a useful representation of sounds in the environment and help him or her to understand speech."<sup>1</sup> Other examples of surgically implanted devices include: insulin pump, baclofen pump, pacemaker, G-tube, and vagus nerve stimulator device.

The "exception" at §300.34(b) regarding surgically implanted devices generated many public comments and questions when proposed regulations were published in June 2005. While the extensive discussion of these comments and questions in the Analysis of Comments and Changes is both interesting and informative, it is beyond the immediate scope of this module. To give trainers flexibility in addressing the needs of their audience, however, we've in-



cluded the Department's comments in their entirety in the separate *Resources for Trainers* under Theme D (see *Resource D-1* in D-resources.doc or D-resources.pdf). For audiences concerned with the scope of a public agency's responsibility with respect to services provided to children with surgically implanted devices—especially cochlear implants—the Department's comments are extremely relevant and can easily be shared by photocopying and sharing *Resource D-1*.

Some key points are summarized below.



#### Note the Exception at §300.34(b)!

(b) *Exception; services that apply to children with surgically implanted devices, including cochlear implants.*

(1) Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

(2) Nothing in paragraph (b)(1) of this section—

(i) Limits the right of a child with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE.

(ii) Limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

(iii) Prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required in §300.113(b).



#### What's In and What's Excluded

If a child has a surgically implanted device, the scope of the public agency's responsibility to provide supportive related services in relation to that device is covered in IDEA's provisions at §300.34(b). Public agencies are *not* responsible for optimizing these devices, maintaining them, or replacing them. Public agencies *are* responsible for "routine checking to determine if the external component of a surgically implanted device is turned

on and working” (71 Fed. Reg. at 46570) and for providing other types of services the child needs, as determined by the IEP Team, including:

- assistive technology (e.g., FM system);
- proper classroom acoustical modifications;
- educational support services (e.g., educational interpreters); and
- receiving the related services (e.g., speech and language services) that are necessary for the child to benefit from special education services. (*Id.*)

While public agencies are *not* responsible for mapping a cochlear implant, they *do* have a role to play in providing services and supports to help children with cochlear implants. As the Department observes:

Particularly with younger children or children who have recently obtained implants, teachers and related services personnel frequently are the first to notice changes in the child’s perception of sounds that the child may be missing. This may manifest as a lack of attention or understanding on the part of the child or frustration in communicating. The changes may indicate a need for remapping, and we would expect that school personnel would communicate with the child’s parents about these issues. To the extent that adjustments to the devices are required, a specially trained professional would provide the remapping,

which is not considered the responsibility of the public agency. (71 Fed. Reg. at 46570-1)

In many ways, the Department points out, there is no substantive difference between serving a child with a cochlear implant in a school setting and serving a child with a hearing aid. A “public agency is responsible for the routine checking of the external components of a surgically implanted device in much the same manner as a public agency is responsible for the proper functioning of hearing aids” (71 Fed. Reg. at 46571). What distinguishes a service covered under the Act and one that is excluded is, in large measure, “the level of expertise required” (*Id.*). Maintaining and monitoring a surgically implanted device require the expertise of a licensed physician or an individual with specialized technical expertise beyond that typically available from school personnel. On the other hand:

Teachers and related services providers can be taught to first check the externally worn speech processor to make sure it is turned on, the volume and sensitivity settings are correct, and the cable is connected, in much the same manner as they are taught to make sure a hearing aid is properly functioning. To allow a child to sit in a classroom when the child’s hearing aid or cochlear implant is not functioning is to

effectively exclude the child from receiving an appropriate education. (*Id.*)

You’ll note that the exception in IDEA is carefully crafted to ensure that public agencies remain aware of, and responsible for, monitoring and maintaining “medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school” [§300.34(b)(2)(ii)]. This clearly aligns with the discussion earlier in this section regarding a public agency’s responsibility for the health-related services (see discussion of Medical Services and School Health Services and School Nurse Services on the Section 3’s Slide 13). As the Department states:

The public agency also is responsible for providing services necessary to maintain the health and safety of a child while the child is in school, with breathing, nutrition, and other bodily functions (e.g., nursing services, suctioning a tracheotomy, urinary catheterization) if these services can be provided by someone who has been trained to provide the service and are not the type of services that can only be provided by a licensed physician. (*Cedar Rapids Community School District v. Garret F.*, 526 U.S. 66 (1999)). (*Id.*)

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<sup>1</sup> National Institute on Deafness and Other Communication Disorders. (2006). *Cochlear implants* (NIH Publication No. 00-4798). Bethesda, MD: Author. Available online at: [www.nidcd.nih.gov/health/hearing/coch.asp](http://www.nidcd.nih.gov/health/hearing/coch.asp)

## 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 #9



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At last, a new term and definition! We're drawing close to the end of this training module as the curtain goes up on definition #9—supplementary aids and services. This term is defined at §300.42; appears on **Handout A-3**; is discussed at length in Module 13, *Content of the IEP*; and, while short in words, is mighty in scope and impact. The definition reads:

### §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.

Supplementary aids and services are intended to improve children's access to learning and their participation across the spectrum of academic, extracurricular, and nonacademic activities and settings. The latter element—"...in *extracurricular and nonacademic setting*"—is new to IDEA. Consistent with the inclusive nature of the legislation, the final Part B regulations have added this phrase to the definition of supplementary aids and services and, thus, enlarged the scope of where supplementary aids and services must be provided, as appropriate to the child's needs.

What is IDEA referring to at §§300.114 through 300.116? Anyone recognize those numbers? They were discussed under Slides 24 and 25 in Section 2 of this module (on acronyms), and relate to IDEA's requirements for:

- least restrictive environment (LRE) (§300.114);
- the continuum of alternative placements (§300.115); and
- placements (§300.116).

Thus, 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.

## Examples from the Field

The definition of “supplementary aids and services” was new in IDEA ’97. Since then, the field has fleshed out the definition through practice. Numerous States have developed IEP guides that include both the regulatory definition of “supplementary aids and services” and examples to guide IEP teams in their considerations of what a student might need. Here are some examples that the New Mexico Public Education Department<sup>1</sup> provides online that you may find illuminating:

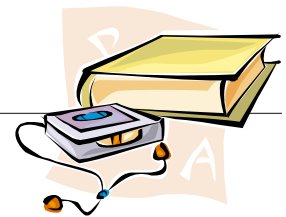
- Supports to address *environmental needs* (e.g., preferential seating; planned seating on the bus, in the classroom, at lunch, in the auditorium, and in other locations; altered physical room arrangement);
- Levels of *staff support needed* (e.g., consultation, stop-in support, classroom companion, one-on-one assistance; type of personnel support: behavior specialist, health care assistant, instructional support assistant);
- *Planning time* for collaboration needed by staff;
- Child’s *specialized equipment needs* (e.g., wheelchair, computer, software, voice synthesizer, augmentative communication device, utensils/cups/plates, restroom equipment);
- *Pacing of instruction* needed (e.g., breaks, more time, home set of materials);
- *Presentation* of subject matter needed (e.g., taped lectures, sign language, primary language, paired reading and writing);
- *Materials* needed (e.g., scanned tests and notes into computer, shared note-taking, large print or Braille, assistive technology);
- Assignment modification needed (e.g., shorter assignments, taped lessons, instructions broken down into steps, allow student to record or type assignment);
- Self-management and/or follow-through needed (e.g., calendars, teach study skills);
- *Testing adaptations* needed (e.g., read test to child, modify format, extend time);
- Social interaction support needed (e.g., provide Circle of Friends, use cooperative learning groups, teach social skills);
- Training needed for personnel.



## Settings and Services

As said above, considering the supplementary aids and supports that a child needs should take into account the academic, extracurricular, and nonacademic environments available to, and of interest to, the child. Two related sets of provisions within IDEA are helpful in defining the range of settings and services to consider: *nonacademic services* and *nonacademic settings*.

Note that both of these provisions directly reference supplementary aids and services as an often-appropriate and necessary element in providing children with disabilities the opportunity to participate in nonacademic and extracurricular services and activities.



### NIMAS

A new and exciting addition to IDEA is the requirement regarding access to instructional materials for blind or other persons with print disabilities, in accordance with the *National Instructional Materials Accessibility Standard (NIMAS)*. A separate module is devoted entirely to the NIMAS provisions (see Module 8), so the topic will not be covered here. However, it does bear mentioning that access to instructional materials for children who are blind or have other print disabilities is relevant both to discussion of supple-



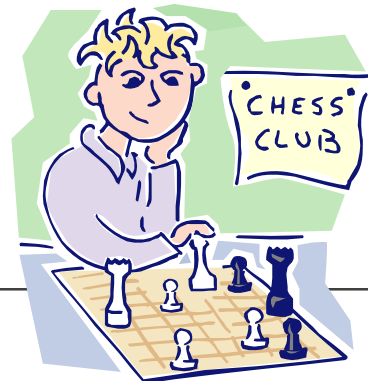
mentary aids and services and to access to the general curriculum.

## Concluding Words

A fair amount of time and space has been devoted to this discussion of supplementary aids and services. For many children with disabilities, these are pivotal elements to participation in school-related settings, activities, and learning opportunities. The Department's comments in the Analysis of Comments and Changes summarize well the role that supplementary aids and services can play in a child's school life:

The Act places great emphasis on ensuring that children with disabilities are educated, to the maximum extent appropriate, with children who are nondisabled and are included in nonacademic and extracurricular services and activities as appropriate to the needs of the child. We believe the public agency has an obligation to provide a child with a disability with appropriate aids, services, and other supports, as determined by the IEP Team, if necessary to ensure the child's participation in nonacademic and extracurricular services and activities. Therefore, we will clarify in §300.117 that each public agency must ensure that children with disabilities have the supplementary aids and services determined necessary by the child's IEP Team for the child to participate in nonacademic and extracurricular services

and activities to the maximum extent appropriate to the needs of that child. (71 Fed. Reg. at 46589)



### §300.107 Nonacademic services.

The State must ensure the following:

(a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

(b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

### §300.117 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

<sup>1</sup> New Mexico Public Education Department. (2004). *A sampling of supplemental supports aids & services*. Retrieved May 13, 2007, at [www.ped.state.nm.us/se/library/qtrly.0204.lre.handouts.pdf](http://www.ped.state.nm.us/se/library/qtrly.0204.lre.handouts.pdf)

## Transition Services

## Definition #10

### (a) Transition service

(1) Is designed to be v  
academic and functional  
movement from school to  
education, integrated en  
education, adult service

(2) Is based on the ind  
preferences, and interes

- (i) Instruction;
  - (ii) Related ser
  - (iii) Community
  - (iv) The develop
  - (v) If appropri
- evaluation.

(b) Transition service  
specially designed instru  
benefit from special edu



ed with a disability that—

on improving the  
cilitate the child's  
education, vocational  
continuing and adult  
n;

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lt living objectives; and  
of a functional vocational

ucation, if provided as  
a child with a disability to

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Oh no, here we go again. Another huge definition, another viewer trying to hide from it. By now, participants should recognize the message here: giant definition, we're going to break it down to its component pieces. When the slide appears and they get a good look at it, ask them to tell you what's going to happen now...





Transition services are intended to help youth with disabilities make the transition from the world of secondary school to the world of adulthood

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Unlike previously gigantic definitions, we take up the definition of transition services with a simple summary of its purpose, as shown on the slide.

This is a good opportunity to talk with participants about what "the world of adulthood" involves. What would help a student get ready for that world? What are the domains of adult activity? This type of discussion can serve as both an advance organizer for upcoming content and a way to spark participants' own internal constructs of the adult world, which will likely mesh well with the domains they'll see addressed in the definition of transition services.



## Transition Services

### Definition #10

**View I**

Slide loads with the title and the picture of rocks leading to a castle of rock.

**Click I**

## Transition Services

### Definition #10

Transition services means a **coordinated set of activities** for a child with a disability that—

(1) Is designed to be within a **results-oriented process**, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including—

Click 1:  
Picture of rock pile disappears, and top part of transition definition appears.

(continued on next page) 

## Transition Services

## Definition #10

Transition services means a **coordinated set of activities** for a child with a disability that—

(1) Is designed to be within a **results-oriented process**, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including—

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• postsecondary education,</li><li>• vocational education,</li><li>• integrated employment (including supported employment),</li></ul> | <ul style="list-style-type: none"><li>• continuing and adult education,</li><li>• adult services,</li><li>• independent living, or</li><li>• community participation</li></ul> |
|--|--|

Click 2:  
Bullets 1-3 appears.

Click 3:  
Bullets 4-7 appears.

CLICK AGAIN to advance to next slide.

Clicks 2-3

### Slide 19 (Section 3): Background and Discussion

3 Clicks

The slide opens with a view of rocks leading to a castle of rocks to indicate that the lengthy definition of transition services will now be broken down into its pieces (all those rocks you see piled up). One **CLICK**, the castle picture will fold away, and the first part of the definition will be on the screen, as follows:

(a) *Transition services* means a coordinated set of activities for a child with a disability that—

(1) Is designed to be within a results-oriented process, that is focused on improving the academic

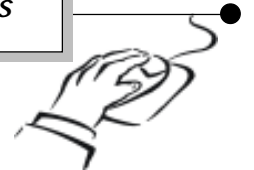
and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities...  
[§300.43(a)(1)]

A number of key words are used in this definition that encapsulate important concepts about transition services:

- Activities need to be *coordinated* with each other.
- The process focuses on *results*.
- Activities must address the child's *academic and functional achievement*.

- Activities are intended to smooth the young person's movement into the post-school world.

Thus, transition services are to be planned as a group and are intended to drive toward a result—they should not be haphazard or scattershot activities, but *coordinated* with each other to achieve that outcome or result.



What result might that be? From a federal perspective, the result being sought can be found in the very first finding of Congress in IDEA's statute, which refers to "our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." [20 U.S.C. 1400(c)(1)] Preparing children with disabilities to "lead productive and independent adult lives, to the maximum extent possible" is one of IDEA's stated objectives. [20 U.S.C. 1400(c)(5)(A)(ii)]

### When? Including Transition Services in the IEP

What's not apparent in IDEA's definition of transition services but nonetheless critical to mention is the *timing* of transition-related planning and services: When must transition activities considerations begin? The answer lies in a different provision related to content of the IEP:

From §300.320(b):

(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.

It's interesting to note that, in IDEA '97, specific types of transition statements were required in the IEP beginning when the student was age 14 and every year thereafter. IDEA 2004 has changed the age and revised the language describing what type of statements must be included in the student's IEP (as is more fully explained in Module 13, *Content of the IEP*). In keeping with the individualized nature of the IEP, the IEP Team retains the authority, however, to begin transition-related considerations earlier in a student's life, if Team members (which include the parent and the student with a disability) determine it appropriate, given the student's needs and preferences.

### Domains Considered: Parts 2 and 3 of the Slide

With another **CLICK**, the first three bullets appear on the left side of the screen, continuing the definition of transition services. These are:

- postsecondary education,
- vocational education,
- integrated employment (including supported employment).

The next **CLICK** will bring up the remaining elements contained in the opening to the definition:

- continuing and adult education,

- adult services,
- independent living, or
- community participation.

As context, here's the opening part of the definition in one place, with the relevant text in bold:

(a) *Transition services* means a coordinated set of activities for a child with a disability that—

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, **including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation...**

Here are the domains of the postschool world you may have discussed with the audience and the range of areas to be explored by the IEP Team to determine what types of transition-related support and services a student with a disability needs. It's easy to see how planning ahead in each of these areas, and developing goal statements and corresponding services for the student, can greatly assist that student in preparing for life after high school.

And we're not done yet. There's more to IDEA's definition of transition services, and it's coming up next.

## Transition Services

## Definition #10

(a) *Transition services* means a coordinated set of activities for a child with a disability that—

(1) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

**(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—**

- (i) Instruction;
- (ii) Related services;
- (iii) Community experiences;
- (iv) The development of employment and other post-school adult living objectives; and
- (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

The slide includes the opening section of the definition of transition services, very small and in gray text; the next section of the definition, in bold and normal text to indicate that this is the subject of this slide; and the final section of the definition, also small and in gray, which will be the subject of the next slide. This organization places the subject to be discussed (the middle section of the definition) in its proper context.

The provision of interest follows the lead-in "*Transition services* means a coordinated set of activities for a child with a disability that..." and adds:

**(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—**

This is not a new provision of law. It acknowledges that, for children themselves, the outcome or result sought via coordinated transition activities must be personally defined, taking into account a child's interests, preferences, needs, and strengths. This is why the public agency must invite the child with a disability to attend IEP Team meeting "if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals

under §300.320(b)" or "must take other steps to ensure that the child's preferences and interests are considered" if the student is not able to attend [§300.321(b)].

## Transition Services

## Definition #10

(a) *Transition services* means a coordinated set of activities for a child with a disability that—

(1) Is designed to be within a results-oriented process...

(2) Is based on the individual child's needs...

### ...and includes—

- (i) Instruction;
- (ii) Related services;
- (iii) Community experiences;
- (iv) The development of employment and other post-school adult living objectives; and
- (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

Last slide in the transition five! And we are very nearly done with this separate slide show of five key terms and the module itself.

This slide picks up where the last left off, providing examples of the types of activities included in that "coordinated set of activities" mentioned two slides ago and still barely visible in the tiny, grayed-out print on the slide. As IDEA specifies at §300.43(a)(2), this includes:

- Instruction;
- Related services;
- Community experiences;

- The development of employment and other post-school adult living objectives; and
- If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

That is a lot of ground to cover, but essential ground, if the student's transition to the adult world is to be facilitated. A spectrum of adult activities is evident here, from community to employment, from being able to take care of oneself (e.g., daily living skills) to considering other adult objectives and undertakings.

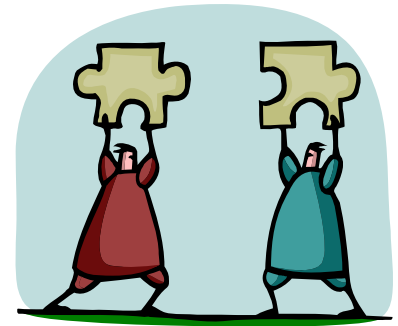
## Resources of More Information

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Transition is a huge topic. Its treatment within this module and in the module *Content of the IEP* is necessarily brief, given all that can be said on the subject. Not all audiences will need extensive information on transition planning; it really is a topic that comes in its own time. You can therefore enlarge its treatment here for participants who live with or work with children with disabilities of transition age, or keep this key change in the IEP a brief mention only.

Should you wish to enlarge the training (or connect interested participants with more information), here are several truckloads of transition-related materials, all summed up in NICHCY's Transition Suite, which is divided into the nine different resource pages listed below, beginning at: <http://www.nichcy.org/schoolage/transitionadult>

- *Transition to Adulthood*  
This entrance page into the Transition Suite first gives you a quick summary. Details are then given, including IDEA's definition and its requirements with respect to transition planning.
- *Transition "Starters" for Everyone*  
Start with these beginning links to transition resources, divided into resources for general audiences, for parents, for professionals, and for students.
- *Transition Goals in the IEP*  
What kind of information might you include in a student's IEP as part of transition planning? Here's a closer look at writing transition-related IEP goals.
- *Students Get Involved!*  
Very important! Come here if you're looking for resources about involving students in transition planning, person-centered planning tools, or materials and connections made just for students themselves.
- *Adult Services: What Are They? Where Are They?*  
Representatives of outside agencies may be invited to the IEP transition-planning table. Read about four of the primary agencies in adult services: Vocational Rehabilitation, the Social Security Administration, state-level agencies, and



independent living centers. And, of course, there's an "other" category—other players and groups you may want to involve, too.

- *Potential Consultants to the Transition Team*  
In addition to the main players at the transition planning table, have you thought about inviting any of these potential consultants to join the discussion?
- *Education/Training Connections*  
Learn more about postsecondary education options such as college, trade schools, adult or continuing education, and vocational education. Connect with resources and helpful organizations.
- *Employment Connections*  
What about work? What about preparing for a career? What career? Who can help? Find out here.
- *Independent Living Connections*  
Independent living involves so very much---making choices about how and where we live in the community. It involves everything from setting an alarm clock to getting out of bed, to self-care, to getting to work and back home again, to what to eat for dinner. Lots to think about and get ready for!





Tired yet?

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK AGAIN to advance to next slide.

So—*are* you tired yet? How about the audience? You bet!

This slide signals that the end is in sight, that participants have absorbed tremendous amounts of information, and that everyone is entitled to feel a bit tired. There's no need to say anything; the picture on the slide will speak for itself.



**You've just consumed  
practically the entire  
platter of special  
education and IDEA's  
most essential concepts  
and principles.**



Slide loads  
completely. No  
clicks are necessary  
except to advance to  
the next slide.

CLICK AGAIN to advance to next slide.

Nearly done. The purpose of this slide is to indicate the scope of what's been addressed in this module on the *Top 10 Basics of Special Education*—namely, the full platter of IDEA's most essential concepts and principles.

Having completed this module, participants should be well-versed in the acronyms, process, and terminology that are pivotal to the statute and regulations. No wonder the girl on the slide is smiling. Not only has she survived the intake of so much information, she now has a broad and deep understanding of IDEA's core elements and how they go together to address the education of children with disabilities.

Take 10 minutes more and talk with participants what they've learned today, what they identify as IDEA's core concepts and principles, and how these relate to their own personal or professional involvement with children who have disabilities.

*Pasture Time, here we come.*



Slide loads completely. No clicks are necessary except to END the slide show.

CLICK AGAIN to END the slide show.

And you're done! Everyone out to the meadow and eating wildflowers!