

# Handouts

## Theme A: Welcome to IDEA!

*These handouts are designed to accompany Modules 1-2.*

---



---

*"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."*

*Findings of Congress, Public Law 108-446. Section 601(c)(1).*

*This training curriculum is a product of NICHCY  
the National Dissemination Center for Children with Disabilities.*

**NICHCY**, 1825 Connecticut Avenue NW, Suite 700, Washington, DC 20009  
1.800.695.0285 (V/TTY) nichcy@aed.org www.nichcy.org

# A Snapshot Look at This Training Curriculum

## Title of the Curriculum

*Building the Legacy: Individuals with Disabilities Education Act Amendments of 2004.*

## Purpose of the Curriculum

To provide authoritative information about, and training materials on, IDEA and its final Part B regulations.

## Source

The *Building the Legacy* training curriculum is a product of the National Dissemination Center for Children with Disabilities (NICHCY), produced at the request of the Office of Special Education Programs (OSEP) at the U.S. Department of Education.

## Table of Contents

A snapshot table of contents for the training curriculum is shown at the right. Modules are available online at NICHCY. Come and get 'em at:

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

## Slide Shows, Details, Handouts!

Materials for each module include:

- a PowerPoint® slide show for use in training,
- detailed background text and explanation for trainers,
- handouts for participants, and
- supplemental resources for trainers.



## Table of Contents *Building the Legacy*

### Theme A—Welcome to IDEA

- 1: Top 10 Basics of Special Education
- 2: Key Changes in IDEA

### Theme B—IDEA and General Education

- \* 3: NCLB in Brief
- \* 4: Statewide and Districtwide Assessments
- 5: Disproportionality & Overrepresentation
- 6: Early Intervening Services and Response to Intervention
- 7: Highly Qualified Teachers
- 8: NIMAS

### Theme C—Evaluating Children for Disability

- 9: Introduction to Evaluation
- 10: Initial Evaluation and Reevaluation
- 11: Identification of Children with Specific Learning Disabilities

### Theme D—Individualized Education Programs

- 12: IEP Team: Who's a Member?
- 13: Content of the IEP
- 14: Meetings of the IEP Team
- 15: LRE Decision Making
- 16: Children with Disabilities Placed by Their Parents in Private Schools

### Theme E—Procedural Safeguards

- 17: Introduction to Procedural Safeguards
- 18: Options for Dispute Resolution
- 19: Key Issues in Discipline

*All available online right now!*


Download them from:  
[www.nichcy.org/wp-content/uploads/docs/legacy](http://www.nichcy.org/wp-content/uploads/docs/legacy)

\* *Cancelled, pending reauthorization of NCLB*

# Table of Contents: Handouts in Theme A

*Please feel free to copy and share these handouts.*

<b>Handout</b>	<b>Title of Handout</b>	<b>Regulation</b>	<b>Page</b>
<b>A-1</b>	TAWG (Opening Activity for Module 1)	-----	5A
<b>A-2</b>	The Basic Special Education Process under IDEA	-----	7A
<b>A-3</b>	5 Acronyms and 5 Terms, Defined	§300.8 §300.17 §300.22 §300.34 §300.39 §300.42 §300.43 §300.114—300.120 §300.320	11A
<b>A-4</b>	Technical Assistance and Dissemination (TA&D) Network	-----	19A
<b>A-5</b>	Roll Over Beethoven (Opening Activity for Module 2)	-----	25A
<b>A-6</b>	Changes in IDEA's Definitions	§300.8(c)(9) §300.10 §300.18 §300.34(b) §300.35	27A
<b>A-7</b>	Early Intervening Services	§300.226	31A
<b>A-8</b>	Key Changes in Evaluation Procedures	§300.301 §300.303 §300.307 §300.502	33A
<b>A-9</b>	Key Changes in IEP Provisions	§300.321(e) §300.324(a)(4) and (6) §300.320(a) and (b) §300.172	37A

*(continued)* 

# Table of Contents: Handouts in Theme A

page 2 (of 2)

<b>Handout</b>	<b>Title of Handout</b>	<b>Regulation</b>	<b>Page</b>
<b>A-10</b>	Key Changes in IDEA's "Parentally-Placed" Provisions	§300.131 §300.132 §300.133 §300.134 §300.137 §300.138	41A
<b>A-11</b>	Key Changes in IDEA's Discipline Provisions	§300.530 §300.530(g) §300.530(i)(3) §300.530(e) and (f) §300.533 §300.534	43A
<b>A-12</b>	Bringing the Changes Home (Closing Activity for Module 2)	_____	45A

## Handout A-I

# TAWG\*

*Instructions:* This is the opening activity for the module *Top 10 Basics of Special Education*. Part of that module is going to look at five key acronyms used in special education. Here are some acronyms less commonly used—these come from license tags on cars. Can you match the tag with the car owner's profession? *Work with a partner.*

\*Take a Wild Guess!

### License Plate

### Car Owner's Profession

- |                  |                               |
|------------------|-------------------------------|
| 1. ____ CRIMPAYS | A. Elevator repairman         |
| 2. ____ DOC4JOX  | B. Radiologist                |
| 3. ____ DR IIII  | C. Anesthesiologist           |
| 4. ____ EIEIO    | D. Gas station owner          |
| 5. ____ FOOTSY   | E. Pediatrician               |
| 6. ____ HUT ONE  | F. Computer repair technician |
| 7. ____ I I M8TY | G. Accountant                 |
| 8. ____ LOXMIF   | H. Orthodontist               |
| 9. ____ MAKMLAF  | I. Optometrist                |
| 10. ____ STR8NR  | J. Defense attorney           |
| 11. ____ ICNCYDU | K. Podiatrist                 |
| 12. ____ SAY AHH | L. Golfer                     |
| 13. ____ STORK1  | M. Football player            |
| 14. ____ T IT UP | N. Farmer                     |
| 15. ____ UP N D  | O. Pirate                     |
| 16. ____ I SD8EM | P. Obstetrician               |
| 17. ____ FAMFIXR | Q. Family therapist           |
| 18. ____ FILLRUP | R. Comedian                   |
| 19. ____ CALQL8  | S. Sports injury specialist   |
| 20. ____ ID-BUGM | T. Locksmith                  |

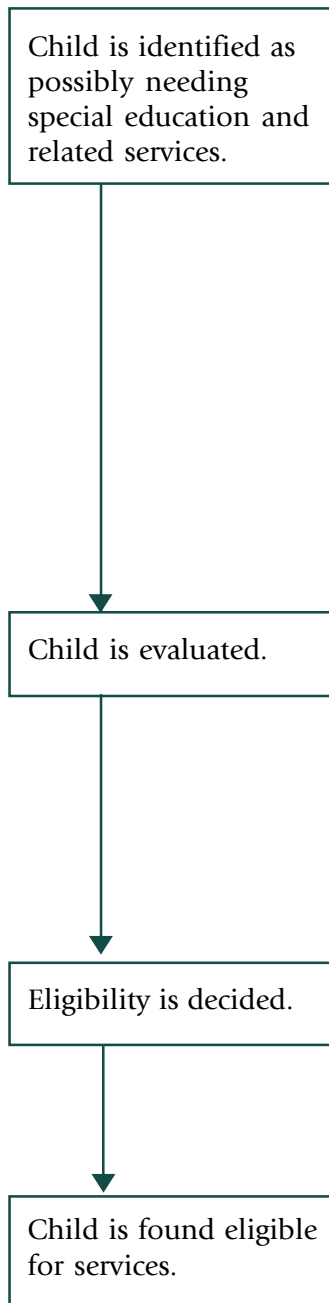
*This page is included here to facilitate the two-sided photocopying of these handouts.*

---



# The Basic Special Education Process Under IDEA

Here's a brief look at how a child is identified as having a disability and needing special education and related services.



1 *"Child Find."* The State must identify, locate, and evaluate all children with disabilities in the State who need special education and related services. To do so, States conduct "Child Find" activities. A child may be identified by "Child Find," and parents may be asked if the "Child Find" system can evaluate their child. Parents can also call the "Child Find" system and ask that their child be evaluated. Or—

*Referral or request for evaluation.* A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed 60 days after the parent gives consent (or, if the State has established a timeframe, within the *State's* timeframe).

2 The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They may ask that the school system pay for this IEE. They may also request a due process hearing to challenge the school's evaluation.

3 A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

4 If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP Team must meet to write an IEP for the child.

\*This flow chart is adapted from *Communicating with Your Child's School Through Letter Writing: A Parent's Guide*, a 2002 publication of the National Dissemination Center for Children with Disabilities (NICHCY), 1.800.695-0285, nichcy@aed.org, www.nichcy.org.

## The Basic Special Education Process Under IDEA

Once the student has been found eligible for services, the IEP must be written. The two steps below *summarize* what is involved in writing the IEP.

IEP meeting is scheduled.

5

The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents and the school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

IEP meeting is held and the IEP is written.

6

The IEP Team gathers to talk about the child's needs and write the student's IEP. Parents and the child (when appropriate) are part of the Team. If the child's placement is decided by a different group, the parents must be part of that group as well.

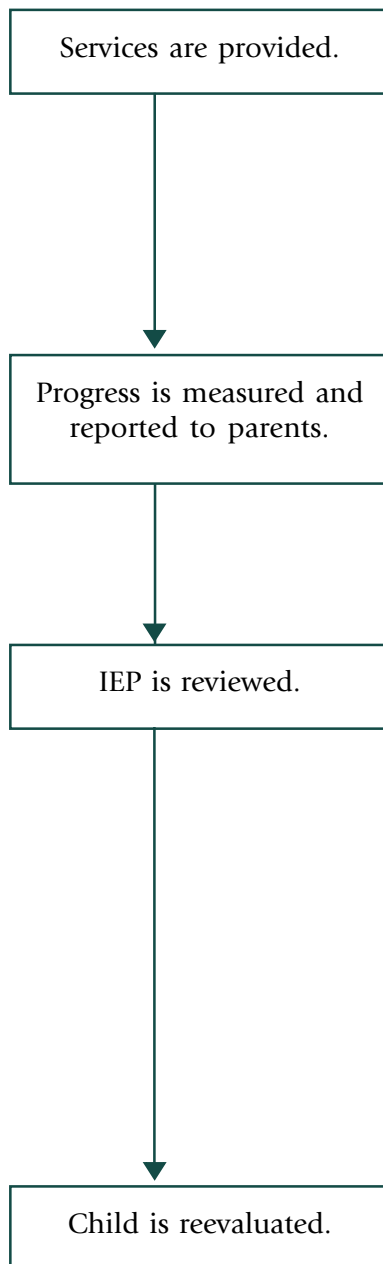
Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting.

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP Team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time a resolution session must be held and mediation must be available.



## The Basic Special Education Process Under IDEA

Here is a brief summary of what happens *after* the IEP is written.



7 The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child in keeping with the IEP.

8 The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of the child's progress and whether that progress is enough for the child to achieve the goals by the end of the year. Progress reports are provided to parents in keeping with the IEP.

9 The child's IEP is reviewed by the IEP Team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as Team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement.

If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP Team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation or a due process hearing. They may also file a complaint with the state education agency.

10 At least every three years the child must be reevaluated, unless the parents and school agree that a reevaluation is unnecessary. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

## **The Basic Special Education Process Under IDEA**



*This page is included here to facilitate the two-sided photocopying of these handouts.*

---

## 5 Acronyms and 5 Key Terms, Defined

This module looks at five acronyms and five key terms commonly used in special education. IDEA's definitions of all 10 are provided on this handout. The acronyms come first and are listed in alphabetical order. These are followed by the key terms, again in alphabetical order.

### FAPE

#### §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.

### IDEA

#### Individuals with Disabilities Education Act

*Editor's note:* IDEA is the acronym for a law and has no definition per se. Public Law 108-446 is called the "Individuals with Disabilities Education Improvement Act of 2004." Its "short title" is Individuals with Disabilities Education Act.

### IEP

#### §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.

### LRE

#### §§300.114—300.120

#### Least restrictive environment

*Editor's note:* IDEA's provisions with respect to LRE are not a "definition" per se, but they are nonetheless very important to know. These provisions appear in the final Part B regulations at §§300.114 through 300.120, as part of IDEA's provisions addressing "State Eligibility." The conceptual core of IDEA's LRE provisions are at §300.114, cited below.

#### §300.114 LRE requirements.

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

(2) Each public agency must ensure that—

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

(over) 

## 5 Acronyms and 5 Key Terms, Defined

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

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

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

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

### TA&D

#### Technical Assistance and Dissemination Network

*Editor's note:* IDEA's provisions with respect to the Technical Assistance and Dissemination (TA&D) network of OSEP do not contain a "definition" of TA&D but, rather, authorize the Secretary of Education to fund projects intended to improve the education of children with disabilities. In Section 663 of the statute (Public Law 108-446), the following authorization appears:

"(e) LINKING STATES TO INFORMATION SOURCES.— In carrying out this section, the Secretary shall support projects that link States to

technical assistance resources, including special education and general education resources, and shall make research and related products available through libraries, electronic networks, parent training projects, and other information sources, including through the activities of the National Center for Education Evaluation and Regional Assistance established under part D of the Education Sciences Reform Act of 2002."

## 5 Key Terms, Defined

And to round out this handout on 10 key terms in special education you should know, here are the last 5 key terms defined, listed in alphabetical order.

### Term #6

#### §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.

(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.

(continued on next page) 

## 5 Acronyms and 5 Key Terms, Defined

(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.

(b) *Children aged three through nine experiencing developmental delays.* Child with a disability for children aged three through nine (or any subset of that age range, including ages three through five), may, subject to the conditions described in §300.111(b) [see box below], 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.

(c) *Definitions of disability terms.* The terms used in this definition of a child with a disability are defined as follows:

(1)(i) *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

(ii) Autism does not apply if a child's educational performance is adversely affected primarily because

the child has an emotional disturbance, as defined in paragraph (c)(4) of this section.

(iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

(2) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(3) *Deafness* means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

(over) 

### Provisions at §300.111(b) Relevant to "Developmental Delay"

(b) *Use of term developmental delay.* The following provisions apply with respect to implementing the child find requirements of this section:

(1) A State that adopts a definition of *developmental delay* under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).

(2) A State may not require an LEA to adopt and use the term *developmental delay* for any children within its jurisdiction.

(3) If an LEA uses the term *developmental delay* for children described in §300.8(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.

(4) If a State does not adopt the term *developmental delay*, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part.

## 5 Acronyms and 5 Key Terms, Defined

(4)(i) *Emotional disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section.

(5) *Hearing impairment* means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

(6) *Mental retardation* means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

(7) *Multiple disabilities* means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such



severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness.

(8) *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

(9) *Other health impairment* means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child's educational performance.

(10) *Specific learning disability*—(i) *General*. Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) *Disorders not included*. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional

(continued on next page) 



## 5 Acronyms and 5 Key Terms, Defined

disturbance, or of environmental, cultural, or economic disadvantage.

(11) *Speech or language impairment* means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

(12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

(13) *Visual impairment including blindness* means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

### Term #7

#### §300.34 Related services

#### §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.

(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).

► *Editor's note:* Individual definitions of the related services listed at §300.34(a) are provided in IDEA at §300.34(c) but have not been included on this handout due to their length.

(over) 

## 5 Acronyms and 5 Key Terms, Defined

### Term #8

#### §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.

### Term #9

#### §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

(continued on next page) 



## 5 Acronyms and 5 Key Terms, Defined

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.

### Term #10

#### §300.43 Transition services

(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.

(b) *Transition services* for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

### And Here's A Bonus Term!

In addition to the brief definition of the term *individualized education program* at §300.22, IDEA includes this much longer, much more descriptive definition at §300.320.

#### §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;

(over) 

## 5 Acronyms and 5 Key Terms, Defined

- (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.

## The TA&D Network

The Technical Assistance & Dissemination (TA&D) network includes over 40 projects funded by the Office of Special Education Programs (OSEP) at the U.S. Department of Education. These projects offer information and technical assistance on a broad range of disability and special education issues. Contact information for the projects, current as of June 2007,\* is provided below. Information on the *resources* (publications, videos, CDs, Web sites, etc.) made available by these projects is maintained by NICHCY, the National Dissemination Center for Children with Disabilities (an OSEP-funded TA&D project itself). Search NICHCY's online Resource Library at: [www.nichcy.org/search.htm](http://www.nichcy.org/search.htm)

The list below of TA&D projects is included as a handout, courtesy of the Federal Resource Center for Special Education (also a TA&D project), and is divided into the following categories:

- Regional Resource and Federal Centers
- Data Management
- Deaf-Blind
- Dissemination
- Early Childhood
- Instruction/Behavior
- Leadership
- Learning Disabilities Initiative
- Minorities/Diversity
- Outcomes
- Professional Development/Personnel
- Secondary/Postsecondary
- Technical Assistance ALLIANCE for Parent Centers
- Technology



---

### Regional Resource and Federal Centers

#### North Central Regional Resource Center (NCRRC)

University of Minnesota, Minneapolis, MN 55455

Phone: 612.624.9722 | TTY: 800.627.3529

Email: [ncrrc@umn.edu](mailto:ncrrc@umn.edu)

Web: [www.rrfcnetwork.org/ncrrc](http://www.rrfcnetwork.org/ncrrc)

#### Mountain Plains RRC (MPRRC)

Utah State University, Logan, UT 84341

Phone: 435.752.0238 | TTY: 435.753.9750

Email: [cope@cc.usu.edu](mailto:cope@cc.usu.edu)

Web: [www.rrfcnetwork.org/mprrc](http://www.rrfcnetwork.org/mprrc)

#### Western RRC (WRRC)

University of Oregon, Eugene, OR 97403-1268

Phone: 541.346.5641 | TTY: 541.346.0367

Email: [wrrc@uoregon.edu](mailto:wrrc@uoregon.edu)

Web: [www.rrfcnetwork.org/wrrc](http://www.rrfcnetwork.org/wrrc)

#### Federal Resource Center for Special Education

(FRC), Washington, DC 20009.

Phone: 202.884.8215 | TTY: 202.884.8200

Email: [frc@aed.org](mailto:frc@aed.org)

Web: [www.rrfcnetwork.org](http://www.rrfcnetwork.org)

#### Northeast Regional Resource Center (NERRC)

Williston, VT 05495.

Phone: 802.951.8226 | TTY: 802.951.8213

Email: [kreedy@wested.org](mailto:kreedy@wested.org)

Web: [www.rrfcnetwork.org/nerrc/](http://www.rrfcnetwork.org/nerrc/)

---

#### **\*To find the latest contact info for the TA&D!**

\* Ongoing updates of TA&D projects are available at:  
<http://www.tadnet.org>



## The TA&D Network

**Mid-South Regional Resource Center (MSRRC)**  
University of Kentucky, Lexington, KY 40507  
Phone: 859.257.4921 | TTY: 859.257.2903  
Email: [jjohn@uky.edu](mailto:jjohn@uky.edu)  
Web: [www.rfcnetwork.org/msrrc](http://www.rfcnetwork.org/msrrc)

**Southeast Regional Resource Center (SERRC)**  
Auburn University, Montgomery, AL 36124-4023  
Phone: 334.244.3100  
Email: [ebeale@mail.aum.edu](mailto:ebeale@mail.aum.edu)  
Web: [www.rfcnetwork.org/serrc](http://www.rfcnetwork.org/serrc)

### Data Management

**National Center for Special Education Accountability Monitoring (NCSEAM)**, Louisiana State University  
Health Sciences Center, New Orleans, LA 70112  
Phone: 504.556.7559  
Email: [acoulter@lsuhsc.edu](mailto:acoulter@lsuhsc.edu)  
Web: [www.monitoringcenter.lsuhs.edu](http://www.monitoringcenter.lsuhs.edu)

**Technical Assistance in Data Collection, Analysis, and Report Preparation**  
Westat, Rockville, MD 20850  
Phone: 888.819.7024  
Email: [IDEAdata@westat.com](mailto:IDEAdata@westat.com)  
Web: [www.IDEAdata.org](http://www.IDEAdata.org)

### Deaf-Blind

**National Consortium on Deaf-Blindness (NCDB)**  
Western Oregon University, Monmouth, OR 97361  
Phone: 800.438.9376 | TTY: 800.854.7013  
Email: [info@nationaldb.org](mailto:info@nationaldb.org)  
Web: [www.nationaldb.org](http://www.nationaldb.org)

**Helen Keller National Center**  
Sands Point, NY 11050  
Phone: 516.944.8900 | TTY: 516.944.8637  
Email: [hkncinfo@hknc.org](mailto:hkncinfo@hknc.org)  
Web: [www.hknc.org](http://www.hknc.org)

### Dissemination

**National Dissemination Center for Children with Disabilities (NICHCY)**, Washington, DC 20013-1492  
Voice/TTY: 800.695.0285; 202.884.8200  
Email: [nichcy@aed.org](mailto:nichcy@aed.org)  
Web: [www.nichcy.org](http://www.nichcy.org)

**Reading Rockets**  
WETA, Arlington, VA 22206  
Phone: 703.998.2001  
Email: [readingrockets@weta.org](mailto:readingrockets@weta.org)  
Web: [readingrockets.org](http://readingrockets.org)

### Early Childhood

**Center for Early Literacy Learning**  
Asheville, NC 28806  
Phone: (828) 255-0470  
Email: [tmasiello@puckett.org](mailto:tmasiello@puckett.org)  
[www.earlyliteracylearning.org](http://www.earlyliteracylearning.org)



**National Early Childhood Technical Assistance Center (NECTAC)**  
University of North Carolina, Chapel Hill, NC 27599  
Phone: 919.962.2001 | TTY: 919.843.3269  
Email: [nectac@unc.edu](mailto:nectac@unc.edu)  
Web: [www.nectac.org](http://www.nectac.org)

### Instruction/Behavior

**The Access Center: Improving Outcomes for All Students K-8**  
Washington, DC 20007-3835  
Phone: 202.403.5300 | TTY: 877.334.3499  
Email: [accesscenter@air.org](mailto:accesscenter@air.org)  
Web: [www.k8accesscenter.org](http://www.k8accesscenter.org)

**Center on Positive Behavioral Interventions and Supports (PBIS)**  
University of Oregon, Eugene, OR 97403  
Phone: 541.346.2505  
Email: [pbis@uoregon.edu](mailto:pbis@uoregon.edu)  
Web: [www.pbis.org](http://www.pbis.org)

*(continued on next page)* 

---

## The TA&D Network

**National Center on Student Progress Monitoring**  
Washington, DC 20007  
Phone: 866.770.6111 | TTY: 877.334.3499  
Email: [studentprogress@air.org](mailto:studentprogress@air.org)  
Web: [www.studentprogress.org](http://www.studentprogress.org)

**National Institute for Urban School Improvement**  
University of Colorado, Denver, CO 80204  
Phone: 303.556.3990  
Email: [niusi@cudenver.edu](mailto:niusi@cudenver.edu)  
Web: [www.urbanschools.org](http://www.urbanschools.org)

**Consortium for Appropriate Dispute Resolution in Special Education (CADRE)**  
Eugene, OR 97405-0906  
Phone: 541.686.5060  
Toll-free: 800.695.0285 (NICHCY)  
Email: [cadre@directionservice.org](mailto:cadre@directionservice.org)  
Web: [www.directionservice.org/cadre](http://www.directionservice.org/cadre)

**Project Forum**  
National Association of State Directors of Special Education (NASDSE), Alexandria, VA 22314-2840  
Phone: 703.519.3800  
Email: [forum@nasdse.org](mailto:forum@nasdse.org)  
Web: [www.projectforum.org](http://www.projectforum.org)

### Leadership

**IDEA Partnership**  
National Association of State Directors of Special Education (NASDSE), Alexandria, VA 22314-2840  
Phone: 877.IDEA.INFO; 703.519.3800  
TDD: 703.519.7008  
Email: [partnership@nasdse.org](mailto:partnership@nasdse.org)  
Web: [www.ideapartnership.org](http://www.ideapartnership.org)

**NIUSI-LeadScape, The Principal Professional Development Center**  
Arizona State University, Tempe, AZ 85287-2011  
Phone: 480. 727-8642  
Email: [elizabeth.kozleski@asu.edu](mailto:elizabeth.kozleski@asu.edu)  
[www.niusileadscape.org](http://www.niusileadscape.org)



### Learning Disabilities Initiative

**National Research Center on Learning Disabilities (NRCLD)**  
Vanderbilt University, Nashville, TN 37203-5701  
Phone: 615.322.8150  
Email: [nrclld@ku.edu](mailto:nrclld@ku.edu)  
Web: [nrclld.org](http://nrclld.org)

### Minorities/Diversity

**Linking Academic Scholars to Educational Resources (Project LASER)**  
University of South Florida, Tampa, FL 33620  
Phone: 813.974.3195  
Email: [laser@tempest.coedu.usf.edu](mailto:laser@tempest.coedu.usf.edu)  
Web: [www.coedu.usf.edu/laser](http://www.coedu.usf.edu/laser)

**National Center for Culturally Responsive Educational Systems (NCCREST)**  
University of Colorado, Denver, CO 80204  
Phone: 303.556.3990  
Email: [nccrest@cudenver.edu](mailto:nccrest@cudenver.edu)  
Web: [www.nccrest.org](http://www.nccrest.org)

**National Center for Personnel Preparation in Special Education at Minority Institutions of Higher Education (Monarch Center)**  
University of Illinois, Chicago, IL 60608  
Phone: 866.323.7648  
Email: [monarch@uic.edu](mailto:monarch@uic.edu)  
Web: [www.monarchcenter.org](http://www.monarchcenter.org)

### Outcomes

**The Early Childhood Outcomes Center**  
SRI International, Menlo Park, CA 94025-3493  
Phone: 530.758.7483  
Email: [kathleen.hebbeler@sri.com](mailto:kathleen.hebbeler@sri.com)  
Web: [www.the-eco-center.org](http://www.the-eco-center.org)

**National Center on Educational Outcomes (NCEO)**  
University of Minnesota, Minneapolis, MN 55455  
Phone: 612.626.1530  
Email: [scott027@umn.edu](mailto:scott027@umn.edu)  
Web: [www.nceo.info](http://www.nceo.info)

(over) A blue arrow pointing to the right, with the word "(over)" written in a light blue font to its left.

## The TA&D Network



**National Post-School Outcomes Center**  
University of Oregon, Eugene, OR 97403-1268  
Phone: 541.346.5641 | TTY: 541.346.0367  
Email: jafalls@uoregon.edu  
Web: psocenter.org



### Professional Development/Personnel

**Center for Improving Teacher Quality**  
Council of the Chief State School Officers, Washington,  
DC 20001-1431  
Phone: 202.336.7058  
Email: kathyp@ccsso.org  
Web: www.centerforteacherquality.org

**IRIS Center for Faculty Enhancement**  
Vanderbilt University, Nashville, TN 37203  
Phone: 866.831.6134  
Email: iris@vanderbilt.edu  
Web: iris.peabody.vanderbilt.edu

**National Center for Special Education Personnel  
and Related Service Providers (Personnel Center)**  
National Association of State Directors of Special  
Education (NASDSE), Alexandria, VA 22314  
Phone: 866.BECOME1  
Email: info@personnelcenter.org  
Web: www.personnelcenter.org

**National Professional Development Center on  
Inclusion (NPDCI)**  
University of North Carolina, Chapel Hill, NC 27599  
Phone: 919.843.5418  
Email: wanda\_weaver@unc.edu  
Web: www.fpg.unc.edu/~npdci/

**Professional Development in Autism (PDA) Center**  
University of Washington, Seattle, WA 98195  
Phone: 206.543.4011  
Email: pdacent@u.washington.edu  
Web: www.pdacenter.org

### Secondary/Postsecondary

**National Dropout Prevention Center for Students  
with Disabilities**  
Clemson University, Clemson, SC 29631-1555  
Phone: 864.656.2599  
Email: lbest@clemson.edu  
Web: www.ndpc-sd.org

**National Secondary Transition Technical Assistance  
Center**  
UNC Charlotte, Charlotte, NC 28223-0001  
Phone: 704.687.8606  
Email: chfowler@email.uncc.edu  
Web: www.nsttac.org

**Northeast Regional Center**  
Rochester Institute of Technology, Rochester, NY 14623  
Phone: 585.475.6433 | TTY: 585.475.6433  
Email: netac@rit.edu  
Web: www.netac.rit.edu

**PEPNet Midwest**  
Saint Paul College, St. Paul, MN 55102  
Phone: 651.846.1337 | TTY: 651.846.1537  
Email: dave@pepnet.org  
Web: www.pepnet.org

**PEPNet-South**  
University of Tennessee, Knoxville, TN 37996-3442  
Phone: 865.974.0607 | TTY: 865.974.0607  
Email: pepnet-south@utk.edu  
Web: www.pepnet.org

**PEPNet-West**  
California State University, Northridge, CA 91330  
Phone: 888.684.4695  
TTY: 888.684.4695; 818.677.2099  
Email: west@pepnet.org  
Web: www.pepnet.org

*(continued on next page)*

---

## The TA&D Network



### Technical Assistance ALLIANCE for Parent Centers

**National Technical Assistance Center**  
PACER Center, Minneapolis, MN 55437-1044  
Phone: 952.838.9000 | TTY: 952.838.0190  
Email: [alliance@taalliance.org](mailto:alliance@taalliance.org)  
Web: [www.taalliance.org](http://www.taalliance.org)

**Statewide Parent Advocacy Network (SPAN)**  
Newark, NJ 07102  
Phone: 973.642.8100  
Email: [Region1PTAC@spannj.org](mailto:Region1PTAC@spannj.org)  
Web: [www.neparentcenters.org](http://www.neparentcenters.org)

**Exceptional Children's Assistance Center (ECAC)**  
Davidson, NC 28036  
Phone: 800.962.6817  
Email: [ecacta@ecacmail.org](mailto:ecacta@ecacmail.org)  
Web: [www.ecac-parentcenter.org](http://www.ecac-parentcenter.org)

**Ohio Coalition for the Education of Children with Disabilities (OCECD)**  
Marion, OH 43302-3741  
Phone: 800.374.2806  
Email: [ocecd@gte.net](mailto:ocecd@gte.net)  
Web: [www.ocecd.org](http://www.ocecd.org)

**PEAK Parent Center**  
Colorado Springs, CO 80903  
Phone: 719.531.9400  
Email: [info@peakparent.org](mailto:info@peakparent.org)  
Web: [www.peakparent.org](http://www.peakparent.org)

**Matrix Parent Network and Resource Center**  
Novato, CA 94949  
Phone: 415.884.3535  
Email: [region6@matrixparents.org](mailto:region6@matrixparents.org)  
Web: [www.matrixparents.org](http://www.matrixparents.org)

### Technology

**Center for Implementing Technology in Education**  
Washington, DC 20007-3835  
Phone: 202.403.5000 | fax: 202.403.5001  
Email: [citeducation@air.org](mailto:citeducation@air.org)  
Web: [www.citeducation.org](http://www.citeducation.org)

**Family Center on Technology and Disability (FCTD)**  
Academy for Educational Development, Washington, DC 20009-5721  
Phone: 202.884.8068  
Email: [fctd@aed.org](mailto:fctd@aed.org)  
Web: [www.fctd.info](http://www.fctd.info)

**NIMAS Development and Technical Assistance Centers**  
CAST, Wakefield, MA 01880  
Phone: 781.245.2212 | TTY: 781.245.9320  
Email: [chitchcock@cast.org](mailto:chitchcock@cast.org)  
Web: [nimas.cast.org](http://nimas.cast.org)



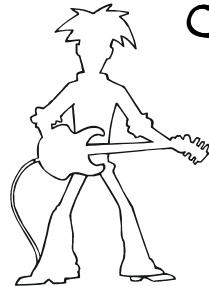
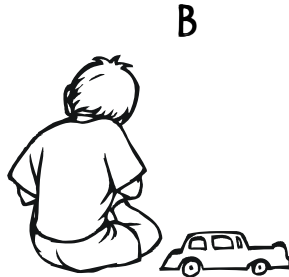
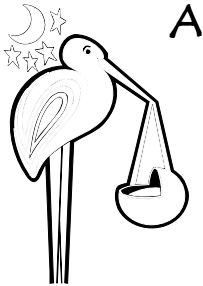
*This page is included here to facilitate the two-sided photocopying of these handouts.*



# Roll Over Beethoven

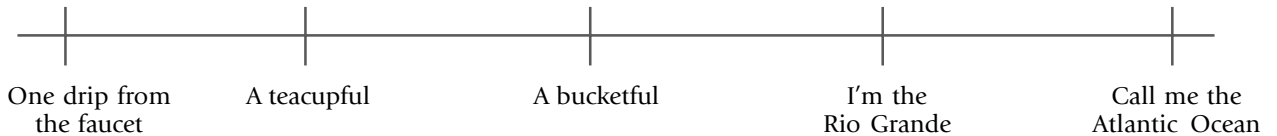
Instructions: Answer the questions below. Then talk with a partner about the answers each of you gave.

1. What does the acronym IDEA stand for?
2. Which of the following illustrations best describes how much you know about requirements in IDEA '97?

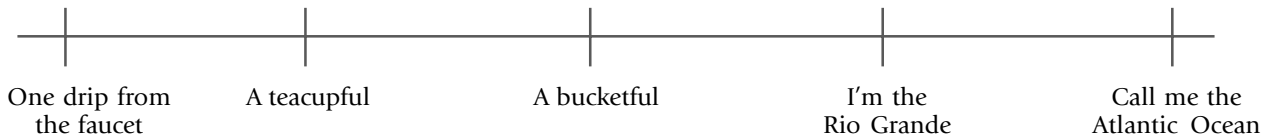


3. Rate your knowledge of IDEA in these specific areas:

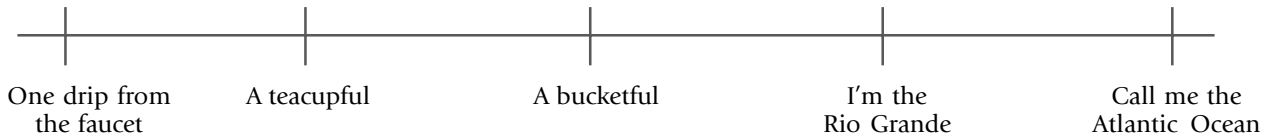
A—IDEA's *Definitions of Disabilities*



B—What IDEA requires when *evaluating children* to determine if they have a disability and, by reason thereof, need special education and related services



C—What IDEA requires when *developing an IEP* for a child with a disability



4. What's the main reason you need to know how IDEA has changed? (In other words, how does your work or life intersect with IDEA's requirements?)



*This page is included here to facilitate the two-sided photocopying of these handouts.*

---

IDEA 2004's Final Regulations

## Changes in IDEA's Definitions

### §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...

(b) *Children aged three through nine experiencing developmental delays...*

(c) *Definitions of disability terms.*  
The terms used in this definition of a child with a disability are defined as follows:

(9) *Other health impairment* means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child's educational performance.

### §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.

(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).

(over) 

## Changes in IDEA's Definitions

### §300.18 Highly qualified special education teachers.

(a) *Requirements for special education teachers teaching core academic subjects.* For any public elementary or secondary school special education teacher teaching core academic subjects, the term *highly qualified* has the meaning given the term in section 9101 of the ESEA and 34 CFR 200.56, except that the requirements for highly qualified also—

(1) Include the requirements described in paragraph (b) of this section; and

(2) Include the option for teachers to meet the requirements of section 9101 of the ESEA by meeting the requirements of paragraphs (c) and (d) of this section.

(b) *Requirements for special education teachers in general.* (1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires that—

(i) The teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, highly qualified means that the teacher meets the certification or licensing requirements, if any, set forth in the State's public charter school law;

(ii) The teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) The teacher holds at least a bachelor's degree.



(2) A teacher will be considered to meet the standard in paragraph (b)(1)(i) of this section if that teacher is participating in an alternative route to special education certification program under which—

(i) The teacher—

(A) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;

(B) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;

(C) Assumes functions as a teacher only for a specified period of time not to exceed three years; and

(D) Demonstrates satisfactory progress toward full certification as prescribed by the State; and

(ii) The State ensures, through its certification and licensure process, that the provisions in paragraph (b)(2)(i) of this section are met.

(3) Any public elementary school or secondary school special education teacher teaching in a State, who is not teaching a core academic subject, is highly qualified if the teacher meets the requirements in paragraph (b)(1) or the requirements in (b)(1)(iii) and (b)(2) of this section.

(c) *Requirements for special education teachers teaching to alternate achievement standards.* When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under 34 CFR

(continued on next page) 

## Changes in IDEA's Definitions

200.1(d), highly qualified means the teacher, whether new or not new to the profession, may either—

(1) Meet the applicable requirements of section 9101 of the ESEA and 34 CFR 200.56 for any elementary, middle, or secondary school teacher who is new or not new to the profession; or

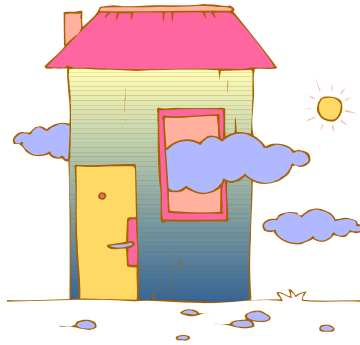
(2) Meet the requirements of paragraph (B) or (C) of section 9101(23) of the ESEA as applied to an elementary school teacher, or, in the case of instruction above the elementary level, meet the requirements of paragraph (B) or (C) of section 9101(23) of the ESEA as applied to an elementary school teacher and have subject matter knowledge appropriate to the level of instruction being provided and needed to effectively teach to those standards, as determined by the State.

(d) *Requirements for special education teachers teaching multiple subjects.* Subject to paragraph (e) of this section, when used with respect to a special education teacher who teaches two or more core academic subjects exclusively to children with disabilities, highly qualified means that the teacher may either—

(1) Meet the applicable requirements of section 9101 of the ESEA and 34 CFR 200.56(b) or (c);

(2) In the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under 34 CFR 200.56(c) which may include a single, high objective uniform State standard of evaluation (HOUSSE) covering multiple subjects; or

(3) In the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or



science, demonstrate, not later than two years after the date of employment, competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under 34 CFR 200.56(c), which may include a single HOUSSE covering multiple subjects.

(e) *Separate HOUSSE standards for special education teachers.* Provided that any adaptations of the State's HOUSSE would not establish a lower standard for the content knowledge requirements for special education teachers and meets all the requirements for a HOUSSE for regular education teachers—

(1) A State may develop a separate HOUSSE for special education teachers; and

(2) The standards described in paragraph (e)(1) of this section may include single HOUSSE evaluations that cover multiple subjects.

(f) *Rule of construction.* Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a particular SEA or LEA employee to be highly qualified, or to prevent a parent from filing a complaint under §§300.151 through 300.153 about staff qualifications with the SEA as provided for under this part.

(g) *Applicability of definition to ESEA; and clarification of new special education teacher.* (1) A teacher who is highly qualified under this section is considered highly qualified for purposes of the ESEA.

(2) For purposes of §300.18(d)(3), a fully certified regular education teacher who subsequently becomes fully certified or licensed as a

(continued on next page)

## Changes in IDEA's Definitions



### ESEA's Definition of Scientifically Based Research

*Scientifically based research—*

(a) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(b) Includes research that—

1. Employs systematic, empirical methods that draw on observation or experiment;
2. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
4. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

special education teacher is a new special education teacher when first hired as a special education teacher.

(h) *Private school teachers not covered.* The requirements in this section do not apply to teachers hired by private elementary schools and secondary schools including private school teachers hired or contracted by LEAs to provide equitable services to parentally-placed private school children with disabilities under §300.138.

### §300.10 Core academic subjects.

Core academic subjects means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

### §300.35 Scientifically based research.

*Scientifically based research* has the meaning given the term in section 9101(37) of the ESEA.

## Early Intervening Services

### §300.226 Early intervening services.

(a) *General.* An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to §300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. (See Appendix D for examples of how §300.205(d), regarding local maintenance of effort, and §300.226(a) affect one another.)

(b) *Activities.* In implementing coordinated, early intervening services under this section, an LEA may carry out activities that include—

(1) Professional development (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and



(2) Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

(c) *Construction.* Nothing in this section shall be construed to either limit or create a right to FAPE under Part B of the Act or to delay appropriate evaluation of a child suspected of having a disability.

(d) *Reporting.* Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on—

(1) The number of children served under this section who received early intervening services; and

(2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.

(e) *Coordination with ESEA.* Funds made available to carry out this section may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

*This page is included here to facilitate the two-sided photocopying of these handouts.*

---





## Key Changes in Evaluation Provisions

### Evaluations and Reevaluations

#### §300.301 Initial evaluations.

(a) *General.* Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.

(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.

(c) *Procedures for initial evaluation.* 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; and

(2) Must consist of procedures—

(i) To determine if the child is a child with a disability under §300.8; and

(ii) To determine the educational needs of the child.

(d) *Exception.* The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—

(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or

(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a

determination by the child's previous public agency as to whether the child is a child with a disability under §300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.



#### §300.307 Specific learning disabilities.

(a) *General.* A State must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the State—

(1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in §300.8(c)(10);

(2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and

(3) May permit the use of other alternative

(over)

## Key Changes in Evaluation Provisions

research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10).

(b) *Consistency with State criteria.* A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.

### §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.

### §300.502 Independent educational

#### evaluation.

(a) *General.* (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.

(2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.

(3) For the purposes of this subpart—

(i) *Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

(ii) *Public expense* means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with §300.103.

(b) *Parent right to evaluation at public expense.* (1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) File a due process



(continued on next page) 

## Key Changes in Evaluation Provisions

complaint to request a hearing to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.



(c) *Parent-initiated evaluations.* If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—

(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

(2) May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.

(d) *Requests for evaluations by hearing officers.* If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

(e) *Agency criteria.* (1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.



*This page is included here to facilitate the two-sided photocopying of these handouts.*

---

## Key Changes in IEP Provisions

### Excusing a Member of the IEP Team from Attending an IEP Meeting in Whole or in Part: §300.321(e)



*(e) IEP Team attendance.*

(1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

(2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—

- (i) The parent, in writing, and the public agency consent to the excusal; and
- (ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

---

### New Provisions in IDEA 2004: Amending the IEP Without Meeting: §300.324(a)(4) and (6)

(4) *Agreement.* (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

(5) ...

(6) *Amendments.* Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

---

### New Provisions in IDEA 2004: Content of the IEP at §§300.320(a)(1), (a)(2)(ii), and (b)

#### §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 <sup>ε</sup> (over)

## Key Changes in IEP Provisions



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;

(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.

### NIMAS Provisions in IDEA 2004 Relevant to IEP Development: §300.172

#### §300.172 Access to instructional materials.

(a) *General.* The State must—

(1) Adopt the National Instructional Materials Accessibility Standard (NIMAS), published as appendix C to part 300, for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after publication

of the NIMAS in the **Federal Register** on July 19, 2006 (71 FR 41084); and


(2) Establish a State definition of "timely manner" for purposes of paragraphs (b)(2) and (b)(3) of this section if the State is not coordinating with the National Instructional Materials Access Center (NIMAC) or (b)(3) and (c)(2) of this section if the State is coordinating with the NIMAC.

(b) *Rights and responsibilities of SEA.* (1) Nothing in this section shall be construed to require any SEA to coordinate with the NIMAC.

(2) If an SEA chooses not to coordinate with the NIMAC, the SEA must provide an assurance to the Secretary that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(3) Nothing in this section relieves an SEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats, but are not included under the definition of blind or other persons with print disabilities in §300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

(4) In order to meet its responsibility under paragraphs (b)(2), (b)(3), and (c) of this section to ensure that children with disabilities who need instructional materials in accessible formats are provided those materials in a timely manner, the SEA must ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials.

(continued on next page) 



## Key Changes in IEP Provisions

(c) *Preparation and delivery of files.* If an SEA chooses to coordinate with the NIMAC, as of December 3, 2006, the SEA must—

(1) As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, must enter into a written contract with the publisher of the print instructional materials to—

(i) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instructional materials using the NIMAS; or

(ii) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

(2) Provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

(d) *Assistive technology.* In carrying out this section, the SEA, to the maximum extent possible, must work collaboratively with the State agency responsible for assistive technology programs.

(e) *Definitions.* (1) In this section and §300.210—

(i) *Blind persons or other persons with print disabilities* means children served under this part who may qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled “An Act to provide books for adult blind,” approved March 3, 1931, 2 U.S.C 135a;

(ii) *National Instructional Materials Access Center* or *NIMAC* means the center established pursuant to section 674(e) of the Act;

(iii) *National Instructional Materials Accessibility Standard* or *NIMAS* has the meaning given the term in section 674(e)(3)(B) of the Act;

(iv) *Specialized formats* has the meaning given the term in section 674(e)(3)(D) of the Act.

(2) The definitions in paragraph (e)(1) of this section apply to each State and LEA, whether or not the State or LEA chooses to coordinate with the NIMAC.



### Definitions Referenced in NIMAS Provisions

#### *Blind Persons or Other Persons with Print Disabilities*

The Library of Congress regulations (36 CFR 701.6(b)(1)) related to the Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a) provide that *blind persons or other persons with print disabilities* include:

(i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees.

(ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.

(iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.

(iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. (71 Fed. Reg. at 46621)

(over) 

## Key Changes in IEP Provisions

### Competent Authority

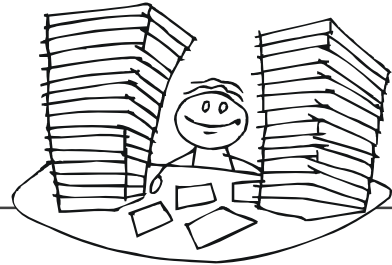
Competent authority is defined in 36 CFR 701.6(b)(2) as follows:

(i) In cases of blindness, visual disability, or physical limitations “competent authority” is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents).

(ii) In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines. (71 Fed. Reg. at 46621)

### Printed Instructional Materials

(C) PRINTED INSTRUCTIONAL MATERIALS.—The term ‘print instructional materials’ means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by students in the classroom. [Section 674(e)(3)(c) of Public Law 108-446]



### Sources of Additional Information on NIMAS

NIMAS Development & Technical Assistance Centers, <http://nimas.cast.org/>

U.S. Department of Education, Office of Special Education Programs’ (OSEP’s) IDEA Web Site, <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C10%2C>

### Sources of Additional Information on Modified Academic Achievement Standards and Assessments

*Regulations on Alternate Assessment Based on Modified Academic Achievement Standards*, <http://www.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html>

*Department’s Non-Regulatory Guidance* <http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc>

*Fact Sheet* <http://www.ed.gov/parents/needs/speced/twopercent.html>



## Key Changes in IDEA's "Parentally-Placed" Provisions

### §300.130 Definition of parentally-placed private school children with disabilities.

Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in §300.13 or secondary school in §300.36, other than children with disabilities covered under §§300.145 through 300.147.

### §300.131 Child find for parentally-placed private school children with disabilities.

(a) *General.* Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §§300.111 and 300.201.

...

(f) *Out-of-State children.* Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.

### §300.132 Provision of services for parentally-

#### Key Phrases Mark Key Changes

Each LEA in which private, including religious, elementary schools and secondary schools are located must...

### placed private school children with disabilities-basic requirement.

(a) *General.* To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious,

elementary schools and secondary schools located in the school district served by the LEA, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services determined in accordance with §300.137, unless the Secretary has arranged for services to those children under the by-pass provisions in §§300.190 through 300.198.

### §300.133 Expenditures.

(a) *Formula.* To meet the requirement of §300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally placed private school children with disabilities...

...

(b) *Calculating proportionate amount.* In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools under §300.134, must conduct a thorough and complete child find process to determine the number of



(over)

## Key Changes in IDEA’s “Parentally-Placed” Provisions

parentally-placed children with disabilities attending private schools located in the LEA. (See Appendix B for an example of how proportionate share is calculated)....

...

(c) *Annual count of the number of parentally-placed private school children with disabilities.* (1) Each LEA must—

(i) After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities (consistent with §300.134), determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA; and...

...

### §300.134 Consultation.

To ensure timely and meaningful consultation, an LEA, or, if appropriate, an SEA, must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children...

...

### §300.137 Equitable services determined.

(a) ...

(b) *Decisions.* (1) Decisions about the services that will be provided to parentally-placed private school children with disabilities under §§300.130 through 300.144 must be made in accordance with paragraph (c) of this section and §300.134(c).

(2) The LEA must make the final decisions with respect to the services to be provided to eligible parentally-placed private school children with

### Finding the Full Story

The majority of IDEA’s requirements for parentally-placed private school children with disabilities can be found in §§300.129 through 300.144. What appears on this handout are *excerpts* from those provisions. Missing text is indicated by “...” used here.

disabilities.

(c) *Services plan for each child served under §§300.130 through 300.144.* If a child with a disability is enrolled in a religious or other private school by the child’s parents and will receive special education or related services from an LEA, the LEA must...

---

### §300.138 Equitable services provided.

(a) *General.* (1) The services provided to parentally-placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements of §300.18.

...

(c) *Provision of equitable services.* (1) The provision of services pursuant to this section and §§300.139 through 300.143 must be provided:

(i) By employees of a public agency; or

(ii) Through contract by the public agency with an individual, association, agency, organization, or other entity....

## Key Changes in IDEA's Discipline Procedures

### §300.530 Authority of school personnel.

(a) *Case-by-case determination.* School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.

---

### IDEA's Provisions at §300.530(g): Special Circumstances and Authority of School Personnel

(g) *Special circumstances.* School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child—

- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

---

### IDEA's Definition of "Serious Bodily Injury" at §300.530(i)(3)

(3) *Serious bodily injury* has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

The term *serious bodily injury* means bodily injury that involves—

1. A substantial risk of death;
2. Extreme physical pain;
3. Protracted and obvious disfigurement; or
4. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (71 Fed. Reg. 46723)

---

### Manifestation Determination: The Beginning of IDEA's Provision at §300.530(e)

(e) *Manifestation determination.* (1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—

- (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

---

### When Conduct is a Manifestation of Disability: IDEA's Provisions at §300.530(e)(2) and (f)

(g)...(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team

(over) 

## Key Changes in IDEA's Discipline Procedures

determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must—

(1) Either—

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

---

### “Stay-Put” Provision Changed: Child's Placement during Appeals and IDEA's Provision at §300.533

When an appeal under §300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in §300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

---



### Clarifying “Basis of Knowledge” at §300.534

(a)...

(b) *Basis of knowledge.* A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred—

(1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;

(2) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or

(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

(c) *Exception.* A public agency would not be deemed to have knowledge under paragraph (b) of this section if—

(1) The parent of the child—

(i) Has not allowed an evaluation of the child pursuant to §§300.300 through 300.311; or

(ii) Has refused services under this part; or

(2) The child has been evaluated in accordance with §§300.300 through 300.311 and determined to not be a child with a disability under this part.

---

## Bringing the Changes Home

*Instructions:* This is the closing activity in “Key Changes in IDEA 2004.” Time to review and reflect on what those changes mean in your neck of the woods. Work individually. Then share your answers with a partner.



Which two of the following changes is **MOST** important to you in your personal or professional life? Circle them. Then use the back of the page to say *why* or *how* each one is important to you.

**Which 2 of these...?**

- A. Tourette syndrome mentioned in “Other Health Impairment” definition
- B. Limiting related services for surgically implanted medical devices
- C. Requirements that teachers be highly qualified
- D. Early intervening services
- E. 60-day timeframe for evaluation
- F. New elements in how children with specific learning disabilities may be identified
- G. Response to intervention (RTI)
- H. Limiting reevaluations and/or independent educational evaluations
- I. Changes in IEP meetings
- J. Changes in IEP content
- K. New IEP considerations (NIMAS, modified academic achievement standards and assessment, students who transfer)
- L. “Parentally-placed” private school children with disabilities
- M. Discipline procedures

**Why so? Do tell!**





## **Bringing the Changes Home**

**Why so? Here's why so!**