



**SPED**

SPECIAL EDUCATION

**IEP: SPECIAL EDUCATION SERVICES**

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# OVERVIEW ON WRITING SPECIAL EDUCATION SERVICES

Local Education Agencies (LEAs) should review their current procedures regarding documenting the frequency, duration, and location of related services. The LEA's commitment of resources and supports must be clearly stated in the IEP and understood by all IEP team members. Special education is a set of services; not a location. Special education is not defined by where it occurs, but rather the specially designed instruction (SDI) to meet the unique needs of each student with a disability within the least restrictive environment (LRE). SDI refers to adapting as appropriate, the content (what is presented), methodology, (how it's developed) or delivery (who provides it, where, and when it is provided) of grade-level core curriculum instruction (34 CFR § 300.39(a)(3); USBE SER I.E.47.).

The Individuals with Disabilities Act (IDEA) requires an Individualized Education Program (IEP) developed by a student's team that clearly identifies related services, supports, and supplementary aids when appropriate. IDEA requires a student receiving related services to contain a statement of the "anticipated frequency, location, and duration of those services, 34 Code of Federal Regulations (CFR) §300.320(a)(7).

## **The various types of services to be considered for each student, as outlined in IDEA:**

1. Special Education
2. Related Services
3. Supplementary Aids and Services
4. Program Modifications and Supports for School Personnel

Special education and related services are based on the identified needs of the student and not necessarily the disability category determined eligible. Each disability category has certain characteristics that may lead the team to anticipate certain curricular decisions, behavioral interventions, and/or specific supports, programs, or services. Yet, each IEP must be individualized to meet each student's needs. This includes specifically identifying location of services related to general education, special education, and non-academic or extracurricular activities. Appropriate accommodations, modifications, aids, and services are also included; which the school must provide on behalf of the student. This ensures students qualifying for special education will make progress in their educational goals and general education curriculum.

**IDEA (§ 300.42)** defines Supplementary aids and services as aids, services, and other supports that are provided in regular education classes, other education related settings, and in extracurricular or 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.

**IDEA clarifies Section 300.101(c)** as it was revised to clarify that a free appropriate public education (FAPE) must be available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course and is advancing from grade to grade.

**Section 300.107(a)**, regarding nonacademic services, has been revised to specify how each public agency must take, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

## IDEA (2004)

**300.320 (a)(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

**300.320 (a) (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.

## RULE 51

**007.02B** Each school district or approved cooperative shall ensure that an IEP is in effect before special education and related services are provided to a child with a verified disability under this Chapter.

**007.07A5** 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:

- » **007.07A5a** To advance appropriately toward attaining the annual goals;
- » **007.07A5b** To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and
- » **007.07A5c** To be educated and participate with other children with disabilities and nondisabled children in the activities described in 92 NAC 51-007.07A5

**007.07A8** The projected date for the beginning of the services and modifications described in 92 NAC 51-007.07A5 and the anticipated frequency, location, and duration of those services and modifications

# LRE: LEAST RESTRICTIVE ENVIRONMENT

The IDEA's LRE or mainstreaming policy requires public schools to educate students with disabilities in regular classrooms with their nondisabled peers, in their neighborhood schools (the schools they would attend if not disabled), to the maximum extent appropriate.

## [NDE LRE GUIDANCE DOCUMENT](#)

Since its earliest days, the law has displayed a strong preference for children with disabilities to be educated alongside their peers without disabilities, to the maximum extent appropriate. It recognizes that, in many cases, supplementary aids and services must be provided to a child with a disability to enable him or her to be educated in the general education classroom.

Supplementary aids and services can play a pivotal role in supporting the education of individual children with disabilities in the regular educational environment. Simply put, removal of a child with disabilities from the regular education class may occur only if the child cannot be satisfactorily educated in the regular educational environment with the use of supplementary aids and services.

## [Guidance- The difference Between Placement and Location](#)



# ESY: EXTENDED SCHOOL YEAR

Extended School Year (ESY) is special education and related services provided for students with disabilities during periods when school is not in session.

An extended school year is decided by the student's IEP team and may only be provided when a child might regress in a critical skill area to such an extent that regaining the skill would require significant time to regain, or make it unlikely the student obtains their present level of educational performance.

The purpose of ESY is to prevent or slow severe skill regression caused by an interruption of special education services during extended periods when school is not in session. ESY should not be used to enhance present levels of educational performance for children with disabilities at the end of the regular school year.

The critical question that each IEP team must ask is "Will the learning that occurred during the regular school year be significantly jeopardized if ESY services are not provided?"

Below is NDE's guidance document on ESY.

[The Individuals with Disabilities Education Act \(IDEA\) 92 NAC 51 \(Rule 51\) Extended School Year \(ESY\)](#)



# TIPS FOR WRITING SERVICES

Special education and related services are based on the identified needs of the student and not necessarily the disability category determined eligible. Each disability category has certain characteristics that may lead the team to anticipate certain curricular decisions, behavioral interventions, and/or specific supports, programs, or services. Yet, each IEP must be individualized to meet each student's needs. This includes specifically identifying the following:

- Location of services related to general education, special education, and non-academic or extracurricular activities.
- Appropriate accommodations, modifications, aids, and services are also included; which the school must provide on behalf of the student. This ensures students qualifying for special education will make progress in their educational goals and general education curriculum.
  - » Frequency and location and duration are to be provided on the services page of the IEP.

The model IEP form developed by the Office of Special Education Programs (OSEP) at the U.S. Department of Education (2006) suggests the format shown below as a means of recording this information.

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Service, Aid or Modification	Frequency	Location	Beginning Date	Duration
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## **Each IEP for a child or youth with a disability must include a statement of:**

- The special education services
- Related services
- Supplementary aids and services (including accommodations needed to access grade-level academic content and demonstrate learning)
- A statement of the program modifications
- Supports for school personnel that will be provided

## **Services and supports should enable a student to:**

- Make progress toward meeting his/ her academic and/or functional annual goals
- Be involved and make progress in the general education curriculum, and to participate in extracurricular (e.g., drama club) and other nonacademic (e.g., attending a school football game) activities
- Participate in these activities with other students, both with and without disabilities

## **Determining Appropriate Services and Supports**

The statement of services in a student's IEP must be written clearly so that the school's commitment of resources is apparent to parents and other members of the IEP team. To develop this statement of services, the IEP team should consider the overarching question: What service(s) and support(s) does the student need in order to achieve her annual IEP goals?

# EXAMPLES OF SERVICES (INCLUDING PITFALLS/WHAT NOT TO DO)

## Tips:

- All sections of the services page should be completed.
- Service areas should align with Present Levels/Goal Areas
- Services should be individualized for the student's needs/goals
- LRE should be considered to the fullest extent by the IEP team

## Pitfalls:

- Unclear or incorrect language regarding the service setting (e.g, missing whether speech sessions are individualized or in a small group or in the general education setting; or how to handle setting for virtual instruction)
- Services are the same for all students within a school or district (e.g., amount, type, frequency, duration); they are not individualized based on the unique needs of the child.
- Services are only provided in the special education setting or only in the general education setting.
  - » Failure to provide supplemental aids and services for nonacademic and extracurricular activities
  - » Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.