



Question: What is the difference between supplementary aids and services, accommodations, and modifications? Are IEPs required to distinguish between special education services, related services, accommodations, modifications and supports for school personnel? Must each of these items include frequency, location, and duration?

Answer: Supplementary aids and services (often referred to as accommodations) and modifications are two different IEP content requirements. Supplementary aids and services are defined in [34 C.F.R. § 300.42](#) and [92 NAC § 51-003.59](#) as, “. . . aids, services, and other supports that are provided in regular education classes or other education-related settings and in extracurricular and non-academic settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate...” The regulations implementing the IDEA and Rule 51 provide the same stated purpose for accommodations and modifications, “. . . to enable the child . . . [t]o advance appropriately toward attaining the[ir] annual goals . . . [t]o be involved in and make progress in the general education curriculum . . . to participate in extracurricular and other nonacademic activities . . . and . . . [t]o be educated and participate with other children with disabilities and nondisabled children in the activities described in [special education legal requirements] . . .” [34 C.F.R. § 300.320\(a\)\(4\)](#); [92 NAC § 51-007.07A5](#). Although accommodations and modifications have the same intent, they are materially different. Accommodations are small changes in procedures that do not change what is being taught or measured. Accommodations do not reduce learning expectations; they provide a student with access. Modifications are alterations that change what is being taught or measured.

IEP Teams must determine the frequency, location, and duration of supplementary aids and services (accommodations) and modifications, as well as special education and related services and support for school personnel and record it clearly in a child’s IEP. The United States Department of Education has noted that an IEP must include enough specificity about the amount of services that will be provided to the child “so that the level of the [district]’s commitment of resources will be clear to the parents and other IEP team members.” [See 71 Fed. Reg. 46,540, 46,667 \(Aug. 14, 2006\)](#) (codified at C.F.R. pts. 300 and 301). This





is in reference to frequency, location, and duration. All IEP Team members must be clear on what is going to be provided and when, where, and for how long each of these items will be provided. One way for IEP Teams to ensure that the description of each special education service, related service, accommodation, modification, and support for school personnel and the frequency, location, duration for each is sufficiently clear is to apply the “stranger test.” Could someone who does not know this child or the IEP Team’s intent read what is recorded on the IEP and be clear on what is going to be provided and when, where, and for how long each item will be provided?

A common mistake IEP Teams make regarding duration is to use the start and end date of the IEP as the duration of supplementary aids & services (accommodations) and program modifications. The IEP start and end dates specify when the IEP is intended to be in effect, not the duration of providing an accommodation, modification, special education or related service, or support for school personnel. For examples of frequency, location, and duration please see https://promotingprogress.org/sites/default/files/2020-09/Date_Frequency_Services_IEP_Tips.pdf.

District IEP templates must provide clear distinction between special education services, related services, supplementary aids & services (accommodations), modifications, and supports for school personnel. Each of these items must be listed under a clearly labeled heading that matches language used in special education law and IEP Teams must receive instruction on what type of items are appropriate in each section to meet the definitions in special education law. For example, many district IEP templates list related services under the heading “Additional Special Education Services” which is confusing and misleading as related services are not special education services. Related services are defined in [34 C.F.R. § 300.34](#) and [92 NAC § 51-003.49](#) and can be clearly distinguished from special education services as defined in [34 C.F.R. § 300.39](#) and [92 NAC § 51-003.56](#). NDE has found through complaint investigation and monitoring that a supports for school personnel section is often missing from IEPs. IEP Teams are required to discuss needed supports for school personnel and include them within a child’s IEP. [34 C.F.R. § 300.320\(a\)\(4\)](#); [92 NAC § 51-](#)





[007.07A5](https://www.education.ne.gov/wp-content/uploads/2017/07/iep-form.pdf). For examples of what the IEP templates must contain, please visit <https://www.education.ne.gov/wp-content/uploads/2017/07/iep-form.pdf>.

