

# Special Education

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## **Alert! Alert!**

Because NICHCY's website will only remain online until September 30, 2014, most of its rich content has moved to a new home, the **Center for Parent Information and Resources** (CPIR), where it can be kept up to date.

The new address of *Special Education* at the CPIR is:

<http://www.parentcenterhub.org/repository/iep-specialeducation/>

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Updated March 2013

[This info in Spanish](#) | [Esta información en español](#)

**The IEP must also contain a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child.** That's three separate, distinct, and critical elements—special education, related services, and supplementary aids and services—and each is worthy of a book on its own.

Don't worry! We won't write a book-length article about any of these, but we will split up the discussion of each into separate articles. Here, the focus will be on **special education**.

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## IDEA's Exact Words

It's helpful to see IDEA's full requirement for specifying a child's special education in his or her IEP. This appears at §300.320(a)(4) and stipulates that each child's IEP must contain:

(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)(4)]

In its entirety, this provision is the heart and soul, meat and potatoes, bricks and mortar (choose your analogy!) of the IEP. When taken off paper and operationalized in school, it becomes the education that a child with a disability receives. The part we've put in bold is the focus of this article, but you'll want to read the next two articles as well, so you can integrate the information here about special education with what's presented separately about related services and supplementary aids and services.

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## Special Education, in Brief

**Special education is instruction that is specially designed to meet the unique needs of a child with a disability.** This means education that is individually

developed to address a *specific* child's needs that result from his or her disability. Since each child is unique, it is difficult to give an overall example of special education. It is individualized for each child.

Some students may be working at the pre-kindergarten grade level, others at the first, second, or third grade level. There may be students whose special education focuses primarily on speech and language development, cognitive development, or needs related to a physical or learning disability. Special education for any student can consist of:

- an individualized curriculum that is *different* from that of same-age, nondisabled peers (for example, teaching a blind student to read and write using Braille);
- the *same* (general) curriculum as that for nondisabled peers, with adaptations or modifications made for the student (for example, teaching 3rd grade math but including the use of counting tools and assistive technology for the student); and
- a combination of these elements.

It is also important to remember that the education, services, and supports outlined in a child's IEP do not necessarily cover that child's *entire* education. **The IEP only addresses those educational needs resulting from the child's disability.** If a child needs special education support throughout the school day, for all activities, the IEP will cover all these needs. If the child doesn't need special education support in one or more areas (for example, physical education, music, or science), then the IEP will not include these subjects. The child accesses them through the general curriculum/ class, with no additional special education services.

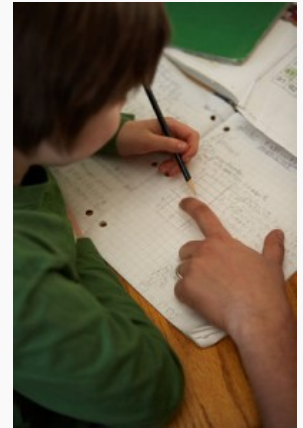
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## Adaptations and Modifications

The individualization of instruction is an important part of special education. Instruction and schoolwork are tailored to the needs of the child. Sometimes a student may need to have changes made in class work or routines because of his or her disability. Modifications can be made to:

- *what* a child is taught, and/or
- *how* a child works at school.

Sometimes people get confused about what it means to have a *modification* and what it means to have an *accommodation*. Usually a **modification** means a *change in what is being taught to or expected from the student*. Making an assignment easier so the student is not doing the same level of work as other students is an example of a modification. An **accommodation** is a *change that helps a student overcome or work around the disability*. Allowing a student who has trouble writing to give his answers orally is an example of an accommodation. This



Special education is individualized to address a student's needs.

student is still expected to know the same material and answer the same questions as fully as the other students, but he doesn't have to write his answers to show that he knows the information. You can read more about the differences between accommodations and modifications in NICHCY's [March 2013 blog](#) on the subject.

What is most important to know about modifications and accommodations is that both are meant to help a child to learn. For example:

*Jack is an 8th grade student who has learning disabilities in reading and writing. He is in a regular 8th grade class that is team-taught by a general education teacher and a special education teacher. Modifications and accommodations provided for Jack's daily school routine (and when he takes state or district-wide tests) include the following:*

- 1. Jack will have shorter reading and writing assignments.*
- 2. Jack's textbooks will be based upon the 8th grade curriculum but at his independent reading level (4th grade).*
- 3. Jack will have test questions read/explained to him, when he asks.*

Modifications or accommodations are most often made in the following areas:

**Scheduling.** For example:

- giving the student extra time to complete assignments or tests
- breaking up testing over several days

**Setting.** For example:

- working in a small group
- working one-on-one with the teacher

**Materials.** For example:

- providing audiotaped lectures or books
- giving copies of teacher's lecture notes
- using large print books, Braille, or books on CD (digital text)

**Instruction.** For example:

- reducing the difficulty of assignments
- reducing the reading level
- using a student/peer tutor

**Student Response.** For example:

- allowing answers to be given orally or dictated
- using a word processor for written work
- using sign language, a communication device, Braille, or native language if it is not English.

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**Where is special education provided?**

**Special education instruction can be provided in a number of settings**, such as: in the classroom, in the home, in hospitals and institutions, and in other settings (§300.26). Schools must ensure that a **continuum of alternative placements** is available to meet the needs of children with disabilities. This continuum must include the placements just mentioned (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions). Unless a child’s IEP requires some other arrangement, the child must be educated in the school he or she would attend if he or she did not have a disability [§300.552(c)].

Special education instruction must be provided to students with disabilities in what is known as the **least restrictive environment**, or LRE. IDEA includes provisions that ensure that children with disabilities are educated with nondisabled children, to the maximum extent appropriate. Each state must also ensure that 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 [§300.550(b)(2)].

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## The Long Story on Special Education

Of course, there’s much more to special education than the short summary above. For those of you that want the nitty-gritty, detailed, full picture of special education, here it comes. Keep reading.

### Defining special education

*Special education.* Sometimes, when the term is used, it means “special education” as defined by IDEA at §300.39, and other times it’s a reference to the field at large—teachers, offices, knowledge base, professional practice, the system.

However, when IDEA uses the term, its meaning is *never* mixed or ambiguous. Every single time “special education” is used in the law and the final Part B regulations, its meaning is the same—the definition below.

#### **§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.*

And that’s just the “general” part of the definition! The next part is called “**individual special education terms defined**,” where the definition goes on to define:

- at no cost;
- physical education;
- specially designed instruction;
- travel training; and
- vocational education.

Happily, the 20 opening words of special education’s definition—specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability—contain the *core* of the term’s meaning. You’ll see we’ve used those 20 words in the short story of special education. The 362 other words in the definition (which includes the definitions of the individual terms), while still very critical, add detail to that core and further clarify it.

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

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

- travel training (which has its own definition);
- vocational education (also defined on its own); and
- services that may be listed in IDEA as a related service but that a state may consider as special education—which makes them “special education” in that state.

As you can see from IDEA’s definition of special education, it can also occur in a variety of settings: in the classroom, in a home, in a hospital or institution, and in other settings. This is why you might also hear that “special education is not a place.” It’s not. *Where* it is provided for a specific child with a disability will depend on that child’s unique needs as determined by the group of individuals (which includes the parents) that makes the placement decision.

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## So what does “specially designed instruction” mean?

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

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

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

(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children. [§300.39(b)(3)]

Thus, as part of designing the instruction to fit the needs of a specific child, adaptations may be made in the content, methodology, or delivery of instruction. This is a strong point of pride within the special education field and a considerable accomplishment that’s come from 30 years of practice: the individualization of instruction.

As the provisions above show, adaptations can take many forms in response to the child’s needs; the field is replete with guidance on this critical part of special education. You’ll find a wealth of connections to that guidance here at NICHCY. Visit us often and see what you find!

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## What's peer-reviewed research?

Time for another definition—not more from “special education” but, rather, from where this article began—the statement of special education that's required in the IEP. If you look back up, you'll see that the special education a child receives must be “based on peer-reviewed research to the extent practicable” [§300.320(a)(4)]. What might that mean?

With the passage of the 2004 Amendments to IDEA, some new terms and concepts became part of the IEP process. One such is peer-reviewed research. The term is not formally defined in the IDEA, but the Department of Education's discussion in the Analysis of Comments and Changes may be helpful in understanding the term's general meaning and why no formal definition was included in the regulations:

“**Peer-reviewed research**” generally refers to research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published. However, there is no single definition of “peer reviewed research” because the review process varies depending on the type of information to be reviewed. (71 Fed. Reg. at 46664)

The term is used in conjunction with the phrase “to the extent practicable.” To better understand what this means and how IEP teams are to apply peer-reviewed research in their selection of services to be provided to a child with a disability, you may find the Department of Education's comments helpful.

States, school districts, and school personnel must...select and use methods that research has shown to be effective, to the extent that methods based on peer-reviewed research are available. This does not mean that the service with the greatest body of research is the service necessarily required for a child to receive FAPE. Likewise, there is nothing in the Act to suggest that the failure of a public agency to provide services based on peer-reviewed research would automatically result in a denial of FAPE. The final decision about the special education and related services, and supplementary aids and services that are to be provided to a child must be made by the child's IEP Team based on the child's individual needs. (71 Fed. Reg. at 46665)

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## Finding research to support decision making

With IDEA's new requirement to use peer-reviewed research to the extent practicable, IEP teams will want to connect with resources that help them identify appropriate research. While research is emerging all the time through any number of professional journals and other vehicles, it's useful to have a central place to start your search. NICHCY invests a significant portion of its effort to its [Research Center](#), so we'd recommend you start there.

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## The role of states in determining what special education is

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

So—where to look for that information?

The best place is to connect with the agency responsible in your state for overseeing special education in the state. That is most likely your state's Department of Education—or Department of Special Education. Names will vary from state to state, of course. You can connect with the responsible agency in your state in a number of

ways.

- Use **NICHCY's State Lists**. It lists the state agency to contact, including its website, under the category of "State Department of Education: Special Education." Find your State List, at: <http://nichcy.org/state-organization-search-by-state>
- Visit **NASDSE**, the National Association of State Directors of Special Education, and consult their "Meet the Directors" interactive map. There, you'll not only find the name of your state's Special Education Director, but you'll find the website address of the agency in charge. Most states provide links to the state's special education regulations and policies on their website, though you may have to hunt around to find them! NASDSE's map is online at: <http://www.nasdse.org/MeettheDirectors/tabid/60/Default.aspx>

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## Summary

Obviously, the statement required by §300.320(a)(4) is one of the most critical components in a child's IEP. Like the statement of annual goals, it arises out of, and is directly connected to, the "present levels" statement, where the child's current performance levels and needs are described. This is why a well-crafted "**present levels**" statement is so pivotal when developing a child's IEP.

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## Would you like to read about another component of the IEP?

*If so, use the links below to jump there quickly.*

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### Present Levels

How is the child currently doing in school? How does the disability affect his or her performance in class? This type of information is captured in the "present levels" statement in the IEP.

### Annual Goals

Once a child's needs are identified, the IEP team works to develop appropriate goals to address those needs. *Annual goal* describe what the child is expected to do or learn within a 12-month period.

### Benchmarks or Short-Term Objectives

Benchmarks or short-term objectives are required only for children with disabilities who take alternate assessments aligned to alternate achievement standards. If you're wondering what that means, this article will tell you!

### Measuring and Reporting Progress

Each child's IEP must also contain a description of how his or her progress toward meeting the annual goals will be measured and when it will be reported to parents. Learn more about how to write this statement in this short article.

### Special Education (you're already here!)

The IEP must contain a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child. This article focuses on the first element: a statement of the special education that will be provided for the child.

### Related Services

To help a child with a disability benefit from special education, he or she may also need extra help in one area or another, such as speaking or moving. This additional help is called *related services*. Find out all about these critical services here.

### **Supplementary Aids and Services**

Supplementary aids and services are intended to improve children's access to learning and their participation across the spectrum of academic, extracurricular, and nonacademic activities and settings. The IEP team must determine what supplementary aids and services a child will need and specify them in the IEP.

### **Program Modifications for School Personnel**

Also part of the IEP is identifying the program modifications or supports for school personnel that will be provided. [Read more here.](#)

### **Extent of Nonparticipation**

The IEP must also include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in other school settings and activities. Read how this connects to IDEA's foundational principle of LRE.

### **Accommodations in Assessment**

IDEA requires that students with disabilities take part in *state or districtwide assessments*. The IEP team must decide if the student needs accommodations in testing or another type of assessment entirely. In this component of the IEP, the team documents how the student will participate.

### **Service Delivery**

When will the child begin to receive services? Where? How often? How long will a "session" last? Pesky details, but important to include in the IEP!

### **Transition Planning**

Beginning no later than a student's 16th birthday (and younger, if appropriate), the IEP must contain transition-related plans designed to help the student prepare for life after secondary school.

### **Age of Majority**

Beginning at least one year before the student reaches the age of majority, the IEP must include a statement that the student has been told about the rights (if any) that will transfer to him or her at age of majority. What is "age of majority" and what does this statement in the IEP look like?

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