

Documenting the Amount of Special Education and Related Services on the Individual Educational Plan

BACKGROUND

This is one of a series of technical assistance materials related to the final regulations implementing the 1997 Amendments to Parts B and C of the Individuals with Disabilities Education Act (IDEA). The material in this update is based on

- actual language of the regulations (34 CFR Part 300)
- explanatory material published by the Office of Special Education Programs (OSEP)
- Department of Education (DOE) staff analysis of the regulations and existing state policies and procedures
- reviews by selected individuals throughout the state.


A number of issues regarding documentation of special education and related services on the Individual Educational Plan (IEP) have been raised by school districts. The purpose of this technical assistance paper (TAP) is to provide guidance to districts on these procedures. This TAP replaces TAP No. FY 1993-6, “The Use of a Range of Time on Individual Educational Plans.”

Special Education and Related Services

Special education is defined as specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability. Specially designed instruction means adapting the content, methodology, or delivery of instruction, as appropriate, to address the unique needs that result from the student’s disability and ensuring access of the student to the general curriculum to meet the educational standards that apply to all students.

Related services are defined as transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.

Program areas, subject areas, or service delivery models (e.g., Specific Learning Disabilities, reading, or co-taught classes) are not considered to be special education services. Examples of how to identify special education services on the IEP are direct instruction in reading comprehension strategies, specialized instruction for written language, assistance with math provided in a co-taught classroom, small group instruction in language arts, or speech therapy.

<p>Paper Number: FY 2002-1</p>	 <p>FLORIDA DEPARTMENT OF EDUCATION</p>	<p>TECHNICAL ASSISTANCE PAPERS are produced periodically by the Bureau of Instructional Support and Community Services to present discussion of current topics. The TA Papers may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.</p>
<p>August 2001</p> <p>Division of Public Schools and Community Education Bureau of Instructional Support and Community Services</p>		
<p>Refer Questions To: Lezlie Cline (850) 488-1106</p>		

QUESTIONS AND ANSWERS

1. **Must the IEP specify the amount of services or may it simply list the services to be provided?**

Appendix A, Question 35, (34 CFR Part 300) of the final regulations addresses the issue of documenting special education and related services on the IEP as follows:

The amount of services to be provided must be stated in the IEP so that the level of the agency's commitment of resources will be clear to parents and other IEP team members. The amount of time to be committed to each of the various services to be provided must be (1) appropriate to the specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP.

2. **Can the amount of services be stated on the IEP in terms other than minutes?**

Although IDEA does not specify that the amount of services must be stated in minutes, it does require the frequency be stated on the IEP for special education and related services, as well as, all accommodations, modifications, supports to school personnel, and supplemental aids and services. DOE recommends that the amount of services for speech, language, occupational, and physical therapy continue to be stated in minutes. An example for occupational therapy is 30 minutes per week for therapy and one time per week for consultation. Examples of how to describe the amount of services on the IEP, other than by minutes, are "twice a week" or "daily." The amount of the services must be clear to all parties involved in the development and implementation of the IEP.

District exceptional student education (ESE) departments may need to work with their Management Information System (MIS) personnel to develop a data entry system for reporting the amount of services in terms other than minutes. At the secondary level, it may be obtained from the course schedule.

3. **Can "zero minutes" be used to specify the amount of services on the IEP?**

No. In order for a student with a disability to continue in an ESE program, they must be in need of special education services. A student who does not need ESE services should be considered for dismissal from special education.

4. **Can "as needed" be used to specify the amount of services on the IEP?**

No. The amount of services needs to be stated in terms that are clear to the parent and school personnel. It must identify the actual number of times that service will be provided. In situations when "as needed" seems appropriate, the IEP team should anticipate the amount of the service that will be needed by the student.

5. **Is it permissible to use a range of time on the IEP to indicate the amount of special education or related services a student will receive?**

The amount of special education or related service may be stated on the IEP as a range **only** if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the student. There should be documentation on the IEP or conference notes as to why the range is needed based on individual concerns.

It is appropriate to use a range of time, based on the IEP team's determination of the student's unique needs, to specify that a service is needed only in specific circumstances. A range of time might be stated as 1-2 periods

per day, 3-4 hours per week, or 3 times per week for 30-45 minutes per session, as long as the range is based on individual needs. Some examples are

- ◇ replacement behaviors taught daily when the student exhibits an inappropriate behavior
- ◇ intense strategies taught during the initial instruction of a concept, less assistance during the drill and practice phase
- ◇ two support classes for the first semester for a student transitioning from middle to high school, only one class once the student has learned the routine
- ◇ occupational therapy two times per week until the student masters the function of the assistive device, monthly consultation once mastered

The 1997 Office of Special Education Programs (OSEP) report for Florida emphasized that a range of time could not be used for “administrative convenience,” (e.g., personnel shortages, uncertainty regarding the availability of staff, or potential changes in student schedules). Preprinted information on the IEP form should not encourage the use of ranges. Patterns in the use of range of time for students in a particular school, program, or district may be closely reviewed. Terms such as “a minimum of” or “a maximum of” should not be used. If the range exceeds federal placement categories (as referenced in TAP 2001-10, *Change in Identification, FAPE, Placement, or Dismissal from Special Education*, Question 1), an informed notice to the parent would be required and an IEP meeting be convened to discuss the appropriateness.

6. How should the need for a range of time be documented?

Written documentation by the IEP team stating why the range of time is necessary for the student needs to be in evidence. Documentation may be located in staffing notes, conference notes, the present level of performance on the IEP, or in other places on the student’s IEP.

7. How can a therapist accommodate for the beginning of year procedures without using a range of time?

District procedures must ensure that students who have a therapy documented on the IEP receive therapy on a regularly scheduled basis at the beginning of each school year but with no more than a 10-day delay. More than 10 days may be interpreted as a change of placement and a denial of a free appropriate public education (FAPE).

As referenced in TAN FY 1991-2 “Beginning of Year Procedures for Programs for Speech and Language Impaired Students,” the Office of Civil Rights (OCR) declined to state a rule as to an acceptable length of delay. They did, however, state that a 10-day delay in initiation of direct services would not be a denial of FAPE.

8. How should the amount of services be reported on an IEP for students who have block schedules?

It is important that the amount of services be clearly written on the IEP. It may be necessary to delineate the type and amount of services into different sections for each block of time if it will vary throughout the year. The initiation and duration dates of the service to be provided for each block of time in the semester or grading period should also be indicated on the IEP. Another option is to convene another IEP meeting to incorporate the new information.

Some examples of how to document frequency include direct instruction in math - alternate day, block schedule, or special instruction in social studies daily on block schedule. It is important to remember that the amount of service is clear to all IEP team members, including the parents.

9. If there is an anticipated change in the amount of special education or related services identified on the IEP, must a new IEP meeting be conducted?

Yes. All changes to an IEP, including a change in the amount of services, must be done through an IEP team meeting. The IEP team must determine the amount of services required that meets the individual needs of the student.

A change in the amount of services may result in a change in educational placement or the provision of FAPE. When this occurs, a written informed notice to parents must be provided prior to the change being implemented.