

## QUICK GUIDE: THE BASICS OF SPECIAL EDUCATION (INCLUDING DEFINITIONS OF KEY TERMS)

The basic promise of federal and state special education laws is:

Every “child with a disability” is entitled to a “free, appropriate public education” in the “least restrictive environment.”

The terms in quotes have very specific definitions in special education law, and a real challenge in getting good services is understanding the technical terms used in special education law. This section explains some of those terms.

### Key Terms in Special Education

A **“child with a disability”** is a child between the ages of 3 and 21 who has a physical or mental disability that interferes with learning so that he or she needs specially designed instruction to make educational progress.

**“Free, appropriate public education (FAPE)”** is “special education” and “related services” that allow the child to benefit from instruction provided under an “individualized education program (IEP)” and make “reasonable progress.”

**“Special education”** is specially designed instruction, which is adapted in content, method of instruction, or delivery of instruction, as needed based on the child’s disability.

**“Related services”** are transportation or supportive services as needed to assist the child in benefiting from the instruction (examples: speech therapy, physical and occupational therapy).

**“Reasonable progress”** is not strictly defined and depends on the disability and strengths of the child. It can be measured by grades, achievement on standardized measures, achievement of annual goals, or other factors.

**“Least restrictive environment (LRE)”** is the setting in which children with disabilities can be educated with typical children to the maximum extent possible.

**“Individualized education program (IEP)”** is the outline of what services and accommodations the child will receive as part of their FAPE, and is devised by the child’s “IEP team.”

The **“IEP team”** is the group of people who develops the child’s IEP. It must include the parent, a regular education teacher, a special education teacher, a representative from the school district, and someone who can interpret the assessment results.

Even after defining these terms, some key questions are still not answered:

### What types of disabilities will allow a student to receive special education services?

- The law defines specific categories of disabilities that qualify students for special education services: Autistic; Behaviorally-Emotionally Disturbed; Deaf-Blind;

- Hearing impaired; Multi-handicapped; Mentally Disabled; Orthopedically Impaired; Other Health Impaired (this includes children who have Attention Deficit Hyperactivity Disorder); Specific Learning Disabled; Speech/language disabled; Traumatic brain injured; and Visually impaired.
- Note: No child can receive special education services unless the parent or guardian agrees to have the child identified as needing special services.

### **What is an IEP?**

- IEPs generally must cover these areas.
  - The child's current performance. This should include how child is doing on tests and assignments in class; observations of child's performance by teachers, parents, and others; results from the assessment to determine the child's eligibility for special education services; and information on how the child's disability affects their performance.
  - Annual goals that the child can reasonably accomplish in a year. The whole process is centered on giving services that will achieve these goals, so parents need to be sure they are satisfied with goals and that the goals are *meaningful and measurable*.
  - Measuring progress. This includes information on how progress toward the goals will be measured and reported to parents.
  - Special education services. This must *specifically* identify the *special education* (see the definition on previous page), related services, and accommodations and supports the child will receive.
  - Placement/participation with nondisabled children. This is about how much of the day the child will be in classes with typical students or in separate classes for disabled students.
  - Transition services. If the child is 14 or older, the IEP must address what classes are needed to help child reach post-graduation goals. If the child is 16 or older, the IEP must address how the child will transition to college or to a job and/or what services will be in place when the child leaves high school.
  - Dates and places. When will the services start, how long will they last, and where will they be provided.
- The IEP team also must consider the child's strengths and weaknesses, the parents' ideas for improving the child's education, recent evaluations, and how the child has done on end-of-year testing.

### **What services are provided?**

- The child will only receive what the IEP says the child should receive. So if the IEP does not include any specifics about the types of services, the school cannot be blamed for failing to provide a specific service.
- Services are determined on a case-by-case basis by the IEP team.
- How good the services are depends on how creative and committed the IEP team is and how the school staff implements the IEP.
- Schools must provide "special education," which is the specialized instruction (see definition above).

- Schools may also provide “related services” (see definition above) and accommodations, which are changes to school conditions and expectations or type of school work that are needed to allow a student with a disability to participate in classes, assignments and activities that typical students do
- See **Quick Guide: Preparing for an IEP Meeting** for tips on how to get the most from IEP meetings and ensure your child gets appropriate services.

**How is the least restrictive environment determined?**

- The idea is to have the child with typical children (or “mainstreamed”) for as much of the day as possible.
- Some students can spend the entire day in regular classroom with specialized instruction by regular education teacher; others need part of the day in a special education classroom; others need to be in a special education classroom all day; some need to be in a completely separate school; and finally some need to have educational services at home or hospital (“homebound”).
- A child can be kept out of regular classroom if the child receives no educational benefit from being there; if benefits of being in regular classroom are outweighed by benefits of separate setting; or if the child’s presence in regular classroom is disruptive.
- The IEP team makes all of these decisions.