

# FAPE CONSIDERATIONS FOR STUDENTS ELIGIBLE IN THE PRIMARY CATEGORY OF DD/SLI

## SPECIAL EDUCATION - GUIDANCE BRIEF



### What should be considered to meet FAPE for students eligible in the primary disability category of DD/SLI or SLI?

All students with an Individualized Education Program (IEP) are entitled to a free appropriate public education (FAPE). FAPE is individually determined for each student with a disability. FAPE **must** include special education services in the least restrictive environment (LRE) and *may* include related services, transition services, supplementary aids and services, and/or assistive technology devices and services. The Local Education Agency (LEA) is required to ensure a FAPE is available to students enrolled in the LEA who are eligible for special education. A FAPE requires an individualized educational program (IEP) to be appropriately ambitious in light of the child's circumstances; and, every child should have the chance to meet challenging objectives.

Students determined eligible in the primary disability category of DD/SLI, or SLI, are eligible for specially designed instruction (educational services) in the area of speech/language, with the teacher of record being a certified speech-language pathologist. If through evaluation, the team finds there is a need for related services in order for the student to receive FAPE and make educational progress, the LEA is responsible for the provision of identified related services as determined by the IEP Team.

### Who can be the Teacher of Record for a student eligible in the primary disability category of DD/SLI or SLI?

The Individual Educational Program (IEP) Teacher of Record (TOR) is the member of the evaluation and/or IEP team *who possesses the appropriate certification for the student's primary disability category* and is designated to perform administrative functions for the team, including: (1) setting up meetings; (2) ensuring appropriate forms are completed; (3) ensuring timelines are met; (4) notifying participants of the times and dates of meetings; and (5) may recommend additional evaluations or assessments to the team (as necessary) to support the student's educational progress. For a student who is eligible for special education services in the *primary* category of DD/SLI or SLI, the teacher of record is a certified speech-language pathologist.

### What services and related services are considered specially designed instruction for students eligible in the primary disability category of DD/SLI or SLI?

The term "special education" includes specially designed instruction to meet the unique needs of the student, including providing access to the general education curriculum. SLI is one of the thirteen identified categories of disability identified in the IDEA. As with any category, **all of the student's academic and functional educational needs resulting from the disability should be addressed in the IEP document.** Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to:

- Address the unique needs of the student that result from his or her disability; and
- Ensure access to the general curriculum so that the student can meet the academic standards that apply to all students.
- Reexamine the appropriateness of the SLI primary category (or DD suspected SLI) if academic data indicates a possible delay. The team will reevaluate whether the category of SLI remains to be the most appropriate category of disability through a reevaluation meeting beginning with the Review of Existing Data (RED).

The term "related services" refers to supportive services required to assist a student with a disability to benefit from special education. An OSEP policy letter addressed to Dr. Hal Hayden (1994) states that the goals and objectives in an IEP must address all of the student's identified needs that the IEP team has determined warrant the provision of special education, related services, or supplementary aids and services, and must enable the team to evaluate the effectiveness of each of those services. For example, if the IEP team has determined that a student needs speech and language therapy services as a component of FAPE, the IEP must include goals (and objectives if appropriate) that address the student's need to develop and/or improve communication-related skills. Moreover, if instruction will be provided to the student to enable the student to increase the student's fine motor or gross motor skills, then goals and objectives must be included to address the need to increase fine and gross motor skills.

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### What services may be considered as “Related Services?”

Related services refers to transportation and such developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education and includes the following, but not limited to: speech therapy, language therapy, audiology services, psychological services, physical therapy, occupational therapy, recreation, therapeutic recreation, early identification and assessment of disabilities in children, counseling services, rehabilitation counseling, orientation and mobility services, interpreting services, medical services for diagnostic or evaluation purposes, school health/nursing services (excluding surgically implanted medical devices), social work services in schools, and parent counseling and training. The IEP team may identify the need for other related services not listed above for the child to benefit from special education.

Such services must be provided by qualified personnel who hold OSDE approved or recognized licensure, certification, or other comparable requirements for the scope of practice and training in the identified area(s) of related services.

The components of related services are designed to enable the student:

- To advance appropriately toward attaining the annual goals.
- To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.
- To be educated and participate with other students with disabilities and nondisabled students, as appropriate.

### What is the process if a student no longer qualifies in the primary eligibility category of DD/SLI or SLI?

If a student no longer qualifies in the primary eligibility category of DD/SLI or SLI and has a related service detailed in the IEP of audiology services, psychological services, physical therapy, occupational therapy, recreation, therapeutic recreation, early identification and assessment of disabilities in children, counseling services, rehabilitation counseling, orientation and mobility services, interpreting services, medical services for diagnostic or evaluation purposes, school health/nursing services, social work services, and parent counseling and training, the multidisciplinary evaluation and eligibility group/team should meet to determine if additional assessment or evaluation is necessary to consider a new primary special education category in order to provide a FAPE for the student.

If the multidisciplinary team does not find the student eligible in another primary category, the multidisciplinary team must document how the student’s needs can be addressed through the general education program on the MEEGs form. Options to be considered may include:

- Consideration of eligibility/need for a Section 504 plan to address access to the curriculum and services.
- General education intervention services that may include:
  - Targeted academic skill instruction to help the student acquire the skills needed to work in and master grade-level curriculum.
  - Positive behavior supports to help the student acquire more effective classroom behaviors that support active engagement in classroom instruction.
- Implementation of differentiated instructional opportunities available through general education classroom instruction.



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The contents of this handout were developed under a grant from the U.S. Department of Education. However, the content does not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the federal government.

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