

Learning the Language of IDEA

BIP = Behavior Intervention Plan

An individually positive based intervention system designed by the IEP TEAM to assist a student to acquire educationally and socially appropriate behaviors and to reduce patterns of dangerous, destructive, disruptive or defiant behaviors

Child Find

Policies and procedures that every LEA must have to ensure that all children with disabilities (3-21 years old, unless in receipt of a high school diploma) who reside in or are parentally placed in a private school located in the LEA's geographic area and who are in need of special education and related services are identified, located, and evaluated. NC 1501-2.9.

Core Academic Subjects

English, reading or language arts, math, science, foreign languages, civics/government, economics, art, history, and geography. 20 U.S.C. 1401(4); 34 C.F.R. 300.10; NC 1500-2.6

DPI = Department of Public Instruction

Educational Performance

Academic and non-academic (i.e., developmental) areas.

ED = Emotional Disability

One of 14 disabling conditions under IDEA, also referred to as "severe emotional disability."

One of 5 criteria must be present:

1. Inability to learn that cannot be explained by intellectual, sensory, or health factors
2. inability to build or maintain satisfactory interpersonal relationships with peer and teachers
3. inappropriate types of behaviors or feelings under normal circumstances
4. a general pervasive mood of unhappiness or depression
5. a tendency to develop physical symptoms or fears associated with personal or school problems

Exception: Social Maladjustment

ESY = Extended School Year Services

Special education and related services that are provided to a student with a disability beyond the normal school year. The IEP Team considers:

- if the student's gains may regress during extending breaks from instruction and the student cannot relearn the skills in a reasonable period of time,
- if gains made will be seriously jeopardized without an educational program during extended breaks, or
- if the student is demonstrating "emerging critical skills acquisition" that will be lost without instruction during extended breaks.

NC 1501-2.4(b).

FAPE = Free Appropriate Public Education

Special education and related services provided at public expense (without charge) under public supervision and direction that meet the standards of the State Board and are provided in conformity with a student's individual education program (IEP). 34 C.F.R. 300.17; N.C.G.S. 115C-106.3(4); NC 1500-2.13. Students classified with a disability are entitled to a free appropriate public education. Appropriate means reasonably calculated to lead to the advancement in the general curriculum.

FBA = Functional Behavioral Assessment

Required after a change in placement due to disciplinary action and determined by the IEP Team. They often (1) identify why the student engages in challenging behaviors resulting in disciplinary action (the trigger), (2) hypothesize the general conditions under which a problematic behavior occurs, (3) determine the probable consequences to the student, and (4) provide strategies that include positive behavioral approaches to address those behaviors.

IDEA = Individuals with Disabilities Act

Federal law entitling students with one of 14 qualifying disabilities to receive specialized instruction and related services. 20 USCA 1400 et. seq., 34 CFR Part 300

IAES = Interim Alternative Educational Setting

A temporary educational setting (up to a maximum of 45 school days) for students protected by IDEA who are being disciplined for (1) bringing a weapon to school, (2) bringing illegal drugs to school, or (3) causing serious bodily injury to someone at school. If the behavior does not involve one of the 3 conditions listed above, the school cannot place a student in an IAES without first requesting a hearing and proving that the student presents a danger to self or others

IEE = Independent Educational Evaluation

If a parent disagrees with the school's evaluation, the parent may request an independent educational evaluation at public expense. This means the school must pay for it and the parent may choose the evaluator. The evaluator, however, must meet qualifying criteria for the district to conduct the evaluation. A school can request a due process hearing if it disagrees with the need for an independent evaluation. The school has 30 days to respond to the parents' request. If the school refuses to grant an IEE, the school must request a due process hearing.

IEP = Individualized Education Program

Written document developed at an IEP Team Meeting detailing the student's educational program and services, including the student's problem areas, current level of performance, and annual goals with short-term measurable and objective achievement goals. One must be in place at the beginning of every school year. Educational programs involve both academic and non-academic skills (ie., social skills, communication skills, extracurricular activities). NC DPI developed a form some school districts have opted to use.

IEP Team

The group that determines whether a student has a disability requiring special education, and if so, develops the IEP. It also makes changes to the IEP over time and, if needed, holds a manifestation determination. Participants must include: the parent(s), one regular education

teacher if the child takes any mainstream classes, one of the student's special education teachers, a school district representative that is knowledgeable about special education and regular education curriculum and the availability of the district's resources, someone who can interpret the evaluations (this can be one of the people previously listed), the student if appropriate, anyone the parent or school invites who has some special knowledge about the student, and if transition planning is required, the agency that will be handling the transition plan services. NC 1503-4.2(a).

LD = Learning Disability

One of 14 disabling conditions under IDEA. It is also referred to as a Specific Learning Disability (SLD).

LEA = Local Educational Agency

A local school administrative unit, a charter school, DHHS, the Division of Adult Correction of the Department of Public Safety, the Division of Juvenile Justice of the Department of Public Safety, and any other state agency or unit of local government that provides special education and related services to children with disabilities. N.C.G.S. 115C-106.3(11)

LRE = Least Restrictive Environment

The actual placement for a student with a disability that is to the maximum extent appropriate a setting with nondisabled peers. There is a continuum: regular classes, special classes, special schools, home instruction, and instruction in hospitals or institutions. NC 1501-3.2. Students with disabilities must be placed in the LRE. An LRE for students who require placement out of the LEA district also is defined as located closest to the student's home. NC 1501-3.3(c). LRE includes time in nonacademic (such as recess and meals) and extracurricular settings. NC 1501-3.4

Manifestation Determination

When a child identified under IDEA is removed from school for more than 10 consecutive school days or 10 cumulative school days that constitute a change of placement (series of short-term removals that are related) as a result of a disciplinary violation, there must be a manifestation meeting with the parent and relevant members of IEP Team (as determined by parent and school). They must review all the relevant information in student's file, including the IEP, teacher observations and other relevant information provided by the parents to determine if the behavior resulting in the disciplinary action:

- 1) was caused by or had a direct and substantial relationship to the child's disability or
- 2) was the direct result of the school's failure to implement the IEP.

If either question is answered yes, there is a manifestation, and the student cannot be disciplined for the behavior. Instead, the IEP must be revised so as to address behaviors. If there is not a manifestation, the student can be disciplined like any other student in the district. 20 USC § 1415(k)

MD = Multiply Disabled

One of the 14 qualifying disabilities under IDEA that involves a determination that the student has two or more of the qualifying disabilities identified under IDEA.

OCR = Office of Civil Rights (504) – Investigates violations of and enforces compliance with Section 504.

OHI = Other Health Impairment

One of the 14 qualifying disabilities under IDEA.

Parent Counseling and Training (Related Services)

Services included in the student's IEP that assist the parent in understanding the special needs of his/her child, provide the parent with information about child development, and help the parent acquire the skills necessary that will allow him or her to support the implementation of his or her child's IEP. NC 1500-2.28(c)(8).

Related Services

Transportation and other developmental, corrective, or supportive services required to assist a child with a disability to benefit from special education. Related services includes but are not limited to: speech-language, audiology, psychological, counseling, orientation and mobility, school health/nurse, and social work services; medical services for diagnostic or evaluation purpose; interpreters; physical or occupational therapy; recreation, and parent training. NC 1500-2.28.

Section 504 (of the Rehabilitation Act of 1973)

The first federal law entitling students with disabilities to a free appropriate public education, and is actually included in a federal labor statute, 29 USCA 706 and 794; 34 CFR Part 104. In order for Section 504 to apply, the school must receive federal financial assistance. The definitions of disability are broader than under IDEA for classification purposes; however, for procedural protection purposes, Section 504 is not as strong as IDEA. If the student is classified under section 504, a 504 plan must be put in place. If a school violates Section 504, parents follow the local school district policy regarding a 504 grievance, which must include an administrative hearing. Compliance with 504 is monitored by the Office of the Civil Rights and not the NC Department of Public Instruction.

SED = Severe Emotional Disability

Also referred to as Emotional Disability (ED), which is one of the 14 qualifying disabilities under IDEA.

SLD = Specific Learning Disability

Also referred to as Learning Disabled (LD), which is one of the 14 qualifying disabilities under IDEA. A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. It includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. 20 USC 1401(30). Exception: if the determinant factor is a lack of appropriate instruction in reading, math, or student has limited English proficiency (LEP). 20 USC 1414(b)(5)

Stay Put

When a due process hearing or complaint is requested and pending, the child stays in the current educational placement (“stay put”) unless the parent and school agree to an interim placement throughout the course of the litigation. NC 1504-1.19.

Transition Plan

Results oriented programming that serves to move the student from school to post-school activities, including postsecondary or vocational education, employment, continuing education, adult services, community participation, and independent living. It must take into account the student’s strengths, preferences, and interests and address instruction, related services, community experiences, post-school adult living objections and if appropriate, daily living skills and functional vocational evaluation. NC 1500-2.37. It must be included in the first IEP that is in effect when the child turns 14 and be updated annually. NC 1503-4.1(b)(1). The NC DPI developed a form that some school districts have opted to use.

Triennial Evaluation

The school must conduct a new evaluation on a student classified with a disability every 3 years.

Ward of the State

A child who is a ward of the state (I promise, this is what the law says), in the custody of a public child welfare agency, or a foster child. However, a foster child is only a state ward if placed in therapeutic foster home or if State law, regulations, or contractual obligations prohibit the foster parent from acting as the parent. NC 1500-2.39; 34 C.F.R. 300.45 and 300.30; 20 U.S.C. 1401(36).