

**A HANDBOOK FOR SUPPLEMENTARY
AIDS AND SERVICES**

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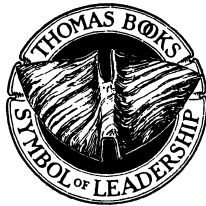
A HANDBOOK FOR SUPPLEMENTARY AIDS AND SERVICES

A Best Practice and IDEA Guide
“to Enable Children with Disabilities to be
Educated with Nondisabled Children to the
Maximum Extent Appropriate”

By

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PREFACE

Supplementary Aids and Services is not an option but an integral part of the Individuals with Disabilities Education Act of 1997 (IDEA). To be in compliance with IDEA Supplementary Aids and Services must be considered when determining the maximum extent appropriate a child with a disability can be educated with nondisabled children.

Sec. 300.28 Supplementary aids and services

As used in this part, the term supplementary aids and services means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with Secs. 300.550–300.556.

In 1975, Public Law 94-142 (Education for All Handicapped Children Act) required that children who are disabled are educated with nondisabled children to the maximum extent appropriate and that a child with a disability is removed from the regular classroom only when education in regular classes with the use of Supplementary Aids and Services cannot be achieved satisfactorily. The 1997 amendments (Public Law 105-17) to the Individuals with Disabilities Education Act (IDEA) placed renewed emphasis on regular classroom participation by expanding the contents of Individualized Education Programs (IEP) to include Supplementary Aids and Services in addition to special education and related services.

The regular classroom is the first placement considered for every child with a disability and Supplementary Aids and Services enable participation in the regular classroom to the maximum extent appropriate by providing aids, services, and other supports that enable a child with a disability to be educated with nondisabled children. Supplementary Aids and Services have been added to the list of definitions in the Code of Federal Regulations (34 CFR 300.28), are a required service element of the IEP, and are intended to be the primary method for achieving what is sometimes referred to IDEA's preference for mainstreaming.

Supplementary Aids and Services are essential for enabling children with disabilities to be educated with nondisabled children, but there is not a great

deal of guidance in either IDEA or the regulations as to what these services entail. The purpose of this book is to describe how Supplementary Aids and Services are defined by best practice, interpreted by individual states, and viewed by the courts to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. The key to the successful participation of children with disabilities in the regular classroom is not an abstract notion of inclusion or mainstreaming but meeting the statutory and regulatory mandate to provide Supplementary Aids and Services to enable meaningful participation. Inclusion is a philosophy that provides the foundation for all of special education; that is, ideally, every child should be educated with nondisabled children if appropriate. Whether the education of children with disabilities in the regular classroom is called inclusion or mainstreaming is irrelevant in that IDEA is abundantly clear that the regular classroom is the presumed placement for every child with a disability and that the success of a regular classroom placement is achieved by providing Supplementary Aids and Services.

A Handbook for Supplementary Aids and Services is composed of 10 chapters. The first three chapters deal with the need to provide a free appropriate public education (FAPE), the various services required by IDEA, and the importance of regular classroom placements. Chapters 4, 5 and 6 detail the full range of Supplementary Aids and Services, the continuum of alternative placements that must be provided by schools, and methods for providing the least restrictive environment (LRE). Chapter 7 presents methods for including Supplementary Aids and Services in a child's IEP and related matters concerning IEP documentation. Chapters 8 and 9 describe direct and indirect teaching services that will enable a child with a disability to participate in the regular classroom. Chapter 10 focuses on assistive technology services, devices, and aids that can be used in conjunction with special education, related services, and Supplementary Aids and Services to enable successful regular classroom participation.

E. B.

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Chapter 1

FAPE

The goal of special education is to provide each child with a disability with a Free Appropriate Public Education or **FAPE**. All services and accommodations, including special education services, related services, and Supplementary Aids and Services are provided to meet the FAPE standard. The FAPE requirement is for every child with a disability and directs that “a free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.¹” The definition for FAPE given in the Code of Federal Regulations (CFR) requires a free and appropriate education from preschool to secondary that meets state standards and follows each child’s Individualized Education Program or IEP:

34 CFR 300.13 Free appropriate public education.²

As used in this part, the term free appropriate public education or FAPE means special education and related services that--

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include preschool, elementary school, or secondary school education in the State; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of Secs. 300.340-300.350.

(Authority: 20 U.S.C. 1401(8))³

Supplementary Aids and Services are an integral part of FAPE in that an appropriate education always requires regular classroom participation to the maximum extent appropriate for every child with a disability. Just as a child with a disability must be given appropriate special education services, every

child with a disability must be provided with appropriate Supplementary Aids and Services to enable participation in the regular classroom and participation in the regular curriculum to the maximum extent possible.

There are several limitations to FAPE, such as when a student with a disability graduates from high school with a regular high school diploma. However, FAPE is required until age 21 if a child graduates with a certificate or IEP diploma.⁴ Although there are exceptions to FAPE, lack of resources is not a justification for not meeting a child's learning needs and not providing an appropriate education. A school might not employ a teacher whose specialty is orthopedic impairments or deaf-blindness, but under the Individuals with Disabilities Education Act (IDEA) amendments of 1997⁵ "lack of adequate personnel or resources does not relieve school districts of their obligations to make a free appropriate public education available to students with disabilities in the least restrictive educational setting in which their IEPs can be implemented." To deal with limited resources school districts are encouraged to develop innovative approaches by examining "cooperative learning, teaching styles, physical arrangements of the classroom, curriculum modifications, peer mediated supports, and equipment, to mention a few."⁶

For a child who needs special education or specially designed instruction, the content, methodology, or delivery of instruction must be adapted as appropriate to meet the needs of the child. However, special education is not simply a place, apart from the regular classroom or regular curriculum, where services are provided. The definition of special education clearly links special education to the regular curriculum so the unique needs of each child with a disability are met to ensure access to the general curriculum and to achieve the required educational standards that apply to all children.⁷ This does not mean that every child with a disability will actually meet every educational standard but that access to the general curriculum is provided and that educational standards are met to the maximum extent appropriate. When children with disabilities are provided with opportunities to meaningfully participate in the regular curriculum, and when there is a high expectation of success, educational standards (and often the standards that apply to all children) can and will be met. Nonetheless, given opportunity and a high expectation of success, standards should be met to the maximum extent appropriate.

The IDEA amendments of 1997 (Public Law 105-17 or P.L. 105-17) have highlighted the importance of Supplementary Aids and Services by specifically requiring the identification of these services in each child's IEP. The law before P.L. 105-17, including P.L. 94-142 in 1975 and P.L. 101-476 in 1990, required a statement of educational services and the extent of participation in the regular education program but not a statement of Supplementary Aids and Services.⁸ The 1997 amendments to IDEA elevated the role of Supplementary Aids and Services as one of the primary serv-

ices that must be included in each child's IEP by requiring "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, and a statement of the program modifications or supports for school personnel that will be provided for the child."⁹ The purpose of special education, related services, and Supplementary Aids and Services is threefold:

- 1) To advance appropriately toward attaining the annual goals;
- 2) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
- 3) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.¹⁰

The IDEA definition of Supplementary Aids and Services is very general and includes virtually all services and accommodations that enable regular classroom participation:¹¹

SUPPLEMENTARY AIDS AND SERVICES—The term "supplementary aids and services" means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 20 USC 1412(a)(5).^{12, 13}

And the nearly identical definition is included in the regulations (34 CFR 300.28):

§ 300.28¹⁴ Supplementary aids and services.

As used in this part, the term supplementary aids and services means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with Secs. 300.550-300.556.¹⁵

(Authority: 20 U.S.C. 1401(29))¹⁶

Possibly because the term is ambiguous and all-inclusive, many states such as Washington and Kentucky simply reiterate the IDEA definition of Supplementary Aids and Services.¹⁷ The Ohio Administrative Code includes a "supplemental services" option that provides personnel for implementing the Supplementary Aids and Services provision, so that the supplemental services teacher provides aids and services necessary to enable a child to receive FAPE "in the regular classroom environment in accordance with an individualized education program."¹⁸ South Carolina has expanded on the basic definition by providing examples of supplementary services that include (but are not limited to) "itinerant or resource assistance, sign language interpreting, tutoring, consultation, note taking, assistive technology