



Guidance

Individualized Education Program (IEP) Development: Supplementary Aids and Services

**Michigan Department of Education Office of Special Education
November 2020**

When developing an IEP for a student, pursuant to the Individuals with Disabilities Education Act (IDEA), the IEP Team is required to include a description of the supplementary aids and services, based on peer-reviewed research to the extent practicable, including modifications, accommodations and supports for school personnel, necessary to enable the student to:

- Advance appropriately toward attaining the annual goals;
- Be involved in and make progress in the general curriculum;
- Participate in extracurricular and other nonacademic activities; and
- Be educated and participate with other students with disabilities and nondisabled students. 34 CFR §300.320(a)(4).

Supplementary aids and services, like any other part of the IEP, should be individualized to the needs of the student and written in such a way that clearly describes what is to be provided in terms of frequency, location, and duration. This guidance document is designed to specifically address the requirements related to supplementary aids and services.

Supplementary aids and services refers to aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 34 CFR §§300.114 through 300.116. 34 CFR §300.42

Each public agency must take steps, including *the provision of supplementary aids and services* determined appropriate and necessary by the child's IEP Team, to provide

nonacademic and extra-curricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. 34 CFR §300.107(a).

Each public agency must ensure special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes *with the use of supplementary aids and services* cannot be achieved satisfactorily. 34 CFR §300.114(a)(2)(ii).

General Considerations

IEP Teams must consider the student's unique education and behavior related needs. The identification of student needs is based on input from the IEP Team, including the parent. The needs are described in the present level of academic achievement and functional performance (PLAAFP) section of the IEP, with incorporation of identified special factors. Supplementary aids and services are support an individual student requires to access and make progress in the general curriculum and are designed to meet a student's specific needs. IEP Teams should avoid arbitrary lists of supplementary aids and services designed to benefit all students. IEP Teams must consider the following when making decisions about appropriate supplementary aids and services:

- Peer-reviewed research: The United States Department of Education (USDOE) describes peer-reviewed research as "research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published." The USDOE added, reducing the term to a single definition is difficult because the review process varies depending on the type of information to be reviewed. Analysis of Comments and Changes, 71 Fed. Reg. 46664 (2006).
- Modifications: Modifications are alterations of assignments, content of a course, and/or the educational standards a student is expected to master. Modifications are allowable for students with disabilities who are unable to access or demonstrate proficiency in the general education curriculum; although, every effort must be made to provide students with an IEP full access to the general curriculum before making modifications. Altering curricular standards and expectations may affect a student's preparation for postsecondary success and opportunity to earn a diploma.

- Accommodations: An accommodation may include alteration of the environment, curriculum format, or equipment to allow access to content and/or completion of assigned tasks. Accommodations do not alter the curricular standards a student is expected to master.
- Support to school personnel, families, or a liaison: This type of supplementary aid and service provides assistance, consultation or training to adults supporting the student, or stipulates a coordination of activities to address a specific need.

Frequency, Location, Duration

The IDEA further requires supplementary aids and services to include the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications. 34 CFR §300.320(a)(7).

Frequency

Frequency includes consideration of how often and/or under what condition the supplementary aid or service is required, specific to the needs identified in the PLAAFP.

The amount of the frequency for a supplementary aid and service 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. It would also provide a baseline from which progress can be determined and adjustments made to ensure educational benefit for the student. Writing “daily”, “as needed”, “at teacher discretion” and “upon student request” by itself without more information to quantify the frequency, would not provide enough information to ensure proper implementation of the service nor would it afford a determination of whether progress had been achieved. Letter to Copenhaver, September 6, 1994 (OSEP).

Location

The location of a supplementary aid or service describes where services will be provided (e.g. general education classroom or another setting), specific to the needs identified in the PLAAFP.

Writing “throughout the school setting” implies the supplementary aid or service will be provided during each class hour, during recess, lunch, and passing times.

Duration

Duration refers to **how long** each “session” will last (number of minutes) and/or **when** services will begin and end (starting and ending dates).

Implementation and documentation

Districts are advised to review current practices regarding documentation of the frequency, duration, and location of related services. The district’s commitment of resources should be clearly stated in the IEP in a manner which is understood by all involved in the development and implementation of the IEP. Therefore, a district must develop policies and procedures regarding the requirement to document the implementation of the IEP.

States and public agencies are required to maintain records to show compliance with program requirements, pursuant to 34 CFR §76.731 of the Education Department General Administrative Regulations (EDGAR). Neither the IDEA nor its implementing regulations specify specific documentation that must be maintained to demonstrate this compliance with the requirements of 34 CFR §300.323(c)(2).

The program requirements are found in the IDEA and its implementing regulations. Therefore, districts must document the requirement to implement the IEP, consistent with 34 CFR §300.323(c)(2), with sufficient detail to show compliance with this regulation. Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations (Question C-7), June 2010 (OSERS); Letter to Hertzler, May 7, 1998 (OSEP).

Concisely written and designed aids and services based on identified student needs increases the likelihood of implementation and documentation, which will provide evidence of whether the supplementary aids and services are working, and to what degree. Maintaining documentation will provide data regarding the student’s needs and progress toward independence.

As a reminder, if a student is not making progress with the current IEP or is not utilizing the supplementary aids and services identified in the IEP, the district is obligated to review and revise the IEP in accordance with 34 CFR §300.324(b). During the review, the IEP Team will rely on data to determine the specific supplementary aids and services which may need to be added, changed, adjusted, and/or eliminated.