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June 24, 2008

Ms. Randi C. Solomon
Executive Director/Educational Advocate
Family Advocacy Resources, Inc.
2088 Reston Circle
Royal Palm Beach, Florida 33411

Dear Ms. Solomon,

I am responding to your request for clarification on the issue of the definition of frequency of services on an individual educational plan (IEP). Section 300.320(a)(7), Title 34, Code of Federal Regulations, requires that the IEP include a "the projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications." The terms used in this section are not directly defined in the Individuals with Disabilities Education Act (IDEA) or in the implementing regulations; however, the issue of what is meant by this section is addressed in the *Analysis of Comments and Changes* section of the regulations at 71 Fed. Reg. 46667, which states:

"The meaning of the term "duration" will vary, depending on such things as the needs of the child, the service being provided, the particular format used in an IEP, and how the child's day and IEP are structured. What is required is that the IEP include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service, and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation of the IEP."

Examples of appropriate measures of service include:

- specially designed instruction in math; 1 period daily (assuming all involved understand what "one period" means in the specific school day)

BAMBI J. LOCKMAN

Chief

Bureau of Exceptional Education and Student Services

Ms. Randi Solomon

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- specially designed instruction in reading comprehension; 1 hour daily
- instruction in organizational strategies; 1 period, 3X per week
- language therapy, 30 minutes twice weekly
- behavioral support/positive behavior intervention plan; daily
- consultation for 3rd grade teacher; weekly

In order to ensure clarity, DOE recommends that the amount of services for speech, language, occupational, and physical therapy be stated in minutes. Additional information is available in the technical assistance paper entitled *Documenting the Amount of Special Education and Related Services on the Individual Educational Plan* (TAP FY2002-1), accessible via our Web site at <http://www.fldoe.org/ese/pdf/y2002-1.pdf>. A copy of the TAP is enclosed. Although developed prior to the reauthorization of IDEA in 2004, the information in the TAP is still useful. Please refer to items 4 and 5 for a discussion of the use of “as needed” or a range of time; essentially, these can only be used when a description of the specific circumstances also is provided.

I hope that the information provided here is helpful. If you have further questions, please do not hesitate to contact me at 850-245-0476 or jill.snelson@fldoe.org.

Sincerely,



Jill Snelson, Program Specialist
Bureau of Exceptional Education and Student Services

Enclosure