

## The Importance of Being Specific

PUBLISHED ON

**March 27, 2017**

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When you're designing an individual education program (IEP), you better be specific.

That's the message from a recent federal court case outside of Philadelphia which said that Norristown School District's IEP for a special education student lacked sufficient specificity and failed to describe how the program was reasonably calculated to allow the student to make meaningful progress toward his IEP goals.

That lack of specificity, according to the court, meant the district failed to offer a free and appropriate public education (FAPE).

The recent decision in [\*Nicholas H. v. Norristown Sch. Dist.\*](#), which [Barley Snyder](#) has been tracking, in the U.S. District Court for the Eastern District of Pennsylvania reminds all districts of the responsibility to use clear and specific language when communicating special education programming. It goes beyond best practice.

According to the Individuals with Disabilities Education Act (IDEA), an IEP must include:

*"a statement of the special education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child...(aa) to advance appropriately toward attaining the annual goals; (bb) to be involved in and make progress in the general education curriculum... and to participate in extracurricular and other nonacademic activities; and (cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described [in the IDEA]."*

The IEP must state with specificity all services that will be provided to the student to ensure FAPE.

In the recent case, the court determined the deficiencies in the district's proposed special education services failed to provide sufficient notice of the services being offered. While inclusion of a particular curriculum or methodology may not be necessary, an IEP that includes only broad descriptions of the program's services is likely to be deemed not reasonably calculated to provide meaningful educational benefit. The district provided more details about the program during testimony. However, the IEP document itself lacked the specificity necessary to establish that the IEP provided "anything other than a "trivial educational benefit," according to the court.

It is imperative that school teams ensure the IEP document is sufficiently clear to be understood by parents and all personnel involved in implementing the program. IEP documents that include clear and detailed descriptions designed to enable all team members - including parents - to understand fully the specially designed instruction, related services offered and how the services will be implemented will better ensure that the specificity requirements of IDEA are satisfied.

If you have any additional questions regarding this topic, or if we can provide any assistance as you review your current practices, please contact any of the attorneys in [Barley Snyder's Education Group](#).