



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 3 1994

Dr. Hal Hayden
Director
Division of Exceptional Children Services
Kentucky Department of Education
500 Mero Street
Frankfort, Kentucky 40601

Dear Dr. Hayden:

This is in response to a memorandum from Dr. Theodore Drain, former Director of the Division of Exceptional Children Services in the Kentucky Department of Education (KDE). In that memorandum, Dr. Drain requested that the Office of Special Education Programs (OSEP) clarify the requirement under Part B of the Individuals with Disabilities Education Act (Part B), at 34 CFR §300.346(a)(2), that the individualized education program (IEP) for each student with a disability include "a statement of annual goals including short-term instructional objectives." Specifically, Dr. Drain questioned OSEP's legal authority to support a requirement that annual goals and short term objectives be written for related services.

As clarified in 34 CFR Part 300, Appendix C, Response to Question 37,

The statutory requirements for including annual goals and short term instructional objectives [20 USC §1401(a)(20)(B)], and for having at least an annual review of the IEP of a child with a disability (Section 614(a)(5)) provide a mechanism for determining (1) whether the anticipated outcomes for the child are being met (i.e., whether the child is progressing in the special education program) and (2) whether the placement and services are appropriate to the child's special learning needs.

The annual goals and short-term instructional objectives in an IEP must provide a mechanism for determining whether the totality of services provided pursuant to the student's IEP -- including special education, related services, and supplementary aids and services -- is appropriate to the student's unique needs. Thus, while there is no Part B requirement that an IEP include separate annual goals or short term instructional objectives for related services, the goals and objectives in the IEP must address all of the student's identified needs that the IEP team has determined warrant the provision of special education, related services, or supplementary aids and services, and must enable the team to determine the effectiveness of each of those services.

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For example, if the IEP team has determined that a student needs speech and language therapy services as a component of free appropriate public education (FAPE), the IEP must include goals and objectives that address the student's need to develop and/or improve communication-related skills. It would not be necessary, however, to label the goals and objectives as "speech therapy" goals and objectives. Therefore, if the IEP includes goals and objectives which appropriately address the student's need to develop communication-related skills, no additional or separate "therapy" goals and objectives would be required.

Dr. Drain also questioned the need to include goals and objectives for related services such as air conditioning, transportation or catheterization. If a related service such as air conditioning is necessary to enable the student to attend school, but that service is not intended to increase the student's skills, no goals or objectives are necessary. Similarly, if transportation is being provided solely to enable the student to reach school, no goals or objectives are needed. If, however, instruction will be provided to the student to enable the student to increase the student's independence or improve the student's behavior or socialization during travel to school, then goals and objectives must be included to address the need to increase independence or improve behavior or socialization.

We hope that this letter clarifies the manner in which annual goals and short term instructional objectives must, under Part B, address related services, and will assist KDE in developing training procedures and materials to ensure compliance with that requirement. Thank you for bringing this matter to our attention. Please do not hesitate to contact us if we may be of any further assistance in the resolution of this issue through the corrective action process.

Sincerely,

Thomas Hehir /ph

Thomas Hehir
Director
Office of Special Education
Programs