

IDEA Overview

IEP, Medical Necessity, ABA is not a Related Service

The Individuals with Disabilities Education Improvement Act (IDEIA) of 2004 is the federal legislation in the United States that regulates special education services. It is commonly referred to as IDEA as the previous versions of the legislation were called The Individuals with Disabilities Education Act.

In order to qualify for IDEA services, a child must have, or be suspected of having a disability AND need specially designed instruction (special education) to make progress in school. A disability alone does not necessarily qualify a student for special education/IDEA services. "A child must require special education services as a result of the disability. A student who needs only related services that are not special education services is not covered under IDEA." Rothstein & Johnson, 2021. P. 74. "Changes to the IDEA in 2004 make clear that the schools must meet the student's academic, developmental, and functional needs. This means that the evaluations must address more than just academics. The student's functional performance and development must also be considered and evaluated by a team of qualified professionals and the parents." Rothstein & Johnson, 2021., p. 97.

The IDEA legislation defines the areas of eligibility for disability services. These categories have changed over time and have different requirements based on the area of eligibility. Currently, the areas of eligibility are:

1. Autism
2. Deaf-blindness
3. Deafness
4. Emotional disturbance
5. Hearing impairment
6. Intellectual disability
7. Multiple disabilities
8. Orthopedic impairment
9. Other health impairment (includes ADHD)
10. Specific learning disability (includes dyslexia, dyscalculia, dysgraphia, and other learning differences)
11. Speech or language impairment
12. Traumatic brain injury
13. Visual impairment, including blindness

IDEA requires that school districts provide a **free and appropriate public education (FAPE)** to students with disabilities at no cost to the families, and that students who qualify for IDEA services should be in the **least restrictive environment (LRE)** as much as possible. The LRE includes settings with non-disabled peers.

“The special education process under the IDEA generally has five steps: (1) identification and referral, (2) evaluation, (3) eligibility, (4) developing an IEP, and (5) placement.” “The 2006 federal regulations to the IDEA make clear that child find and referral obligations include students who have passing grades and are being promoted from grade to grade.” Rothstein & Johnson, 2021., p. 93.

After evaluation, schools must offer special education and related services to meet the child’s individual needs. This is documented in an **Individualized Education Program (IEP)**. The related services are determined by IDEA and individual state laws. Under IDEA, ABA is NOT a related service and it is not a related service in the state of Florida. Therefore, school districts are not obligated to provide ABA services or document ABA services on a student’s IEP. A school district conducts the child’s evaluation with a multidisciplinary team. Parents can choose to have their student evaluated privately and share the evaluation with the school. Schools are required to *consider* an outside evaluation.

IDEA provides parents with **procedural safeguards**. School districts provide these in writing to families at least once per year. Procedural safeguards explain parents’ rights and how to address complaints and disagreements.

- ABA is NOT a related service per the [Florida Department of Education](#) and [Individuals with Disabilities Education Act \(IDEA\)](#). Public schools are not obligated to include ABA services in a child’s IEP or to provide those services.
- An IEP is a SCHOOL document and based on DEMONSTRATED NEED in the school setting. A doctor’s note or outside report citing medical necessity [may be considered](#) by the IEP team but it does not mean it will be incorporated into the IEP.
- [Florida Department of Health – IEP Resources for Parents](#)
- Per IDEA, “the IEP Team must consider – and when necessary to provide FAPE, include in the IEP the use of positive behavioral interventions and supports, and other strategies, to address that behavior” when a “child whose behavior impedes the child’s learning or that of others”
- In the school setting, completing an FBA/PBIP is a multidisciplinary team process and most schools consider this an evaluation as part of the IEP eligibility process.
- IDEA federal website: <https://sites.ed.gov/idea/>