



**Idaho Special Education Manual 2026
Pending Rule Considerations
Proposed Summary of Changes**

Introduction: The *Idaho Special Education Manual 2024* was revised to update the eligibility criteria for Specific Learning Disability (SLD) following an inquiry from the U.S. Department of Education’s Office of Special Education Programs (OSEP) in 2023. Concurrently, the Idaho Department of Education underwent a Differentiated Monitoring and Support 2.0 (DMS 2.0) review by OSEP, which identified additional areas of concern. Due to timing and procedural requirements for public input under IDEA, as well as rulemaking timelines set by the Department of Financial Management (DFM) and the Office of the State Board of Education (OSBE), these concerns could not be addressed in the same revision as the SLD update. In response to OSEP’s areas of concern and educational partner feedback, a comprehensive draft revision of the Manual has been developed and is now being submitted for approval.

Substantive changes will be noted by chapter for easier reference. Please note that while grammatical and mechanical changes have been made throughout the Manual, these will not be listed as part of the substantive changes.

Acknowledgements:

Acronyms and Abbreviations: This section was updated to reflect current terminology and usage within the revised manual.

Removed: Acronyms that are antiquated, updated, or not used elsewhere in the *Manual* were stricken.

A.D.A.	Average Daily Attendance
ADD	Attention Deficit Disorder
CALP	Cognitive Academic Language Proficiency
GED	General Education Development
IBI	Intensive Behavioral Intervention
IDELR	Individuals with Disabilities Education Law Report
LEP	Limited English Proficiency
LD	Learning Disability
PLOP	Present Levels of Performance
PTI	Parent Training and Information Center
SDE	State Department of Education
VI	Visual Impairment

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WIOA Workforce Innovation and Opportunity Act

Added: Updated or new acronyms that are used in the *Manual* were added in this section.

AAC Augmentative and Alternative Communication
EL English Learner
MOU Memorandum of Understanding

Glossary: The glossary was updated to reflect new terms added to the revised manual and to ensure consistency of definitions between the glossary and manual language.

Removed: Terms that are antiquated, updated, or not used elsewhere in the *Manual* were stricken.

Aggregated data
Attention Deficit Disorder
Cognitive academic language proficiency
Conservator
Core Content Connectors
Developmental achievement
Peer-reviewed research
Plan for improving results
Resolution Session
Visual impairment including blindness

Updated/Corrected: Terms that required new language, clarified language, or added language based on consistency with IDEA, usage in the *Manual*, or current language were updated or corrected.

Accommodation
Adaptation
Adverse effect
Alternative assessment
Alternative school
Attention deficit hyperactivity disorder
Behavior intervention plan
Deaf-Blindness
Developmental delay
Disaggregated data
Dropout

Dual enrollment
Elementary school
Expedited due process hearing
General education curriculum
General education interventions
High school
In-lieu of transportation
Instructional intervention
Intellectual disability
Interpreting services
Limited English Proficient
Middle school
Migrant student
Monitoring
Multiple disabilities
Multi-tiered system of supports
New teacher
Parent
Phonology
Phonology disorders
Problem-solving team
Procedural safeguards
Professional development
Scientificallly-based research
Screening
Secondary school
Serious bodily injury
Setting
Significant cognitive impairments
Social maladjustment
Special education
Suspension

Added: Terms that were not previously present in the glossary and terms that are new to the *Manual* were added.

Administrative hearing
Audiology
Augmentative and alternative communication
Blindness or low vision
Chemical restraint

Comprehensive coordinated early intervening services
Concurrent deficits
Corporal punishment
Counseling services
Dyslexia
Earling Learning Guidelines
Educational services
English learner
Evaluation team
General education instruction
Graduation meeting adapted requirements
Graduation meeting LEA and state requirements
Hearing officer
Illegal drug
Informal removal
In-school suspension
Language therapy
Mechanical restraint
Memorandum of Understanding
Occupational therapy
Out-of-school suspension
Parent counseling and training
Physical escort
Physical restraint
Physical therapy
Positive behavioral intervention and supports
Professional staff
Psychological services
Public agency
Qualified personnel
Recreation, including therapeutic recreation
Regular due process hearing
Rehabilitation counseling services
Resolution session
Seclusion
Social work services in schools
Speech therapy
Standard deviation
Standard score
State educational agency
Supports for school staff

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T-score
Tiered interventions
Transportation suspension
Unilateral action
Unilateral removal by the LEA
Voluntary coordinated early intervening services
Workplace readiness standards

Legal Citations: Legal citations were updated to reflect current Idaho Code, guidance and expectations from OSEP, and IDEA regulations for new manual sections.

Chapter 1 Overview: Chapter 1 updates reflect OSEP expectations and clarify Idaho practice related to IDEA.

- Provided specific language related to general education problem-solving teams, emphasizing the use of tiered systems of support.

Chapter 2 Free Appropriate Public Education (FAPE):

- Added language (moved from another chapter) indicating that LEAs cannot require medication as a condition of accessing FAPE.

Chapter 3: Child Find: Chapter 3 updates reflect OSEP expectations and clarify Idaho practice related to IDEA.

- Provided specific language related to general education problem-solving teams, emphasizing the use of tiered systems of support.
- Removed language about Comprehensive Coordinated services to be addressed in chapter 10.

Chapter 4: Evaluation and Eligibility: Chapter 4 was updated to clarify Idaho processes for a referral to consider a special education evaluation through determination of eligibility for special education and related services. Changes to criteria for Specific Learning Disability correct noncompliance with OSEP's interpretation of IDEA.

- Listed required team members for an evaluation team, consistent with expectations provided in Chapter 5.
- Changed language related to 60-day timeline. Requires strict 60 calendar days rather than allowing for periods when school is not in session.

- Clarified required team membership for specific eligibility category considerations to ensure appropriate team composition.
- Removed language that is covered in other chapters or is not needed.
- Reordered and reworded language related to Assessment Procedures and Instruments to a more logical order and to clarify confusing language.
- Added a brief definition of related services.
- Reformatted and reworded language around reevaluation requirements to clarify confusing language and add details to reflect Idaho expectations.
- Updated the following eligibility category criteria:
 - *Visual Impairment Including Blindness* changed to *Blindness or Low Vision* to reflect language used in the field.
 - All uses of the term “visual impairment” changed to “low vision.”
 - *Developmental Delay*
 - Modified to clarify the definitions of each broad developmental level.
 - Language added to provide procedural guidance related to students identified with a developmental delay turning ten (10) years old.
 - Changed criteria to indicate student eligibility at the 2nd percentile or lower in one broad developmental area. Previous language stated two (2) standard deviations from the mean or 3rd percentile which is inaccurate. Two (2) standard deviations is the 2nd percentile.
 - Added language about using T-scores to identify Developmental Delay.
 - *Intellectual Disability*
 - Defined “concurrent deficits” in adaptive functioning.
 - Language added to allow for identification when a standardized assessment cannot be administered and an IQ score cannot be obtained due to the severity of the disability.
 - *Language Impairment*
 - Added language to provide guidance for considering a language impairment when hearing may be an issue for the student.
 - Added language to allow for valid and ethical assessment of language impairment for English Learners.
 - Added language to clarify that there is no specific score needed for the IEP team to include language services as a related services on the IEP.

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- *Multiple Disabilities*
 - Added language to clarify the use of Multiple Disabilities and provide specific direction on what can and cannot be considered in a Multiple Disabilities identification.
- *Other Health Impairment*
 - Added procedures for making an educational determination of ADHD.
- *Specific Learning Disability*
 - No substantive change from the 2024 Special Education manual.
- *Speech Impairment*
 - Correction to manual language to add “does not exist” when addressing the identification of a voice disorder. This has been incorrectly stated in the manual previously.
 - Added language to clarify that there is no specific score needed for the IEP team to include speech services as a related services on the IEP.
 - Clarified language indicating that an articulation delay does not exist when sound errors are developmentally appropriate for the student’s age.
- *Traumatic Brain Injury*
 - Added language to clarify that brain injury due to medical illness or health impairment is not considered traumatic brain injury.

Chapter 5: Individualized Education Programs: Changes to Chapter 5 clarify Idaho procedures as it relates to the development and implementation of the IEP, correct inaccurate information, and address potential concerns raised by OSEP.

- Modified formatting and language for definition of parent to more closely match IDEA definition.
- Reformatted and provided clarifying detail to IEP team member requirements and roles generally.
- Added language to address team membership considerations for English Learners to ensure specific needs are met.
- Reordered and reformatted information related to invitation for a meeting for process clarity.
- Added language to define procedural requirements when the LEA is unable to contact parent.

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- Section 2 *IEP Development* rewritten with some information moved to a different order, some language added, and some language stricken.
 - Language added related to PLAAFP requirement for more specificity.
 - Defined each related service listed, consistent with language provided in IDEA.
 - Defined “professional staff” as it relates to responsibility for service provision on the IEP Service Grid.
 - Provided a more comprehensive list of nonacademic and extracurricular activities.
 - Added procedural language around transportation, including some of the options that may be considered related to transportation as a related service.
 - Added considerations for students who are deaf/hard of hearing in *Special Considerations*.
 - Added language related to allowable accommodations for districtwide and statewide assessments based on IDEA.
 - Added Idaho’s established definition of significant cognitive disability that is used in determining whether a student may take an Alternate Assessment.
 - Section related to Least Restrictive Environment stricken as this information is either unnecessary or addressed elsewhere in this chapter and other chapters of the manual.
 - Added a section about developing IEPs for students in Early Childhood programs to provide guidance and procedural requirements for that population that are different than requirements for K-12. This information is absent from the current manual.
 - Clarified procedural requirements related to the transfer of rights to the student upon turning 18 to ensure proper considerations and documentation of the notification and decision by the IEP team.
 - Transfer student timelines and requirements rewritten to provide more clarity and reduce confusion on the topic.
- Clarified the process for obtaining parent agreement to amending an IEP without a meeting.

Chapter 6: Least Restrictive Environment: Changes to chapter 6 provide clarifying and more specific guidance related to LRE.

- Added language to further emphasize the need to weigh potential harmful effects of placement decisions.
- Added language indicating that students may not be denied access to nonacademic and extracurricular activities solely due to the student's disability.
- Moved and reduced language explaining federal LRE reporting requirements.

Chapter 7: Discontinuation of Services, Graduation, and Grading: Changes to chapter 7 provide clarifying and more specific guidance related to discontinuing services and graduation requirements.

- Added procedural language related to the need to conduct a comprehensive evaluation prior to determining that the student no longer meets eligibility requirements for special education and related services.
- Removed language related to transfer of records as this information is provided in-depth in chapter 5.
- Added a section to indicate that a student who graduates having met adapted requirements according to the IEP may still be entitled to FAPE should they return.
- Added specific guidance language about revocation of consent for the provision of special education and related services.
- Added language delineating the difference between graduating having met state and district standards versus graduating having met adapted requirements outlined in the IEP.
- Reformatted and added clarifying language about IEP team requirements related to graduation.

Chapter 8: Charter Schools: Changes to chapter 8 provide clarifying and more specific guidance related to charter schools and adds a section related to new charter verification processes.

- Added more specific language indicating that charter schools may not suggest or imply that a student with a disability will be unable to be successful in their environment.
- Added language indicating the requirement that charter schools have available a continuum of services.
- Added a section discussing the *New Charter Verification* requirement and process.
- Added federal language related to funding and operation of charter school based on their status as an independent LEA or operating under another LEA.

- Clarified and corrected language about dual enrollment.

Chapter 9: Private Schools: Changes to chapter 9 provide clarifying and more specific guidance related to Child Find and FAPE for private school students.

- Clarified definition of private school student and nonpublic school student.
- Added language to clarify and specify LEA's Child Find requirements for students who are parentally-placed in a private school.
- Added language outlining LEA responsibilities for FAPE for students who are parentally-placed in a private school.
- Added requirement that equipment purchased with Part B funds be removed from a private school when no longer needed.
- Added requirement that students who are placed in private school by the LEA must participate in statewide assessments.
- Struck language about average daily attendance calculations and referred to Idaho Code.
- Clarified language about LEA obligations for dually enrolled, nonpublic students.

Chapter 10 (Now Chapter 14): General Supervision System Requirements:

- Chapter title changed from *Improving Results* to *General Supervision System Requirements*.
- Substantial additions and changes to chapter to outline the Department's general supervision requirements and LEA responsibilities related to those requirements. Primary topics include:
 - Description and overview of the Department's general supervision system.
 - Description and outline of the Department's integrated monitoring requirements, including an overview of how noncompliance will be addressed.
 - An overview of LEA determinations, including a description of how determinations are made and what the determinations might be.
 - Added a section about fiscal monitoring.
 - Definitions and requirements related to Comprehensive Early Intervening Services (CEIS) and Comprehensive Coordinated Early Intervening Services (CCEIS).
 - Fiscal notes and requirements related to CEIS and CCEIS.

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- Added information about Idaho’s Special Education Advisory Panel (SEAP), consistent with IDEA regulations.
- Added information to clarify personnel qualification requirements, clarifying the exclusion emergency provisional certificates and charter school-specific certificates for special education teachers and providers.
- Removed list of specific providers and qualifications as these are defined in Idaho Code and are managed through the Certification department at the Idaho Department of Education.
- Removed descriptions of pathways to certification as these are managed through the Certification department at the Idaho Department of Education.
- Reformatted and added clarifying language about the role and qualifications of paraprofessionals.

Chapter 11 (Now Chapter 12): Procedural Safeguards: Chapter 11 was revised to reflect other updates to the manual and to ensure clarity of language for parents and adult students.

- Reformatted content.
- Clarified consent requirements for consistency with other chapters in the manual.
- Removed timeline language about objections to a District proposal to match information in another chapter and in response to concerns by OSEP.
- Defined Personally identifiable information.
- Added clarifying language related to consent requirements for disclosure of student information consistent with FERPA.
- Added clarifying language about the retention and destruction of records.

Chapter 12 (Now Chapter 11): Discipline: Changes to chapter 12 provide guidance related to addressing challenging behavior and clarify student rights and LEA obligations in disciplining students with disabilities. Added information is based on guidance released by OSEP in 2022.

- Added an introduction to the chapter guiding LEAs to address challenging behavior proactively before the need for student discipline arises.
- Added a section providing basic guidance related to strategies for addressing challenging behavior.
- Listed components of a Behavior Intervention Plan (BIP).
- Listed components of a Functional Behavior Assessment (FBA).

- Provided definitions of educational services and types of removals.
 - Provided clarification about suspension from transportation.
- Defined educational placement and change in placement.
- Added procedural guidance related to disciplinary change in placement and the need for Manifestation Determination Review (MDR).
- Added procedural expectations for conducting an MDR.
- Revised and clarified expectations following an MDR.
- Added clarifying language about the use of an Interim Alternative Educational Setting (IAES).
 - Added definitions of dangerous weapon, controlled substance, illegal drugs, and serious bodily injury.
- Clarified expedited hearing processes.
- Added a section about the provision of FAPE during expulsion or IAES.
- Added a section about Restraint & Seclusion, including critical definitions.
- Added language to clarify the use of a Honig Injunction.

Chapter 13: Dispute Resolution: Chapter 13 was updated to reflect feedback from OSEP and to clarify language for LEAs and parents.

- Added language indicating the impartial nature of the DR office.
- Added language to clarify the role of the facilitator.
- Removed the section about Informal Resolution based on feedback from OSEP as it is inconsistent with IDEA regulations.
- Added language clarifying the role of a mediator.
- Added and modified language to clarify mediation timelines.
- Added or clarified definitions of Corrective Action Plan (CAP), Complaint Investigator, Investigation, and Independent Determination in the context of State Complaints.
- Reformatted and added content to the section about Due Process Hearings.

NEW Chapter (Now Chapter 10): Homeschool: A new chapter addressing LEA obligations related to Child Find and FAPE for homeschool students.

- Added a new chapter to outline procedural requirements related to homeschool students. Primary topics include:
 - Definitions of homeschool and homeschool students.

- LEA Child Find obligations for homeschool students.
- Requirements for the provision of services to homeschool students.
- Guidance related to students who withdraw from public school to participate in homeschool.
- Dispute resolution options for homeschool students.
- Obligation to FAPE for students who are dually enrolled in homeschool and public school.
- Dual enrollment of nonpublic school students

Appendix: Procedural Safeguard Notice: The *Procedural Safeguards Notice* will be revised to be consistent with language in Chapter 12: Procedural Safeguards.