



**Council for
Exceptional
Children**

**Council for Exceptional Children's
Initial Summary of Selected Provisions from
Part B Proposed Regulations for the
Individuals With Disabilities Education Act**

Subpart A: Definitions

July 27, 2005

Subpart A – General

Note 1: This section of the document contains only selected definitions used in Part B. Some definitions are included in other sections of the document, and some definitions are not included, as these remain essentially the same as in current regulations.

Note 2: Bold text in left column indicates language not specifically included in IDEA 2004

NPRM Language	Current Regulation	Comments
<p>Purposes and Applicability Sec. 300.1 Purposes. The purposes of this part are-- (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; (b) To ensure that the rights of children with disabilities and their parents are protected; (c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and (d) To assess and ensure the effectiveness of efforts to educate children with disabilities.</p>	<p>300.1 Purposes. The purposes of this part are- (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; (b) To ensure that the rights of children with disabilities and their parents are protected; (c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and (d) To assess and ensure the effectiveness of efforts to educate children with disabilities.</p>	
<p>Sec. 300.2 Applicability of this part to State and local agencies. (a) States. This part applies to each State that receives payments under Part B of the Act, as defined in Sec. 300.4. (b) Public agencies within the State. The provisions of this part-- (1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including: (i) The State educational agency (SEA). (ii) Local educational agencies (LEAs), educational service agencies (ESAs), and</p>	<p>300.2 Applicability of this part to State, local, and private agencies. (a) States. This part applies to each State that receives payments under Part B of the Act. (b) Public agencies within the State. The provisions of this part- (1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including - (i) The State educational agency (SEA); (ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise</p>	

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<p>public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA.</p> <p>(iii) Other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for children with deafness or children with blindness).</p> <p>(iv) State and local juvenile and adult correctional facilities;</p> <p>and</p> <p>(2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B of the Act.</p> <p>(c) Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to children with disabilities--</p> <p>(1) Referred to or placed in private schools and facilities by that public agency; or</p> <p>(2) Placed in private schools by their parents under the provisions of Sec. 300.148(b)</p>	<p>included as LEAs or ESAs and are not a school of an LEA or ESA;</p> <p>(iii) Other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for children with deafness or children with blindness);</p> <p>(iv) State and local juvenile and adult correctional facilities; and</p> <p>(2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B.</p> <p>(c) Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to children with disabilities-</p> <p>(1) Referred to or placed in private schools and facilities by that public agency; or</p> <p>(2) Placed in private schools by their parents under the provisions of §300.403(c).</p>	
	<p>300.3 Regulations that apply.</p> <p>The following regulations apply to this program:</p> <p>(a) 34 CFR part 76 (State-Administered Programs) except for §§76.125-76.137 and 76.650-76.662.</p> <p>(b) 34 CFR part 77 (Definitions).</p> <p>(c) 34 CFR part 79 (Intergovernmental Review of Department of Education</p>	<p>OSERS discussion of proposed regulatory changes: “Section 300.3 of the current regulations would be removed as unnecessary, because the regulations listed in this section already apply, by their own terms, to States and local agencies under Part B of the Act.”</p>

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	<p>Programs and Activities).</p> <p>(d) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).</p> <p>(e) 34 CFR part 81 (General Education Provisions Act- Enforcement).</p> <p>(f) 34 CFR part 82 (New Restrictions on Lobbying).</p> <p>(g) 34 CFR part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).</p> <p>(h) The regulations in this part-34 CFR part 300 (Assistance for Education of Children with Disabilities).</p>	
<p>Definitions In This Part</p> <p>Sec. 300.5 Assistive technology device. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.</p>	<p>Definitions Used in This Part</p> <p>300.5 Assistive technology device. As used in this part, Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.</p>	
<p>Sec. 300.7 Charter school.</p> <p>Charter school has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965, as amended, 6301 et seq. (ESEA).</p>		
<p>Sec. 300.8 Child with a disability.</p> <p>(b) Children aged three through nine experiencing developmental</p>	<p>300.7 Child with a disability.</p> <p>(b) Children aged 3 through 9 experiencing developmental delays. The term child with a</p>	

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<p>delays. Child with a disability for children aged three through nine (or any subset of that age range, including ages three through five), may, at the discretion of the State and the LEA and in accordance with Sec. 300.111(b), include a child--</p> <p>(1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and</p> <p>(2) Who, by reason thereof, needs special education and related services.</p>	<p>disability for children aged 3 through 9 may, at the discretion of the State and LEA and in accordance with §300.313, include a child-</p> <p>(1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and</p> <p>(2) Who, by reason thereof, needs special education and related services.</p>	
<p>Sec. 300.10 Core academic subjects. Core academic subjects means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.</p>		
<p>Sec. 300.13 Elementary school. Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.</p>		
<p>Sec. 300.15 Evaluation. Evaluation means procedures used in accordance with Sec. 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.</p>	<p>300.12 Evaluation. As used in this part, the term evaluation has the meaning given that term in §300.500(b)(2).</p>	

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<p>Sec. 300.16 Excess costs. Excess costs means those costs that are in excess of the average annual per-student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate, and that must be computed after deducting--</p> <p>(a) Amounts received--</p> <p>(1) Under Part B of the Act;</p> <p>(2) Under Part A of title I of the ESEA; and</p> <p>(3) Under Parts A and B of title III of the ESEA and;</p> <p>(b) Any State or local funds expended for programs that would qualify for assistance under any of the parts described in paragraph (a) of this section.</p>	<p>300.184 Excess cost requirement</p> <p>(b) Definition. As used in this part, the term excess costs means those costs that are in excess of the average annual per-student expenditure in an LEA during the preceding school year for an elementary or secondary school student, as may be appropriate. Excess costs must be computed after deducting—</p> <p>(1) Amounts received—</p> <p>(i) Under Part B of the Act;</p> <p>(ii) Under Part A of title I of the Elementary and Secondary Education Act of 1965; or</p> <p>(iii) Under Part A of title VII of that Act; and</p> <p>(2) Any State or local funds expended for programs that would qualify for assistance under any of those parts.</p>	
<p>Sec. 300.19 Homeless children. Homeless children has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et seq.</p>		<p>The definition of “homeless children” under the McKinney-Vento Homeless Assistance Act is:</p> <p>“The term homeless children and youths — means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and includes —</p> <p>(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters;</p>

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		<p>are abandoned in hospitals; or are awaiting foster care placement</p> <p>(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));</p> <p>(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and</p> <p>(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).”</p>
<p>Sec. 300.21 Indian and Indian tribe. (a) Indian means an individual who is a member of an Indian tribe. (b) Indian tribe means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq.).</p>	<p>300.264 Definitions. (a) Indian. As used in this part, the term Indian means an individual who is a member of an Indian tribe. (b) Indian tribe. As used in this part, the term Indian tribe means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska</p>	<p>OSERS discussion of proposed regulatory changes: “The Department of Education seeks comment on the definition of Indian tribe because the current definition includes state tribes. The Department of the Interior is only authorized to provide services to Federally Recognized tribes, therefore, States should provide comments on how they would provide these services to State recognized tribes. Nothing in this definition is intended to require</p>

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	Native Claims Settlement Act).	the BIA to provide services or funding to a State Indian tribe for which BIA is not responsible.”
Sec. 300.22 Individualized education program. Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with Sec. 300.320 through 300.324.	300.15 Individualized education program. As used in this part, the term individualized education program or IEP has the meaning given the term in §300.340(a).	
Sec. 300.25 Infant or toddler with a disability. Infant or toddler with a disability has the meaning given the term in section 632(5) of the Act..		
Sec. 300.26 Institution of higher education. Institution of higher education-- (a) Has the meaning given the term in section 101 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1021 et seq. (HEA) ; and (b) Also includes any community college receiving funds from the Secretary of the Interior under the Tribally Controlled Community College or University Assistance Act of 1978, 25 U.S.C. 1801, et seq.		In general, statutory language was incorporated into regulations.
Sec. 300.27 Limited English proficient. Limited English proficient has the meaning given the term in section 9101(25) of the ESEA.		The definition of Limited English Proficient under section 9101(25) of the Elementary and Secondary Education Act of 1965 is: “The term limited English proficient, when used with respect to an individual, means an individual — (A) who is aged 3 through 21;

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		<p>(B) who is enrolled or preparing to enroll in an elementary school or secondary school;</p> <p>(C)(i) who was not born in the United States or whose native language is a language other than English;</p> <p>(ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or</p> <p>(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and</p> <p>(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —</p> <p>(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);</p> <p>(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or</p> <p>(iii) the opportunity to participate fully in society.”</p>

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<p>Sec. 300.30 Parent.</p> <p>(a) Parent means--</p> <p>(1) A natural or adoptive parent of a child;</p> <p>(2) A foster parent, unless State law, regulations or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;</p> <p>(3) A guardian (but not the State if the child is a ward of the State);</p> <p>(4) An individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or</p> <p>(5) A surrogate parent who has been appointed in accordance with sections 615(b)(2) or 639(a)(5) of the Act.</p> <p>(b)(1) Except as provided in paragraph (b)(2) of this section, the natural or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of this section to act as a parent, must be presumed to be the parent for purposes of this section unless the natural or adoptive parent does not have legal authority to make educational decisions for the child.</p> <p>(2) If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be</p>	<p>300.20 Parent.</p> <p>(a) General. As used in this part, the term parent means--</p> <p>(1) A natural or adoptive parent of a child;</p> <p>(2) A guardian but not the State if the child is a ward of the State;</p> <p>(3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or</p> <p>(4) A surrogate parent who has been appointed in accordance with §300.515.</p> <p>(b) Foster parent. Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part B of the Act if--</p> <p>(1) The natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and</p> <p>(2) The foster parent--</p> <p>(i) Has an ongoing, long-term parental relationship with the child;</p> <p>(ii) Is willing to make the educational decisions required of parents under the Act; and</p> <p>(iii) Has no interest that would conflict with the interests of the child.</p>	<p>OSERS discussion of proposed regulatory changes: "Sec. 300.30(a)(2) would reflect the provision regarding a State law prohibition on when a foster parent can be considered a parent, but would add language to recognize that similar restrictions may exist in State regulations or in contractual agreements between a State or local entity and the foster parent, and should be accorded similar deference. Proposed Sec. 300.30(b)(1) would provide that the natural or adoptive parent would be presumed to be the parent for purposes of the regulations if that person were attempting to act as the parent under proposed Sec. 300.30 and more than one person is qualified to act as a parent, unless that person does not have legal authority to make educational decisions for the child, or there is a judicial order or decree specifying some other person to act as the parent under Part B of the Act. Proposed Sec. 300.30(b)(2) would provide that if a person or persons is specified in a judicial order or decree to act as the parent for purposes of Sec. 300.30, that person would be the parent under Part B of the Act. Proposed Sec. 300.30(b)(2) would, however, exclude an agency involved in the education or care of the child from serving as a parent, consistent with the statutory prohibition that applies to surrogate parents in sections 615(b)(2) and 639(a)(5) of the Act. The provisions in proposed Sec. 300.30(b) should assist schools</p>

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<p>the ``parent'' for purposes of this section, except that a public agency that provides education or care for the child may not act as the parent.</p>		<p>and public agencies in identifying the appropriate person to serve as the parent under Part B of the Act, especially in those difficult situations in which more than one individual wants to make educational decisions.”</p>
<p>Sec. 300.31 Parent training and information center. Parent training and information center means a center assisted under sections 671 or 672 of the Act.</p>		
<p>Sec. 300.34 Related services. (a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also includes school health services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the IEP of the child, social work services in schools, and parent counseling and training.</p>	<p>300.24 Related Services. (a) General. As used in this part, the term related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.</p>	
<p>(b) Exception. Related services do not include a medical device that is surgically implanted, the optimization of device functioning, maintenance of the device, or the replacement of that device.</p>		<p>OSERS discussion of proposed regulatory changes: “Proposed Sec. 300.34(b) would be added to address the statutory limitation on surgically implanted medical devices. Paragraph (b) also would specify that related</p>

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		<p>services would not include the costs of maximizing the functioning of a surgically implanted device or the maintenance of a surgically implanted device. School districts should not be required to bear these costs, which are integral to the functioning of the implanted device.”</p>
<p>(c) Individual related services terms defined- The terms used in this definition are defined as follows: (4) Interpreting services, as used with respect to children who are deaf or hard of hearing, includes oral transliteration services, cued language transliteration services, and sign language interpreting services.</p>	<p>(b) Individual terms defined. The terms used in this definition are defined as follows:</p>	<p>OSERS discussion of proposed regulatory changes: “Proposed paragraph (c) would include new definitions of Interpreting services and School nurse services. The list is not intended to be exhaustive and other therapies, as well as other services not listed, may be included in a child's IEP if the IEP Team determines that a particular service is needed for a child to benefit from special education. In all cases concerning related services, the IEP Team's determination about appropriate services must be reflected in the child's IEP and those listed services must be provided in accordance with the IEP at public expense and at no cost to the parents. Nothing in the Act or in the definition of related services requires the provision of a related service to a child unless the child's IEP Team has determined that the service is required in order for the child to benefit from special education and has included the service on the child's IEP.”</p>
<p>(7) Orientation and mobility services— (i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and (ii) Includes travel</p>	<p>(6) Orientation and mobility services- (i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and</p>	

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<p>training instruction, and teaching students the following, as appropriate: (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); (B) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (C) To understand and use remaining vision and distance low vision aids; and (D) Other concepts, techniques, and tools.</p>	<p>(ii) Includes teaching students the following, as appropriate: (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); (B) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; (C) To understand and use remaining vision and distance low vision aids; and (D) Other concepts, techniques, and tools.</p>	
<p>(10) Psychological services includes-- (i) Administering psychological and educational tests, and other assessment procedures; (ii) Interpreting assessment results; (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; (iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and (vi) Assisting in developing positive</p>	<p>(9) Psychological services includes-- (i) Administering psychological and educational tests, and other assessment procedures; (ii) Interpreting assessment results; (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; (iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and (vi) Assisting in developing positive behavioral intervention strategies.</p>	

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behavioral intervention strategies.		
	300.24 (b) (12) School health services means services provided by a qualified school nurse or other qualified person.	
(13) School nurse services means services provided by a qualified school nurse, designed to enable a child with a disability to receive FAPE as described in the child's IEP.		
Sec. 300.35 Secondary school. Secondary school means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.	300.25 Secondary school. As used in this part, the term secondary school means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.	
Sec. 300.37 Secretary. Secretary means the Secretary of Education.		
300.38 Special Education (b) Individual special education terms defined. (5) Vocational education: means (i) organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree; and (ii) Includes vocational and technical education. (6) Vocational and technical education means organized educational activities that-- (i) Offer a sequence of courses that-- (A) Provides individuals with the rigorous	300.26 Special Education. (b) Individual terms defined. The terms in this definition are defined as follows: (5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.	Note: NPRM language is not in the IDEA statute but is taken from the Carl D. Perkins Vocational and Applied Technology Act of 1988, as amended, 20 U.S.C. 2301, 2302(29).

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<p>and challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a Master's or doctoral degree) in current or emerging employment sectors; (B) May include the provision of skills or courses necessary to enroll in a sequence of courses that meet the requirements of this subparagraph; and (C) Provides, at the postsecondary level, for a 1-year certificate, an associate degree, or industry-recognized credential; and (ii) Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, or an individual.</p>		
<p>Sec. 300.40 State educational agency. State educational agency or SEA means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.</p>		
<p>Sec. 300.42 Transition services. (a) Transition services means a coordinated set of activities for a child with a disability that-- (1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's</p>	<p>300.29 Transition services. (a) As used in this part, transition services means a coordinated set of activities for a student with a disability that-- (1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including</p>	

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<p>movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;</p> <p>(2) Is based on the individual child's needs, taking into account the child's strengths, preferences and interests; and includes--</p> <p>(i) Instruction;</p> <p>(ii) Related services;</p> <p>(iii) Community experiences;</p> <p>(iv) The development of employment and other post-school adult living objectives; and</p> <p>(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.</p> <p>(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.</p>	<p>postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;</p> <p>(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and</p> <p>(3) Includes--</p> <p>(i) Instruction;</p> <p>(ii) Related services;</p> <p>(iii) Community experiences;</p> <p>(iv) The development of employment and other post-school adult living objectives; and</p> <p>(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.</p> <p>(b) Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.</p>	
<p>Sec. 300.43 Universal design. Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.</p>		<p>The definition of Universal Design under the Assistive Technology Act of 1998 is:</p> <p>“The term ‘universal design’ means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services</p>

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		that are made usable with assistive technologies.”
	<p>300.30 Definitions in EDGAR. The following terms used in this part are defined in 34 CFR 77.1:</p> <ul style="list-style-type: none"> Application Award Contract Department EDGAR Elementary school Fiscal year Grant Nonprofit Project Secretary Subgrant State educational agency 	<p>OSERS discussion of proposed regulatory changes: “Finally, the current list of definitions found in the Education Department General Administrative Regulations (EDGAR) in Sec. 300.30 would be removed as unnecessary, as these definitions already apply by their own terms, except that the definition of Secretary in proposed Sec. 300.37 and State educational agency in proposed Sec. 300.40, which are included in the current EDGAR list, would be included in the proposed regulation because they also are defined in section 602(28) and (32) of the Act..”</p>
<p>Sec. 300.44 Ward of the State. (a) General. Subject to paragraph (b) of this section, ward of the State means a child who, as determined by the State where the child resides, is-- (1) A foster child; (2) A ward of the State; or (3) In the custody of a public child welfare agency. (b) Exception. Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent in Sec. 300.30.</p>		

