Legal Rulings on IEPs

(1) **All of a student's unique needs must be addressed, not just her or his academic needs**, e.g., Russell v. Jefferson Sch. Dist., 609 F. Supp. 605, (N.D. CA 1985); Abrahamson v. Hershman, 701 F.2nd 223, (1st Cir. 1983). Arguably, no "non-unique" needs have to be addressed.

(2) The availability of services may not be considered in writing the IEP. If a service is needed it must be written on the IEP and if the district does not have it available, it must be provided by another agency. One of the earliest of all the agency rulings mandated that availability of services be disregarded in writing the IEP (Leconte, EHLR 211:146, OSEP, 1979). This principle has been reiterated repeatedly by the Office of Special Education and Rehabilitative Services (OSERS) and the Office of Special Education Programs (OSEP) and virtually ignored by the field.

(3) The IEP is a firm, legally binding "commitment of resources." The district must provide the services listed or the IEP must be amended (Beck, EHLR 211:145 (OSEP 1979)).

(4) IEPs must be individualized. The same goals, same content areas, same discipline or the same amounts of therapy on many IEPs (e.g., every student who receives speech therapy in a particular building receives 30 minutes daily) reveals a violation of this individualization requirement (Tucson, AZ Unified Sch. Dist. #1, EHLR 352.547 (OCR 1987)).