



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

FEB 12 2010

Janice M. Kane, M.S.W.
Bureau Chief, Early Steps
Florida Department of Health
4052 Bald Cypress Way, Bin A06
Tallahassee, FL 32399-1701

Dear Ms. Kane:

This is in response to your letter of November 20, 2009 in which you request from the Office of Special Education Programs (OSEP), clarification as to whether the required use of “peer-reviewed research” applies to both the determination of the frequency and intensity of early intervention services and to the determination of the services under Part C of the Individuals with Disabilities Education Act (IDEA). Specifically, IDEA section 636(d)(4) requires the State and early intervention service (EIS) programs and providers to include in the individualized family service plan (IFSP) “a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services.” An EIS provider in Florida has asked whether the term “peer-reviewed research” applies not only to the identification of the specific early intervention services needed by the child, but also to the frequency and intensity of those services.

As background, you indicated that Florida’s policies require that “early intervention services on the IFSP must be based on peer-reviewed research to the extent practical, and must be determined by the IFSP team to be necessary to meet the unique needs of the infant or toddler and the family.” Furthermore, Florida’s policies require that:

The IFSP must include a statement of the specific early intervention services necessary to meet the unique needs of the infant or toddler and the family to achieve the outcomes identified on the IFSP, including the following:

- A. Frequency, intensity, and method of delivering services.
- B. Location of the services.
- C. Length of the services.
- D. Funding source or payment arrangements, if any.
- E. Projected dates for initiation of services.
- F. The anticipated duration of these services.

The requirement that early intervention services be based on peer-reviewed research is to ensure that an early intervention service is based on current standards of research practice. The frequency and intensity of a service may also be based on peer-reviewed research when such research indicates that the frequency and intensity are integral to the effectiveness of the service (e.g., a specific minimum number of hours is required per week or month for the service to be

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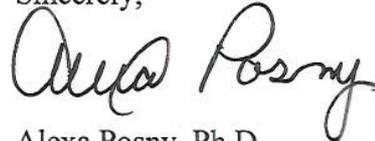
effective). Florida's policies, as stated above, are not inconsistent with these Part C requirements.

Peer-reviewed research generally refers to research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets standards of the field before the research is published. Determining whether a particular early intervention service is based on peer-reviewed research may require a review of literature or other information that reports on the use of evidence-based practices by peer providers. States and EIS programs and providers must identify the specific early intervention service that research has shown to be effective, to the extent that it is practicable, feasible or possible, given the availability of peer-reviewed research on the early intervention service determined most appropriate by the IFSP team in response to the child's evaluations and assessments. In those instances when peer-reviewed research indicate that the frequency and intensity of a service is integral to its effectiveness, the IFSP team would reflect this information in the IFSP and apply it, as appropriate to the particular child.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

We hope this information is helpful to you. If you have further questions, please do not hesitate to contact Dr. Deborah Morrow at 202-245-7456 or by e-mail at Deborah.Morrow@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive, flowing style.

Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs