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Proposed Definition of Educational Performance ***April 7, 2015***

16 VSA § 2942. Definitions

As used in this chapter

- (1) “Child with a disability” means any child in Vermont eligible under State regulations to receive special education.
- (2) “Special Education” means, to the extent required by federal law, specifically designed instruction, at no cost to parents or guardian, to meet the unique educational needs of a child with a disability, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes “related services” as defined in federal law.
- (3) “Essential early education” means the education of children with disabilities prior to legal school age for the early acquisition of fundamental skills.
- (4) “Educational Performance” means, for students of legal school age, performance in those academic and functional areas within the general curriculum and the broad expectations of what students should know and be able to do in the domains of communication, reasoning and problem solving, personal development and civic/social responsibility.¹
- (5) (4) “Federal law” means the individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1485, and its implementing regulations, as amended from time to time.
- (6) “Residential placement” means the placement of an eligible child, as part of an individualized education program, in a 24-hour residential

¹ Taken from Appendix C- Definition of “Vital Results” in the *Vermont Framework of Standards and Learning Opportunities*, (2000, Updated 2013).

facility within or outside Vermont that provides educational services consistent with the child's program.

- (7) "Individualized education program" means a program established for an eligible child pursuant to 20 U.S.C. § 1401(19) and the implementing Federal and State regulations.
- (8) "Unilateral placement" means a placement of a child eligible for special education by a person or persons having legal custody of the child in an educational placement other than one recommended by the child's duly constituted individualized education program team as defined in 20 U.S.C. § 1401(19). (Amended 1965, No. 152, § 2; 1971, No. 207 (Adj. Sess.), § 1; 1987, No. 235 (Adj. Sess.), § 3; 1989, No. 107, § 1; 1995, No. 157(Adj. Sess.), § 22; 1999, No. 117 (Adj. Sess.), § 4; 2013, No. 92 (Adj. Sess.), § 196, eff. Feb. 14, 2014; 2013, No. 96 (Adj. Sess.), § 78.)