



# American Music Therapy Association

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## IDEA Regulations

On August 3, 2006, final regulations were released for the implementation of Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). The complete document totals over 1700 pages, including a lengthy Preamble, which refers to all the comments received on the draft regulations published in 2005. In the discussion about related services within the new regulations, many comments were submitted requesting a variety of services be added to the list. The new regulations state the same language that previously existed, indicating that the list of related services is not exhaustive and may include other services not listed in the statute. Below is information from the Federal Register / Vol. 71, No. 156 / Monday, August 14, 2006 / Rules and Regulations, page 46569 that relates to music therapy:

*A significant number of commenters recommended adding art, music, and dance therapy... Discussion: Section 300.34(a) and section 602(26) of the Act state that related services include other supportive services that are required to assist a child with a disability to benefit from special education. We believe this clearly conveys that the list of services in Sec. 300.34 is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education. It would be impractical to list every service that could be a related service, and therefore, no additional language will be added to the regulations.*

*Consistent with Sec. 300.320 through 300.328, each child's IEP Team, which includes the child's parent along with school officials, determines the instruction and services that are needed for an individual child to receive FAPE. 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 related service is required in order for the child to benefit from special education and has included that service in the child's IEP. **71 FR 46569, August 14, 2006***

Qualified music therapists have been providing music therapy as a related service to literally thousands of children with disabilities in every state of the nation over the course of the thirty-five years since the passage of Public Law 94-142. Through the use of the nationally recognized SEMTAP Assessment (Special Education Music Therapy Assessment Process), credentialed music therapists are able to determine if music therapy is “necessary” to assist a child with a disability benefit from special education.

In June 2010, the U.S. Department of Education issued a Questions and Answers document on Individualized Education Programs (IEPs), Evaluations, and Reevaluations. This document provides guidance representing the interpretation of the Department and clarifies the recognition of music therapy as a related service under IDEA.

*Please contact our national office if any further clarification is needed.*