



# *Special Education Law*

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## **Is Your Child Receiving The Related Services They Need To Succeed?**

### **RELATED SERVICES UNDER THE IDEA:**

Related services stretch some school districts far beyond what they have traditionally believed were educational responsibilities. Some school boards complain that they are being asked to get into medical, social service, and social welfare areas. Congress felt that schools were not doing enough with the related services requirements that had been in the IDEA since 1977, so in the 1990 IDEA amendments Congress added three new related services and underscored two previous related services that were not being satisfactorily provided. In the 1997 Amendments to the IDEA and the 1999 Regulations even more emphasis was added.

The 1999 amendments to the IDEA changed the definition of related services in several important regards.

### **The full definition is now:**

"Related services. The term related services means transportation and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services and medical services, (except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.  
"See 20 U.S.C. 1402(22)

### **The 1999 regulations implementing the 1997 Amendments read as follows:**

"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 it 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."

34 C.F.R. 300.24(a) See also 300.24(b)(1-15) for definitions.

<b>Related services now include at least the following:</b>	
<b>Assistive technology</b>	<b>Psychological services</b>
<b>Audiology</b>	<b>Recreation therapy</b>
<b>Counseling services</b>	<b>Rehabilitation counseling</b>
<b>Early identification</b>	<b>School health services</b>
<b>Medical diagnostic services</b>	<b>Social work services</b>
<b>Occupational therapy</b>	<b>Speech-language pathology</b>
<b>Orientation and mobility</b>	<b>Transition services</b>
<b>Parent counseling and training</b>	<b>Transportation</b>
<b>Physical therapy</b>	<b>Etc.</b>

A comment to the original regulations promulgated under the Act makes clear "the list of related services is not exhaustive and may include other ... supportive services if they are required to assist a child with a disability to benefit from special education. This could, depending on the unique needs of a child, include such services as nutritional services or service coordination..."

**DETERMINING THE RELATED SERVICES:**

Any related service must be based on evaluation. The evaluation report must be made available to the parent prior to the IEP meeting. The evaluation report should indicate, if the diagnostician believes the student needs the related service, what the baseline of need is, what should be attained in that area by the end of the year, and what the nature, duration, frequency and location of the service should be.

Related services must be discussed at the IEP meeting and must be written on the IEP. Since the IEP is the agreement by which the school allocates resources, the IEP has to be specific about the related service.

**The IEP committee should:**

- relate the service to a goal on the IEP;
- describe the service,
- indicate the frequency (e.g., twice per week, thirty minutes per session);
- indicate the date the service will begin;
- indicate the anticipated duration of the service;
- indicate whether it will be group or individualized;
- and indicate whether it will be provided directly by a person of a certain licensure, or indirectly through some consultative model.

All those elements are needed for the school to identify the resources that it is agreeing to allocate which is a specific purpose of the IEP.

If the school does not agree with any of those steps, they owe the parent Prior Written Notice of what they are refusing.

This information is educational and not intended to be legal advice  
 Reed Martin is an attorney with 30 years experience in special education law.