

# “Too Little, Too Much, or Just Right?”: Providing Related Services as a Part of the IEP

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## 1. What are related services?

“Related services” include a wide variety of developmental, corrective, and other supportive services provided as needed to enable a child to benefit from special education. These services include, but are not limited to:

- Audiology services
- Counseling services
- Early identification and assessment
- Interpreting services
- Medical services (only to diagnose or evaluate a student’s disability)
- Occupational therapy
- Orientation/mobility services
- Parent counseling and training
- Psychological services
- Physical therapy
- Recreation therapy
- Rehabilitation services, including vocational rehabilitation programs
- School health and school nurse services
- Social work services
- Speech-language pathology\*
- Transportation, including specialized equipment (adapted buses, lifts, ramps, etc.)
- Music Therapy
- Art Therapy

*\* This is not an exhaustive list.*

## 2. When is a student entitled to related services?

Related services are required when they are necessary “to assist a child with a disability to benefit from special education.” *34 C.F.R. § 300.34(a)*

## 3. If the student would benefit from a related service, would the school be required to provide it?

The standard is whether it is **necessary** for the student to obtain a benefit from the specially designed instruction, not whether it would benefit the student.

#### 4. Can a student that only qualifies for Occupational Therapy and no other special education receive OT under IDEA?

No. With the exception of speech-language therapy, a student must qualify for one of the eligibility categories under IDEA in order to receive school-based therapies or other related services.

#### 5. Who determines whether a student receives a related service?

The ARD committee determines whether a student needs a related service based upon a formal assessment conducted by a qualified professional.

## 6. What is the required scope of the evaluation?

The evaluation must be “sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.”

34 C.F.R. § 300.304©(6)

## 7. Does the related service have its own goals and objectives?

Separate goals and objectives for the related service are not necessary.

## 8. If the therapist has drafted their own goals and objectives, is that a problem?

Not at all. Just make sure that the goals and objectives are co-implemented, by the therapist, teacher and support staff.

## 9. How is the related service documented in the IEP?

The IEP must state the “projected date for the beginning of the services.” The IEP also states the “anticipated frequency, location, and duration” of services that will be provided:

- Frequency refers to how often the service will be provided (daily, weekly, etc.).
- Duration states how long the services will be provided. The beginning and ending dates must be specified, as well as the length of each session (15 minutes, 30 minutes, etc.).
- Location identifies the place where the service will be provided (in the classroom, in the therapy room).

## 10. What is the difference between direct and indirect services?

Direct services are delivered by the therapist to the child either one-on-one or in a small group. Direct services usually refer to hands-on, face-to-face interactions between the related services professional and the student. These interactions can take place in a variety of setting.

## 10. What is the difference between direct and indirect services?

Indirect services are where the therapist consults with the student's teacher, paraprofessionals and parents who then follow through in the child's classroom or home. Indirect services may involve teaching, consulting with, and/or directly supervising other personnel (including paraprofessionals and parents) so that they can carry out therapeutically-appropriate activities.

## **11. Does the school have to make up any services that were missed due to a student's absence?**

Schools are required to provide related services consistent with the frequency, location, and duration of services specified in a student's IEP. Schools should consult with a parent when unable to provide a related service due to a student's absence from school. ARD committees should discuss related service options when a student repeatedly fails to receive a related service due to frequent or chronic absences. If the ARD committee determines that the student's performance has been negatively impacted due to frequent absences, an ARD committee should determine how to address the student's needs, taking into consideration the absences.

## **12. Does the school have to make up any services that were missed due to the service provider's absence?**

Schools are required by law to provide therapy services exactly as they are documented in the IEP. Schools cannot use personnel shortages, absences or lack of funding to deny services.

## 13. Can the school charge for the related service?

School districts may not charge parents for the costs of related services that have been included in the child's IEP. The school receives federal, state and local funding to cover the costs of these services so that the child may receive a FAPE as required by law.

If the student has Medicaid or private insurance, the school may be asked for written consent allowing the school to bill Medicaid/private insurance for therapy services that the school provides. This consent is only required the first time the school accesses Medicaid or other insurance. In Texas, this Medicaid program is called the School Health and Related Services (SHARS) program. Allowing the school to charge for their child's in-school services does not in any way minimize any Medicaid services the child receives outside of school. However, private insurance may have a cap. Parents are not obligated to agree to consent for billing Medicaid or private insurance.

## 14. When can a student be dismissed from a related service?

As with the determination of whether a student qualifies for a related service, recommendations for dismissal from related services must be based on a formal assessment indicating that the student no longer qualifies.

## 15. What if the parent adamantly disagrees with dismissing the student from the related service?

It is important to remember that it is sometimes difficult for a parent to have related services discontinued. With that in mind, it is recommended to give the parent notice of the possibility of the dismissal well in advance of the proposed actual dismissal.

The ARD committee can determine that dismissal is appropriate and give Prior Written Notice or the ARD committee can agree to accommodate the parent and monitor for a period of time before dismissing.

## 16. What is the difference between school and medically based related services?

School-based therapies are supportive services that a student needs in order to learn and access the school environment. Medically-based therapies are delivered through private therapy centers, hospitals, or clinics to address issues related to the student's disability. It is important for parents to realize that the level of school-based services will not necessarily match that of those services provided under a medical model.

**17. If the parent disagrees with the district's related services evaluation, can the parent obtain an IEE?**

If a parent disagrees with the district's evaluation and requests an IEE, the district can either go to hearing to defend the appropriateness of its evaluation or pay for an IEE in accordance with its IEE criteria.

**18. The ARD committee has recommended counseling, but the parent states that her child is already going to private counseling and declines. How should this be documented?**

Make sure to document in the minutes that the counseling offered and the parent declined.

**19. The ARD committee has determined that the student will require nursing services. The parent wants her private nurse instead. What should the school do?**

The IEP should still document the nursing services and indicate that the parent has declined. It is a school decision whether a private nurse can come on campus. The ARD committee does not decide whether a private nurse will be allowed on campus. That is an administrative decision. If allowing the private nurse, make sure to conduct a criminal background check and have the private nurse sign a confidentiality statement.

**20. What is meant by medical services “only to diagnose and evaluate”?**

A school can conduct a medical evaluation when necessary to “determine a child’s medically related disability that results in the child’s need for special education and related services. 34 C.F.R. Section 300.34(c)(5)

## 21. Are related service providers required ARD committee members?

Related service providers are normally not ARD committee members. Related service providers are not required to attend an ARD meeting unless their area of service is being discussed within the meeting.

## 22. For a related service such as counseling, can the IEP say “as needed” or “as appropriate?”

No. The ARD committee needs to specify the amount of services by frequency, location and duration.

## 23. What if the district therapist quits midyear?

The school is still obligated to provide the services. If there is a lapse of services while the school looks for another therapist, the district will owe compensatory services for the sessions missed.

## 24. What if the therapist has provided more therapy than the is set forth in the schedule of services?

TEA has actually cited schools for providing more therapy than what is in the IEP!!!!

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