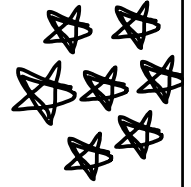
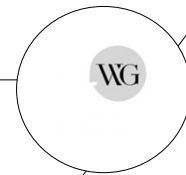


“My Child Needs Two Hours of Speech and Occupational Therapy Per Week”:

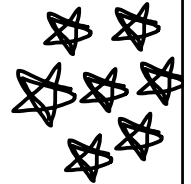


*Appropriately Addressing Related Services
in an ARD Meeting*

Jamie Turner
AUSTIN OFFICE



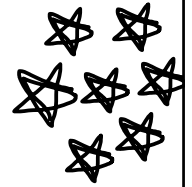
The Scenario...



- Parent brings a “family friend” to the ARD.
- Family friend is insistent that the school is failing to meet the child’s needs.
- Student has autism, currently receives 30 minutes of speech services weekly and 30 minutes of occupational therapy services every other week.
- Student is currently not making expected progress on IEP goals.



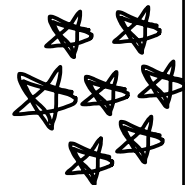
The Scenario...



- Specifically, student is having lots of behavior. Student is nonverbal and has extensive sensory issues and difficulty with fine motor skills.
- Family friend demands that the ARD committee add additional time to the schedule of services: speech 2xs per week; 1-hour sessions; OT 2 xs per week: 1-hour sessions.
- How do you respond?



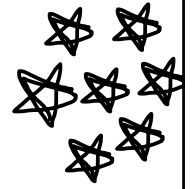
How to respond...



- Clarify the requested services
 - *Seek to understand the perceived needs*
- Review PLAAFP and consider evaluation
- ARD committee will review evaluation and
 - *“If the data support the conclusion that the child needs it, we will provide it.”*



Related Services: Part of FAPE

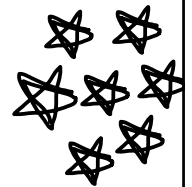


“Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.”

34 CFR § 300.34 (Federal Regulations)



Related Services: Part of FAPE

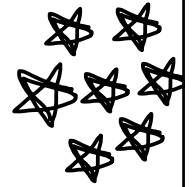


“Instruction shall be supplemented by the provision of related services when appropriate.”

Tex. Educ. Code § 29.003 (State Law)



Related Services: Part of FAPE

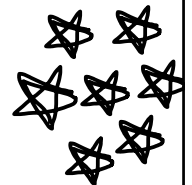


“Special services” means: related services, which are developmental, corrective, supportive, or evaluative (not instructional) that may be required for a child to benefit from SPED instruction and for implementation of a child’s IEP.

Tex. Educ. Code § 29.002



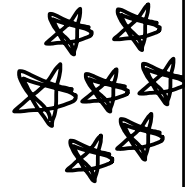
Related Services: Part of FAPE



- Related services are part of an IEP that is reasonably calculated to enable a student with a disability to **make progress appropriate in light of the child’s circumstances** – *Endrew F. v. Douglas County Sch. Dist.*, U.S. S.Ct. (2017).
- Related services must meet the child’s **unique needs**
- Related services must be provided if that service is necessary for the student to benefit from special education.
- District has discretion in determining methodology



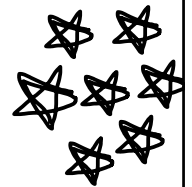
Related Services



- What does a child *need* to benefit from special education?
 - Transportation
 - Developmental, corrective, or other supportive services
- 34 C.F.R. 300.34(a)



Related Services

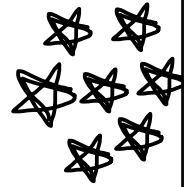


- Does IDEA provide us a list of related services?
- Yes, but it's illustrative, not exhaustive.



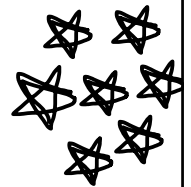
Related Services

- Special transportation
- Occupational therapy
- Speech therapy
- Counseling
- Psychological services
- Audiology services
- Interpreting services
- Recreation / therapeutic recreation

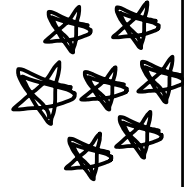


More Related Services

- Orientation and mobility
- School health services
- Skilled nursing services
- Social work services
- Parent training
- Administration of medication
- 1:1 aide support
- Physical therapy



NOT Related Services



Services for children with surgically implanted devices, including cochlear implants – 34 CFR § 300.34

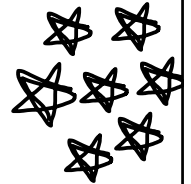
- Optimization of that device’s functioning (mapping, etc.)
- Maintenance
- Replacement

Therapeutic services performed by a physician

IMPORTANT EXCEPTION: Medical services can be related services if limited to “services provided by a licensed physician to determine a medically related disability” – 34 CFR § 300.34 (c)(5)



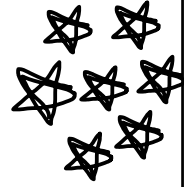
Thinking back to our scenario...



- How do we determine what related services are needed?
- The nature and extent of related services a child needs is determined by **evaluation**.
34 CFR § 300.15
- What do evaluations for related services look like?
 - Some may be incorporated into a Full Individual Evaluation
 - Others may be less structured
- **ARD committee** (or IEP team) determines what related services are required



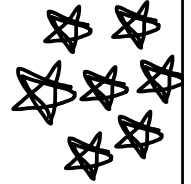
Scenario



- The ARD committee agrees that student’s behavior is what is truly impacting learning.
- Teacher states student does not need more speech or OT time.
- Family friend states that behavior is communication, student is having difficulty expressing himself, and more speech time would lead to fewer behaviors.
- Does family friend have a point?



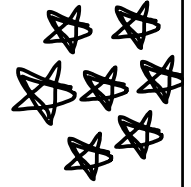
Responding to the Request



- **Clarify the requested services**
 - *Seek to understand the perceived needs*
 - *“Tell me more about why you believe an increase is needed.”*
 - *“What skills do you believe are not currently being addressed?”*
 - *“If more time were to be devoted to the related service, what would the student miss?”*
 - *Do the presumptions of the requestor align with what we see in the school setting?*



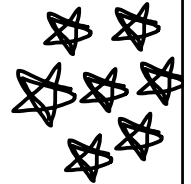
Scenario



- The ARD committee needs to understand what is causing the behavior.
- Do we know? Do we have an evaluation? A functional behavioral assessment?
- If not, consider requesting evaluation.
- Once function is known, consider whether behavior is related to communication deficits.



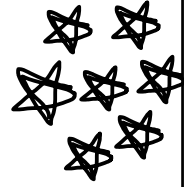
Responding to the Request



- Review PLAAFP and consider evaluation
 - *“How is the child currently performing?”*
 - *“Do we need to collect updated information?”*
 - *“How long will it take to get this information?”*



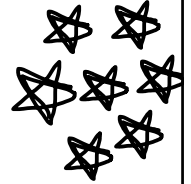
Scenario



- Family friend also states that student's inability to get sensory needs met is resulting in more behaviors, therefore, more OT time is needed.
- Do we know this to be true?
- Back to evaluation



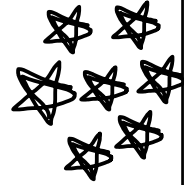
Scenario



- Fast forward three weeks. New FBA is completed. Function of some of the behaviors seem directly driven by sensory needs.
- Now that we know that sensory issues are leading to behaviors, we add more OT time, right?!
- Not necessarily. Do the OT services require an OT or COTA? Could it be that addressing sensory issues could be accomplished through a sensory diet implemented by teachers and staff?



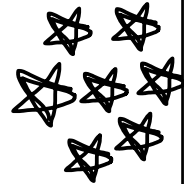
Scenario



- Function of other behaviors to appear to be driven, in part, to student's difficulty with communication.
- So more speech, right? Maybe.
- Do we need speech therapy? Do we need better tools to assist the student in communicating?
- SLP thinks it necessary to try to implement some AAC but more evaluation is needed.



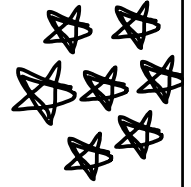
Scenario



- Family friend argues that it will take some time for the SLP to make recommendations, teacher training, and student training on a communication device.
- Does this require more speech therapy? Probably so.



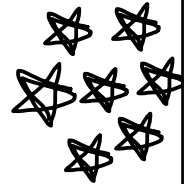
Scenario



- The ARD committee must determine the right amount of related services.
- Must always consider what we are giving up in the student's current schedule in order to get more related services.
- What are the goals? Does the time need to increase or maybe just the frequency? Maybe it's both.



Responding to the Request

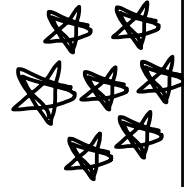


- ARD committee will review evaluation

“If the data support the conclusion that the child needs it, we will provide it.”



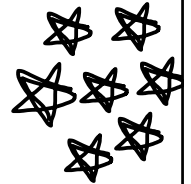
Scenario



- Regardless of the final recommendations, the school must consider:
 - Evaluation data
 - Unique needs of student
 - Capture all of these important conversations in the IEP paperwork (deliberations and Prior Written Notice)



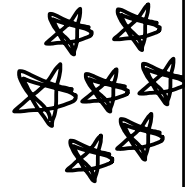
Scenario



- Family friend's recommendations at first sounded ridiculous. If the school team thought that, WHY?
 - What data did we have to refute the request and support the status quo?
 - Remember, student was not making expected progress. And the school needed to do some more evaluation.



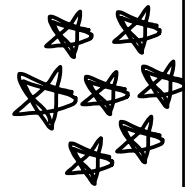
ARD Committee Decision



- Related services are always a decision of the ARD committee.
- Remember:
 - Parents get to participate in the determination of appropriate related services through the ARD process.
 - Related service progress reports should be provided to parents, teachers, and other school personnel on a regular basis.
 - Allow parents the opportunity to discuss provision of related services with providers.
 - Progress reports provide explanation of a child's progress toward annual IEP goals.



ARD Committee Decision



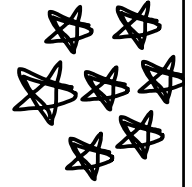
- Lots of questions about related service providers' attendance at ARDs
- Related service providers do not have to attend if:
 - Parents and district agree in writing and
 - Provider's area of related service is not being discussed
- A related service provider may be excused (in whole or in part) if:
 - Parents and district agree in writing to excusal
 - Provider submits in writing to the parent and the school input related to the development of the IEP



19 Tex. Admin. Code 89.1050(c)(4).



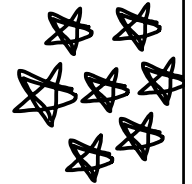
Documenting Related Services in the IEP



- IEP must contain a **description** of the related services. 34 CFR §300.320(a)(4)
- Related services must be based on “**peer-reviewed research**”
 - *Research that is reviewed by qualified and independent reviewers to ensure that the quality of the information meets the standards of the field before the research is published*
- Anticipated **Frequency, Location, and Duration** of related services



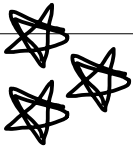
How to respond...to any request...



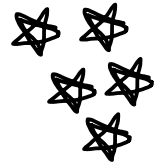
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Jamie Turner



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