

Provision of Related Services for Students with Disabilities

Background

Since 2000, Texas has followed the OSEP Continuous Improvement Monitoring Process (CIMP), which is designed to assess, on an ongoing basis, the impact and effectiveness of State and local efforts in providing early intervention services to infants and toddlers with disabilities and their families, and a free appropriate public education to children and youth with disabilities. During the spring of 2002, the U.S. Department of Education Office of Special Education Programs (OSEP) monitored the state of Texas.

In 2003, the Texas Education Agency received the OSEP Monitoring Report which outlined the specific areas of noncompliance, strengths, and suggested areas of improvement for the Individuals with Disabilities Education Act (IDEA)-B (ages 3-21) and IDEA-C (ages 0-3) programs in the state of Texas. The provision of related services was identified as an area of noncompliance for the State.

An Improvement Planning Task Force met to review the State's current guidance regarding the provision of related services and determine a desired result. Additionally, this task force discussed the action needed by the State to achieve this result.

The ongoing improvement and planning activities, in response to the federal monitoring process, is referred to as the Texas Continuous Improvement Process (TCIP). Using the TCIP, the State submitted an Improvement Plan in response to the OSEP Monitoring Report. It addresses areas of improvement identified during the self-assessment, validation planning (public meeting), and validation data collection (onsite visit) phases of the process.

It should be noted that the Texas School Health and Related Services (SHARS) program was also monitored in 2002 by the Office of Inspector General branch of the U.S. Department of Health and Human Services. The SHARS program allows public school districts to obtain Medicaid reimbursement for ten approved health-related services provided to Medicaid eligible students receiving special education services. Amount and frequency of services provided and reimbursed that were different from what was noted in the IEP was identified in the SHARS monitoring, as well as in the OSEP report. A final report is pending.

An overview of the CIMP, TCIP, the Self Assessment, the Texas Monitoring Report and the Improvement Plan may be found on the web at:

<http://www.tea.state.tx.us/special.ed/cimp/>

One of the greatest challenges currently facing Texas in regard to the delivery of services for students with disabilities is the prevalence of inconsistent and inaccurate information. The purpose of this document is to provide information and guidance to parents, district staff, and other interested stakeholders regarding the provision of related services. It is intended to address the identified Improvement Area in the State.

The document includes:

- A Definition of Related Services
- Legal References Regarding Related Services (Federal and State)
- Areas of Improvement Identified for Related Services Through the OSEP Continuous Improvement Monitoring Process
- State Result Developed Through the Texas Continuous Improvement Process
- Action Needed to Ensure the State Meets the Identified Result

Definition of Related Services

Related Services—Related services are a support to the commitment that all students with disabilities have available to them a free appropriate public education with special education services designed to meet their specific educational needs. Related services are developmental, corrective, or other supportive services that are required to assist a student with a disability to benefit from special education.

Some students may need related services to meet their individually designed special education goals. The need for related services is considered during the student’s admission, review, and dismissal (ARD) in the review and discussion of the student’s evaluation and ongoing assessment data. An ARD committee’s decisions regarding the need for related services to support educational goals must be clearly identified in the student’s individualized education program (IEP).

Related services can include, but are not limited to:

- Audiology
- Counseling services
- Early identification and assessment of disabilities
- Medical services (only to diagnose or evaluate a student’s disability)
- Occupational therapy
- Orientation and mobility services
- Parent counseling and training
- Physical therapy
- Psychological services
- Recreation
- Rehabilitation counseling services
- School health services (including assistance with health-related needs during the school day, e.g. catheterization)
- Social work services in school;
- Speech-language pathology*
- Transportation

*In Texas, speech-language therapy is considered an instructional service. This means it can be a stand alone service as well as a support in order to receive benefit from other special education services. However, in considering the delivery of speech services, all the same factors associated with the individual determination of related services, such as frequency, location and duration of services, must be considered.

Legal References Regarding Related Services | Federal Regulations

Individuals with Disabilities Education Act (34 CFR Part 300)

§300.7. Child with a disability.

- (a) General.
 - (1) As used in this part, the term child with a disability means a child evaluated in accordance with §§300.530-300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.
 - (2)
 - (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.530-300.536, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.
 - (ii) If, consistent with §300.26(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.

§300.347. Content of IEP. [excerpt]

- (a) General. The IEP for each child with a disability must include—
 - (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—
 - (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
 - (6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications;

§300.24. Related services.

- (a) 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 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.
- (b) Individual terms defined. The terms used in this definition are defined as follows:
 - (1) Audiology includes—
 - (i) Identification of children with hearing loss;
 - (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
 - (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

Legal References Regarding Related Services | Federal Regulations

Individuals with Disabilities Education Act (34 CFR Part 300)

§300.24. Related services. [continued]

- (iv) Creation and administration of programs for prevention of hearing loss;
 - (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
 - (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.
- (2) Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
 - (3) Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
 - (4) Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.
 - (5) Occupational therapy—
 - (i) Means services provided by a qualified occupational therapist; and
 - (ii) Includes—
 - (A) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
 - (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
 - (C) Preventing, through early intervention, initial or further impairment or loss of function.
 - (6) Orientation and mobility services—
 - (i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and
 - (ii) Includes teaching students the following, as appropriate:
 - (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
 - (B) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
 - (C) To understand and use remaining vision and distance low vision aids; and
 - (D) Other concepts, techniques, and tools.
 - (7) Parent counseling and training means—
 - (i) Assisting parents in understanding the special needs of their child;
 - (ii) Providing parents with information about child development; and
 - (iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.
 - (8) Physical therapy means services provided by a qualified physical therapist.
 - (9) Psychological services includes—
 - (i) Administering psychological and educational tests, and other assessment procedures;
 - (ii) Interpreting assessment results;
 - (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;

Legal References Regarding Related Services | Federal Regulations

Individuals with Disabilities Education Act (34 CFR Part 300)

§300.24. Related services. [continued]

- (iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
 - (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
 - (vi) Assisting in developing positive behavioral intervention strategies.
- (10) Recreation includes—
- (i) Assessment of leisure function;
 - (ii) Therapeutic recreation services;
 - (iii) Recreation programs in schools and community agencies; and
 - (iv) Leisure education.
- (11) Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.
- (12) School health services means services provided by a qualified school nurse or other qualified person.
- (13) Social work services in schools includes—
- (i) Preparing a social or developmental history on a child with a disability;
 - (ii) Group and individual counseling with the child and family;
 - (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
 - (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
 - (v) Assisting in developing positive behavioral intervention strategies.
- (14) Speech-language pathology services includes—
- (i) Identification of children with speech or language impairments;
 - (ii) Diagnosis and appraisal of specific speech or language impairments;
 - (iii) Referral for medical or other professional attention necessary for the habilitation or prevention of communicative impairments; and
 - (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
 - (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.
- (15) Transportation includes—
- (i) Travel to and from school and between schools;
 - (ii) Travel in and around school buildings; and
 - (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Legal References Regarding Related Services | State Rules

Texas Administrative Code (TAC) Title 19, Chapter 89. Adaptations for Special Populations, Subchapter AA: Commissioner's Rules Concerning Special Education Services

§89.1050. The Admission, Review, and Dismissal (ARD) Committee. [excerpt]

- (a) Each school district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted pursuant to §89.1011 of this title (relating to Referral for Full and Individual Initial Evaluation). The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 Code of Federal Regulations (CFR), §300.344. The school district shall be responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including, specifically, the following:
- (1) 34 CFR, §§300.340-300.349, and Texas Education Code (TEC), §29.005 (Individualized Education Program);
 - (2) 34 CFR, §§300.400-300.402 (relating to placement of eligible students in private schools by a school district);
 - (3) 34 CFR, §§300.452, 300.455, and 300.456 (relating to the development and implementation of service plans for eligible students in private school who have been designated to receive special education and related services);
 - (4) 34 CFR, §§300.520, 300.522, and 300.523, and TEC, §37.004 (Placement of Students with Disabilities);
 - (5) 34 CFR, §§300.532-300.536 (relating to evaluations, re-evaluations, and determination of eligibility);
 - (6) 34 CFR, §§300.550-300.553 (relating to least restrictive environment);
 - (7) TEC, §28.006 (Reading Diagnosis);
 - (8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction);
 - (9) TEC, §28.0212 (Personal Graduation Plan);
 - (10) TEC, §28.0213 (Intensive Program of Instruction);
 - (11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing);
 - (12) TEC, §30.002 (Education of Children with Visual Impairments);
 - (13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf);
 - (14) TEC, §33.081 (Extracurricular Activities);
 - (15) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and
 - (16) TEC, §42.151 (Special Education).
- (b) For a child from birth through two years of age with visual and/or auditory impairments, an individualized family services plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR, §§303.340-303.346, and the memorandum of understanding between the Texas Education Agency (TEA) and Texas Interagency Council on Early Childhood Intervention. For students three years of age and older, school districts must develop an IEP.
- (c) At least one general education teacher of the student (if the student is, or may be, participating in the general education environment) shall participate as a member of the ARD committee. The special education teacher or special education provider that participates in the ARD committee meeting in accordance with 34 CFR, §300.344(a)(3), must be certified in the child's suspected areas of disability. When a specific certification is not required to serve certain disability categories, then the special education teacher or special education provider must be qualified to provide the educational services that the child may need. Districts should refer to §89.1131 of this title (relating to Qualifications of Special Education, Related Service, and Paraprofessional Personnel) to ensure that appropriate teachers and/or service providers are present and participate at each ARD committee meeting.
- (d) The ARD committee shall make its decisions regarding students referred for a full and individual initial evaluation within 30 calendar days from the date of the completion of the written full and individual initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the full and individual initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

Legal References Regarding Related Services | State Rules

Texas Administrative Code (TAC) Title 19, Chapter 89. Adaptations for Special Populations, Subchapter AA: Commissioner's Rules Concerning Special Education Services

§89.1050. The Admission, Review, and Dismissal (ARD) Committee. [excerpt—continued]

- (e) The written report of the ARD committee shall document the decisions of the committee with respect to issues discussed at the meeting. The report shall include the date, names, positions, and signatures of the members participating in each meeting in accordance with 34 CFR, §§300.344, 300.345, 300.348, and 300.349. The report shall also indicate each member's agreement or disagreement with the committee's decisions. In the event TEC, §29.005(d) (1), applies, the district shall provide a written or audiotaped copy of the student's IEP, as defined in 34 CFR, §300.346 and §300.347. In the event TEC, §29.005(d)(2), applies, the district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP, as defined in 34 CFR, §300.346 and §300.347.
- (5) When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.
- (6) When a district implements an IEP with which the parents disagree or the adult student disagrees, the district shall provide prior written notice to the parents or adult student as required in 34 CFR, §300.503.
- (7) Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point when they disagree with decisions of the ARD committee.

§89.1060. Definitions of Certain Related Services.

In addition to the specific related services defined in 34 Code of Federal Regulations (CFR), §300.24, related services include interpreting services for students who are deaf. Interpreting services include interpreting/transliterating receptively and expressively for persons who are deaf or hard of hearing.

Legal References Regarding Related Services | State Law

Texas Education Code

§29.002. Definition.

In this subchapter, "special services" means:

- (1) special education instruction, which may be provided by professional and supported by paraprofessional personnel in the regular classroom or in an instructional arrangement described by Section 42.151; and
- (2) related services, which are developmental, corrective, supportive, or evaluative services, not instructional in nature, that may be required for the student to benefit from special education instruction and for implementation of a student's individualized education program.

The document *Texas Special Education Rules and Regulations*, which includes special education related federal regulations, state laws and rules, can be found on the Web at:

<http://www.tea.state.tx.us/special.ed/rules/sbs.html>

Texas Continuous Improvement Process Related Services

**What were the
CONCERNS
identified?**

Areas of Improvement Identified for Related Services Through the OSEP Continuous Improvement Monitoring Process

- Individualized education programs (IEPs) do not reflect the frequency, amount (e.g., 30 minutes, 60 minutes, etc.) or location of services needed by students with disabilities as determined by admission, review, and dismissal (ARD) committees.
- IEPs sometimes reflect “minimum amounts” of services to be provided.
- Amounts and frequency of services noted in IEPs are sometimes not reflective of actual services provided.
- Method used to document amount and frequency of service is sometimes difficult to understand.

**How did the State
address the
CONCERNS?**

**Improvement Plan
regarding
Related Services**

<http://www.tea.state.tx.us/special.ed/tcip/fape.html>

**Identified Result
to Address
CONCERNS**

State Result Developed Through the Texas Continuous Improvement Process

Students receive the type and amount of related services needed to benefit from special education instruction.

- ARD committees individually determine the type, amount, and frequency of related services.
- The IEP documents the type, amount, and frequency of related services needed.
- Students with disabilities are receiving the type, amount, and frequency of related services needed.

Texas Continuous Improvement Process Related Services

How will the
State achieve the
RESULT?



Action Needed to Ensure the State Meets the Identified Result

DISTRICT ACTION

Districts should examine their current guidelines/framework used to determine and provide related services to ensure the following considerations are in place:

Related Services are considered and determined by the student's ARD committee.

All district staff are informed of and understand the purpose for related services and the role staff play in the consideration and delivery of related services.

- District staff refers to administrators, supervisors, teachers, related service personnel, and teaching assistants.
- District staff participate in the discussion regarding the consideration and determination of related services during the ARD committee meeting.
- District staff involved in the provision of services for students with disabilities are informed of the students' related services goals and other information related to ensuring the effectiveness of the services.

Parents of students with disabilities receive an explanation of the purpose for related services. Additionally, parents are informed of the role they play in the consideration and delivery of related services.

Districts consider and determine a variety of options for the delivery of related services including frequency, duration, and location of services.

- Services are student need driven and include a variety of options.
- Consideration of service delivery includes student placement.
- Related services goals/activities are reflected in the student's current IEP.
- District information reflects that all disability categories are considered for related services.
- District information reflects that related services are determined by individual student's need.
- Frequency and duration of related services are noted in IEPs.
- If a term is used in the IEP to define frequency of service, the term must be defined in the IEP. Example: Unit = 15 minutes.
- If a service is delivered less than daily, it will be defined using a weekly reference. Example = 1 hour a week, 30 minutes every two weeks.

Texas Continuous Improvement Process Related Services

How will the
State achieve the
RESULT?

→ Action Needed to Ensure the State Meets the Identified Result

DISTRICT ACTION (continued)

Districts should examine their current guidelines/framework used to determine and provide related services to ensure the following considerations are in place:

Related services progress reports are timely and informative.

- IEPs document the progress report schedule and parents are informed of the schedule.
- Progress reports explain the student's progress toward IEP goals.
- Progress reports are provided to parents, general and special education teachers.

Parents are afforded opportunities to discuss related services with the provider.

Districts ensure that the provision of related services is available as necessary to provide a free appropriate public education to statewide disabilities.

PARENT ACTION

Parents understand information provided to them regarding the purpose and intent of related services.

When parents have questions regarding this service, they know who to ask for further discussion and/or explanation of the process.

Parents participate in the ARD committee discussion regarding the consideration of related services.

Parents understand progress reports and communicate with district staff when additional information or clarification is needed.

Parents communicate with district staff to provide any information that is relevant to the provision of and progress related to related services.

Resources

Additional information from the State regarding the provision of related services will be available on the TEA Special Education web page:

<http://www.tea.state.tx.us/special.ed/>

For technical assistance and training in regard to related services and other aspects of the provision of services for students with disabilities; contact your regional education service center (see the web page listed below for education service center locations and contact information).

<http://www.tea.state.tx.us/ESC>