



SPECIAL EDUCATION AND RELATED SERVICES

Updated May 2008



It is the policy of the South Dakota Department of Education, Office of Educational Services and Supports to provide services to all persons without regard to race, color, creed, religion, sex, disability, ancestry, or national origin in accordance with State Law (SDCL 20-13) and Federal Law (Title VI of Civil Rights Act of 1964, the Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act of 1990).

INTRODUCTION

The “*Special Education and Related Services*” technical assistance guide has been updated to inform districts, teachers, organizations and, most importantly, parents about the definitions and regulations associated with the various types of related services available for individuals with needs.

The Individuals with Disabilities Education Act, (IDEA) at 34 CFR §300.13, defines FAPE as follows:

...the term free appropriate public education means special education and related services that-

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA (state education agency) including the requirements of this part (Part B of IDEA);
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State; and
- (d) Are provided in conformity with an individualized education program (IEP)...

Special Education

Special Education means specially designed instruction to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability; and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all students.

Related Services

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, interpreting 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. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student-to be involved in and make progress in the general education curriculum...

Exception; services that apply to children with surgically-implanted devices, including cochlear implants:

Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

Nothing limits the right of a child with a surgically-implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this section) that are determined by the IEP Team to be necessary for the child to receive FAPE.

Nothing limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or

Nothing prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly, as required in §300.113(b).

Administrative Rules of South Dakota Pertaining to Related Services

According to §24:05:27:03 the IEP team determines related services when developing a child's individual educational program. The members of the IEP team shall determine whether any developmental, corrective, or other supportive services, including transportation, are required to assist a child to benefit from special education. These services must be written into the individual educational program as related services.

Further guidance in §24:05:27:04, determination of related services, states when deciding whether a particular developmental, corrective, or other supportive service is a related service, the members of the IEP team shall review the results of the individual evaluations used to determine the child's need for special education. Based on the specific special education services to be provided, the team shall determine whether or not related services are required in order to assist the child to benefit from the special education program.

In §24:05:27:05 the Administrative Rules address the use of hearing aids. For children with hearing impairments, including deafness, in need of special education, who wear hearing aids in school, the IEP team shall include, as a related service, a monitoring schedule in the individual educational program to ensure the proper functioning of these corrective devices.

Related services are provided at no cost (§24:05:27:16). Consistent with § 24:05:27:03 and §24:05:27:04, the district shall provide related services at no cost to the parent. Related services include transportation; speech-language pathology; audiological services; interpreting 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; medical services for diagnostic or evaluation purposes; school nurse and school health services designed to enable a student with a disability to receive a free appropriate public education as described in the IEP of the student; social work services in schools; and parental counseling and training. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g. mapping), maintenance of that device, or the replacement of the device.

Assistive Technology Services

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

The evaluation of the needs of a child with a disability, including a functional evaluation of the

child in the child's customary environment;

Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

Administrative Rules of South Dakota Pertaining to Assistive Technology

According to §24:05:27:18, an assistive technology device is any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. An assistive technology device does not include a medical device that is surgically implanted, or the replacement of the device.

§24:05:27:19 also known as "assistive technology service" is any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes the following:

(1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a child with disabilities or, the child's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, for employers, or for other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children

with disabilities.

In §24:05:27:20, availability of assistive technology, each school district shall ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if they are required as a part of the child's special education or related services or as supplementary aids and services.

On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the student's placement committee determines that the child needs access to those devices in order to receive FAPE.

Audiological Services

Audiology includes the identification of children with hearing loss; determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; creation and administration of programs for prevention of hearing loss; counseling and guidance of children, parents, and teachers regarding hearing loss; and determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

According to §67:16:37:05, the required licensure or certification requirements for service provider, an individual providing services under this chapter must meet licensure or certification requirements, when providing audiology services.

Audiology services must be provided by an audiologist who has a certificate of clinical competence from the American Speech and Hearing Association, has completed the equivalent educational requirements and work experience necessary for the certification, or has completed the academic program and is acquiring supervised work experience to qualify for the certification;

Interpreting Services

Interpreting services includes the following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and special interpreting services for children who are deaf-blind.

Medical Services

Medical services, as a related service, may only be authorized by an IEP team for diagnostic or evaluation purposes. Medical services mean 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.

Occupational Therapy

Occupational therapy means services provided by a qualified occupational therapist; and Includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

According to §67:16:37:05 the required licensure or certification requirements for service provider, an individual providing services under this chapter must meet the licensure or certification requirements for occupational therapy.

Occupational therapy services must be provided by an occupational therapist licensed under SDCL [36-31](#), an occupational therapy assistant licensed under SDCL 36-31, or an occupational therapy aide who assists in the practice of occupational therapy under SDCL 36-31 and article 20:64;

According to §24:05:27:23, the criteria for occupational therapy, a student may be identified as in need of occupational therapy as a related service if:

- (1) The student has a disability and requires special education;
- (2) The student needs occupational therapy to benefit from special education; and
- (3) The student demonstrates performance on a standardized assessment instrument that falls at least 1.5 standard deviations below the mean in one or more of the following areas: fine motor skills, sensory integration, and visual motor skills.

Orientation and Mobility Services

Orientation and mobility services means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and includes teaching children the following, as appropriate:

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);

To use the long cane or a service animal to supplement visual travel skills or as a tool for safely

negotiating the environment for children with no available travel vision;

To understand and use remaining vision and distance low vision aids; and other concepts, techniques, and tools.

Parent Counseling and Training

Parent counseling and training means assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

Physical Therapy

Physical therapy, as defined in 24:05:27:24, as a related service, includes gross motor development; mobility; use of adaptive equipment; and consultation and training in handling, positioning, and transferring students with physical impairments.

Physical therapy (§24:14:08:12) includes services to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaptation, including the following:

- (1) Screening, evaluation, and assessment of infants and toddlers to identify movement dysfunction;
- (2) Obtaining, interpreting, and integrating information for program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and
- (3) Providing individual and group services or treatment to prevent, alleviate, or compensate for movement dysfunction and related functional problems.

According to §24:05:27:25, a student may be identified as in need of physical therapy as a related service if:

- (1) The student has a disability and requires special education;
- (2) The student needs physical therapy to benefit from special education; and
- (3) The student demonstrates a delay of at least 1.5 standard deviations below the mean on a standardized motor assessment instrument.

A physical therapy evaluator must be licensed as a physical therapist by the State Board of Medical and Osteopathic Examiners (§24:05:23:08).

According to §67:16:37:05 an individual providing services under this chapter must meet the following licensure or certification requirements, as applicable:

Physical therapy services must be provided either by a physical therapist licensed under SDCL [36-10](#) or by a graduate physical therapy assistant certified under SDCL 36-10;

Psychological Services

Psychological services includes administering psychological and educational tests, and other assessment procedures; Interpreting assessment results; obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; planning and managing a program of psychological services, including psychological counseling for children and parents; and assisting in developing positive behavioral intervention strategies.

Recreation

Recreation includes assessment of leisure function; therapeutic recreation services; recreation programs in schools and community agencies; and leisure education.

Rehabilitation Counseling Services

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 a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

School Health Services and School Nurse Services

School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

Social Work Services in Schools

Social work services in schools includes preparing a social or developmental history on a child with a disability; group and individual counseling with the child and family; 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; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and assisting in developing positive behavioral intervention strategies.

Speech-Language Pathology Services

Speech-language pathology services includes identification of children with speech or language impairments; diagnosis and appraisal of specific speech or language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language impairments; provision of speech and language services for the habilitation or prevention of communicative impairments; and counseling and guidance of parents, children, and teachers regarding speech and language impairments. Speech/language is one of the 13 disability categories or can be a related service under another disability category.

An individual providing services (§67:16:37:05) must meet the following licensure or certification requirements:

- a) A certificate of clinical competence from the American Speech and Hearing Association,
- b) a speech pathologist who has completed the equivalent educational requirements; and c) work experience necessary for a certificate of clinical competence from the American Speech and Hearing Association.

A speech pathologist who has completed the academic program and is acquiring supervised work experience to qualify for the certification, or a speech therapist as defined in § 67:16:37:01.

Transportation

If transportation (§24:05:27:07) is required for the child to benefit from the special education program, transportation shall be written in the individual educational program and provided at no cost to the parent. A district may not require that a parent provide transportation; however, if both parties agree that the parent will provide the transportation, it shall be noted on the individual educational program and the parent shall be reimbursed by the district in accordance with SDCL 13-30-3 and 13-37-8.9.

Transportation includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment if necessary. If a student's disability creates unique needs that make it especially problematic to get the student to school in the same manner that a nondisabled student would get to school in the same circumstances, then transportation may be an appropriate related service. However, if a student with a disability is capable of using the same transportation services as nondisabled students, then it would be consistent with IDEA-B for the student's placement committee to find that transportation is not required as a related service.

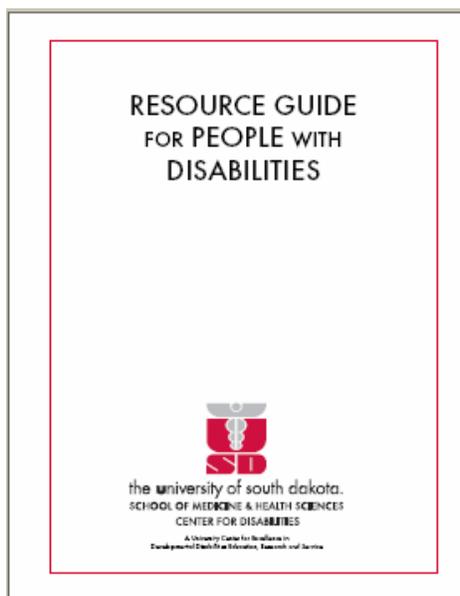
TRANSPORTATION CONSIDERATIONS

- Consideration for the IEP team to discuss when addressing transportation as a related service:
- Documented by a medical report- the student has a physical disability that prevents him/her from walking or getting to school independently.
- As documented by a medical report- the student has a severe health condition that prevents him/her from walking to school.
- The student has a documented severe cognitive disability that prevents him/her from walking or getting to school independently.
- The student has a behavior/emotional disability that is so severe or erratic that there is a concern for the safety of the student or others.
- The student has a severe communication disability that prevents the student from communicating for his/her own safety.
- The student has a visual and/or hearing disability and the student is unable to arrive at school independently.
- The student is eligible for an early childhood special education program and will not be able to participate in the program without transportation.
- The student is attending a distant school because his/her IEP cannot be implemented at the home school. On a case-by-case basis, the IEP team may determine that public transportation and/or provision of cab fare constitutes appropriate transportation services.
- Beyond the conditions specified above, other criteria may be considered in consultation with the IEP team, such as:
 - Can the student's special education services be provided at the home attendance center?
 - Can the student walk to the school site?
 - Can the student use community modes of transportation available to peers the same age?

- Can the student independently cross the streets?
- Can the student independently find his or her way between home and school?
- Does the student independently travel similar distances for other activities during non-school hours?

The cost of transporting private school children with disabilities may be included in calculating whether the district has met its proportionate cost requirement (sec. §300.133).

Other Resources



This guide can be found at: <http://www.usd.edu/cd/publications/resourceguide.pdf>