



## WHEN IS YOUR CHILD ENTITLED TO THERAPIES OR OTHER "RELATED SERVICES" FROM YOUR SCHOOL DISTRICT?

**IMPORTANT:** ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

### WHAT ARE RELATED SERVICES?

Related services are services that are needed *to help a child with a disability benefit from her special education or early intervention program* (for children under three, they are called early intervention services). Examples of related services include: interpreting services for children who are deaf, transportation to, from, and around the school, speech and language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), social work services, and counseling services. Children with disabilities under age three can also get nutrition and service coordination. A medical device (such as a cochlear implant) that is surgically implanted, and the replacement of such a device, is specifically excluded and does not have to be provided by a school district. *Related services must be provided at no cost to the child's family, and cannot be limited or denied because of inconvenience or cost to a school district* (which can include a public charter school) or an early intervention agency.

### CAN RELATED SERVICES INCLUDE MEDICAL SERVICES?

"Medical services" - that is, services that must be provided by a licensed physician - are related services only to the extent that they are needed to determine whether the child has a disability and the kind of special services the child needs. Related services can include school nurse or school health services designed to help the child benefit from her Individualized Education Program, maintenance of a child's tracheostomy and feeding tubes, the administration of medication, and the provision of and clean intermittent catheterization.

**IF I THINK MY CHILD NEEDS A RELATED SERVICE,  
HOW DO I GO ABOUT GETTING IT?**

You should ask the school district or early intervention agency, *in writing*, to evaluate your child to determine if she needs the service to benefit from her special education or early intervention program. If you are dissatisfied with the evaluation results, you can ask your district or early intervention agency to pay for an independent or "outside" evaluation (one conducted by someone who is not employed by those agencies). You can contest a school district's refusal to pay for an independent evaluation by proving that the school district's evaluation was insufficient or otherwise inappropriate at a special education hearing. Whether funded by you or by the school district, an independent evaluation must be "considered" (but not necessarily accepted) by the district or early intervention agency.

**WHAT TYPE OF INFORMATION SHOULD BE COVERED  
IN ANY OUTSIDE EVALUATION I OBTAIN?**

The evaluator should specifically address why the related service is needed to help the child progress in the goals in the child's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP). *The report should make specific recommendations as to the type and amount of service needed.* Keep in mind that the law only requires a school district or a pre-school early intervention agency to provide a child with the type and amount of related services necessary for her to benefit from the special education or early intervention program. For children under three, the child should receive the amount and type of related services that are "appropriate." A child who is eligible for Medical Assistance may be entitled to additional services - such as therapies - through that system. Medical Assistance owes an eligible child all medical services that are "medically necessary."

**DOES THE LAW REQUIRE THAT  
RELATED SERVICES BE LISTED ON A CHILD'S IEP OR IFSP?**

*Yes!* Each child's IEP or IFSP must set forth each related services that will be provided to the child. The IEP or IFSP should list the service, how frequently the service is to be delivered, when the service will begin, and the anticipated duration, which means for how long it will be provided (for example, physical therapy, three 45-minute sessions per week, to begin immediately and to continue until the end of the School Year).

## **CAN YOUR SCHOOL DISTRICT OR EARLY INTERVENTION AGENCY ASK YOU TO USE YOUR MEDICAL ASSISTANCE (MA) COVERAGE OR YOUR PRIVATE INSURANCE TO PAY FOR RELATED SERVICES?**

Related services must be free to the child and family. If your child is eligible for Medical Assistance, your district or early intervention agency can ask you to help them get money from MA for services in the child's program that are also covered by MA. Often families can get more of certain services or equipment from the MA system than from their special education or early intervention program, since the MA system must provide eligible children with all "medically necessary" services and equipment, not just enough services or equipment for the children to "benefit" from their special education or early intervention programs. Many families use MA to get, for example, extra therapies, or private duty nurses during the school day. Moreover, if the family gets equipment funded by MA (for example, a communication device or a motorized wheelchair), the student and family own that device and can keep it during the summer and after the student graduates. Districts and early intervention agencies can ask parents to use private health insurance to pay for these services, *but parents do not have to agree if there is any direct or indirect cost involved.*

If a family uses MA to pay for a service that is medically necessary - but that is also a necessary part of the child's special education or early intervention program - it is important that the service also be listed as a related service in the IEP or IFSP. Then it is clear that, if a problem occurs with getting the service through MA (for example, the child becomes ineligible), the school district or early intervention agency must provide the service itself.

## **HOW CAN I BE SURE THAT MY CHILD RECEIVES ALL NEEDED RELATED SERVICES?**

Be sure that all of the related services recommended by the evaluation team, and that you think are needed, are listed on your child's IEP or IFSP. Once related services are included in a child's IEP or IFSP, the child's district or early intervention agency must ensure that they are provided to the child, along with other special education or early intervention services. If your child is not receiving a related service listed on his or her IEP or IFSP, you should complain to your district or early intervention agency. You may be entitled to additional related services to compensate you for any missed sessions. If the district or pre-school agency still won't provide the service, write a letter explaining the problem to the Pennsylvania Department of Education's Division of Compliance, Monitoring and Planning (DOC), at 333 Market Street, Harrisburg, PA 17126-0333. DOC must investigate and resolve your complaint within 60

calendar days. For the youngest children, complaints must be filed with the Regional Offices of the State Office of Mental Health and Mental Retardation, which also has 60 calendar days to investigate and issue a report.

**WHAT IF MY DISTRICT OR EARLY INTERVENTION AGENCY AND I CANNOT RESOLVE A DISPUTE REGARDING THE TYPE OR AMOUNT OF RELATED SERVICES MY CHILD NEEDS?**

- Consider asking your district or early intervention agency for a mediation session. If the agency agrees (early intervention agencies for children under three must agree to mediate), the State will assign an independent trained mediator who will try to resolve the dispute. You are not required to agree to anything, and you are still free to pursue the more formal hearing process if the mediation doesn't work out. To find out more about mediation, contact the Office for Dispute Resolution's Special Education Mediation Service at 800-992-4334.
- Ask for a Special Education Hearing. For more information on the hearing process, get ELC's Fact Sheet, *How to Resolve Special Education Disputes* from our website or phone numbers listed below.

Funding for this brochure was provided, in part, by the Disability Rights Network of Pennsylvania (DRN), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P&A for Mentally Ill Individuals Act, P.L. 99-319. DRN is located at 1414 N. Cameron Street, Suite C, Harrisburg, PA 17103. Telephone: 800-692-7443 or 717-236-8110. Website: [www.drnpa.org](http://www.drnpa.org).

Prepared by: Education Law Center (Rev. 8/07)  
(215) 238-6970 (Philadelphia)  
(412) 258-2120 (Pittsburgh)  
[www.elc-pa.org](http://www.elc-pa.org)