



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Ms. Shan Goff
Bureau of Instructional Support and
Community Services
Florida Department of Education
Florida Education Center
325 West Gaines Street
Tallahassee, Florida 32399-0400

JAN 30 2002

Dear Ms. Goff:

The purpose of this letter is to address an issue regarding the provision of speech and language pathology as a related service to children with disabilities in Florida. This issue was brought to our attention as a result of allegations made in a complaint to the Office for Civil Rights.

The complainant, [REDACTED] also raised these concerns in a letter to your office dated April 30, 2001. Specifically, the complainant alleged that the Miami-Dade County School District failed to follow district criteria in determining whether students with disabilities are eligible for speech and language services. The conclusion reached in the Florida Department of Education's (FDE) September 11, 2001 Report of Inquiry for this complaint states that "the State of Florida has determined that speech and language service is an Exceptional Student Education program rather than a related service. Thus, a student must be determined eligible under the criteria for the special programs for students who are speech and language impaired in order to receive direct services from a speech and language pathologist."

As you are aware, the Office of Special Education Programs' (OSEP) monitoring report (April 2001) of FDE contains a finding of noncompliance that school districts do not ensure that all children who need related services to benefit from special education receive that service. This finding was based on the fact that Part B of the Individuals with Disabilities Education Act (IDEA) requires public agencies to provide speech and language pathology as a related service to children with disabilities who need that service to benefit from special education. 34 CFR §§300.24(b)(14) and 300.300. As set forth in 34 CFR §300.26(a)(2)(i) the term "special education" includes speech-language pathology services, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, and is considered special education, rather than a related service under State standards. Each State must ensure, however, that any child with a disability who needs speech-language pathology services to benefit from special education receives that service, even if he or she does not meet the State's criteria to receive speech-language pathology services as a special education service.

OSEP believes that the standard that FDE applies as stated in the September 11, 2001 Report of Inquiry referenced above for the provision of speech and language services for children with disabilities continues to violate IDEA. On December 19, 2001, a conference call was held with members of our staff and FDE staff to discuss this matter. As a result of this conversation, we understand that the following actions will take place.

- 1) The Improvement Plan under development in response to the OSEP Monitoring Report will contain a plan that FDE will undertake to ensure that children with disabilities who need speech and language pathology as a related service receive such services in order to benefit from special education.
- 2) Because the actions to be outlined in the Improvement Plan may require long-term solutions that may require legislative actions, FDE will develop more immediate steps to resolve this issue. These steps will ensure that all public agencies within the State correct their practices and procedures in order to comply with this requirement so that all children with disabilities who need speech and language pathology as a related service will be able to receive that service as a direct service from a speech and language pathologist. OSEP is requesting that FDE notify us of the steps that FDE will take in this regard within 30 days of receipt of this letter.

We appreciate your cooperation and look forward to working together with you in resolving this matter. Please let us know if you need further assistance.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education
Programs

Cc: Mai Cavalli
Office for Civil Rights, Atlanta Office