

## Frequently Asked Questions Regarding Speech-Language Services

### **Q-1: In Colorado, why were speech-language services changed in the ECEA Rules December 2007 from a related service to an instructional service?**

**A:** Under the Individuals with Disabilities Education Act of 2004 (IDEA) and its implementing regulations,<sup>1</sup> a child who is determined to only need a related service, and not special education, is ineligible for special education services.<sup>2</sup> However, each State has the discretion to consider a related service to be special education.<sup>3</sup>

Even prior to the December 2007 amendments to the Rules for the Administration of the Exceptional Children's Educational Act (ECEA),<sup>4</sup> it was Colorado's longstanding policy that speech language services were instructional in nature, i.e., special education. The underlying principle (now and then) is to ensure that students with disabilities needing only speech language services are eligible for special education services. The 2007 ECEA Rules merely codified that policy into rule.

### **Q-2: Some parents want their child of preschool age to receive speech language services only and do not want their child to attend preschool. Why, then, is the special education administrative unit or district required to offer services that provide a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)?**

**A:** The special education preschool child's IEP Team must develop an IEP that will provide a free appropriate public education (FAPE)<sup>5</sup> in the least restrictive environment (LRE).<sup>6</sup> The child's IEP must enable the child to be involved in and make progress in the general curriculum. The LRE for most preschool students with disabilities is in the general preschool classroom with their peers without disabilities.<sup>7</sup>

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<sup>1</sup> IDEA's implementing regulations are at 34 CFR Part 300. Hereafter, the IDEA regulations will be referred to by section number only, e.g., § 300.1.

<sup>2</sup> 34 CFR § 300.8(a)(2)(i).

<sup>3</sup> 34 CFR § 300.8(a)(2)(ii)

<sup>4</sup> 1 CCR 301-8. Hereafter, the ECEA Rules will be referred to by rule number only, e.g., ECEA Rule 4.00.

<sup>5</sup> FAPE is defined at § 300.17 and 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 [State Education Agency], including the requirements of this [Part B]; (c) include an appropriate preschool education...in the State involved; and (d) Are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of §§ 300.324."

<sup>6</sup> LRE is defined at ECEA Rule 2.28 and § 300.114(a)(2) and means (1) To the maximum extent appropriate, child with disabilities...are educated with children who are nondisabled; and (2) Separate classes, separate schooling, or other removal of child with disabilities from the general educational environment occurs only if the nature and severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily."

<sup>7</sup> See, CDE Guidance Memo entitled "FAPE for Special Education Preschool Students" (CDE, 12/03/2008), which is accessible online at <http://www.cde.state.co.us/cdesped/Guidance.asp>

**Q-3: With the change in the definition of speech-language services, where are the qualifications of speech-language pathologists addressed in ECEA?**

**A:** ECEA Rule 3.04 provides that “[all] personnel providing special education services to children with disabilities shall be qualified.” State qualifications for speech language pathologists have been established by State Board of Education and are set forth in the Rules for the Administration of the Educator Licensing Act of 1991, 1 CCR 301-37, 2260.5-R-4.11.

**Q-4: What is the definition of Related Services?**

**A:** 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 audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification; and evaluation 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.”<sup>8</sup>

**Q-5: In order for a child to receive speech-language services does the child need to be determined as a child with a speech-language disability?**

**A:** No. Any child who qualifies under any ECEA disability category can receive speech-language services if the IEP team determines that those services are needed to ensure that the child has access to the general curriculum.<sup>9</sup>

**Q-6: What guiding document(s) do the speech-language pathologists refer to in the early childhood evaluation process?**

**A:** In the summer of 2010, the Speech-Language Advisory Council, in cooperation with CDE’s Early Childhood Special Education team, met to address decision-making when considering speech/language services for preschool children and children under Part C. As a result of that work, the rating scales previously used for students, kindergarten to age 21, were expanded to provide guidance for the early childhood evaluation process, including Part C evaluations. The Birth-21 Rating Scales are now available on the ESLU Special Education Guidance Documents web page (<http://www.cde.state.co.us/cdesped/Guidance.asp>). These scales, in addition to the IDEA and ECEA and the Colorado Department of Human Services’ document entitled, *Early Intervention Colorado State Plan: Under Part C of the Individuals with Disabilities Education Act (2010)*, will provide guidance in the evaluation and

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<sup>8</sup> ECEA Rule 2.37(1)

<sup>9</sup> ECEA Rule 2.43(1)(a) and (2)(c); § 300.39(a)(1) and (b)(3).

eligibility process.

(<http://www.cde.state.co.us/early/downloads/CHILDFIND/DHS-CDEJoinCFMemo.pdf>)

**Q-7: When, if ever, is the *Birth-21 Speech Language Impairment (SLI) Rating Scales* used in the early childhood evaluation process?**

**A:** The *Birth-21 SLI Rating Scales* are designed to provide guidance to and consistency across speech-language pathologists in the state of Colorado in the evaluation of students for speech or language impairments. Although not required for the determination of significant delay under Part C, the scales were amended in the summer of 2010 to be consistent with Colorado's Part C State Plan for significant delay.

**Q-8: When are articulation concerns determined to be a disability as defined under ECEA?**

**A:** Under the ECEA Rules, a speech or language impairment is defined as “a communicative disorder which prevents the child from receiving reasonable educational benefit from regular education”<sup>10</sup>. For preschool children, reasonable educational benefit from regular education is defined as “a substantial discrepancy between the child's performance and behavior as compared to children of a comparable age”.<sup>11</sup> All speech-language pathologists must be knowledgeable in the following areas when determining whether or not an articulation deviancy meets the criteria for an educational disorder or a significant developmental delay as compared to a clinical disorder:

- current research on articulation and phonology;
- the developmental norms for mastery and emergence of speech sounds;
- the expected ages for the suppression of phonological processes.

With the amendments of the Birth-21 SLI Rating Scales made in the summer of 2010, these research-based guidelines on speech sound acquisition as well as research on expected levels of intelligibility based on age are now available when the Articulation/Phonology Rating Scale is downloaded.

**Q-9: Because the definition of speech-language services has changed to an “instructional service”, what are the appropriate personnel who can provide those services?**

**A:** Any personnel providing services listed on a child's IEP must be appropriately qualified as defined in ECEA Rule 3.04. The IEP team identifies the goals and the specific services that are needed to address the goals. The IEP team must then follow ECEA Rules in identifying the appropriately qualified personnel who will deliver those services.

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<sup>10</sup> ECEA Rule 2.08(7), pg 14

<sup>11</sup> ECEA Rule 2.08(9)(b), pg 14

**Q-10: When would you qualify a child as “preschool child with a disability” versus “speech or language impairment”?**

**A:** This is an IEP team decision based on the definitions in ECEA of “preschool child with a disability” [ECEA Rule 2.08 (9)] and “speech-language impairment” [ECEA Rule 2.08 (7)] and the body of evidence presented to determine eligibility using professional judgment.

**Q-11: How does the provision of services by the speech-language pathologist support literacy in preschool and what is the American Speech-Language-Hearing Association’s position.**

**A:** According to the American Speech-Language-Hearing Association (ASHA) 2001, provision of speech-language services for preschool-age children, should be balanced by providing activities designed to target impaired communication skills with opportunities to foster emergent literacy. The aim is to use knowledge about prevention so that literacy learning risks do not become realized as children with early-identified communication problems reach school age. In many cases, the SLP's role in prevention is largely a collaborative one, targeting language acquisition directly, while also assisting parents, day care providers, and early childhood educators to develop strategies and seek opportunities to provide many emergent literacy experiences with books and other forms of print.

The rationale for SLPs to play a critical and direct role in the development of literacy for children and adolescents is based on established connections between spoken and written language, including that (a) spoken language provides the foundation for the development of reading and writing; (b) spoken and written language have a reciprocal relationship, such that each builds on the other to result in general language and literacy competence, starting early and continuing through childhood into adulthood; (c) children with spoken language problems frequently have difficulty learning to read and write, and children with reading and writing problems frequently have difficulty with spoken language; <sup>13]</sup> and that (d) instruction in spoken language can result in growth in written language, and instruction in written language can result in growth in spoken language. The ASHA position regarding a critical and direct role for SLPs in reading and writing is consistent with the *ASHA Roles and Responsibilities of Speech-Language Pathologists in Schools 2010*, which includes language and communication disorders in spoken, written, graphic, and manual modalities (American Speech-Language-Hearing Association, 2010) and with the *ASHA Guidelines for the Roles and Responsibilities of the School-Based Speech-Language Pathologist* ([American Speech-Language-Hearing Association, 1999](#)).

**Q-12: What happens when a parent does not want the preschool classroom (FAPE) for the child but does want the speech-language services?**

**A:** The administrative unit (AU) must provide FAPE in the LRE as determined by the child's IEP team, including the parent. FAPE includes an appropriate preschool education. If the parent disagrees with the AU's offer of FAPE in the LRE, the parent has the right to seek resolution of the disagreement through the IDEA's several dispute resolution options (i.e., voluntary mediation; the state-level complaint process; and/or the due process hearing).

(<http://www.cde.state.co.us/spedlaw/info.htm> )

**Q-13: What if a parent wants to home school their preschool child and come into the school to receive speech-language services?**

**A:** Home schooling is not recognized in Colorado for preschool and school age children because preschool is not mandatory.<sup>12</sup> Therefore, the parent would either have to accept the offer of FAPE in the LRE as noted in the child's Individualized Education Program; refuse services; or seek resolution of any disagreements through the IDEA's dispute resolution processes.

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<sup>12</sup> See, Colo. Rev. Stat. § 22-33-104.5