



Missed Sessions

What the 2006 IDEA Part B Final Regulations Say

How to make up missed sessions for speech-language services has been a frequent question from members. However, the 2006 IDEA Part B Final Regulations do not address this issue. On November 2, 2006, ASHA wrote to Alexa Posny, Director, Office of Special Education Services (OSEP), U.S. Department of Education (ED), asking for guidance "...on the need to use substitutes and to schedule make-up sessions when speech-language pathology sessions are missed." As a follow-up to previous discussions with ED on this issue, clarification was requested on how to handle sessions that are missed "due to the child's absence from school, cancellation for a class or school activity, such as a field trip or an assembly, or absence of the SLP due to illness or family emergencies."

In the response to ASHA on March 8, 2007, ED confirmed that IDEA and the regulations do not address this issue. It noted that "states and local education agencies (LEAs) are required to ensure that all children with disabilities have available to them free appropriate public education (FAPE), consistent with the child's individualized education program (IEP) (see 34CFR §300.101)." The Department encourages "public agencies to consider the impact of a provider's absence or a child's absence on the child's progress and performance and to determine how to ensure the continued provision of FAPE in order for the child to continue to progress and meet the annual goals of his or her IEP. Whether an interruption of services constitutes a denial of FAPE is an individual determination that must be made on a case-by-case basis."

Implications for ASHA Members

States and districts should not be establishing a general policy for making up missed sessions, nor establishing a specific number of sessions that constitutes denial of FAPE. Each child's IEP team must consider the impact of the missed sessions on the child's progress and performance and determine whether the interruption of services constitutes a denial of FAPE. In a situation where it is determined that missed sessions have resulted in a denial of FAPE (e.g. extended absences), school districts should be responsible for obtaining qualified professionals to provide the make-up services for these students. It should not be the responsibility of the SLP to find his or her own substitute. These services could be provided before or after school, or during vacations or summer recess. Although the request for guidance on this issue was about SLPs, the guidance provided by ED can be applied to any service, including audiology and other related services.

What ASHA Members Can Do

When administrators insist that SLPs make up sessions, SLPs should check their employment agreement regarding these matters. Furthermore, there are other options for districts to obtain qualified providers for missed services through contracted agencies and summer employment. Schools could also consider maintaining a pool or list of qualified substitutes. ASHA members who are addressing the issue of missed services are encouraged to share ED's letter of

clarification with their administrators and to request a meeting with the IEP team when the SLP feels that a substitute is needed.

ASHA's letter to ED stating ASHA members' concerns on this issue and OSEP's guidance letter in response can be found on [ASHA's IDEA Action Center](#). For more information, please contact ASHA's School Services team at school@asha.org.