



## **Continuum of Service Delivery Options**

### **What the 2006 IDEA Part B Final Regulations Say**

ASHA members have reported that some local education agencies place restrictions on service delivery choices (e.g., limit speech-language services to small-group pull-out intervention only, require classroom-based services only, or allow only direct services). This prevents the individualized education program (IEP) team from developing an education program that meets the individual needs of the child, as services must meet a predetermined format, rather than reflect the needs of the child. Furthermore, caseloads become inflated with children making limited or no progress due to inappropriate delivery of services.

However, the 2006 IDEA Part B Final Regulations do not address service delivery options. Therefore, ASHA requested clarification and guidance on this issue in a November 2, 2006 letter addressed to Alexa Posny, Director, Office of Special Education Services, Office of Special Education Programs (OSEP) of the U.S. Department of Education (ED). We noted in our request to OSEP that the regulations address this issue within the context of the continuum of alternative placements. For example, the Discussion/Comments Section of the final regulations<sup>1</sup> state that:

- "...placement decisions must be based on the individual needs of each child with a disability. Public agencies, therefore, must not make placement decisions based on a public agency's needs or available resources, including budgetary considerations and the ability of the public agency to hire and recruit qualified staff;"
- "...placement decisions for all children with disabilities must be made on an individual basis...this requirement for the continuum [of alternative placements] reinforces the importance of the individualized inquiry, not a 'one size fits all' approach;"
- "...placement decisions must be determined on an individual case-by-case basis depending on each child's unique educational needs and circumstances and based on the child's IEP;" and
- "...in all cases, placement decisions must be individually determined on the basis of each child's abilities and needs and each child's IEP, and not solely on factors such as category of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience."

In its response to ASHA's letter, OSEP reiterated the regulations stating that the IEP Team is responsible for developing a child's IEP, including determining the anticipated frequency, location, and duration of the services. They noted that our examples (e.g., requiring small-group instruction or allowing direct services only) "are matters for consideration by the IEP team,

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<sup>1</sup> Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities; Final Rule. *Federal Register*, August 14, 2006; pp. 46587-46588; <http://idea.ed.gov/download/finalregulations.pdf>.

based on a child's individual and unique needs, and cannot be made as a matter of general policy by administrators, teachers or others apart from the IEP team process."

In a follow-up meeting ASHA held with Alexa Posny, OSEP Director, regarding this letter of guidance, Posny further affirmed that the wording above related to continuum of alternative placements also applies to the continuum of service delivery options. Posny indicated that she has also copied the ASHA guidance letter to a variety of stakeholders, including state directors of special education, Part C coordinators, technical assistance and dissemination networks, and parent training institutes.

### **Implications for ASHA Members**

This guidance supports the roles of speech-language pathologists, as part of the IEP team, in determining the type(s) of service delivery that will best meet the individual needs of the child and support progress toward meeting IEP goals. That determination can not be made as a matter of local or state policy, and can not be predetermined or based solely on factors such as disability category or severity, availability of space or staff, budgetary considerations, or administrative convenience.

### **What ASHA Members Can Do**

If members find themselves limited in service delivery options by local or state policies, they should engage in advocacy efforts to change those policies or practices in light of OSEP's clear statements regarding this issue. Advocacy may involve working with administrators or building teams for local change, or through their state associations for change at the state level.

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