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Technical Assistance Paper Counseling as a Related Service

Summary: This technical assistance paper provides information regarding counseling as a related service, identifies which students need counseling as a related service, clarifies who can provide counseling as a related service, and provides guidance on documenting counseling services.

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Table of Contents

A. Introduction and Definitions	1
A-1. What is the purpose of this technical assistance paper (TAP)?	1
A-2. What are counseling services?	1
A-3. What are related services?	1
A-4. What is counseling as a related service?	1
A-5. What is the difference between counseling and counseling as a related service?	2
B. Student Need for Counseling as Related Services under the Individuals with Disabilities Education Act (IDEA)	2
B-1. How is the need for counseling as a related service determined?	2
B-2. Which students with disabilities require counseling as a related service?	2
B-3. Does every student with an emotional/behavioral disability (E/BD) need counseling as a related service?	2
C. Provision, Documentation, and Monitoring of Counseling as a Related Service under IDEA	3
C-1. Who is qualified to provide counseling as a related service?	3
C-2. How is counseling as a related service documented and monitored?	3
D. Counseling as a Related Service for Students with Disabilities Eligible under Section 504 of the Rehabilitation Act of 1973	3
D-1. Are districts responsible for providing counseling as a related service for students eligible under Section 504?	3
D-2. How is the need for counseling as a related service determined and documented for a student eligible under Section 504?	4
E. Counseling as a Related Service for Students Who are Gifted	4
E-1. Are districts responsible for providing counseling as a related service for students identified solely as gifted?	4
E-2. How is the need for counseling as a related service determined and documented for a student who is gifted?	4

A. Introduction and Definitions

A-1. What is the purpose of this technical assistance paper (TAP)?

The purpose of this TAP is to provide information regarding counseling as a related service, identify which students may need counseling as a related service, clarify who can provide counseling as a related service, and provide guidance on documenting counseling services.

A-2 What are counseling services?

Counseling services are direct supports provided by trained and certified personnel to assist students with personal/social adjustment issues that present barriers to learning and student safety or well-being. Counseling services are available to all students through the district's multi-tiered system of support and general education intervention procedures. Student services professionals employed by the district typically provide counseling and crisis intervention services. Section 1012.01(2)(b), Florida Statutes (F.S.), identifies school counselors, school social workers, and school psychologists as among the student personnel services staff with responsibility for addressing student personal and social adjustment, which includes counseling and crisis intervention.

A-3. What are related services?

Related services are the supportive services needed in order for a student with a disability to benefit from special education. Rule 6A-6.03411(1)(dd), Florida Administrative Code (F.A.C.), states: "Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy; recreation, including therapeutic recreation, early identification and assessment of disabilities in students, 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" (Title 34, Code of Federal Regulations [CFR] section 300.34).

Related services are not defined in Section 504 of the Rehabilitation Act of 1973; however, guidance from the Office for Civil Rights indicates that related services refers to developmental, corrective, and other supportive services, including psychological, counseling, and medical diagnostic services and transportation (*Frequently Asked Questions About Section 504 and the Education of Children with Disabilities* <http://www2.ed.gov/about/offices/list/ocr/504faq.html>).

A-4. What is counseling as a related service?

Counseling as a related service is counseling that is provided when the individual educational plan (IEP) team or educational plan (EP) team determines that it is required in order for a student to benefit from exceptional education. For students who are eligible under Section 504, counseling is a related service when it is needed for the student to have access to school programs (34 CFR §104.33(b)). Counseling services may include individual and group counseling with the student and family, psychological counseling for students and parents/families, and crisis prevention and intervention. Counseling services, in this context,

are services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel (Rule 6A-6.03411(1)(dd), F.A.C.).

A-5. What is the difference between counseling and counseling as a related service?

Districts are responsible for implementing a coordinated system of supports for all students. Therefore, the provision of individual or group counseling services and supports may be integrated into the district's coordinated intervention procedures and provided to any student in the district who needs counseling support. Although any student may receive counseling services, only a student with a disability or a student identified as gifted may receive counseling as a related service (Rule 6A-6.03411(1)(dd), F.A.C.).

B. Student Need for Counseling as Related Services under IDEA

B-1. How is the need for counseling as a related service determined?

The IEP team is responsible for identifying the special education and related services needed for a student with a disability to receive a free appropriate public education (FAPE). In determining if related services are required for a student to benefit from his or her educational program, the team should consider, on a case-by-case basis, whether counseling services are necessary to facilitate the student's academic, social/interpersonal, or emotional/behavioral progress. The IEP team is responsible for determining the nature and extent of the counseling services necessary and identifying the type of service provider. The decision regarding the need for counseling as a related service may occur during the initial development of the IEP, annually at the IEP meeting, during reevaluation, or any other time members of the IEP team request that it be addressed (Rule 6A-6.03411(1)(v), F.A.C.).

B-2. Which students with disabilities require counseling as a related service?

IEP teams must make decisions regarding the need for counseling as a related service based on the unique needs of the individual student. This determination is not based on a student's particular disability or exceptional student education (ESE) eligibility category or the availability of resources. A student with any type of disability may be considered for counseling as a related service if the IEP team determines such support is needed to facilitate academic, social/interpersonal, or emotional/behavioral progress and for the student to benefit from special education (Rule 6A-6.03411(1)(dd)1, F.A.C.). For example, if counseling as a related service is necessary to facilitate placement of a student in a less restrictive setting or is necessary to enable a student to participate more fully in the general curriculum or extracurricular activities, it must be provided.

B-3. Does every student with an emotional/behavioral disability (E/BD) need counseling as a related service?

Not necessarily, but many students identified as having an E/BD may need counseling services to benefit from special education. In particular, a student with an E/BD who is receiving all of his or her ESE services in a separate class, separate school, or other restrictive setting may need counseling as a related service to facilitate transition to a less restrictive setting. The IEP team should continually assess what constitutes the least restrictive environment (LRE) for a student and the supports needed to sustain student success in that environment and plan accordingly.

C. Provision, Documentation, and Monitoring of Counseling as a Related Service under IDEA

C-1. Who is qualified to provide counseling as a related service?

Counseling services means services provided by qualified social workers, psychologists, guidance counselors, and other qualified personnel (Rule 6A-6.03411(1)(dd)3.b., F.A.C.). Individuals qualified to provide counseling as a related service include school psychologists, school counselors, and school social workers (master's level or higher is recommended) with Florida Department of Education certification; psychologists or school psychologists licensed under Chapter 490, F.S.; and licensed clinical social workers and licensed mental health providers as defined in and governed by Chapter 491, F.S. School districts may collaborate with other agencies to facilitate the provision of needed related services or contract with community providers to support counseling services documented on the student's IEP. Contracted providers must meet the "qualified personnel" criteria defined above.

C-2. How is counseling as a related service documented and monitored?

Whenever counseling is necessary for the student to receive FAPE, it should be included on the student's IEP and documented as a related service. The initiation date, anticipated duration, and frequency of counseling to be provided should be documented on the student's IEP. The proposed service provider should be included in the IEP team's decisions regarding the need for counseling services and the nature, frequency, and duration of services. The provider should also be part of progress monitoring and ongoing decisions regarding the continuation of counseling as a related service. The IEP team should use a problem-solving, data-informed decision-making process to determine the effectiveness of the intervention and needed modifications. A student's response to counseling as an intervention should guide an IEP team's decision about how long counseling as a related service should continue. Refer to the technical assistance document *Guiding Tools for Instructional Problem Solving* (2011) available at <http://www.florida-rti.org/> for in-depth information on problem solving and data-based decision making.

D. Counseling as a Related Service for Students with Disabilities Eligible under Section 504 of the Rehabilitation Act of 1973

D-1. Are districts responsible for providing counseling as a related service for students eligible under Section 504?

Yes. Section 504 requires that school districts provide FAPE to qualified students. Under Section 504, FAPE includes any related aids and services designed to meet the individual student's needs to the same extent as the needs of students without disabilities are met (34 CFR §104.33). The Office for Civil Rights document, *Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, indicates that "related services" refers to developmental, corrective, and other supportive services, including psychological, counseling, and medical diagnostic services. A student may receive related "aids and services" under Section 504 if such services are necessary to provide FAPE.

D-2. How is the need for counseling as a related service determined and documented for a student eligible under Section 504?

Once a student is determined to be eligible under Section 504 and in need of services and accommodations, the 504 team develops a Section 504 accommodation plan. Although Section 504 does not specify that a written plan be developed, the district must document activities and decisions made regarding students with disabilities. Although the required components of a 504 accommodation plan are not prescribed, best practice suggests an accommodation plan should address the need for counseling services and the nature, frequency, and duration of services on the student's Section 504 plan.

E. Counseling as a Related Service for Students Who are Gifted

E-1. Are districts responsible for providing counseling as a related service for students identified solely as gifted?

Section 1003.01(3)(b), F.S., defines special education services, in part, as “specially designed instruction and such related services as are necessary for an exceptional student to benefit from education.” The term “exceptional student” refers to both students with disabilities and students who are gifted in s. 1003.01(3)(a), F.S. In addition, Rule 6A-6.03313(1), F.A.C., references the provision of FAPE to students who are gifted. Based on these statements, the EP team could determine that the student has a need related to the student's giftedness that requires a related service in order for the student to receive FAPE.

E-2. How is the need for counseling as a related service determined and documented for a student who is gifted?

If the EP team determines that a student needs counseling as a related service to meet a need related to the student's giftedness, it would be documented on the student's EP (Rule 6A-6.030191, F.A.C.).