

REMEDYING THE FAILURE TO PROVIDE RELATED SERVICES: NEW PROCESS IN THE SCHOOL DISTRICT OF PHILADELPHIA

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All children with disabilities have a right to “related services,” such as speech therapy and occupational therapy, and the right to “make up” services if they are not provided. In response to a [state administrative complaint](#) filed by the Education Law Center-PA, the Pennsylvania Department of Education found in October 2025 that the School District of Philadelphia (SDP) failed to provide required related services to many students with disabilities across the district due to vacancies, staff leave, and provider shortages or capacity. In response, the state ordered SDP to take several steps to correct the violations, including creating new procedures to notify parents of failures to provide related services and to provide timely make up services (or compensatory education) for the violations. The [protocol](#) is now being implemented and explains how related services must be tracked and how, when they are not provided, related services must be remediated.

This fact sheet explains the new procedures for securing those services so you can advocate for your child if they experience service gaps.¹

New Model in Pittsburgh to Provide Make-Up Services

In response to a similar complaint filed on behalf of children in Pittsburgh Public Schools (PPS), the district proactively created a new model process and procedure to ensure that all students who experienced gaps in related services received prompt make-up services. This procedure includes proactive notifications to families, a policy for providing compensatory education services, and ensuring the availability of make-up services while in school. Learn more about the [PPS related services process here](#).

WHAT ARE RELATED SERVICES?

Related services are services provided to students with disabilities that allow them to benefit from special education through specialized support.² **Related services can include speech therapy, occupational therapy, counseling, one-to-one services, or other services based on a student’s needs.** Students are legally entitled to receive the services in their Individualized Education Programs (IEPs), as required by the Individuals with Disabilities Education Act (IDEA).³ As a member of the IEP Team, you help decide what related services your child needs. These services should then be listed in their IEP, including the types of services and how frequently your child will

receive them. Once related services are included in your child's IEP, the school district is legally required to provide them and must take certain steps to make up for services that are not provided.

HOW WILL I KNOW IF MY CHILD IS NOT RECEIVING THEIR RELATED SERVICES?

Related services must be implemented as stated in your child's IEP. If you do not have a copy of your child's IEP, you should request it from your child's IEP Team. Carefully review the services your child is entitled to receive, including their frequency and duration.

TIP: If you believe that your child is not receiving their related services, you could also contact your school's SPECM or teacher to discuss the services that your child needs and how they should receive them while they are in school.

Within 10 school days of whenever your child's school learns that the child's related services are not being provided due to a staffing issue, the school must contact you about the missed services. The school must create a tracker to record how many minutes are missed for each related service.

WHAT SHOULD HAPPEN IF MY CHILD IS NOT GETTING ALL THEIR RELATED SERVICES?

If your child attends school in the School District of Philadelphia and they are not getting their related services due to vacancies, staff leave, and provider shortages or capacity, they should be made up in one of two ways under the new SDP procedures.

RACIAL DISPARITIES IN ACCESSING RELATED SERVICES

Due to systemic racism and individual racial bias, Black and Brown children are less likely to be *appropriately* identified for special education and receive necessary educational services, including related services, than white children, despite no evidence of differing needs for services between racial groups.⁴ For example, schools are significantly less likely to provide speech and language services to Black and Brown children with disabilities, as well as children with disabilities from households where English is not the primary language, as compared to white students.⁵ These gaps in speech-related services can have significant effects on children, negatively impacting their literacy,⁶ increasing their likelihood of behavioral problems,⁷ and putting them at higher risk of unemployment as adults.⁸ Similar disparities are found for Black children who have developmental disabilities with complex communication needs. One study found that schools provided an inadequate amount of augmentative and alternative communication (AAC) interventions to 75% of Black children with developmental disabilities.⁹

Studies show that a key driver of these disparities is significant racial bias and systemic racism within special education.¹⁰ Schools are more likely to under-identify Black and Brown children as needing special education services in certain categories, such as specific learning disabilities.¹¹ This means that Black and Brown children are less likely to receive related services to address these areas of need. At the same time, schools disproportionately refer children of color to special education for more subjective categories, such as "emotional disturbance" or "intellectual disability."¹² This leads to schools improperly placing Black and Brown children in non-inclusive, segregated classrooms away from their peers, negatively impacting their education.¹³

1. When the related services position is filled *within* six months:

- a. Your child's school must notify you within 10 days of when the new provider begins providing related services to your child.
- b. Once the provider starts to provide services, school teams will determine whether the related services can be made up by extending or adding service sessions at school OR whether your child is entitled to compensatory education services.¹⁴ To learn more about compensatory educational services, or "make-up" services, and funds that a student may be entitled to, see ELC-PA's fact sheet on [Your Student's Right to Compensatory Education](#).

TIP: When you learn that your child is beginning to receive related services again, contact the SPECM or your child's teacher to request a meeting to discuss how all the services will be made up.

2. When the related services position is filled *after* six months:

- a. Your child's school team must meet.
- b. They will use the [SDP's tracker](#) to determine the amount of missed services.
- c. The school must offer compensatory education services by sending you a "Compensatory Services Letter" and Notice of Recommended Educational Placement (NOREP) that includes the amount of compensatory services your child is owed. To learn more about compensatory educational services, or "make-up" services, or funds that a student may be entitled to, see ELC-PA's fact sheet on [Your Student's Right to Compensatory Education](#).
- d. You have a right to disagree with the amount of compensatory education offered and note your disagreement in the NOREP. You can ask for mediation, file a complaint with the Bureau of Special Education, or request a special education hearing. You can learn more about these steps in ELC-PA's fact sheet [Resolving Special Education Disagreements](#).

TIP: When you learn that your child's related services have started, contact the SPECM or your child's teacher to participate in the meeting to discuss compensatory education.

HOW WILL I KNOW WHETHER MY CHILD IS MAKING PROGRESS WITH THEIR RELATED SERVICES?

Your child's IEP, which must be updated by the IEP Team at least once every year, must contain "measurable annual goals" related to their academic and functional performance.¹⁵ These goals should be designed to:

- Provide the support your child needs because of their disability so they can take part in classroom learning and make progress in all areas that all students at their age level are expected to learn; and

- Meet any other school-related needs your child has because of their disability. Your child's IEP should explain how the school will track their progress toward their yearly goals and when you will receive updates about that progress, such as progress monitoring reports and report cards.¹⁶

WHAT CAN I DO IF I DO NOT THINK MY CHILD IS MAKING PROGRESS WITH REGARD TO THEIR RELATED SERVICES OR IF I THINK MY CHILD NEEDS DIFFERENT SERVICES?

If you believe your child is not making progress with their related services and/or they need different or additional services, you can request a

reevaluation.¹⁷ A child must be reevaluated at least once every three years or every two years for a child with an intellectual disability.¹⁸ You can request a reevaluation by sending an email or letter to your child's teacher, the special education director, the principal, the superintendent, or a counselor. It should include your name, your child's name, the date, and why you believe your child needs a reevaluation. If you believe that your child needs new related services, make sure your child is evaluated in that area by the appropriate people. For example, if you think your child needs speech therapy, make sure that a speech therapist evaluates them.

The completed reevaluation report (RR) must be forwarded to the parent within 60 calendar days of SDP receiving a signed PTRE.¹⁹ The RR must also be shared with you at least 10 school days before the subsequent IEP meeting to discuss the RR report, unless you sign a waiver.²⁰

At the meeting to discuss the reevaluation, you can use the new information to advocate for services:

- If the reevaluation shows little or no progress in an area where your child receives a related service, then you can advocate for more time for that related service.
- If the reevaluation shows that your child has a new area of need, then you can advocate for your child to receive a new related service to address that need.

DOES MY CHILD HAVE A RIGHT TO RELATED SERVICES WHEN THEY TRANSITION FROM EARLY INTERVENTION TO KINDERGARTEN?

Yes. If your child is transitioning from Early Intervention (EI, which is for children ages 0-5) to kindergarten, they still have a right to related services during that transition.

TIP: Before you sign the Permission to Reevaluate (PTRE), ask questions to make sure that the reevaluation includes all the areas of need that you think your child may have to identify possible services.

TIP: If you don't remember getting progress reports on your child's IEP goals, ask for them from the SPECM or teacher. Review them to see whether your child is making progress with related services. You can also request progress monitoring more frequently, if needed.

When SDP receives an Intent to Register from a family of a student in Early Intervention (EI) and who will be at least 5 years old on the first day of the next school year, the district must develop and proceed with a transition plan based on the child's existing records.²¹ All children transitioning from EI must receive a NOREP describing the services the child will receive on their first day of

school and should begin school with the services they need.²² If the child has an EI IEP but a school-age IEP has not been created for them yet, the related services in the EI IEP should be provided until a school-age IEP is finalized. The child's services must continue uninterrupted to ensure a smooth transition into kindergarten and minimize disruption to the child's education and development.²³

If you believe that your child's school has not followed the above steps, you have various options for relief. If you and the school disagree as to what services your child needs, how the service gaps should be made up, or how much compensatory education is appropriate, see ELC-PA's fact sheet on [Resolving Special Education Disagreements](#) to learn more about how to challenge decisions made by the school. It is important that you notify your school in writing that you do not agree with the offer of compensatory education or make-up services by indicating on the NOREP that you "do not" consent. For young children who experience gaps in services as they transition from one EI program to another or from an EI program to school, see our fact sheet on [Transitioning Through Early Intervention](#). If you have questions about special education evaluations or reevaluations, see ELC's [Special Education Evaluations](#) fact sheet. Finally, to learn more about compensatory educational services, or "make-up" services or funds a student may be entitled to, see ELC-PA's fact sheet on [Your Student's Right to Compensatory Education](#).

The Education Law Center-PA (ELC-PA) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC-PA advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ youth, children experiencing homelessness, and children at the intersection of multiple underserved identities.

ELC-PA's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC-PA's Helpline for information and advice – visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

¹ 20 U.S.C §§ 1415(b)(4), 1415(d)(2); 34 C.F.R. §§ 300.503(c)(1)-(2); 22 Pa. Code § 15.5(b).

² 34 C.F.R § 300.34(a) (Defining related services as "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education").

³ *Id.*

⁴ Hani Morgan, *Misunderstood and mistreated: Students of color in special education*. Voices of Reform, 3(2), 71-81 (2020), <https://www.voicesofreform.com/article/18595-misunderstood-and-mistreated-students-of-color-in-special-education>; Elder et al., *Segregation and Racial Gaps in Special Education*, Education Next (2021). <https://www.educationnext.org/segregation-racial-gaps-special-education-new-evidence-on-debate-over-disproportionality/>.

⁵ See Paul L. Morgan et al., *Cross-Cohort Evidence of Disparities in Service Receipt for Speech or Language Impairments*, 84 Exceptional Children 27 (Aug. 2017), <https://journals.sagepub.com/doi/abs/10.1177/0014402917718341>.

⁶ Hugh W. Catts et al., *A longitudinal investigation of reading outcomes in children with language impairments*, 45 J. SPEECH LANG. HEAR. RES. 1142 (Dec. 2002), <https://pubmed.ncbi.nlm.nih.gov/12546484/>.

⁷ Philip R. Curtis et al., *Language Disorders and Problem Behaviors: A Meta-analysis*, 142 Pediatrics 1 (2018), <https://publications.aap.org/pediatrics/article-abstract/142/2/e20173551/37527/Language-Disorders-and-Problem>

[Behaviors-A-Meta](#); Shaun Goh Kok Yew & Richard O’Kearney, *Emotional and behavioural outcomes later in childhood and adolescence for children with specific language impairments: meta-analyses of controlled prospective studies*, 54 J. CHILD PSYCH. & PSYCHIATRY 516 (Oct. 2012), <https://acamh.onlinelibrary.wiley.com/doi/abs/10.1111/jcpp.12009>.

⁸ Carla J. Johnson et al., *Twenty-year follow-up of children with and without speech-language impairments: family, educational, occupational, and quality of life outcomes*, 19 AM. J. SPEECH LANG. PATHOLOGY 51 (Feb. 2010), <https://pubmed.ncbi.nlm.nih.gov/19644128/>.

⁹ See Lauramarie Pope et al., *Black Children With Developmental Disabilities Receive Less Augmentative and Alternative Communication Intervention Than Their White Peers: Preliminary Evidence of Racial Disparities From a Secondary Data Analysis*, 31 AM. J. SPEECH LANG. PATHOLOGY 2159 (Aug. 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9458617/>.

¹⁰ See generally Brenda Álvarez, *Disproportionality in Special Education Fueled by Implicit Bias*, National Education Association (Apr. 2024), <https://www.nea.org/nea-today/all-news-articles/disproportionality-special-education-fueled-implicit-bias>.

¹¹ See, e.g., Hani Morgan, *Misunderstood and mistreated*, <https://www.voicesofreform.com/article/18595-misunderstood-and-mistreated-students-ofcolor-in-special-education>.

¹² Todd Grindal et al, *Racial Differences in Special Education Identification and Placement: Evidence Across Three States*, 89 HARV. EDUC. REV. 525 (Dec. 2019), <https://www.harvardeducationalreview.org/content/89/4/525>.

¹³ *Id.*

¹⁴ See *Miener By & Through Miener v. State of Mo.*, 800 F.2d 749, 754 (8th Cir. 1986) (finding that compensatory education is the appropriate remedy for when a student is denied FAPE).

¹⁵ 34 C.F.R. 300.320(a)(2)(i).

¹⁶ 34 C.F.R. 300.320(a)(3).

¹⁷ 20 U.S.C § 1414(a)(2)(A)(ii) (schools “shall ensure” a reevaluation of a child with a disability is conducted if the child’s parent or teacher requests it).

¹⁸ 20 U.S.C § 1414(a)(2)(B); 22 Pa. Code § 711.22(c) (state law requiring reevaluations for students identified as having intellectual disabilities every two years).

¹⁹ 22 Pa. Code § 14.124(b).

²⁰ 22 Pa. Code § 14.124(d).

²¹ 55 Pa. Code § 4226.77(b)(5) (The county mental health program must “Establish a transition plan in consultation with the toddler’s family.”).

²² 34 C.F.R. 300.503; Elizabeth Faruggia, *Memorandum regarding BSE Complaint Corrective Action: Provision of Related Services, Progress Reporting, RR Timelines, EI IEP and NOREP Timelines*, Office of Special Education and Diverse Learners (Jan. 2025).

²³ 55 Pa. Code § 4226.77(c)(3); See also 20 U.S.C. § 1419 (IDEA).