



## **AOTA's Principles for Re-authorization of the No Child Left Behind Act (NCLB)**

The American Occupational Therapy Association (AOTA) is the national professional association representing more than 35,000 occupational therapists, occupational therapy assistants and students of occupational therapy. While occupational therapists work with people across the lifespan and with a wide array of health conditions, occupational therapy in schools and early intervention settings is the largest single setting of practice for the profession and continues to grow. AOTA appreciates this opportunity to present the principles for reauthorization of the No Child Left Behind Act (NCLB) that we believe will have the greatest impact on improving outcomes for all children.

As a profession dedicated to the maximization of independence, function and performance, occupational therapy is uniquely suited to the educational setting. Our members take a holistic perspective and focus on the education of the whole child. While academic success is critical, the social, emotional, and behavioral aspects of educational success cannot be minimized or separated. Occupational therapy uses activity or occupation based therapies and interventions to enable students to achieve their potential and to minimize the effects of disabilities. This is accomplished by providing interventions and using strategies that improve a child's performance so that they are ready and able to learn.

Traditionally, occupational therapists have had a more significant role as related service professionals under the Individuals with Disabilities Education Act (IDEA) than as pupil service professionals under NCLB, but recent changes in IDEA that promote expanding supportive services to all students through early intervening services provide an opportunity for schools to fully utilize the professional expertise of occupational therapists and other related/pupil services. All children, regardless of socio-economic, racial, ethnic, religious or health status deserve the right to a high quality education and to the necessary supportive services that will help ensure that they are able to maximize their potential and become not only successful students but productive and engaged citizens. AOTA believes that inclusion of the following principles in the reauthorization of NCLB will help improve our schools ability to educate the whole child and all children.

- **Alignment of NCLB with IDEA**

AOTA believes that it is essential that IDEA and NCLB be aligned to the maximum extent possible in order to ensure that the strengths of each law are accessible to the entire school community. Language in IDEA 2004 that promotes school-wide initiatives for improving academic and behavioral outcomes for students should be included in NCLB. Specifically, reference to early intervening services should be included in NCLB. Similarly the references to alternative identification of specific learning disabilities

through the implementation of school-wide initiatives like Response to Intervention (RtI) should be included in NCLB because it represents a blended general education and special education model that seeks to meet the needs of all children regardless of their health or disability status. The intent is to help children before they experience failure and to reduce the disproportionate representation in special education of various subgroups of students.

- **Promote Supportive Models of Behavioral and Academic Interventions like Positive Behavioral Supports and Response to Intervention**

AOTA joins with other educational and mental health advocacy organizations to support inclusion of Positive Behavioral Supports (PBS) as a model that should be encouraged through inclusion in reauthorization of NCLB. PBS represents a model for improving the ability of students with behavioral problems including emotional disturbance, mental illness and other issues to be engaged academically and socially in their school environment. AOTA envisions PBS to be utilized in schools to address behavioral outcomes and performance in much the same way that RtI addresses academic performance. While RtI is currently an alternative method of identification of specific learning disabilities under statute and regulation, the model, along with PBS, represents a research based strategy for improving academic and behavioral performance for all students and has demonstrated positive outcomes in both areas. Including PBS and expanding RtI in reauthorization of NCLB is essential to providing quality educational outcomes for all students.

- **Establishment of an Office Dedicated to Pupil/Related Services within the U.S. Department of Education**

AOTA joins with the 20 National Organizations represented by the National Alliance of Pupil Service Organizations (NAPSO) to call for the establishment of an office within the Department of Education that would serve as a liaison for related service personnel under IDEA and Pupil services under NCLB. The Assistant Secretaries for Special Education and Rehabilitative Services and for Elementary and Secondary Education have authority over these personnel but there is no designated point of contact. This issue grows in importance with the alignment of IDEA with NCLB as personnel with specialized expertise can now be used more broadly in both settings due to the inclusion of early intervening services in IDEA.

AOTA believes, that with the alignment of the two laws, it is also appropriate for the terms “related services” and “pupil services” to be synchronized in order to avoid unnecessary confusion. While NAPSO has proposed the term specialized instructional support personnel and AOTA has no objection, we would also accept another single term, reflective of our role, under both laws.

Because of early intervening services, schools now have the ability utilize special education funding to improve outcomes for all students. The IDEA Part B regulations specifically state that related service personnel can be used to implement early

intervening services, but many schools and local education agencies are not familiar with how to use occupational therapists and other related service personnel most effectively. AOTA believes that an Office of Specialized Instructional Support Services or similarly titled office would improve utilization of related service personnel and provide both advocates and school officials with a much need resource for technical assistance and expertise related to these professionals.

- **Ensuring Availability and Access to Social and Mental Health Services**

AOTA believes that it is essential for schools to provide behavioral supports to children, to screen for mental illness and emotional disturbance and to provide the necessary interventions to ameliorate the identified concerns. The No Child Left Behind Commission highlighted the need to address children's behavioral, social and emotional needs in order to make it possible for them to learn in the classroom. The point is emphasized by research that links improved mental health care to improved outcomes for students. AOTA believes that resources sufficient to meet students' needs should be available within the school or readily accessible within the community. In order to ensure that such services are available, AOTA recommends that schools analyze the availability of such resources and establish a system to link students with the services they need, both within and outside the school, in order to be able to learn more effectively and achieve improved educational outcomes. Occupational therapists receive extensive training on mental health and have expertise in psycho-social aspects of development and social participation that can be used to bridge the gap between the mental health needs of students and the resources traditionally utilized in schools.

- **Inclusion of Pupil Services Personnel throughout NCLB as Essential Members of School Staff**

Occupational therapists and other pupil services personnel have specialized expertise in improving students educational outcomes, however, this expertise is often under utilized in the general education setting. AOTA believes that input from pupil services personnel such as occupational therapists in the development of local education agency (LEA) plans should be mandated under Title I of NCLB. Such a mandate would ensure that LEA's take the expertise of pupil service professionals into consideration and would have the result of better utilizing resources that already exists within the schools. Pupil services personnel provide direct services to students, but are also capable of providing consultative services to teachers, administrators and other personnel; fully utilizing their expertise represents a maximization of resources and would lead to positive educational outcomes for all students.

- **Include Pupil Service Professionals in All High-Quality Professional Development Opportunities under the Statute**

Occupational therapists and other pupil services personnel are valued and critical members of school staff. As such, their professional development relates directly to student outcomes in the same way that professional development for teachers and

administrators is crucial to school performance and student success. Currently, pupil services personnel are included in professional development “as appropriate” while participation of teachers and administrators is unqualified. AOTA believes it should be clarified that occupational therapists, occupational therapy assistants and other pupil services staff working with students should have access to professional development opportunities that help them to provide evidence-based practices that support student participation in the curriculum and other school activities. Such development would improve the utilization of occupational therapists and other pupil services professionals to improve educational outcomes for all children.

- **Integration of Pupil Services into the Education System**

State and local education agencies need additional capacity and technical assistance in order to better integrate occupational therapists into the general education system for the improvement of school performance and to deliver better educational outcomes for students. Coordination and collaboration with administrators, teachers and other school staff is essential for proper utilization of occupational therapists and other pupil services personnel, particularly under the newly authorized early intervening services. Our members in school and administrators have made it clear that additional guidance is necessary to maximize the effectiveness of pupil services for the general education population.

- **Allowance of the use of Title I Fund to Support School-wide Positive Behavioral Supports Initiatives**

In order to better integrate NCLB and IDEA, AOTA believes that Title I funding should be utilized to supplement the funding currently available under IDEA through early intervening services. Since early intervening services are school-wide initiatives that directly impact and are designed to improve outcomes for students in general education, AOTA believes the use of Title I funds is appropriate to share the costs of such initiatives among general and special education funding sources. Initiatives like RtI and PBS, funded by early intervening funds, also support the purpose of Title I which is improving the academic achievement of disadvantaged students. Though there are many claims on Title I funding, school-wide initiatives like RtI and PBS, that are well supported by research and have been linked to improved, academic, social and behavioral outcomes, represent dynamic models for improving educational outcomes and academic success for all students.

- **High Academic Expectations for All Students**

For too long, expectations for students with disabilities were too low. NCLB has stressed the importance of establishing high expectations for all students, including those with disabilities. The majority of students with disabilities should take a regular assessment, with accommodations as appropriate, based on regular state standards. However, it has been well established that there is a small percentage of students who are not able to

achieve proficiency on regular standards because of profound disabilities. Although there is limited research on what that percentage is, based on communication with disability advocacy organizations and consultation with our school based professionals, AOTA believes that the number of students eligible to take alternate assessments should not be increased beyond one percent unless there is definitive research that indicates the necessity of such a change. Eliminating groups of students with disabilities from requirement to take the standard assessments, based on arbitrary percentages is not conducive to having high expectations for all students. AOTA does, however, believe that these expectations should be realistic and that students receive the support they need to succeed. IDEA requires that students with disabilities have instruction and services tailored to their needs and it is of critical importance that this requirement extends to decisions regarding supports and accommodations that allow students with disabilities to be successful in the assessment process. Occupational therapists can help identify necessary accommodations and design individualized assessments to meet the unique, individual needs for students with significant disabilities. With the expertise of occupational therapists at facilitating participation and maximizing performance, students with disabilities could use coping strategies and appropriate accommodations to improve their performance on regular, modified and alternative assessments dependent on their optimal level of function.

AOTA does acknowledge that requiring students to take assessments in which they cannot have success is nearly as detrimental as arbitrarily eliminating students with the potential to succeed from taking the assessments, however, the history of failing to have high expectations for students with disabilities and failing to hold schools accountable for these failures, coupled with an environment of high stakes testing related to Adequate Yearly Progress (AYP), has led to an effort to reduce the burden on school at a cost to students. AOTA supports alternate or modified assessments when students have demonstrated a need for them, but cannot support arbitrary separation from the general education curriculum and requirements for significant percentages of the special education students.

- **Inclusion of Principles of Universal Design for Learning**

Universal Design for Learning (UDL) is of critical importance to improving educational outcomes for all students and improving the school climate for students and staff with disabilities. Universal design for learning is a research-based framework for designing curricula to reduce barriers and provide necessary supports to enable students to succeed educationally. Use and integration of assistive technology and environmental modifications throughout the school are critical components to successful implementation of universal design for learning.

Occupational therapists can have a unique role in planning for the implementation of universal design for learning and for identifying accommodations necessary to ensure access to all aspects of the school environment, particularly for students with disabilities and English language learners. AOTA joins with many organizational members of the Consortium for Citizen's with Disabilities Education Task Force in recommending an

allowable use of funds for schools to implement universal design for learning to improve educational outcomes for all students. Universal design for learning facilitates full participation in the academic and social aspects of education that has been shown to be so important for successful development and transition from school to higher education and employment.

AOTA appreciates the opportunity to share our principles for the reauthorization of NCLB and is committed to working with Congress, the Department of Education, other advocates and the education system as a whole to improve education for all children.

Additional information about occupational therapy and its role in school and other settings is available on AOTA's website at: [www.aota.org](http://www.aota.org)

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