

**AOTA Principles for the Reauthorization of Elementary and Secondary Education Act**  
**Submitted to the Committee on Education and Labor**  
**March 26, 2010**

The American Occupational Therapy Association (AOTA) is the national professional association representing the interests of more than 140,000 occupational therapists, occupational therapy assistants, and students of occupational therapy. Although occupational therapy practitioners work with people across the life span and with a wide array of health conditions, occupational therapy in schools and early intervention settings is the largest single area of practice for the profession and continues to grow. AOTA appreciates this opportunity to present the principles for reauthorization of the Elementary and Secondary Education Act (ESEA) 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. Academic success is critical, but the social, emotional, and behavioral aspects of educational progress cannot be minimized or separated. Occupational therapy uses activity or occupation-based interventions to enable students to achieve their potential by increasing their functional skills for better participation in school and later in adult life, as well as to minimize the effects of disabilities. These goals are accomplished by using strategies that improve children's performance so that they are ready and able to learn.

Traditionally, occupational therapists have had a more significant role as related services providers under the Individuals with Disabilities Education Act (IDEA) than as pupil services providers under ESEA. However, recent changes in IDEA that promote expanding supportive services to all students who need them through the use of early intervening services provides an opportunity for schools to fully utilize the expertise of occupational therapy practitioners and other related/pupil services personnel. All children, regardless of socioeconomic, racial, ethnic, religious, or health status, deserve the right to a high-quality education. All children deserve the necessary supportive services that will help them maximize their potential and become not only successful students but also productive and engaged citizens. AOTA believes that inclusion of the following principles in the reauthorization of ESEA will help improve our schools' ability to educate all children effectively.

**AOTA Recommendations:**

**Alignment of ESEA with IDEA**

AOTA believes that it is essential that IDEA and ESEA be complimentary in areas of student supports and services in order to ensure that the strengths of each law are accessible to the entire school community. Language in IDEA 2004 that promotes the use of proactive, school-wide initiatives for improving academic and behavioral outcomes for students, such as the use of early intervening services and Response-to-Intervention (RtI), should be included in ESEA as tools for schools to use for all students. With regard to RtI, ESEA should specify that its use not be limited to an alternative identification of specific learning disabilities but used to support all students. The intent is to help children as soon as they need help and ensure that general educators are able to appropriately support all

children before they fail. Use of these blended approaches seeks to meet the needs of all children and will ultimately reduce the disproportionate representation in special education of various subgroups of students.

### **All Students are General Education Students First**

AOTA joins with the Consortium for Citizens with Disabilities (CCD) and acknowledges that whether they receive special education or related services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act of 1973, all students are entitled to receive an appropriate education from the public school system. ESEA must continue to work in conjunction with IDEA to promote a learning environment in which all children are given the opportunity to become proficient on grade-level content standards. The integration of IDEA, Section 504 and ESEA must be enhanced to ensure all students regardless of disability status receive an appropriate education.

### **The Individualized Education Program (IEP) is not an Appropriate Accountability Tool to Measure a Student's Academic Progress**

The IEP is an agreement between parents, students and schools that details the specific skills, services and supports a child needs to make progress in the general education curriculum. Moreover, the final regulations to IDEA reaffirm that the IEP is not appropriate for school accountability purposes. ESEA provides tools and processes for academic accountability for students with disabilities, like it does for all other students. Therefore, all statewide assessments used for ESEA accountability purposes, including alternate assessments, must continue to measure only academic achievement.

### **Promote Proactive, Supportive Models of Behavioral and Academic Interventions, Such as Positive Behavioral Supports and Response to Intervention**

AOTA joins with other educational and mental-health advocacy organizations to support inclusion of Positive Behavioral Interventions and Supports (PBIS) as a model that should be included in reauthorization of ESEA. PBIS is a model that supports students who have behavioral challenges (including emotional disturbance, mental illness, and other issues) to be engaged academically and socially in their school environment. AOTA envisions PBIS to be used in schools to address behavioral outcomes and performance in much the same way that RtI addresses academic performance. Both PBIS and RtI represent research-based strategies for improving academic and behavioral performance for all students and have demonstrated positive outcomes in both areas. Including PBIS and expanding RtI in ESEA reauthorization 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 Services Organizations (NAPSO) to call for the establishment of an office within the Department of Education that would serve as a liaison for Related Services personnel under IDEA and Pupil Services under ESEA. Currently, the Assistant Secretaries for Special Education and Rehabilitative Services (OSERS) and for Elementary and Secondary Education (OESE) have separate responsibility for these personnel but there is no designated point of contact within the Department for either group. This issue grows in importance because personnel with specialized expertise could be used more broadly in both special and general education settings under IDEA and ESEA; ultimately leading to more efficient and coordinated use of school personnel.

Because of early intervening services, schools can now use 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 better utilize occupational therapists and other related service personnel. AOTA believes that an office point of contact could improve utilization of related and pupil services personnel. It would provide both advocates and school officials with a much-needed 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 NCLB 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 demonstrates the relationship between improved mental health and improved outcomes for students. AOTA believes that resources sufficient to meet students' psychosocial needs should be available within the school or readily accessible within the community. To ensure that these integrated and coordinated services are available, AOTA recommends that schools analyze the availability of such resources and establish a system to connect students to the services they need, both within and outside the school, in order to support their learning and improved educational outcomes. Occupational therapy's roots are in mental health, and therapists have expertise in psychosocial 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. Occupational therapy practitioners are under-utilized in the area of addressing mental health and behavioral issues in schools and AOTA is working to promote their use to achieve positive outcomes.

### **Inclusion of Pupil Services Personnel throughout ESEA 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 underutilized 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 ESEA. Such a mandate would ensure that LEAs take the expertise of pupil service professionals into consideration, resulting in better use of resources that already exist 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 Services Personnel in All High-Quality Professional Development Opportunities**

Occupational therapists and other related/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," whereas participation of teachers and administrators is required. 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 Personnel into the Education System**

State and local education agencies need additional capacity and technical assistance 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 school-wide approaches. Administrators and our school-based members have made it clear that additional guidance and recognition would help 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**

To better integrate ESEA and IDEA, AOTA believes that Title I funding should be used to supplement the funding currently available under IDEA for early intervening services. Because early intervening services is a school-wide initiative that directly affects and is designed to improve outcomes for general education students, AOTA believes that the use of Title I funds is appropriate to share the costs of such initiatives among general and special education funding sources. Initiatives such as RtI and PBIS also support the purpose of Title I, which is to improve the academic achievement of disadvantaged students. Although there are many claims on Title I funding, school-wide initiatives such as early intervening services, RtI and PBIS—which 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 which is compatible with the goals of Title I.

### **High Academic Expectations for All Students**

For too long, expectations for students with disabilities and those from minority backgrounds were too low. NCLB has stressed the importance of establishing high expectations for all students, including those with disabilities, and for holding schools accountable for student achievement. This has generally been done through the use of standardized state and local assessments based on specific learning standards. Most students with disabilities have participated in these assessments, with accommodations as appropriate. A small percentage of students, however, cannot achieve proficiency on regular assessments due to the nature of their significant disabilities and must take an alternate assessment based on alternate standards (currently estimated to be approximately 1% of all students). AOTA believes this number should not be increased beyond 1% unless definitive research indicates the necessity of such a change. Eliminating groups of students with disabilities from the 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 should receive the support they need to succeed including test adaptations and appropriate accommodations. IDEA requires that students with disabilities have instruction and services tailored to their needs and it is critically important that this requirement extend to decisions regarding supports and accommodations that allow students with disabilities to successfully participate in school assessments. Occupational therapists can help identify necessary accommodations and design individualized modifications to meet the specific needs of individual students with 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 individual needs.

AOTA does acknowledge that requiring students to take assessments in which they cannot be successful 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 resulting 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 schools at a cost to students. AOTA supports alternate or modified assessments when students demonstrate a need for them, but cannot support arbitrary exclusions.

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

Universal Design for Learning (UDL) is critically important to improving educational outcomes for all students and improving the school climate for students and staff with disabilities. UDL is a research-based framework for designing curricula and school environments 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 crucial components to successful implementation of UDL.

Occupational therapy practitioners can have a unique role in planning for the implementation of UDL and for identifying accommodations necessary to ensure access to all aspects of the school environment, particularly for students with disabilities and for English-language learners. AOTA joins with many organizational members of the Consortium for Citizens with Disabilities Education Task Force in recommending an allowable use of funds for schools to implement UDL to improve educational outcomes for all students. UDL facilitates full participation in the academic and social aspects of education which 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 ESEA and is committed to working with Congress, the Department of Education, other advocates, and the educational 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 Web site at: [www.aota.org](http://www.aota.org)

For comments or additional information related to these principles, please contact Tim Nanof, Federal Affairs Manager at: [tnanof@aota.org](mailto:tnanof@aota.org), (301) 652-6611, ext. 2100.