February 7, 2018

Kimberly Richey
Acting Assistant Secretary
Office of Special Education and Rehabilitative Services
US Department of Education
400 Maryland Ave, SW
Washington, DC 20202-7100

Dear Acting Assistant Secretary Richey:

On behalf of our more than 100,000 member physical therapists, physical therapist assistants, and students of physical therapy, the American Physical Therapy Association (APTA) appreciates the opportunity to submit written comments to the Department of Education’s Office of Special Education and Rehabilitative Services (OSERS) regarding its Questions and Answers (Q&A) on U. S. Supreme Court Case Decision Endrew F. v Douglas County School District Re-1 (Q&A). We commend OSERS on its efforts to provide clarity on this important case to ensure that schools, educators, and clinicians provide a free appropriate education to students with disabilities in our nation’s public schools.

As you well know, more than 6 million students with disabilities are eligible for essential special education and related services thanks to the Individuals with Disabilities Education Act (IDEA). For each child, IDEA requires the development of an Individualized Education Plan (IEP) that is tailored to meet each child’s unique educational needs. For children who require physical therapy to benefit from education, physical therapists not only promote motor development but also support the student’s participation in everyday activities.

APTA applauds OSERS’ recognition of the need for ambitious and functional goals for students with the most significant cognitive disabilities. However, we urge OSERS to reaffirm the benefits of both academic and functional skills for these students as part of “State academic content standards.” APTA recommends that the Q&A document clarify that IDEA requires that the IEP team, which includes the child’s parent, to establish the student’s goals based on the student’s unique functional and educational needs. These goals must be grounded in high expectations for independent living for the student as well as be aligned with state academic content standards. IDEA requires that each IEP be developed to meet each child’s unique needs, with the goal of ensuring that each child is prepared to lead a productive and independent life to the maximum extent possible.
APTA also supports OSERS’ discussion on placement decisions for students with disabilities, in that there is no “one-size-fits-all” approach. While we agree that these decisions should be tailored to a student’s individual needs, we urge OSERS to reaffirm that all students with disabilities are general education students first. Although students with disabilities may require individualized support through special education and related services to thrive in such settings, research validates that most students stand to develop greater social, educational, and independent living skills when they are educated alongside their nondisabled peers.

Finally, to ensure greater oversight of student performance and progression toward students’ goals, APTA recommends that OSERS expand the Q&A document to emphasize the need for IEP teams and schools to maintain accurate and timely documentation. This will help to ensure that the IEP team’s actions comply with the Endrew decision and that students receive appropriate services and supports to help them reach ambitious and functional goals.

APTA stands ready to work with OSERS and the Department of Education in the ongoing education of school personnel, including educators and related service professionals, on IDEA and best practices for providing education to students with disabilities. If you have any questions or would like additional information, please do not hesitate to contact Maria Jones, PT, PhD, federal affairs liaison with the Academy of Pediatric Physical Therapy at mjones1@okcu.edu or 405/208-6276 or Sharita Jennings, JD, senior regulatory affairs specialist, at sharitajennings@apta.org or 703/706-3391.

Thank you for your time and consideration.

Sincerely,

Sharon L. Dunn PT, PhD
Board-Certified Orthopaedic Clinical Specialist
President