May 7, 2010

The Honorable Tom Harkin
Chairman, Committee on Health, Education, Labor and Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, D.C. 20510

The Honorable Mike Enzi
Ranking Member, Committee on Health, Education, Labor and Pensions
United States Senate
853 Senate Hart Office Building
Washington, D.C. 20510

Re: Comments on ESEA Reauthorization

Submitted Electronically

Dear Senator Harkin and Senator Enzi:

On behalf of the American Physical Therapy Association, we appreciate the opportunity to provide recommendations for the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA). APTA is a professional organization representing the interests of more than 74,000 physical therapists, physical therapist assistants, and students of physical therapy. Physical therapists work in schools with students with disabilities who require physical therapy to excel academically and to achieve future independent living and self-sufficiency. Physical therapists also provide early intervention services for infants, toddlers and their families to enhance development of the child, help reduce potential disabling conditions, and assist families in promoting their children’s health and development. We therefore have a strong interest in the reauthorization of ESEA and are grateful for the opportunity to provide our comments.

The term pupil services personnel is defined in ESEA (as reauthorized under the No Child Left Behind Act, Sec. 9101, paragraph 36) as "school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services...." Further, the definition incorporates related services as defined in the Individuals with Disabilities Education Act (IDEA, Sec. 602(22)) and professions included through Department of Education clarifications of the non-exhaustive list. This category of professionals includes physical therapists, among a variety of other service providers.

Physical therapists, like the other professions identified as "pupil services personnel," provide services that address barriers to learning and assist students to be successful in school. The vital services delivered are focused on prevention and intervention activities that promote effective classroom teaching and learning. Physical therapists work collaboratively with teachers,
administrators, and other school staff to ensure that students receive high quality instruction in response to the diverse array of students' learning and developmental needs and challenges.

As Congress moves toward reauthorization of the ESEA, APTA joins the National Alliance of Pupil Services Organizations (NAPSO) in urging consideration of the following key principles concerning “pupil services personnel”:

- **Clarify conflicting terminology, definitions, and roles of pupil/related services personnel.**

  APTA urges Congress to adopt one single term – "specialized instructional support personnel"—to be used in all education laws that reference these personnel. Services provided by these personnel, currently titled "pupil services," should conform and be titled "specialized instructional support services."

  These personnel are known as "pupil services personnel" in ESEA and as "related services personnel" in IDEA, despite the fact that they are exactly the same professionals. This difference in terminology continues to cause confusion for school districts. Establishing one common statutory term would ease this confusion and would more accurately reflect the nature and purpose of the services that these professionals provide to students in schools.

- **Establish an Office of Specialized Instructional Support Services within the U.S. Department of Education.**

  APTA urges Congress, under the ESEA, to direct the Secretary of Education to establish an Office of Specialized Instructional Support Services and to appoint a director and appropriate staff.

  Specialized instructional support personnel encompass a large number of staff categories with a broad set of responsibilities in schools. A number of State education agencies (SEAs) already provide leadership for specialized instructional support services by employing coordinators and/or specific departments for all or various subsets of these professions. The Assistant Secretaries for Special Education and Rehabilitative Services and for Elementary and Secondary Education currently have authority over these personnel through the IDEA and the ESEA. However, no specific point of contact – office or individual – within the U.S. Department of Education is assigned to administer, coordinate, or carry out programs and activities concerned with providing specialized instructional support services in schools or to work with State coordinators or with SEAs in general on issues related to specialized instructional support services.

  An Office of Specialized Instructional Support Services would provide leadership within the Department of Education for specialized instructional support personnel, programs, and services. This leadership would bring about more prominent representation of the specialized instructional support programs and services that assist struggling learners and remove barriers to learning. In order to ensure all students are successful, U.S. school systems must increase the availability of assistance to struggling learners and students at risk.
for school failure. The direct services provided by physical therapists and other specialized instructional support personnel are essential in this effort. The absence of a leadership presence at the national level compromises the ability of local and state educational agencies to promote specialized instructional support programs that have proven to be effective with the most difficult learners.

An Office would also improve cross-agency coordination of services and facilitate the development of a comprehensive, child-focused, multifaceted, and cohesive system of learning supports. The goal of this office would be to provide the leadership needed to improve cross-agency coordination of programs (e.g., Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Justice, Health Resources and Services Administration (HRSA) and the Department of Education), to reduce gaps and inefficient redundancies in support services, streamline systems, and simplify and improve the understanding and participation of parents in their child’s comprehensive educational program.

The U.S. Department of Education should have an office and staff dedicated to providing technical assistance and a specific point of contact on these services for State and local education agencies.

Therefore, APTA strongly urges Congress, as it considers ESEA Reauthorization, to ensure inclusion of specialized instructional support personnel, such as physical therapists, throughout ESEA as essential members of the school staff. APTA would also recommend that ESEA legislative language appropriately acknowledge that specialized instructional support personnel are the critical link to school success for many students, and should be afforded the support and resources that align with such recognition.

APTA urges Congress to allow physical therapists to be eligible to participate in all high-quality professional development and workforce training opportunities under the statute as appropriate. Physical therapists should also be represented in any proposed efforts to expand workforce and recruit qualified professionals into the school system. Similar to the data for teachers and school administrators, the shortage of specialized instructional support personnel is a critical problem. Incentives such as loan forgiveness must be offered to assist in recruitment and retention of all staff, ensuring that specialized instructional support personnel are not neglected.

However, as efforts are potentially put into place to increase workforce numbers, APTA strongly recommends that the qualification standards are upheld for each profession. It should be clearly delineated that physical therapy services must only be performed by a licensed and qualified physical therapist. APTA, along with NAPSO, urges Congress to extend the requirement that parents in Title I schools may request information regarding teacher qualifications to also be allowed to request for information on specialized instructional support personnel qualifications as well.

Physical therapists, and other specialized instructional support personnel, must have manageable caseloads to ensure that students effectively receive the appropriate services necessary to succeed within the school system. Systems should be instituted to allow for the provision of federal
guidance regarding appropriate caseloads and corresponding models for documentation procedures, which are driven by evidence of best practices from nationally compiled data of the U.S. Department of Education.

General education and special education personnel should work collaboratively with physical therapists and other specialized instructional support personnel to address student needs within the general education curriculum. Physical therapy services, although primarily classified under IDEA, also are of great benefit to students without disabilities. As Congress and the Obama Administration have placed an emphasis on preventive and wellness efforts, in addition to a concerted effort to counteract the obesity epidemic, there may be several synergistic benefits that emerge from having the expertise of physical therapists already present in the school system and among the general education students. As shown by evidence based practice, physical therapists positively influence an individual’s overall health, wellness, and fitness by providing services that positively influence physical fitness and activity levels. APTA encourages Congress to consider how physical therapists are uniquely positioned to influence the epidemic of obesity through exercise prescription, physical activity and fitness screening, advocacy, and education. The physical therapy community welcomes the opportunity to collaborate with Congress in seeking ways to enhance the physical health of all U.S. students.

In closing, APTA appreciates this opportunity to convey the interests of its members who provide physical therapy services to promote the health, education, and functional independence of students in the U.S. school system. Once again, we strongly urge you to assure that ESEA reauthorization legislation fully reflects the essential role of specialized instructional support services for children and students, as outlined above. If you have any questions or need additional information, please contact Nate Thomas, Associate Director of Federal Government Affairs, at natethomas@apta.org or 703-706-8527, or you can contact Roshunda Drummond-Dye, Senior Policy and Regulatory Counsel, at roshundadrummond-dye@apta.org or 703-706-8547. Thank you for your sincere consideration of our comments.

Sincerely,

R. Scott Ward, PT, PhD
President

RSW: nlt