



October 21, 2004

Dear IDEA Conferee:

As you develop the final agreement for the reauthorization of the Individuals with Disabilities Education Act (IDEA), the National Alliance of Pupil Services Organizations (NAPSO) urges you to support the role of related services personnel in improving academic success and promoting a healthy school climate for students with disabilities. Toward that end, NAPSO offers the following conference recommendations for our priority concerns:

1. **Personnel Standards [Sec. 612(a)(14)(B)]:** NAPSO appreciates the Senate bill and report language that recognizes a unique and distinct personnel standard for related services personnel. Unfortunately, the House bill would allow multiple and uneven standards within states and would allow personnel to practice with their “certification or licensure requirements waived on an emergency, temporary, or provisional basis.” **We encourage the conference committee to defer to the Senate language. However, we request the following final conference report language that will clarify for school districts that efforts to comply with the IDEA and NCLB highly qualified personnel requirements do not mandate any change in the credentialing of their related services personnel if they already meet credentialing requirements in their disciplines.**

*“The Committee acknowledges that related services personnel are considered fully and highly qualified if they complete rigorous specialized training as part of meeting state standards for professional licensure and/or certification required for employment in that state. Nothing in this bill is intended to diminish these state standards. These rigorous requirements are equivalent to or exceed the level of training required of classroom teachers in meeting the designation as highly qualified. Therefore, in order to be deemed highly qualified, related services personnel should not be required to meet any additional qualifications, including those required of general or special education teachers.”*

**Rationale:** Related services personnel already meet a high standard for their discipline in their state as defined by their state. These standards are intended to ensure that the providers of related services are fully qualified to do so, thus ensuring the highest quality of services for students. Such standards should not be lowered, but rather maintained and recognized for their applicability to a clear and well-established highly qualified definition of related services personnel in each state.

2. **Individualized Education Program [Sec. 614(d)(3)]; Placement in Alternative Educational Setting [House: Sec. 615(j); Senate: Sec. 615(k)]:** NAPSO supports retention of the Functional Behavioral Assessment. S. 1248 retains this critical provision, while the House bill has eliminated it. NAPSO also supports the Senate language in Sec. 614, which requires that positive behavioral interventions and supports *be provided* to students whose behavior impedes their learning or the learning of others.

**Rationale:** The Functional Behavioral Assessment (FBA) provides important evaluative information in developing a program for a student with behavioral challenges. These tools provide a snapshot of the student across environments and help the IEP team to determine the best services to address the individual’s needs. In addition to the FBA, positive behavioral supports are critically important to meet current needs and to

reduce the possibilities that behaviors will escalate. Using these researched-based tools and strategies early in the process should also decrease reliance on the discipline provisions. **We encourage the conference committee to defer to the Senate language.**

3. **“Sense of Congress” [House, Sec. 204. (b)]:** This language would remove important service and eligibility determinations from school-based teams of professionals trained and credentialed to recognize student need and put them into less qualified hands. **NAPSO opposes this language and urges the conference committee to omit it from the final bill.**

**Rationale:** This language reflects a misunderstanding of not only emotional, behavioral, and academic disabilities, but also the qualifications required to identify need for services and determine eligibility under IDEA. It contradicts Congressional efforts to reduce overidentification by ensuring that eligibility determinations be scientifically research-based. There are often cases where physicians and health board certified professionals (e.g. pharmacists, podiatrists, etc.) lack the skills, experience, and expertise that the school-based teams and trained professionals possess in identifying special education needs.

4. **Prereferral/Early Intervening Services [Sec. 613(f)]:**

NAPSO supports the early identification of and intervention for students who need additional academic and behavioral services to succeed in the general education setting. To ensure that all students in need are eligible for these early intervention services, we have the following recommendations:

- a. House language states that prereferral services may be provided to students “who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.” **NAPSO prefers the Senate language**, which delineates that early intervening services may be provided to students “who do not meet the definition of a child with a disability under section 602(3) but who need additional academic and behavioral support to succeed in a general education environment.

**Rationale:** Related services personnel, known as “pupil services personnel” in the No Child Left Behind (NCLB) Act, are the staff members frequently called upon to work with at-risk students. They also provide consultation to teachers and other school staff on instructional and behavioral strategies to better serve students in need. It would be a mistake to imply that related services personnel are precluded from assisting schools and students with early intervening services. We support efforts to align IDEA with NCLB and to emphasize that all students are general education students first. This distinction would clarify that students in need of academic and behavioral services shall receive them from the expertise already available in the school building, and would further encourage collaboration between special and general education staff.

- b. We support Senate language that includes “other school staff” in professional development activities under this section, whereas the House bill only mentions teachers. However, **we recommend that “related services personnel” be named specifically, as they are integrally involved in providing services for this population of students.**

**Rationale:** Related services personnel address concerns of at-risk students by building language and communication skills and providing positive behavioral interventions and strategies, as well as through a range of other therapies. These staff members should receive equivalent professional development opportunities as other staff members, and in some instances may even be called upon to deliver professional development for teachers and administrators.

5. **Instructional Materials [House: Sec. 612(a)(23); Senate: Sec. 612(a)(22); Sec. 675; Title IV]:** S. 1248 goes well beyond the House bill in requiring not only the promulgation of an Instructional Materials Accessibility Standard, but also the establishment of the National Instructional Materials Access Center. **NAPSO supports the Senate language on instructional materials.** NAPSO also supports the establishment in S. 1248 of a Commission on Universal Design and the Accessibility of Curriculum and Instructional Materials. The purpose of the Commission is to provide Congress with recommendations on the universal design and accessibility of curriculum and instructional materials for use by all children, with a particular emphasis on children with disabilities. The Senate bill also requires coordination with the State agency responsible for assistive technology programs.

**Rationale:** NAPSO believes that, in order for students with disabilities to be able to participate fully in the general education curriculum and meet the requirements of the No Child Left Behind Act, they must have access to instructional materials in appropriate accessible formats. Students cannot be expected to achieve to high academic standards if they do not have the necessary universally designed tools to study and learn.

6. **Part D, Research and Professional Development,:** In general, NAPSO believes that whenever teachers, administrators, and/or paraprofessionals are explicitly mentioned in Part D, related services personnel should also be specified. Following are some specific recommendations:
- a. **State Professional Development Grants (Subpart 1):** NAPSO believes that, wherever other school staff are mentioned regarding professional development opportunities and recruitment and retention of highly qualified staff, related services personnel should also be included specifically. This level of specificity varies within each of the two bills. **NAPSO supports making consistent reference in the conference bill to the inclusion of related services personnel in meaningful, appropriate professional development, and recruitment and retention efforts.**
- b. **Personnel Development (Senate: Sec. 664; House: Sec. 665):** Again, NAPSO encourages the conferees to look closely at these sections and incorporate language from each bill or add language that ensures related services personnel are included throughout this section.
- c. **National Assessment [House: Sec. 666(b)(3)(C); Senate: Sec. 665(b)(3)(C)]:** Both bills require an assessment of the implementation and impact of professional development activities for teachers on improved student achievement. **NAPSO urges the conferees to include related services personnel, since these professionals play an integral role in helping students with disabilities achieve academic success.**
- d. **National Center for Special Education Research [House: Sec. 663(c)(4); Senate: Part E, Sec. 177(a)(4)]:** H.R. 1350 allows the Center to “investigate scientifically based related services and interventions,” while S. 1248 states that the Center shall “identify scientifically based related services and interventions.” **NAPSO believes that these provisions should be combined to read: “shall identify and investigate scientifically based related services and interventions.”**

**Rationale:** Part D provides the underpinnings for the implementation of the IDEA through recruitment and retention of highly qualified personnel and quality professional development. Related services personnel also support continuing high quality research into all aspects of disability to ensure best practices are available to address the educational needs of all students with disabilities. All personnel associated with the education of students with disabilities, including related services personnel, must be included in each of these important components, in order to have the strongest infrastructure possible and to ensure that students with disabilities achieve to the best of their abilities.

7. **Related Services:** To provide clarification for school districts regarding the inclusion of art therapy, dance/movement therapy, and music therapy in special education (or IEPs) and early intervention (or IFSPs), we request the following final conference report language:

*“The Committee recognizes that art therapy, dance/movement therapy, and music therapy are well-established health professions that address children's physical, psychological, cognitive, behavioral, and social needs. Research supports educational outcomes of enhanced communication and literacy skills, increased memory for academic material, and improved integrated motor behavior. Experience has shown the value of these therapies in special education settings as they contribute to enhanced attention, learning, and socialization. For these reasons, the Committee believes that art therapy, dance/movement therapy, and music therapy are related services under Part B and qualified personnel under Part C and may be purchased with federal funds when determined necessary by the IEP or IFSP team.”*

**Rationale:** Art therapy, dance/movement therapy, and music therapy as related services have been a part of IEPs and IFSPs for thousands of children with disabilities since the passage of PL 94-142. These well-established professions offer unique opportunities to address educational goals as well as physical, psychological, cognitive, behavioral and/or social functioning needs. Utilizing valid assessment tools, these related services have been found necessary for children to benefit from special education programming.

Committee reports from prior IDEA reauthorizations specified art therapy, dance/movement therapy, and music therapy as eligible related services. In the absence of such report language, experience has demonstrated that children who need these services to benefit from special education have been denied access to effective interventions. NAPS0 recommends that conference committee report language clarify the use of art therapy, dance/movement therapy, and music therapy as related services under Part B and as qualified personnel under Part C to ensure that these services are provided when determined necessary by the IEP or IFSP team.

NAPS0 appreciates your giving serious attention to the concerns of related services personnel and in recognizing their important role in helping students with disabilities and their families. We are happy to serve as a resource on these issues and provide you with any additional information you might need.

Sincerely,

American Art Therapy Association  
American Counseling Association  
American Dance Therapy Association  
American Music Therapy Association  
American Physical Therapy Association  
American Psychological Association  
American School Counselor Association  
American Speech-Language-Hearing Association  
National Association for College Admission Counseling  
National Association of School Psychologists  
National Association of Social Workers  
National Education Association  
National PTA  
School Social Work Association of America