



**Comments on Proposed Regulations
for the
Individuals With Disabilities Education Improvement Act, P.L. 108-446
Submitted by members of the
National Alliance of Pupil Services Organizations (NAPSO)**

The National Alliance of Pupil Services Organizations (NAPSO), a coalition of national professional organizations, represents over a million members, including school counselors, school nurses, psychologists, school psychologists, social workers and school social workers; occupational therapists, physical therapists, art therapists, dance/movement therapists, and music therapists; speech-language pathologists and audiologists; teachers, students, parents, and administrators.

NAPSO appreciates this opportunity to provide comments on the proposed regulations.

§300.34 Related Services

NAPSO recommends that Creative Arts Therapies (Music Therapy, Art Therapy, and Dance/Movement Therapy) be explicitly listed and defined as related services. Although the proposed regulations indicate that the list of related services is not intended to be exhaustive and other therapies, as well as other services not listed, may be included in a child's IEP if the IEP Team determines that a particular service is needed for a child to benefit from special education, experience demonstrates that this intent is not understood by local school districts and consideration is denied simply because the services are not explicitly mentioned in the regulations.

§300.154 Methods of Ensuring Services

NAPSO supports the proposed language emphasizing the importance of developing, implementing, and enforcing state interagency agreements. We believe these agreements will improve collaboration across child-serving agencies and reduce disputes of responsibilities.

§300.156 Personnel Qualifications

To ensure the most effective use of IDEA funds, we believe all children should receive services from qualified related services personnel. NAPSO supports the proposed language which outlines qualifications of related services personnel be consistent with state-recognized certification, licensing, registration or comparable requirements that apply to the professional discipline. We agree with the proposed language which states

that related service personnel have not had these requirements waived on an emergency, temporary, or provisional basis.

NAPSO recommends the Department include under paragraph (d) *Policy* in this section, details of SEA obligations and steps the LEAs could take to recruit, hire, and retain highly qualified personnel, such as establishing caseload/classroom size standards, access to loan forgiveness programs, professional development opportunities, funding for necessary educational materials and facilities, and clerical and technological support.

§300.174 Prohibition on Mandatory Medication

NAPSO supports the proposed language under paragraph (b) *Rule of Construction* that states nothing in paragraph (a) of this section shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavioral in the classroom or school, or regarding the need for evaluation for special education or related services under §300.111.

§300.226 Early Intervening Services

NAPSO supports the inclusion of behavioral support as part of the early intervening services that may be provided to students who have not yet been classified under IDEA. We are also pleased that "other school staff" is included in paragraph (b) (1) *Professional Development*.

NAPSO recommends the Department provide specific guidance to LEAs on the utilization of existing related services personnel for these activities. Related Services personnel already have specialized training in the development and provision of behavioral and academic interventions which are linked to improved academic achievement. Utilizing these staff members for early intervening services could improve collaboration between general and special education staff, and improve coordination of NCLB and IDEA.

§300.324 Development, Review, and Revision of IEP

NAPSO recommends the Department strengthen the regulations under (2) (i) *Consideration of Special Factors* by 1) encouraging school districts to draw upon the extensive body of research regarding the effectiveness of positive behavioral supports, interventions, and services in improving academic outcomes, improving classroom behavior and reducing disciplinary referrals; and by 2) encouraging districts to provide both individual and systemic research-based interventions to address both the individual child's needs and improve the overall school climate.

We appreciate this opportunity to present a few of our priority areas for IDEA regulations. NAPSO will provide formal written comments and recommended regulatory language later this summer. Thank you for your consideration of all NAPSO comments.