



California's Protection & Advocacy System

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MEMORANDUM

DATE: July 2, 2010
TO: Parents of Exceptional Children
FROM: Disability Rights California
RE: Recording Occupational and Physical Therapy in IEPs

Many special education students require occupational therapy (OT) and physical therapy (PT) services in order to benefit from special education. OT and PT are "related services" under the Individuals with Disabilities Education Act. [20 United States Code (U.S.C.A.) Section 1401(26); 34 Code of Federal Regulations (C.F.R.) Section 300.34]. Under California law, OT and PT are referred to as "designated instruction and services" or "DIS." [California Education Code Section 56363(b)(6)]. The amount of OT/PT services to be provided must be determined by the child's IEP team according to how much he or she needs to benefit from special education and **not** according to CCS "standards." Of course, medical prescriptions and expert opinions are relevant to this decision, but each of these must relate to what the child needs **in order to benefit from his or her educational program.**

A statement of the **specific** related services to be provided to a child must be included in his or her IEP. [34 C.F.R. §§ 300.324(a)(3)(ii) & 300.320(a)(4) (emphasis added)].

The California Department of Education (CDE) has recognized this need for specificity in Title V education regulations, which provide that "[DIS] when needed are determined by the IEP." [5 C.C.R. § 3051(a)(2)]. The CDE has provided further guidance in the role of local education agencies or CCS in the provision of educationally or medically necessary OT or PT in Program Advisory No. SPB: 95/96-02, dated 11/6/95, available from the Special Education Division at (916) 327-3536.

Some school districts may try to refuse to record OT and PT services on IEPs, or attempt to meet their obligation specifically to describe related services by incorporating by reference CCS documentation and medical prescriptions. This is inadequate. IEPs should state specifically the frequency and amount of time of the child's OT and PT services.

The passage of AB 3632/882 does not change the school districts' obligation specifically to set forth in the IEP the related therapy services to be provided. While different state agencies may actually deliver services to special education students, the school district and the CDE remain responsible for ensuring that all the provisions of the IDEA are carried out. [20 U.S.C.A. § 1412(a)(11)(A)]. Thus, CCS documentation does not supplant the need for a specific statement of related therapy services in the IEP.