As each student is a unique individual with specific needs, the following recommendations are to be used as guidelines only. Each student will be treated as an individual, with input from the team (which includes the parents) prior to a final recommendation regarding OT services.

I. LEGISLATION AND REGULATIONS

FEDERAL LAW
IDEA 04 is the federal law that governs the provision of the special education services for children with disabilities. IDEA ensures a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for all children with disabilities age 3 through 21. (MAOT,

IDEA describes the provision of special education and related services to meet the unique needs of students with disabilities. The term **related service** means “transportation and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy…) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. [SEC. 602(26) (A)]

Definition of Occupational Therapy in a School Setting as stated by the Individuals with Disabilities Education Act (IDEA). (Regulations: Part 300 / A / 300.34 / c / 6)

“Occupational therapy means services provided by a qualified occupational therapist; and includes:

❖ Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation
❖ Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
❖ Preventing, through early intervention, initial or further impairment or loss of function.

MASSACHUSETTS LAW GOVERNING SPECIAL EDUCATION ON OCCUPATIONAL THERAPY SERVICES

Chapter 28 (603 CMR 28.00)
Massachusetts Chapter 28 governs the provision of special education and related services to eligible students by Massachusetts public schools [603 CMR 28.01(2)]. The purpose of this regulation is to ensure that eligible students receive education services designed to develop the student’s individual educational potential in the least restrictive environment in accordance with applicable and federal laws [603 CMR 28.01(3)].

The requirements contained in these Massachusetts Special Education Regulations (Chapter 28) are in the addition to, or in some instances clarify or further elaborate, the special education rights and responsibilities set forth in the state statute Massachusetts General Law Chapter 71B: Children with Special Needs (M. G. L.
c. 71B), federal statute the ‘Individuals with Disabilities Act of 2004’ (20 U. S. C. 1400 et seq. as amended) and federal regulations governing the implementation of IDEA 04 (34 CFR 300 et seq. as amended). Massachusetts laws and regulations governing special education can be found on the Massachusetts Department of Education website http://www.doe.mass.edu/lawsregs/.

MASSACHUSETTS LAWS VS FEDERAL LAWS

Some of the more relevant differences between federal and state laws and regulations are described below.

❖ The definition of special Education: “Special education shall mean specifically designed instruction to meet the unique needs of the eligible student or related services necessary to access the general curriculum and shall include the programs and services and set forth in state and federal law.” [CMR28.02(20)]

❖ Related services use the same definitions as federal law but related services can be a single service in Massachusetts: “Within Massachusetts, related services necessary to access the general curriculum are considered special education and may be provided alone or in combination with specially designed instruction.” [Massachusetts Department of Education, June 2001 IEP Process Guide, p. 9]

❖ The disability categories and definitions differ. Section II.B.2.a.1 of this document lists the disability categories. Chapter 28 [CMR 28.02(7) provides a complete listing of the Massachusetts disability categories and definitions.

II. OCCUPATIONAL THERAPY SERVICES UNDER AN EDUCATIONAL MODEL

OT in the school environment focuses on, fine motor skills, visual perceptual motor skills, self-help skills, sensory processing (including sensory modulation and sensory motor skills) and functional life skills as they relate to the educational setting. Students are evaluated using assessment tools which are appropriate to their chronological age and/or functional level, and which are the most inclusive of racial, cultural, and socioeconomic differences.

Education Model

Occupational Therapy in a public school setting:

1. Eligibility: In order for a student to be considered for Occupational Therapy services in the public school setting the following conditions must be met:
   a. Presence of an eligible disability as outlined by Chapter 28(CMR 28.02(7).
   b. The disability must interfere with the student’s participation in school activities.
   c. Interventions provided by special education personnel do not adequately meet the needs of the student. Skilled service intervention by Occupational Therapy may be required to meet the student’s needs.

2. Service Provision: Occupational therapy services are required to be provided in the least restrictive environment (LRE). This means that to the extent possible, the student remains in the general education environment with the peers who do not require special education services.

The OT service provider must consider all possible avenues that facilitate school participation and choose service options that are, to the extent possible, in the least restrictive environment.

This document ties together and clarifies federal and state special educational law, state licensure mandate, and directives from The American Occupational Therapy Association (AOTA) into one easy document.
II. ENTRANCE AND EXIT CRITERIA FOR OCCUPATIONAL THERAPY

Entrance Criteria for Special Education: Required
   - Developmental Delay: the learning capacity of a young child (3-9 years old) is significantly limited, impaired, or delayed and is exhibited by difficulties in one or more of the following areas: receptive and/ or expressive language; cognitive abilities; physical functioning; social, emotional or adaptive functioning; and/or self-help skills.
2. As a consequence of this disability, the student is unable to progress effectively in the general education program without specially designed instruction or is unable to access the general curriculum without a related service and/or
   As a consequence of this disability, the student has not shown growth according to the chronological age, the developmental expectations and the individual educational potential of the student.

Entrance Criteria for Occupational Therapy for Preschool to Pre-K:
- A composite score of at least 1 and ½ standard deviations below the mean as measured by an appropriate assessment instrument. This may translate as having a delay of 12 months in assessments that yield a developmental age score.
- If formal test measures are not possible, clinical observations informal measures document significant delays/impairment of fine motor, visual motor, neuromotor and self-help functioning.
- The delay/impairment significantly interferes with school participation, learning, academic achievement and development.
- Areas of need have been addressed by special educators and teachers Without success.
- The student requires occupational therapy in order to make effective progress in their special education program or to access the general curriculum.

Exit Criteria for Occupational Therapy at the Preschool Level:
One or more of the following:
- The student displays functional skills in areas of fine motor, visual motor and/or self-help skills within the school environment, and is supported by progress reports, formal assessment or informal data collection.
- The student is able to continue to make effective progress in their special education program or is able to access the general curriculum without the need for specialized occupational therapy services.
- The student’s needs can be met by other educational professionals, using accommodations and/or modifications.