

FACT SHEET

Navigating School-Based Practice by Leveraging the Law, State Regulations, Practice Acts, and Professional Codes of Ethics

INTRODUCTION

School-based physical therapists are licensed professionals employed or contracted by school districts to work with children in school-related environments. This specialized physical therapist approach to patient care requires services be delivered in accordance with the rules and regulations set forth by the Individuals with Disabilities Education Act (IDEA) and the concepts of special education and related services. Related services refer to services and supports that assist a child in accessing their education and participating in their learning environments.¹ Some students also receive school-based physical therapy as a reasonable accommodation under Section 504 of the Rehabilitation Act (504 Plan) to allow for access and participation in the school environment. Though federal laws and state regulations protect a child's right to special education and related services, how these laws are interpreted and enacted across states and school districts can vary greatly.

The purpose of this fact sheet is to provide information and resources to school-based physical therapists regarding federal and state laws, roles and responsibilities, and strategies to mitigate conflicts that may arise in practice. The goal of this fact sheet is to ensure physical therapists know where to find information specific to their state and school district and how to use that information in their role as school-based physical therapists.

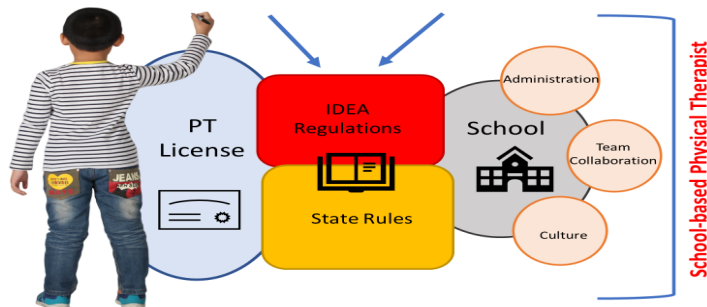


FIGURE 1: Complexities in the Provision of School-Based PT

Compared to other practice settings, school-based physical therapy represents a unique model of service delivery to support children's education-related needs. Thus, it is not surprising that there are times when a school-based physical therapist may be uncertain or confused about aspects of school-based physical therapy service delivery that appear to be different compared with other clinical settings, or different from one school district to another. In these instances, school-based physical therapists can benefit from resources to guide information acquisition and develop options for conflict resolution that may arise as part of the Individualized Education Plan (IEP)/504 team process or school-based physical therapist practice. Important to remember is that the license to practice physical therapy is a state-by-state privilege, and breaches of licensure can be avoided by following the requirements of the Physical Therapy State Practice Act under which the PT license exists. FIGURE 1 provides a visual representation of the many complexities that overlap in the delivery of school-based PT.

In the following sections of this document, a model through which conflict can be understood and resolved is introduced. We describe several key areas of the IDEA directly linked to the delivery of physical therapy in schools through IEPs and 504 Plans.

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THE IDEA

The IDEA is a federal law that protects the rights of students with disabilities within the public school system. The law governs how states provide special education services to students who have an IEP while ensuring a free and appropriate public education within the least restrictive environment. The IDEA states that students with disabilities should be educated alongside their non-disabled peers to the maximum extent possible (34 CFR 300.114(a)).² School-based physical therapists must understand the IDEA and their roles and responsibilities within the IEP process; working collaboratively with the IEP team to promote student access to and participation in the school environment.

School-based physical therapists must practice within the IDEA and state education rules/regulations while maintaining compliance with the requirements of their own state's practice acts. Each state issues its own laws and regulations regarding the implementation of the IDEA. It is the school-based physical therapist's responsibility to understand their state's laws and regulations that impact physical therapy practice within the federal IDEA rules and regulations. This information can be found on state education and or other state and local agency websites, along with other available resources to help guide practice.

504 PLANS

A 504 plan is intended to offer a student with a disability equal opportunity by providing reasonable accommodations or services within the school environment if that student does not qualify for special education under IDEA. Eligibility for a 504 Plan is not defined by specific diagnoses or medical conditions, but rather disability; or physical and mental impairments that limit the student's ability to perform or function in major life activities.³ Should the student be eligible following the evaluation process, a 504 Plan is developed by school personnel who are familiar with the student and their specific needs. A school-based PT may be part of the team that writes the 504 plan. The plan may consist of accommodations or services to support a student's physical, visual, auditory, communication, social-emotional or behavioral needs in the absence of the need or eligibility for special education. Careful evaluation and documentation of strengths, areas of need, and progress toward educational goals are key components of ensuring that all students have access to a free and appropriate public education.

STATE PRACTICE ACTS

As with all healthcare professions, the laws, and regulations on the scope of physical therapy practice vary from state to state. It is imperative that all aspects of school-based physical therapy services are delivered within the jurisdictional scope of practice established by a state's physical therapist practice act, which is governed by its licensing authority.

School-based physical therapists should be aware of the following state licensure regulations and practice act standards as they apply to the delivery of services in schools:

- Limitations or exceptions to direct access, or the ability to provide services without a physician referral
- The need for a physician referral and/or prescription for the provision of care
- Supervision requirements of physical therapist assistants and other school-based personnel such as paraprofessionals
- Supervision ratios of physical therapists/physical therapist assistants and/or school-based personnel
- Documentation requirements including assessments, daily notes, and the need for a physical therapy plan of care separate from the IEP
- Provision of telehealth services

MEDICAID: A FUNDING SOURCE IN SCHOOLS

Medicaid is a federal insurance program that provides an additional, optional source of funding for school-based physical therapy services. A 1988 amendment to the Social Security Act provided statutory authority for the School Supportive Health Services Program (SSHSP), also known as Medicaid in Education, allowing Medicaid coverage of medically necessary services included in the IEPs of students with disabilities.

There are state specific eligibility and documentation requirements that all licensed medical professionals need to know. School-based physical therapists should check with their state/county and program specific guidelines regarding Medicaid eligibility and the provision of services. If the school and/or district participates in Medicaid, there should be a designated Medicaid office or liaison available to provide guidelines for service provision. This may include information regarding the need for a medical prescription or referral, accepted evaluations, documentation requirements including the IEP, and service delivery.

THE CODE OF ETHICS FOR PHYSICAL THERAPISTS

The American Physical Therapy Association (APTA) *Code of Ethics for Physical Therapists* and *Core Values for the Physical Therapist and Physical Therapist Assistant* establish what guides the physical therapy profession, standards of practice, professional conduct, and ethical principles.^{4,5} The Code of Ethics and Core Values are built upon the roles of the physical therapist as prescribed by the APTA. These roles are:

- Management of patients and clients
- Consultation
- Education
- Research
- Administration³

School-based PTs have a professional responsibility to embrace our profession's Core Values and Code of Ethics. The principal elements of each (accountability, altruism, collaboration, compassion and caring, duty, excellence, inclusion, integrity, and social responsibility) have a direct influence on decision-making as school-based PTs address impairments, activity limitations and participation restrictions of students through our roles and responsibilities.⁵

CONFLICT RESOLUTION FOR SCHOOL-BASED PHYSICAL THERAPISTS

Conflict in education has been defined as “a real and or perceived difference that arises from specific educational circumstances that engender negative emotion as a consequence”.⁶ Conflict may arise from differences of opinion between members of the IEP team (including parents/caregivers), or other school personnel, related to all aspects of the student’s education. This includes the school-based PT’s role within the IEP team and therapist decision-making regarding the student’s participation in his/her educational program. Communication differences among team members can also lead to conflict. Conflicts involving the school-based PT practice may come from:

- Team confusion regarding service delivery models,
- Lack of understanding of physical therapist roles and responsibilities
 - The intent of school-based physical therapy as a related service,
- Ethical challenges due to administration policies and procedures
- A shift toward a more participatory, school-based approach for assessment and intervention rather than a diagnostic or impairment focus used in a medical-based model,
- The impact of education laws, rules, and regulations, and state physical therapist licensure and standards of practice on school-based physical therapist services

Resolving conflict productively is critical for IEP team function and for the school-based physical therapist to foster student participation. Use of resources, including the therapist's State Physical Therapist Practice Act, the APTA Code of Ethics, the IDEA, and state education regulations can provide the foundation for productive conversations with other team members. Conflict management approaches, such as the Katz and McNulty framework may be used to resolve practice challenges as part of the IEP process.

The Katz and McNulty framework uses two key elements: conflict management to mitigate high emotional states and negotiation to work with others to come to an agreeable outcome for those involved.⁷ The Five Steps to Achieve Conflict Resolution with question prompts adapted from Katz and McNulty to assist the school-based physical therapist in addressing practice challenges include^{7,8}:

Be Aware:

- Are you aware of the concern and why it exists?
- Have you contacted the parent and/or other IEP team member(s) to discuss concerns prior to the IEP/504 meeting?
- Have you been open and honest in your conversations with the educational team including the parent?
- Have you been actively listening to team members including the parent during meetings and discussions to understand the concern and identify the "why"?

Be Prepared:

- What do you need to prepare for the discussion at the IEP meeting?
 - Have you used the tools available to you such as IDEA, 504 regulations, state practice acts, code of ethics, etc.?
- What evidence can you share on interventions, progress, and or diagnosis regarding your work with the student?
- Do you know what you would like the outcome of the meeting to be?

Be able to Manage Emotions/Seek to Understand

- Am I approaching this situation positively or negatively?
- Think reflectively - how am I being perceived by the team?
- Have I been an active listener that seeks to understand?

Be able to Negotiate

- Have I expressed my point of view clearly, using jargon-free language?
- Am I open to other points of view?
- Have I clarified any differences of thought or opinion and looked for similarities rather than differences?

Come to a Solution

- Am I pursuing a mutually agreed upon solution(s) that all members can abide by?
- Am I open to an interim solution to the concern in question, considering it may have a positive impact on team cohesion and trust?

CONCLUSION

Working in schools is a unique and challenging environment for physical therapists. A thorough understanding of federal and state laws and licensure regulations along with your roles and responsibilities as a school-based physical therapist are key to successful school-based practice. Applying knowledge gained through this fact sheet and using a conflict resolution model can assist with navigating any conflicted and/or challenging situation that may arise as part of the IEP/504 team process and school-based physical therapist practice.

FINAL STEPS

- Consider building a school-based practice “toolbox”; that not only includes tests and measures but also provides easy access to IDEA regulations and other relevant documents necessary for guiding school-based physical therapist practice in your state and local school district⁹
- Use the information to help problem solve or resolve any challenge and or conflict you encounter as a school-based physical therapist and part of the educational team
- Commit to lifelong learning that is relevant to school-based physical therapy and aligns with evidenced-based practices

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ADDITIONAL RESOURCES

Physical Therapy Practice Resources

- [Code of Ethics for the Physical Therapist](#)⁴
- [Core Values for the Physical Therapist and Physical Therapist Assistant](#)⁵
- [Ethical Decision-making in Physical Therapist Practice](#)
- [Federation of State Boards of Physical Therapy Jurisdiction Licensure Reference Guide Topic: PTA Supervision Requirements](#)
- [Jurisdiction Licensure Reference Guide Topic: PT Supervision Ratios](#)
- [Levels of Patient Access to Physical Therapists Services in the U.S.](#)
- [Scope of Practice](#)
- [State Licensing Authorities Contact Information](#)
- [State Telehealth Laws, Regulations, Policies, and Guidance](#)

Medicaid Resources

- [MACPAC Medicaid in Schools](#)
- [National Alliance for Medicaid in Education, Inc.](#)

Special Education/IDEA Resources

- [Individuals with Disabilities Education Act](#)
- [Providing PT under IDEA Part B Fact Sheet](#)

504 Plan Resources

- [Office for Civil Rights](#)
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)

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