

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 381 (Blanca Rubio) – As Amended April 17, 2023

**SUBJECT:** Teacher credentialing: services credential with a specialization in health: occupational and physical therapists

**SUMMARY:** Authorizes occupational therapists (OTs) and physical therapists (PTs) to be eligible for the services credential with a specialization in health based upon their licensure, and requires the Commission on Teacher Credentialing (CTC) to provide a report to the Legislature by January 1, 2028, on the number of credentials issued to OTs and PTs. Specifically, **this bill:**

- 1) Deletes the prohibition on OTs and PTs being eligible for the services credential with a specialization in health.
- 2) Requires the CTC to issue a services credential with a specialization in health to an appropriately licensed OT or PT.
- 3) Authorizes an OT or PT to apply for a services credential with a specialization in health.
- 4) Expresses the Legislature’s findings and declarations that special circumstances warrant an authorization, but not a statutory requirement, for a credential with a specialization in health authorizing service in occupational therapy or physical therapy, as OTs and PTs are the only professionals providing health services in schools not eligible to earn a credential, despite meeting the education and licensure requirements for this credential. Prohibits the establishment of a precedent for any other credential that is authorized, but not statutorily required, for a school employee to hold for their assignment.
- 5) Requires the CTC to provide a report to the appropriate policy and fiscal committees of the Legislature, by January 1, 2028, on the number of service credentials with a specialization in health authorizing service in occupational therapy or physical therapy have been issued.
- 6) Requires that an OT or PT holding a valid license be considered appropriately authorized for purposes of assignment monitoring.
- 7) Repeals this section as of January 1, 2029.

**EXISTING LAW:**

- 1) Specifies that the minimum requirements for a services credential with a specialization in health are:
  - a) Five years, or its equivalent, of college or university education, or five years of professional preparation approved by the Commission on Teacher Credentialing (CTC);
  - b) Possession of a valid license, certificate, or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California; and

- c) Such additional requirements as may be prescribed by the CTC.
- 2) Authorizes the holder of a services credential with a specialization in health to perform, at all grade levels, the health service approved by the CTC as designated on the credential. Services as an audiometrist, occupational therapist, or physical therapist are not deemed health services. (Education Code (EC) 44267)
- 3) Specifies that the minimum requirements for a services credential in a specialization in clinical or rehabilitative services are:
  - a) A baccalaureate degree or higher degree from an institution approved by the CTC;
  - b) A fifth year, or its equivalent, of college or university education;
  - c) Such specialized and professional preparation as the CTC may require.
- 4) Authorizes the holder of a services credential with a specialization in clinical or rehabilitative services to perform, at all grade levels, the service approved by the CTC as designated on the credential. This includes, but is not limited to, speech, language, and hearing services. (EC 44268)
- 5) Defines “related services” as transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program (IEP) of the child, counseling services, including rehabilitation counseling, orientation, and mobility services, and medical services, except that such medical services are for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children. (EC 56363)
- 6) Specifies that occupational therapy services encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who are receiving occupational therapy services as part of an IEP pursuant to the federal Individuals with Disabilities Education Act (IDEA). Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. (Business and Professions Code (BPC) 2570.2).
- 7) Specifies that physical therapy encompasses the physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and

maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. (BPC 2620)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** According to the author, “Because of the elevated level of education (Master’s and Doctorate degrees, respectively), training, and licensure for both OTs and PTs, the Commission believes that they qualify for a health services credential without much in the way of further requirements, like other health professionals in these settings. Unfortunately, a decades-old statute does not allow for the CTC to make this determination. This exclusionary language was established in the California Education Code in 1976 at a time when OT and PT services were typically provided through off-campus, private appointments. In the nearly 50 intervening years, both services are now required in schools under federal and state law. In addition, both OT and PT training in helping students access their education has expanded significantly since the 1970s. Thus, Education Code Section 44267 needs to be modified to address what is now an oversight.”

***Therapy services being provided in schools today.*** According to the California Department of Education’s (CDE) *Guidelines for Occupational Therapy and Physical Therapy in California Public Schools, 2012*, OTs and PTs work with the educational team to support a child’s ability to gain access to the general education curriculum, meet state standards, participate in postsecondary education, and become functional independent citizens upon graduation. In school-based practice, OTs are health professionals whose purpose in a public school setting is to support a child’s engagement and participation in daily occupations, which include activities of daily living, education, prevocational work, play, rest, leisure, and social participation. PTs are health professionals whose purpose is to correct, facilitate, or adapt the child’s functional performance in motor control and coordination, posture and balance, functional mobility, accessibility, and the use of assistive devices.

Occupational therapy and physical therapy are designated services that are sometimes identified by a student’s IEP. Such services fall under the umbrella of related services and are required in order to assist an individual with exceptional needs to benefit from special education. LEAs currently employ OTs and/or PTs as either classified staff or contracted employees to serve in non-classroom based assignments. The CDE’s California Longitudinal Pupil Achievement Data System (CALPADS) documentation defines OTs as “a healthcare professional employed by an LEA trained to treat injured, ill, or disabled patients through the therapeutic use of everyday activities. They help these patients develop, recover, improve, as well as maintain the skills needed for daily living and working.” Similarly, PTs in the public schools are defined as “a health care professional employed by an LEA who is trained in the treatment of disease, injury, or deformity by physical methods such as massage, heat treatment, and exercise.”

According to the Occupational Therapy Association of California, OT services have been provided to students in public schools since the 1970’s. There are currently 16,000 OTs licensed to practice in California and 3,000, or 20% of these, are estimated to practice in school-based settings.

According to the California Physical Therapy Association, PT services have been provided in schools since the 1970's. There are 22,000 PT practitioners currently licensed in California and approximately 8% of these, or over 1,700, practice in school-based settings.

***Licensure requirements.*** Historically services have been provided in public schools by OTs and PTs that are licensed by their respective boards within the California Department of Consumer Affairs – the Board of Occupational Therapy for OTs, and the Physical Therapy Board of California for PTs. Much like the teaching profession, licensed PTs are required to graduate from a professional degree program at an accredited postsecondary institution, or institutions approved by the Physical Therapy Board, complete a professional education program including academic course work and clinical internship in physical therapy, and pass the Federation of State Boards of Physical Therapy examination. The same is true for OTs, who must complete an accredited university program with a bachelor's or master's degree in an occupational therapy related field, including a 24 week internship and passage of the Occupational Therapist Registered (OTR) exam.

***Role of the CTC.*** The CTC is an independent governmental entity that is responsible for accrediting educator credential preparation programs, issuing credentials and permits for service in California public schools, and administering credential discipline when necessary. Current pupil personnel services (PPS) credentials authorized by the CTC include:

- School administrators;
- School nurses;
- Teacher librarians;
- School counselors;
- School social workers;
- School psychologists;
- Speech language pathologists;
- Audiologists; and
- Orientation and mobility specialists.

OTs and PTs do not currently have the opportunity to earn a credential in their field. This bill would authorize OTs and PTs to be eligible for the services credential with a specialization in health.

In a report to the CTC for its February 2022 meeting, staff noted that the CTC has been asked by many in the occupational and physical therapy sector to consider development of a credential for individuals that serve as OTs and PTs. Requests for a credential are based on a desire for individuals serving as OTs or PTs to advance in their careers, enter the certificated employee salary scale, and hold Administrative Services positions. Currently, there is no credential requirement for OTs and PTs to serve in California's public schools. There is also no avenue for such individuals to obtain an Administrative Services Credential, as the statutory requirements for the credential require possession of a teaching or services credential issued by the CTC. The lack of a pathway for OTs and PTs who provide special education related services in the public schools prevents these educators from being able to take on certificated leadership roles, as a basic credential is required for OTs and PTs to gain access to an administrative credential under current law.

To help better understand what need for increased preparation for OTs and PTs exists, CTC staff requested input from LEAs on their assessment of the need for additional preparation and credentialing for OTs and PTs. The survey garnered a total of 74 responses from county offices of education (COEs), school districts, school sites, and charter school management agencies. When asked if the pool of candidates for OT and PT positions are adequately prepared to serve students in a preK-12 setting, the overwhelming majority of respondents (90.5%) indicated that candidates for OT and PT positions are adequately prepared to serve students in a preK-12 setting. Respondents were also asked if they support adding a credential requirement for individuals serving as OTs and PTs in public schools. The majority of respondents (82.4%) did not support efforts to credential OTs and PTs.

Many respondents cited the current difficulties in recruitment for these positions as a primary reason for lack of support, indicating that adding a credential to the requirements for employment would further reduce a limited candidate pool. Others felt that OTs and PTs already complete rigorous preparation and licensure requirements, and adding additional burdens were unnecessary. One respondent stated: “OTs and PTs receive significant training and development for their licenses and become true experts in the fields. Through our internal interview processes, we are able to accurately identify how that expertise translates to work in schools with children. Requiring a credential would dissuade many talented individuals from pursuing work in schools due to the corresponding time and financial commitments. OTs and PTs would be compelled to work in the private sector, where compensation is already more lucrative for them. The state of California would face a drastic shortage in OTs and PTs if this decision is made.”

Of the 13 LEAs that expressed support for requiring an OT or PT to hold a credential, the reasons ranged from increased knowledge of working in the schools, to increased recruitment opportunities and promotion availability. One respondent stated: “We will have a pool of candidates and entry level PT/OT staff that are well-prepared. With the rise of needs of OT in the school setting, new OT/PT in the school-based setting will have a better understanding of the school system, especially the IEP process and the role of PT/OT in the schools. PT and OT are medical health providers just like nurses and SLPs. The OT/PT profession has a very wide variety of settings that they can practice. Having this credential will prepare new candidates to work in the educational setting. Specifically for OTs, this will provide educational staff better understanding of the scope of practice for OTs. OTs are one of the few school staff that have knowledge based in mental health. This OT scope of practice is under-utilized. At this time, where Social-Emotional Learning (SEL) is being pushed to be addressed in the schools, OT can play a big role to better serve our students.”

CTC staff identified some areas of potential impact that could occur with the creation of credentials for OTs and PTs, many of which were identified through the educational partner surveys.

#### Benefits:

- Additional, targeted preparation for service to students and employment in a school setting;
- Employment as Certificated staff, as opposed to current employment as classified staff; and
- Eligibility for the Administrative Services Credential and Administrative positions.

Areas of Concern:

- Reduction in eligible pool of candidates in impacted and hard-to-recruit for area of work;
- Additional workload for the CTC to develop Program Standards and accredit Programs;
- Additional costs for OTs and PTs to complete preparation and apply for licensure;
- Potential lack of programs available for candidates, which would further impact supply;
- While some LEAs identified areas that OTs and PTs lack, many stated that the existing pool of candidates are appropriately prepared for their roles in the schools; and
- Critical impacts on rural and small districts that have limited resources and ability to recruit.

This bill would authorize OT and PT credentials under the Health Services Credential by removing the prohibition on these professions being authorized under this credential. OTs and PTs would have the option of whether they wish to apply for the credential, but would not be required to do so under the provisions of this bill.

***Arguments in support.*** The sponsors of the bill, the Occupational Therapy Association of California (OTAC) and the California Physical Therapy Association (CPTA) state: “OTs and PTs have been providing educationally related services to students in public schools since the 1970s and are the only Individuals with Disabilities Education Act (IDEA) mandated professionals who are not included in a credential opportunity afforded to teachers, school psychologists, school counselors, social workers, nurses, audiologists, and speech and language pathologists. This creates professional inequities that impact school districts’ abilities to hire and retain high quality OT and PT providers.

Professional accredited OT and PT program curricula which include teaching and learning standards meet the general requirements for a basic credential in Health Services. OTs and PTs possess master’s and doctoral graduate level degrees, require supervised clinical experience, are licensed by the state of California, and are required to complete ongoing professional development in order to maintain licensure. A credential signifies an elevated level of professionalism within the educational system and validates status as highly qualified related service providers.

The state legislature has the power to remove existing exclusionary language from education code that prohibits OTs and PTs from obtaining a Health Services credential. This change would be a move to correct significant professional inequity. This exclusionary language was established in the California Education Codes in 1976. In the nearly 50 intervening years, the landscape of special education services in public schools has changed dramatically, including the authorization of the IDEA in 1990 and its reauthorization in 2004. Additionally, OT and PT training and education has expanded significantly since the 1970s. Based on this high level of training and qualifications, the CTC believes that OTs and PTs can qualify for a health services credential. Unfortunately, this decades old statute does not allow the CTC to make this determination. It is time for California to revisit this outdated and exclusionary language that is having a very real and profound impact on the way schools can hire, promote, and retain critical

special education service providers. Passage of AB 381 is a critical step in supporting children and families by allowing OT and PT professionals to advance within the educational system.”

**Arguments in opposition.** The California School Employees Association states: “OTs and PTs are currently providing high-quality, essential services to students without any credential requirement. These professionals already go through rigorous educational and licensing requirements through their respective licensing boards and adhere to high professional standards.

A February 2022 survey administered by the CTC found that 90.5% of LEAs who responded thought OTs and PTs were adequately prepared to serve the needs of students. Additionally, 82.4% of the respondents did not support requiring a credential for OTs and PTs. There is no evidence that requiring an additional credential will improve the quality or delivery of services to students.

If the goal of this bill is to increase the applicant pool for school administrators, instead of imposing a new credential requirement for OTs and PTs, anyone who wants to become an administrator can and should go through the existing teaching credentialing process and pursue a preliminary credential in Administration. This approach makes more sense than imposing an arbitrary and unnecessary credential requirement. Lastly, there is no evidence that requiring a credential will increase the salaries for OTs and PTs. OTs and PTs deserve higher pay, however that should be resolved through state investment and the collective bargaining process, not by creating a new credential.”

**Related legislation.** AB 2684 (Rubio) of the 2019-20 Session would have required the CTC to convene a workgroup to develop a proposed services credential with a specialization in OT or PT services. This bill was held in the Assembly Education Committee.

AB 2386 (Rubio) of the 2017-18 Session would have required the CTC to convene a workgroup to consider whether developing a service credential with a specialization in OT or PT is warranted, and, if it is, requirements for that credential. It required the CTC to provide a report on its findings by January 1, 2020. This bill was held in the Assembly Appropriations Committee.

AB 1087 (Irwin) of the 2017-18 Session would have required the CTC to develop a services credential with a specialization in OT and PT services. This bill was held in the Assembly Education Committee.

AB 2221 (Bloom) Chapter 490, Statutes of 2018, makes numerous changes to the Occupational Therapy Practice Act, including definitions relating to scope of practice OTs and occupational therapy assistants (OTAs), supervision ratios and duties, methods the California Board of Occupational Therapy (CBOT) may verify advanced practice requirements, and requirements related to the use of doctoral degree titles.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Autism Speaks  
California Physical Therapy Association

California Physical Therapy Association - San Diego District  
Kidabilities  
Occupational Therapy Association of California  
Physical Therapy Board of California  
278 individuals

**Opposition**

California School Employees Association  
Service Employees International Union, California  
One individual

**Analysis Prepared by:** Debbie Look / ED. / (916) 319-2087