



**NATIONAL
ASSOCIATION OF
SCHOOL
PSYCHOLOGISTS**

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PLEASE OPPOSE H.R. 1350, IDEA REAUTHORIZATION

Dear Member of Congress:

On behalf of the National Association of School Psychologists (NASP), I am writing to bring your attention to some important concerns school psychologists have regarding H.R. 1350 the Improving Education Results for Children With Disabilities Act of 2003. NASP is the largest professional organization of school psychologists representing over 21,000 professionals. School psychologists work with parents and educators to prevent social, emotional and academic problems and promote children's healthy learning and development.

EFFECTIVE DISCIPLINE

NASP is concerned about changes to the IDEA discipline provisions. The language proposed in H.R. 1350 would open the door for schools to indiscriminately expel students with disabilities for demonstrating certain behaviors. Further, H.R. 1350 removes the protections set forth in the Act for due process and eliminates the requirements for manifestation determinations, functional behavioral assessments and other key protections. These procedures address the behavioral needs of students, particularly those most at risk of academic failure, dropout and delinquency.

Rather than remove protections that ensure behaviors are being appropriately addressed with research-based interventions, we ask that you support changes to IDEA that promote early identification of emotional and behavioral problems and the implementation of interventions and services to reduce such behaviors.

Research on effective programs indicates that many student discipline problems can be significantly mitigated with the use of positive behavioral supports, social skills training, and other prevention and early intervention programs. These interventions not only reduce unnecessary referrals by addressing problem behaviors, they also improve overall classroom behavior and academic achievement. Greater support for these types of programs and services, and better guidance on proper implementation of IDEA, would serve to prevent and address many of the discipline problems school personnel face. The provisions in H.R. 1350 do nothing to advance a proactive approach to discipline problems, nor do they ensure appropriate services for students removed from the classroom.

QUALIFIED PERSONNEL

The shortage of qualified personnel, including mental health and other related services personnel, has hampered the full implementation of IDEA for over 25 years. In the No Child Left Behind Act, the Congress determined that every child should have a highly qualified teacher. It is critical that the same standard be applied to related services personnel. Without such assurances, we cannot expect improved academic, behavioral or social-emotional outcomes for students with disabilities served by IDEA.

Indeed, virtually every contentious issue related to IDEA – discipline, disproportionate representation of minorities, over-identification of students referred to special education and others – could be better addressed by ensuring an adequate supply of appropriately trained and highly qualified personnel.

H.R.1350 takes a large step backwards in requiring states to maintain high standards for related services personnel. H.R.1350, as amended, removes part of the current statute describing how states must maintain the “highest requirements” for personnel standards for related services personnel (current law, Part B, Sec.612, (15)(B)(ii) and Part C, Sec.635, (a)(9)(B)). The elimination of the “highest requirement” provision for related services providers would lower standards at a time when high standards were never more important.

H.R.1350 needs to be strengthened by retaining the highest qualified provider language for related services personnel and adding provisions that help school districts improve their recruitment and retention of qualified personnel. Without these changes, H.R.1350 fails to provide the accountability for states to ensure that students with disabilities receive a free and appropriate public education. In addition, we believe that related services personnel should be included throughout all aspects of Part D activities. The bill fails to provide for the significant infusion of funds needed to address the shortage of highly qualified special education teachers and related services personnel.

COMMUNICATION BETWEEN SCHOOL PERSONNEL & FAMILIES

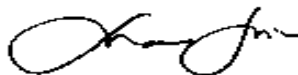
NASP is also concerned about the unintended implications of the language adopted by the Committee “prohibiting school personnel from requiring a child to obtain a prescription... as a condition of attending school or receiving services”. We assert that it is *never* appropriate to make educational placements and programming contingent upon specific treatment such as medication. In fact, such practices are illegal under current disability and civil rights statutes. We are concerned, however, that the implementation of this provision would be counterproductive to improving both behavioral and academic outcomes for children with attention disorders or other medically-based conditions. While the measure does not explicitly proscribe such communication, its enactment would inevitably lead schools to adopt a “gag rule” on personnel for fear of litigation.

Children spend the majority of their awake hours in school; school personnel therefore are often the first to observe behaviors or performance that suggest the presence of a medical problem requiring diagnosis and treatment. When a medically-based condition is *suspected*, it is the responsibility of appropriately trained school personnel to provide parents with information to help them determine the need for a medical evaluation, and to provide the family and physician with relevant information to assist in any diagnosis or treatment plan.

Surely it is as important to protect open communication between school personnel and parents about possible mental health concerns as about other health problems. NASP strongly believes that a decision to place a child on medication must be made by a physician, in conjunction with the family after a medical evaluation. However, school personnel are a critically important source of information for families about their children’s educational and emotional well being and should be viewed as partners in such informed, collaborative decision making. Legislation should enhance, not inhibit, access to those services that support positive student development and improved learning.

We urge you to take these concerns under consideration as you cast your vote for H.R. 1350. A large percentage of your constituents are effected by this legislation – virtually everyone involved with or concerned about education. Please consider how these provisions, and many others, could ultimately harm the children this law intends to protect. We urge you to VOTE NO ON HR 1350. Thank you.

Sincerely,



Susan Gorin, CAE
Executive Director