



**NATIONAL
ASSOCIATION OF
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PSYCHOLOGISTS**

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The Honorable Judd Gregg
Chairman, Senate Committee on Health, Education, Labor and Pensions
835 Hart Senate Office Building
Washington, DC 20510

The Honorable John Boehner
Chairman, House Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Gregg and Boehner:

As you develop the final agreement for the reauthorization of the Individuals with Disabilities Education Act (IDEA), the National Association of School Psychologists (NASP) urges you to support the role of school psychologists and other related services personnel in improving academic success and promoting a healthy school climate for students with disabilities. Toward that end, NASP offers the following conference recommendations for our priority concerns:

1. **Personnel Standards [Sec. 612(a)(14)(B)]:** NASP appreciates the Senate bill and report language that recognizes a unique and distinct personnel standard for related services personnel. Unfortunately, the House bill would allow multiple and uneven standards within states and would allow personnel to practice with their “certification or licensure requirements waived on an emergency, temporary, or provisional basis.” **We encourage the conference committee to defer to the Senate language. However, we request the following final conference report language that will clarify for school districts that efforts to comply with the IDEA and NCLB highly qualified personnel requirements do not mandate any change in the credentialing of their related services personnel if they already meet credentialing requirements in their disciplines.**

“The Committee acknowledges that related services personnel are considered fully and highly qualified if they complete rigorous specialized training as part of meeting state standards for professional licensure and/or certification required for employment in that state. Nothing in this bill is intended to diminish these state standards. These rigorous requirements are equivalent to or exceed the level of training required of classroom teachers in meeting the designation as highly qualified. Therefore, in order to be deemed highly qualified, related services personnel should not be required to meet any additional qualifications, including those required of general or special education teachers.”

Rationale: School psychologists and other related services personnel already meet a high standard for their discipline in their state as defined by their state. These standards are intended to ensure that the providers of related services are fully qualified to do so, thus ensuring the highest quality of services for students. Such standards should not be lowered, but rather maintained and recognized for their applicability to a clear and well-established highly qualified definition of related services personnel in each state.

2. **Individualized Education Program [Sec. 614(d)(3)]; Placement in Alternative Educational Setting [House: Sec. 615(j); Senate: Sec. 615(k)]:** NASP supports retention of the Functional Behavioral Assessment. S. 1248 retains this critical provision, while the House bill has eliminated it. NASP also supports the Senate language in Sec. 614, which requires that positive behavioral interventions and supports *be provided* to students whose behavior impedes their learning or the learning of others.

Rationale: The Functional Behavioral Assessment (FBA) provides important evaluative information in developing a program for a student with behavioral challenges. These tools provide a snapshot of the student across environments and help the IEP team to determine the best services to address the individual's needs. In addition to the FBA, positive behavioral supports are critically important to meet current needs and to reduce the possibilities that behaviors will escalate. Using these researched-based tools and strategies early in the process should also decrease reliance on the discipline provisions. **We encourage the conference committee to defer to the Senate language.**

While we support streamlining the IDEA discipline provisions to improve implementation, NASP believes that the House has gone too far in eliminating important procedures in effective prevention and discipline. Thus, **NASP strongly supports the Senate's inclusion of a modified Manifestation Determination (Sec.615(k)(1)(C))** that examines whether the conduct in question resulted from the failure to implement the IEP or develop and to implement behavioral interventions, as required by section 614 (d)(3)(B)(i).

3. **“Sense of Congress” [House, Sec. 204. (b)]:** This language would remove important service and eligibility determinations from school-based teams of professionals trained and credentialed to recognize student need and put them into less qualified hands. **NASP opposes this language and urges the conference committee to omit it from the final bill.**

Rationale: This language reflects a misunderstanding of not only emotional, behavioral, and academic disabilities, but also the qualifications required to identify need for services and determine eligibility under IDEA. It contradicts Congressional efforts to reduce overidentification by ensuring that eligibility determinations be scientifically research-based. There are often cases where physicians and health board certified professionals (e.g. pharmacists, podiatrists, etc.) lack the skills, experience, and expertise that school psychologists, school-based teams, and other trained professionals possess in identifying special education needs.

4. **Prereferral/Early Intervening Services [Sec. 613(f)]:**

NASP supports the early identification of and intervention for students who need additional academic and behavioral services to succeed in the general education setting. We appreciate both the House and Senate for strengthening this approach in IDEA. To ensure that all students in need are eligible for these early intervention services, we have the following recommendations:

- a. House language states that prereferral services may be provided to students “who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.” **NASP prefers the Senate language**, which delineates that early intervening services may be provided to students “who do not meet the definition of a child with a disability under section 602(3) but who need additional academic and behavioral support to succeed in a general education environment.

Rationale: Related services personnel, known as “pupil services personnel” in the No Child Left Behind (NCLB) Act, are the staff members frequently called upon to work with at-risk students. They also provide consultation to teachers and other school staff on instructional and behavioral strategies to better serve students in need. It would be a mistake to imply that related services personnel are precluded from assisting schools and students with early intervening services. We support efforts to align IDEA with NCLB and to emphasize that all students are general education students first. This distinction would clarify that students in need of academic and behavioral services shall receive them from the expertise already available in the school building, and would further encourage collaboration between special and general education staff.

- b.** We support Senate language that includes “other school staff” in professional development activities under this section, whereas the House bill only mentions teachers. However, **we recommend that “related services personnel” be named specifically, as they are integrally involved in providing services for this population of students.**

Rationale: Related services personnel address concerns of at-risk students by building language and communication skills and providing positive behavioral interventions and strategies, as well as through a range of other therapies. These staff members should receive equivalent professional development opportunities as other staff members, and in some instances may even be called upon to deliver professional development for teachers and administrators.

5. Part D, Research and Professional Development,: In general, NASP believes that whenever teachers, administrators, and/or paraprofessionals are explicitly mentioned in Part D, related services personnel should also be specified. Following are some specific recommendations:

- a. State Professional Development Grants (Subpart 1):** NASP believes that, wherever other school staff are mentioned regarding professional development opportunities and recruitment and retention of highly qualified staff, related services personnel should also be included specifically. This level of specificity varies within each of the two bills. **NASP supports making consistent reference in the conference bill to the inclusion of related services personnel in meaningful, appropriate professional development, and recruitment and retention efforts.**

- b. Personnel Development (Senate: Sec. 664; House: Sec. 665):** Again, NASP encourages the conferees to look closely at these sections and incorporate language from each bill or add language that ensures related services personnel are included throughout this section.

- c. National Assessment [House: Sec. 666(b)(3)(C); Senate: Sec. 665(b)(3)(C)]:** Both bills require an assessment of the implementation and impact of professional development activities for teachers on improved student achievement. **NASP urges the conferees to include related services personnel, since these professionals play an integral role in helping students with disabilities achieve academic success.**

- d. National Center for Special Education Research [House: Sec. 663(c)(4); Senate: Part E, Sec. 177(a)(4)]:** H.R. 1350 allows the Center to “investigate scientifically based related services and interventions,” while S. 1248 states that the Center shall “identify scientifically based related services and interventions.” We greatly appreciate the inclusion of this needed focus area in future research. Such research will highlight best practices in related services and promote improved learning for all students. **NASP believes that these provisions should be**

combined to read: “shall identify and investigate scientifically based related services and interventions.”

Rationale: Part D provides the underpinnings for the implementation of the IDEA through recruitment and retention of highly qualified personnel and quality professional development. Related services personnel also support continuing high quality research into all aspects of disability to ensure best practices are available to address the educational needs of all students with disabilities. All personnel associated with the education of students with disabilities, including related services personnel, must be included in each of these important components, in order to have the strongest infrastructure possible and to ensure that students with disabilities achieve to the best of their abilities.

6. **Child Medication.** Lastly, NASP remains concerned about the unintended implications of the language in House Section 612(a)(25). **We urge you to adopt the Senate’s compromise language in Section 502 calling upon the Government Accountability Office (GAO) to study the prevalence of the problem and the methods schools employ regarding use and distribution of medication.**

Rationale: 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. Given that there are no data to suggest that coercion of parents regularly occurs or that this is a pervasive national problem, we support the Senate language.

NASP appreciates your giving serious attention to the concerns of school psychologists and in recognizing their important role in improving providing academic and behavioral interventions to all students, particularly students with disabilities. We are happy to serve as a resource on these issues and provide you with any additional information you might need as you complete the reauthorization process. Thank you.

Sincerely,



Susan Gorin, CAE
Executive Director