



NATIONAL ASSOCIATION OF
School Psychologists

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John B. King, Jr.
Secretary
United States Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Dear Secretary King:

On behalf of the National Association of School Psychologists, thank you for the opportunity to submit comments and recommendations regarding areas in which ED can provide non-regulatory guidance to assist state and local education agencies (SEAs and LEAs) in understanding and implementing the Every Student Succeeds Act (ESSA).

School psychologists have specific training and expertise that makes them critical players in the development, implementation, and evaluation of school-wide initiatives such as multi-tiered systems of supports, preventative discipline policies, comprehensive school mental health services, positive behavior interventions and supports, social emotional learning programs, and violence and bullying prevention — all of which contribute to students' readiness to learn and promote a more positive school environment. Further, school psychologists are key members of school multidisciplinary teams that include SISP to improve alignment and coordination of ESSA and IDEA programs within both special and general education systems. We seek to enhance interagency collaboration among state and local decision makers, child and family serving institutions, and community based organizations. The passage of ESSA presents the ED with a tremendous opportunity to provide guidance that will improve educational outcomes for tens of millions of students. School psychologists work with *all* students, teachers, administrators, parents, families and community members to improve ensure that children thrive at home, in school and throughout life. As such, we offer the following recommendations for areas in which LEAs and SEAs could benefit from guidance, technical assistance, and examples of best practices.

1. As a member of the National Alliance of Specialized Instructional Support Personnel, NASP is pleased that ESSA includes the term “specialized instructional support personnel” (SISP). The same school professionals referred to in the Individuals with Disabilities Education Act (IDEA) as “related services” personnel and previously referred to in ESEA as “pupil services personnel” are now more accurately described as SISP. Further, Congress recognized the importance of school psychologists and other SISP and includes deliberate and strategic reference to these professionals throughout the Act. NASISP has made, and NASP has endorsed, numerous requests for the Department to issue guidance on how schools can utilize SISP in various school improvement efforts.

The Department routinely speaks to the importance of best practices to increase the number of quality school personnel available to address service disparities, to properly identify students in need, to provide classroom-based and school-wide interventions, and to make appropriate referrals for more intensive services. With specific guidance from the Department, schools would be better informed of the long-term value of investing in school psycho SISP and less inclined to cut or eliminate these important comprehensive services. ***We reiterate NASISP's request to the ED that it more widely acknowledge the value of school psychologists and other specialized instructional support personnel (SISP) and specialized instructional support services in our nation's school. We ask that the Department offer guidance for schools and communities on the critical role of SISP in the implementation of evidence-based practices that utilize a multidisciplinary team to promote improved academic and lifelong outcomes for our students.***

2. ESSA recognizes the importance of comprehensive school mental health services and explicitly includes school psychologists in the definition of ‘school based mental health services provider.’ School psychologists, in collaboration with other professionals (e.g. school counselors, school social workers, and community providers contribute to the positive mental and behavioral health of all students through the development and implementation of school-wide approaches to school safety and violence prevention, positive behavioral interventions and supports, effective discipline policies, and social-emotional learning. School psychologists also support suicide prevention and intervention efforts and help develop and implement evidence-based crisis prevention, intervention, and postvention services. As such, ***we ask the Department to highlight the important and critical role of school psychologists in any guidance or technical assistance materials related to school mental health service delivery systems, including school-community partnerships.***

ESSA encourages collaboration with community leaders and community agencies as a strategy to improve student outcomes, particularly in regard to the mental and behavioral health needs of students. School based mental health services providers have a specific set of skills needed to deliver academic, behavioral, social, emotional, and mental health services in a school setting. Effective, comprehensive school based mental health programs require the availability of school employed mental health professionals who can provide services for all students as well coordination with community providers, who can provide specific services for those students with the most intense needs. ***We request the Department provide guidance that emphasizes the need for the full complement of school employed professionals as well as the importance of collaboration with community providers as two key elements of successful partnerships.***

Information about the critical role of school psychologists in school mental health programs and examples of effective partnerships are enclosed with this letter.

3. Routine data collection, including screening for academic, behavioral, and mental health risk factors, is the foundation of all effective data-based service delivery systems. This data supports high quality early identification and intervention efforts for students, which is critical to supporting student success. Sec. 4001 outlines requirements related to informed written consent in order for students under the age of 18 to participate in any mental health assessment or receive mental health services. Congressional intent was to ensure transparency regarding school mental health services, not to create barriers for schools wishing to utilize mental and behavioral health screenings and other assessments to help identify students who may need mental health services in the school or community setting. Further, Congress did not intend to mandate specific procedures for obtaining informed written consent so long as the requirements outlined in Sec. 4001 are met. Schools and districts utilize various methods to ensure that parents are informed of the various assessments given to all students, as well as the steps to take if they do not wish for their child to participate in specific assessments or other school programs. ESSA provides opportunity for more schools and districts to implement and scale up comprehensive systems of student supports, many of which include mental and behavioral health services. ***As such, SEAs and LEAs could benefit from guidance outlining various ways to obtain informed written consent. Examples are enclosed with this letter, and excerpts are provided below.***

Wisconsin Department of Public released a detailed Q&A on MTSS and RTI.

Q: Is parental consent required for behavioral screening or progress monitoring?

A: In general, no. Behavioral screening or progress monitoring that gathers information by reviewing existing data or gathering input from classroom teachers and other educators (i.e., review of student data, including office disciplinary referrals, suspension and detention rates, attendance, check in-check out and other intervention data, with no direct contact with a student) does not require parental consent.

The federal Protection of Pupil Rights Amendment (PPRA) requires consent to be obtained before students are given a “psychiatric or psychological examination or test,” in which the primary purpose is to reveal “mental and psychological problems potentially embarrassing to the student or his or her family” (see Definitions). This requirement applies to behavioral health surveys and assessment tools (e.g., depression screener). If a school district requires a student to participate, active consent must be

obtained. If a school district does not require a student to participate (i.e., a student is allowed to decline to participate given the opportunity and is developmentally able to do so and no incentives are offered for participating), passive consent may be used rather than active consent. (34 CFR 98.5) School districts may wish to document a student's assent or dissent to participate in a survey or assessment when using a passive consent process. School districts must notify parents of their rights under the PPR.A, including the right to opt their child out of a survey or assessment covered by the PPR.A. Parents must also be given the opportunity to inspect any instruments (e.g., a screening tool) prior to administration. For more information, refer to ESEA Bulletin 02.14 at http://esea.dpi.wi.gov/files/esea/pdf/bul_0214.pdf.

Kentucky engages in a behavioral health screening initiative, which also includes screening for substance abuse. This language is used as part of their parental consent process.

Because your child spends a great deal of time at school, teachers and other school staff are often in a position to recognize early signs of behavior that may indicate academic, mental health, or substance use problems. Screening is a way for school personnel to quickly determine whether a student would benefit from further assessment and, if so, to get the help they need.

4. We commend Congress for requiring meaningful consultation with various stakeholder groups in the development of various state and local plans to improve student outcomes. ***The Department should clarify in writing the expectation that consultation is to be meaningful and ongoing, not simply a response to a nearly final document. The Department should clarify that it is not enough for an SEA or an LEA to simply inform stakeholders of its activities; they must engage in joint problem solving and decision making with stakeholders and provide numerous opportunities for public input.*** Further, the Department should clarify expectations for SEAs and LEAs to provide appropriate notice, in multiple venues, for stakeholder feedback in the development of state and local plans. Recent examination of various SEA activities related to ESSA implementation reveals that most states are not collaborating with stakeholders in the way the law intends.

Further, The ESSA *explicitly requires* consultation with SISP in the development of Title I state and local education agency plans, as well as Title IV plans and needs assessments. SISP are further included in the development of schoolwide programs, targeted assistance and integrated student supports within the school and coordinated with the community. However, these professionals were excluded from the Negotiated Rulemaking Committee and other stakeholder engagement efforts initiated by the Department. This model of exclusion is in direct conflict with the collaboration and engagement incorporated throughout ESSA. As such, ***we request that any Department guidance reinforce what is already required in statute: that these personnel must be included from the outset in developing plans and programs, contributing their expertise to ensure funds are wisely invested and address the goal of increasing the academic achievement of all students.***

As active members of the school community, specialized instructional support personnel coordinate and collaborate with teachers, paraprofessionals, administrators, families, and community-based professionals to provide the academic, behavioral, social, emotional, physical health, and mental health supports necessary for a positive school climate and improved student success. SISP are integral to providing specific services to individual students and groups of students and implementing school-wide initiatives. Meaningful and on-going collaboration with SISP regarding the development and implementation of State and local plans and as part of the peer review process is critical and should be viewed as the most effective strategy to school success, not simply a statutory requirement. ***We ask that the Department, in collaboration with representatives of SISP, teachers, principals, parents, superintendents, and others, provide guidance and technical assistance regarding the expectations of and best practices related to effective stakeholder engagement and meaningful and on-going collaboration.*** We suggest using the features outlined in *Leading by Convening: A Blueprint for Authentic Engagement*, developed by the OSEP-funded IDEA Partnership, as a guide. The full document can be found here: <http://bit.ly/1WsODQH>.

5. ESSA places a renewed focus on the issue of resource equity, including access to school personnel. All students must have access to effective teachers and school administrators. However, it is equally important that students have access to school psychologists and other specialized instructional support personnel who provide comprehensive learning

supports and can facilitate coordination and collaboration with community providers for students with the most significant needs. Unfortunately, these personnel and the services they provide are often the first to be cut during tough budget negotiations. With direction from The Department, schools would be better informed of the long-term value of SISIP and how these professionals improve school and student outcomes. Schools identified for Comprehensive Support and Improvement are required to examine resource inequities and develop a plan to address those inequities. There is well-documented evidence regarding inequitable distribution of fully certified teachers as well as significant shortages of specialized instructional support personnel. ***We ask that the Department explicitly state that staffing ratios of school psychologists and other specialized instructional support personnel and the availability of fully certified teachers and special education teachers be a required component of the identification of resource inequities for schools identified in need of comprehensive support and improvement. Since collaboration among all team members is foundational for student success, it is critical that guidance be provided to ensure all team members have ongoing opportunities in their schedule for this collaborative planning.***

Thank you for your consideration of these recommendations. NASP and our 25,000 members look forward to working with schools, LEAs, SEAs, and other stakeholders to ensure that ESSA supports the promise of a high quality public education for all children. Please do not hesitate to contact Kelly Vaillancourt Strobach (kvallancourt@naspweb.org), NASP Director of Government Relations with questions or requests.

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- Engaging School Psychologists for Student Success
- School Psychologists: Qualified Health Professionals Providing Child and Adolescent Mental and Behavioral Health Services
- Nine Elements of Effective School Community Partnerships to Address Student Mental Health, Physical Health, and Overall Wellness
- Leveraging Essential School Practices, ESSA, MTSS, and the NASP Practice Model: A Crosswalk to Help Every School and Student Succeed
- Informed Written Consent Examples