



NATIONAL ASSOCIATION OF  
**School Psychologists**

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Honorable Virginia Foxx, Chair  
House Committee Education and the Workforce

Honorable Bobby Scott, Ranking Member  
House Committee Education and the Workforce

**Re: American Education in Crisis**

On behalf of the members of the National Association of School Psychologists (NASP), we appreciate the House Committee on Education and the Workforce's commitment to improving our public education system and are pleased to provide this statement for the record. NASP represents over 24,000 school psychologists who work with students, families, educators, administrators, and communities to ensure all our students have the supports they need to be successful at school and in life. School psychologists support student's academic, social emotional, and mental and behavioral health needs through consultation with educators and families, and direct services to students.

We appreciate the opportunity to submit expert testimony to this hearing entitled "American Education in Crisis." Indeed, our public education system is in crisis—a crisis exacerbated by a significant shortage of school psychologists and other school mental health professionals. This workforce shortage significantly limits access to comprehensive school mental and behavioral health services and impedes schools' ability to identify and intervene when students may be at risk of harm to themselves or others.

American education is in crisis as a result of continued gun violence. For the first time, firearms are now the leading cause of death for children under the age of 19.<sup>1</sup> Since 1999, more than 330,000 students have been exposed to gun violence at school<sup>2</sup>, and the number of gun related incidents on school campus' reached unprecedented numbers in 2022<sup>3</sup>. There have been six school shootings resulting in injury or death so far this year<sup>4</sup>, and this number does not include the many instances of school lockdowns because of an armed intruder that takes time away from instruction and, for some students and staff, causes a trauma reaction.

American education is in crisis due to overreliance on exclusionary discipline practices, that rely on consequences that keep students away from instruction. During the 2017-2018 school year, more than 2.5 million students received out-of-school suspension resulting in 11,205,797 days of school missed. 101,652 students were expelled from schools, in many cases effectively ending their academic careers.<sup>5</sup>

American education is in crisis because of continued attacks against LGBTQ+ students and other minoritized populations, as well as ongoing efforts to censor educators, which creates a hostile school climate and prevents our young people from exploring important concepts. American education is in crisis as students of color and children with disabilities continue to lag behind their peers in reading and math while efforts to improve equitable outcomes for all students are under attack.

We agree that American education is in crisis, and it is imperative that Congress and the federal government promote policy and support investments that ensure that every student has access to a high-quality public education in an

<sup>1</sup> Goldstick, J. E., Cunningham, R. M., & Carter, P. M. (2022). Current Causes of Death in Children and Adolescents in the United States. *New England Journal of Medicine*, 386, 1955–1956. <https://www.nejm.org/doi/full/10.1056/NEJMc2201761>

<sup>2</sup> <https://www.washingtonpost.com/graphics/2018/local/school-shootings-database/>

<sup>3</sup> <https://www.k12dive.com/news/2022-worst-year-for-school-shootings/639313/>

<sup>4</sup> <https://www.edweek.org/leadership/school-shootings-this-year-how-many-and-where/2023/01>

<sup>5</sup> U.S. Department of Education, Office for Civil Rights, 2017-18 Civil Rights Data Collection, released October 2020, updated May 2021, available at <https://ocrdata.ed.gov>. Retrieved from: [https://ocrdata.ed.gov/assets/downloads/Suspensions\\_and\\_Expulsion\\_Part2.pdf](https://ocrdata.ed.gov/assets/downloads/Suspensions_and_Expulsion_Part2.pdf)

environment in which they can thrive. Congress must ensure that our public education system and the individual schools within it: provide access to an inclusive and uncensored curricula; uphold the civil rights of all students; addresses school safety in a comprehensive and balanced manner; provide comprehensive school mental and behavioral health services; and fosters true parent engagement in which the voices of all families are valued.

### **Equitable Access to an Inclusive and Uncensored Public Education**

NASP asserts that all students have the right to a safe and affirming educational environment. This includes the freedom to express identities, the availability of robust mental and behavioral health services and social–emotional learning programming, and access to a well-rounded, uncensored public education curriculum that includes positive representation of minoritized populations and inclusive sexuality education<sup>6</sup>. Equity in our schools requires meeting the unique needs of each student to support achievement of similar outcomes; culturally responsive practices; acknowledging and honoring the perspectives of marginalized groups; and the meaningful representation of marginalized identities and family structures in all educational materials.

Schools have long explored complicated, and at times controversial, topics in developmentally appropriate ways. Understanding the perspective of others is foundational to the learning process. Building this skill in the school setting is not intended to replace or undermine parents’ role in their children’s learning and development. Rather it seeks to equip students with the information and ability to understand and thoughtfully examine the facts that shape the world. Students who do not learn about these topics in a school setting may seek information, not from their parents, but from peers, social media, and other sources, potentially accessing misinformation and missing out on adult facilitated conversation about these complex issues. It is imperative that we empower teachers to provide an honest and accurate assessment of history, establish learning environments that facilitate critical thinking and respectful dialogue about these issues, and help students understand diverse perspectives and respect identities of their peers. Integrated and nondiscriminatory educational settings are associated with positive educational, social, and cognitive outcomes for *all* students, as well as long-term educational, economic, and civic outcomes<sup>7</sup>.

Censorship has no place in our education system. We urge you to reject any proposal that seeks to limit classroom discussion or erase groups of people from curricula, instructional materials, and books.

### **Upholding Student Civil Rights**

Positive educational and social outcomes for all children and youth are possible only in a society—and schools within it—that guarantees equitable treatment to all people, regardless of race, class, culture, language, gender, gender identity, religion, sexual orientation, nationality, citizenship, ability, and other dimensions of difference. Unfortunately, discrimination continues to exist in our schools and communities.

### ***LGBTQ+ Youth***

NASP, and the courts, believe that the civil rights of transgender students are protected as part of U.S. public schools’ obligations under Title IX of the Education Amendments of 1972. This includes honoring a person’s right to express gender identity, and the right to modify gender expression when necessary for individual well-being, and to have their gender identify affirmed and acknowledged, and the right to explore and question their gender identity.

Like all children and youth, LGBTQ+ students need and deserve physical and psychological safety in all settings, including home, family, and school for their psychosocial and academic development, and acceptance as their authentic selves by others (e.g., respecting and honoring pronouns as a proxy for gender identity validation). As school psychologists we understand the importance of parent and family engagement and are ethically required to ensure that parents are afforded the opportunity to meaningfully participate in important decisions affecting their own

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<sup>6</sup> National Association of School Psychologists. (2021). Comprehensive and inclusive sexuality education [Position Statement].

<sup>7</sup> See: Kirwan Institute. (2009). The benefits of racial and economic integration in our education system: Why this matters for our democracy. Retrieved from [http://www.kirwaninstitute.osu.edu/reports/2009/02\\_2009\\_EducationIntegrationBenefitsReport.pdf](http://www.kirwaninstitute.osu.edu/reports/2009/02_2009_EducationIntegrationBenefitsReport.pdf) and Wells, A. S., Fox, L., & Cordova-Cob, D. (2016). How racially diverse schools and classrooms can benefit all students. Retrieved from <https://tcf.org/content/report/how-racially-diverse-schools-andclassrooms-can-benefit-all-students/>

child, while simultaneously respecting a student’s right to privacy and confidentiality, including respecting a student’s decision to not disclose their sexual orientation or gender identity. When working with students who have disclosed that they identify as LGBTQ+, or are questioning their sexual orientation or gender identity, school psychologists can work with the student to help them plan a way to share their sexual orientation or gender identity with their family in a manner that fosters acceptance and promotes their well-being.

Unfortunately, there is an unprecedented attack on the rights of LGBTQ+ children and youth. More anti-LGBTQ+ bills were introduced, and passed, in 2022 than ever before.<sup>8</sup> More than 80 anti-LGBTQ+ bills have been introduced in 2023. These proposals would prevent transgender students from participating on sports teams that match their gender identity, restrict access to bathroom facilities, prevent teachers from using their students’ pronouns, require educators to “out” students without their permission, restrict access to gender affirming care, or eliminate any reference to LGBTQ+ issues in classroom discussion. This is tantamount to discrimination and is overtly harmful to students’ wellbeing.

Anti-LGBTQ+ discrimination is a common and harmful barrier to equal access and opportunity in K-12 learning communities.<sup>9</sup> Almost 60% of LGBTQ+ students, and more than 75% of transgender students, report experiencing harassment or discrimination in schools which leads to negative academic and socio-emotional health consequences including truancy, drop-out, reduced grade attainment, depressed mood, anxiety, school phobia, self-injury, and suicidal ideation.<sup>10</sup> Efforts to erase, censor, and withhold evidence-based supports from LGBTQ+ youth, as well as students with LGBTQ+ family members have done tremendous harm and must be condemned. There is a wealth of evidence demonstrating that the inclusion and positive representation of LGBTQ+ persons in classroom instruction and respecting and acknowledging students’ gender identity or sexual orientation prevents suicide and other devastating outcomes for LGBTQ+ youth. Further, there is no credible evidence that having honest and affirming conversations about all identities will predispose youth to adopt an identity or orientation other than their own.

We remain hopeful that the forthcoming Title IX regulations will clearly articulate schools’ obligations to support LGBTQ+ youth, and Congress must promote and enforce equitable and inclusive policies to improve the mental and behavioral health of all students rather than actively advancing policies that contribute to hostile school climates and harmful outcomes for students.

### ***Disproportionality in Discipline***

Continued inappropriate use of and overreliance on exclusionary discipline practices (e.g., suspension and expulsion) undermines educational equity and disproportionately harms minoritized populations and denies their right to a public education. Data from the Civil Rights Data Collection (CRDC) reveals that Black girls and boys disproportionately received suspensions and expulsions.<sup>11</sup> Boys with disabilities served under IDEA and Section 504 were disproportionately represented in student discipline, receiving suspensions and expulsions that were greater than their share of total enrollment.<sup>12</sup> Despite their widespread use, punitive approaches to discipline do not improve student behavior or school safety. Policies that focus primarily on punishing negative behavior can decrease academic achievement and student perception of safety while also increasing rates of dropout, problem behaviors, and involvement in the criminal justice system.<sup>13</sup> This harm is compounded by the inappropriate use of school police in discipline. The majority of schools do not have a clear and explicit policy regarding school police’s role in school

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<sup>8</sup> <https://www.hrc.org/press-releases/human-rights-campaign-foundation-state-equality-index-91-of-anti-lgbtq-bills-in-2022-failed-to-become-law>

<sup>9</sup> Joseph G. Kosciw, Caitlin M. Clark, Nhan L. Truong, and Adrian D. Zongrone, *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s Schools* (New York: GLSEN, 2020), 49 – 51, <https://www.glsen.org/research/2019-national-school-climate-survey>.

<sup>10</sup> The Trevor Project. 2022 National Survey on LGBTQ Youth Mental Health. [https://www.thetrevorproject.org/survey-2022/assets/static/trvor01\\_2022survey\\_final.pdf](https://www.thetrevorproject.org/survey-2022/assets/static/trvor01_2022survey_final.pdf)

<sup>11</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/suspensions-and-expulsion-part-2.pdf>

<sup>12</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/discipline-of-students-with-disabilities-part-3.pdf>

<sup>13</sup> See: American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools?: An evidentiary review and recommendations. *The American Psychologist*, 63(9), 852–862; Monahan, K. D., VanDerhei, S., Bechtold, J., & Cauffman, E. (2014). From the school yard to the squad car: School discipline, truancy, and arrest. *Journal of Youth and Adolescence*, 43, 1110–1122.

discipline.<sup>14</sup> Further, as school police presence increases, exclusionary discipline goes up more for Black and Latinx as compared to White students.<sup>15</sup>

We urge Congress to prioritize efforts to advance positive, non-exclusionary, and effective discipline practices (e.g., PBIS, restorative justice) that prohibit the involvement of school police in disciplinary matters, reduce discrimination and promote equity<sup>16</sup>.

### **Improving Parent Engagement**

NASP and school psychologists actively promote partnerships between families and educators, working together as active, equal partners who share responsibility for the learning and success of all students. School psychologists work with school leaders to create equitable and accessible systems in which the diverse perspectives of all families are actively sought out, acknowledged, and valued. NASP supports efforts to increase transparency and access to information about school curricula. In fact, parents and families already have the right to review educational materials. We believe that it is critical that parents and families know what is happening in their child's classroom so that they may engage with their children about what they are learning, and even offer differing viewpoints and helping their children think critically.

Unfortunately, a tremendous amount of state and federal policy, often referred to as a 'Parent's Bill of Rights' prioritizes the voices and perspectives of a small subset of families, causing tremendous harm to all students, but especially minoritized populations. NASP supports the right of parents and families to voice support for or opposition to specific decisions made by school leaders. However, individual parents and families do not have the right to demand the removal of educational materials or curricula that they personally do not like. We have heard from many of our members that parents are angry and have voiced opposition to the removal of books, curricula, and other materials because it limits their child's exposure to diversity and excludes their identities from curricula. However, the voices of these families are ignored in favor of a narrow, inaccurate, and harmful ideology. Schools and districts must be empowered to make decisions based on empirical evidence and the needs of the school community, including the unique needs of specific groups of students, without fear of reprisal.

NASP would welcome the opportunity to develop a 'Parents Bill of Rights' that promotes transparency, promotes active engagement among *all* families, and fosters true collaboration and partnerships between schools, families, and educators. We urge you to reject current versions of this legislation, which stoke divisiveness and would significantly limit schools' ability to support student well-being and learning and undermines school safety efforts.

### **Supporting the Social, Emotional, Mental, and Behavioral Health of Students**

There is a mental health crisis among children and youth and schools play a critical role in supporting the mental and behavioral health of our young people. Imperative to this effort is continued action to address the shortages of school psychologists and other school employed mental health professionals (e.g., school counselors and school social workers). Comprehensive school mental health services support increased academic achievement, promote a positive school climate, reduce disciplinary incidents, reduce substance abuse and other risky behaviors, and improve overall life outcomes<sup>17</sup>. Comprehensive school mental health services promote student and educator well-being and facilitate early identification and early intervention for students who may be at risk. Comprehensive school mental health systems also foster healthy emotional development. A strong foundation of social emotional learning skills fosters resilience, equips youth with skills to address all kinds of challenges and meet their goals, and can serve as a protective

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<sup>14</sup> Diliberti, M., Jackson, M., Correa, S., & Padgett, Z. (2019). Crime, Violence, Discipline, and Safety in U.S. Public Schools: Findings From the School Survey on Crime and Safety: 2017–18 (NCES 2019-061). U.S. Department of Education, National Center for Education Statistics.

<https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2019061> Fisher, B. W., & Hennessy, E. A. (2016). School resource officers and

<sup>15</sup> Crosse, S., Gottfredson, D. C., Bauer, E. L., Tang, Z., Harmon, M. A., Hagen, C. A., & Greene, A. D. (2022). Are effects of school resource officers moderated by student race and ethnicity? *Crime & Delinquency*, 68(3), 381–408. <https://doi.org/10.1177/001128721999346>

<sup>16</sup> Additional recommendations available here National Association of School Psychologists. (2020). Framework for effective school discipline. Author. <http://www.nasponline.org/discipline-framework>

<sup>17</sup> Summary of research available National Association of School Psychologists. (2020). Mental Health and Academic Achievement [Research summary]. Bethesda, MD: Author.

factor against mental health concerns. Importantly, 87% of parents think social emotional learning is important in helping children navigate today's world.<sup>18</sup>

We are deeply concerned about the continued attack against social emotional learning and school mental health, which has resulted in many districts eliminating instruction and access to comprehensive mental health services, eliminating the use screening tools that facilitate early intervention, and relying on law enforcement to respond to students in crisis. The recent opposition to social emotional learning ignores the research base and the overwhelming bipartisan and non-partisan support for teaching and practicing these skills and contradicts explicit guidance issued by education experts and leaders for decades. These actions will continue to harm students, schools, and communities, and will undermine what progress we have made as a country to improve school safety and promote student academic success. NASP will continue to call upon Congress to support the inclusion of Social Emotional Learning programs in our schools and prepare today's youth to process their emotions in a healthy manner, enter the workforce with the social skills required for success, and effectively manage all of life's challenges.

NASP understands that parent engagement is critical to student success and school psychologists do not engage in a therapeutic intervention with students without explicit parent permission. Further, we support the existing right of parents to review curricula or specific screening tools and opt their child out of participation. However, current proposals that would require active parental consent to participate in universal early identification efforts or to even speak to a school mental health professional must be swiftly rejected. It is imperative that students be allowed to seek support from school-employed mental health providers when issues arise during the day, or a crisis occurs. For many students, schools are the one environment in which they feel safe and have relationships with trusted adults. Creating unnecessary barriers to seeking help during the school day will harm our most vulnerable students, exacerbate the current youth mental health crisis, and make schools less safe.

### **Comprehensive School Safety and Violence Prevention Efforts**

Comprehensive school safety requires a balance of physical and psychological safety.<sup>19</sup> Relying on highly restrictive physical safety measures alone, such as increasing armed security or imposing metal detectors, typically does not objectively improve school safety. In fact, such measures may cause students to feel less safe and more fearful at school, and could undermine the learning environment. In contrast, combining reasonable physical security measures (controlled entry; perimeter fencing; proper lighting; environmental design techniques) with efforts to enhance school climate more fully promotes overall school safety.

NASP acknowledges the importance of engaging with and partnering with school police in their role as first responders to emergency situations, and in specific and limited school safety activities. However, we remain concerned about the continued effort to increase the number of police in our schools. Increasing school police does not improve school safety. Furthermore, the presence of school police is associated with negative outcomes, including higher rates of exclusionary discipline of students<sup>20,21</sup>, especially Black students<sup>22</sup>, and lower academic performance of Black male students<sup>23</sup>. In addition, recent events have provided additional evidence that the presence of law enforcement on school campuses does not prevent or stop school shootings or other acts of mass violence. Given this research, NASP opposes federal funding for the purposes of increasing the number of police in schools. A much wiser and more effective investment would be efforts to increase access to comprehensive school mental and

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<sup>18</sup> McGraw Hill Education. (2021). Social and emotional learning report. <https://www.mheducation.com/news-media/press-releases/social-and-emotional-learning-survey-2021.html>

<sup>19</sup> See more details Cowan, K. C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). A framework for safe and successful schools [Brief]. Bethesda, MD: National Association of School Psychologists.

<sup>20</sup> Fisher, B. W., & Hennessy, E. A. (2016). School resource officers and exclusionary discipline in US high schools: A systematic review and meta-analysis. *Adolescent Research Review*, 1, 217–233. <https://doi.org/10.1007/s40894-015-0006-8>

<sup>21</sup> Gottfredson, D. C., Crosse, S., Tang, Z., Bauer, E. L., Harmon, M. A., Hagen, C. A., & Greene, A. D. (2020). Effects of school resource officers on school crime and responses to school crime. *Criminology & Public Policy*, 19(3), 905–940. <https://doi.org/10.1111/1745-9133.12512>

<sup>22</sup> Weisburst, E. K. (2019). Patrolling public schools: The impact of funding for school police on student discipline and Long-term education outcomes. *Journal of Policy Analysis and Management*, 38(2), 338–365. <https://doi.org/10.1002/pam.22116>

<sup>23</sup> Legewie, J., & Fagan, J. (2019). Aggressive policing and the educational performance of minority youth. *American Sociological Review*, 84(2), 220–247. <https://doi.org/10.1177/0003122419826020>

behavioral health services and the professionals who are critical members of school safety and crisis teams (including behavior threat assessment and management teams) and provide direct services to students.

Multidisciplinary behavior threat assessment and management (BTAM) teams are a key component of a comprehensive approach to school safety. NASP adamantly promotes the inclusion of school psychologists as members of these teams. BTAM is a fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations in which someone is intending to injure or kill others. When done properly, BTAM is a critical component in schools' overall ability to effectively identify and address the needs of students whose behavior raises concerns about risk of harm to others.<sup>24</sup> Additionally, as mentioned above, we must continue to expand access to comprehensive school mental health services. This is not because mental illness necessarily leads one to become violent. In fact, people with mental health challenges are more likely to be victims than perpetrators of violence. These services are important because access to mental health services is good for the healthy development and wellness of children and youth. Violence prevention is a benefit, not the goal, of comprehensive school mental health services and must be combined with other efforts to promote a positive school climate, implement effective discipline practices, and foster a sense of engagement and connectedness with the school community.

Our students deserve the best evidence-based services, resources, and curriculum available during their time in our nation's public schools. School psychologists will continue to do our part in providing supports to students and educators, and we will continue to hold Congress accountable for policy and investment necessary to support equitable public education systems that address the myriad needs of students and families, uphold the civil rights of all students, and fosters a safe, supportive, and inclusive school climate for every student.

Thank you for your consideration of this expert testimony. Please contact NASP Director of Policy and Advocacy, Dr. Kelly Vaillancourt Strobach ([kvaillancourt@naspweb.org](mailto:kvaillancourt@naspweb.org)) with any questions.

Sincerely,



Kathleen Minke, PhD, NCSP  
Executive Director

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<sup>24</sup> Additional details available NASP School Safety and Crisis Response Committee. (2020). *Behavior threat assessment and management: Best practice considerations for K-12 schools, Brief Overview*. National Association of School Psychologists.