



NATIONAL ASSOCIATION OF  
**School Psychologists**

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March 20, 2020

Re: COVID-19 Response

Dear Congressional Leaders,

On behalf of the National Association of School Psychologists (NASP), I would like to offer the following recommendations to be considered as the Congress works on a third package of COVID-19 supports that addresses education. The National Association of School Psychologists represents 25,000 school psychologists who work with students, parents, teachers, administrators, and communities to create safe and supportive school environments that promote student learning, well-being, and safety. School psychologists provide direct support and interventions to students; consult with teachers, families, and personnel to improve support strategies; and work with school administrators to address the academic, social-emotional, and mental and behavioral health needs of *all* students. Currently, our nation is experiencing an unprecedented challenge, and we want to ensure that all students get the supports they need to continue their education to the extent possible outside of the school building while protecting the civil rights of students outlined in the Individuals with Disabilities Education Act (IDEA).

The health and safety our communities must come first, and during this unprecedented time, schools, LEAs, and SEAs are rightly focused on protecting public health. With this in mind, Congress can, and should, allow for some targeted flexibility in legal requirements to allow for creative problem solving and implementation of innovative solutions that ensure ALL of our nation's students have access to learning opportunities while schools remained closed. Equity must be at the forefront of any administrative or legislative action to advance student learning in this environment.

The U.S. Department of Education (ED) has issued guidance in this regard on several issues, including the potential for targeted waivers from specific accountability and assessment requirements of the Every Student Succeeds Act (ESSA), as well as guidance on special education and civil rights protections. We support state and local leaders as they consider the unique needs of their communities as they respond to COVID-19 and work to develop appropriate learning opportunities for their students, including how to access mental and behavioral health services while schools are closed. However, we do not support a blanket waiver of state and local responsibilities outlined under ESSA or IDEA protections for students with disabilities. Waivers of specific requirements must be made on a case by case basis, be targeted, and time-limited. For example, we support a "pause" of special education evaluation timelines until schools are back in session. Some evaluation components cannot be completed in a valid and reliable manner when using a virtual platform. It would be inappropriate to expect LEAs and SEAs to adhere to timelines, when doing so would require face to face meetings among students and staff, and could jeopardize their health. Any issued waivers should provide flexibility but must not absolve SEAs and LEAs of their responsibilities to students with disabilities. Service delivery for students may look different than it would under normal circumstances; states and districts should be encouraged to create solutions that will help students make progress toward the goals and objectives outlined in a their IEPs.

To help promote equitable access to the curriculum, comprehensive learning supports, including mental and behavioral health services, it is imperative that Congress provide additional and substantial funding for SEAs and LEAs. Many systems lack the infrastructure to comprehensively and equitably support student learning in a digital environment currently, and we call on Congress to provide states with the necessary funding so that we may minimize the impact that COVID-19 has on student learning.

Thank you for your attention to the urgent matter. We are happy to speak further about how Congress can help states and local school districts best support their students during this pandemic. If you have any questions, please don't hesitate to reach out to Kelly Vaillancourt Strobach, NASP Director of Policy and Advocacy ([kvaillancourt@naspweb.org](mailto:kvaillancourt@naspweb.org)).

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Minke".

Kathleen Minke, PhD, NCSP  
Executive Director