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To: House Education Committee Members
Senate Education Committee Members
Via E-mail

From: Jenna Mehnert, Executive Director
National Association of Social Workers, PA Chapter

Date: October 24, 2007

Re: Comments on 22 Pa Code Chapter 14 Proposed Regulations

Recently, your committees and IRRC reviewed 22 Pa Code Chapter 14: Special Education Services and Programs proposed by the State Board of Education. The National Association of Social Workers, PA Chapter would like to bring your attention to the following problematic issues in the proposed regulations.

Section 14.133, Behavioral Supports, speaks to the techniques that can or cannot be used by districts and schools in dealing with children with disabilities. Current language is heavily weighted to restraint topics and does not adequately address the provision of positive interventions. Language is absent in providing guidance to school districts in order to meet their responsibility the screen, identify, and provide services to students presenting behaviors that impede learning. Also, not addressed is the way in which school districts use interagency collaborations to meet the needs of children with emotional supports. The present and proposed language in Chapter 14 does not address the mental health and behavioral health needs of students with disabilities.

NASW-PA would like to see mental health/behavioral health needs addressed in Chapter 14 in a more comprehensive way. Ideally, an outline of what a school district's behavioral or mental health responsibilities are or a list of services that could be provided.

This would best be addressed by expanding the definition of "emotional support" from what is currently contained in Chapter 14 proposed regulations. The current definition lacks clarity with regard to what services should be provided to students with mental health needs. Definitions for Blind-Visually Impaired Support and Deaf and Hard of Hearing contain what services can and should be provided to students if they are vision or hearing impaired. We would suggest the same services be outlined in the definition of "emotional support".

Often, students identified with emotional needs or a mental health diagnosis are not appropriately served in their home school district. School districts do not have adequate personnel on staff to

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provide services to this population. Many times students are served in alternate settings due to lack of staff and adequate services to meet mental health and behavioral health needs. Having the services of a licensed social worker available to school districts would greatly improve the quality of services provided to students with unmet needs.

Additionally, the proposed regulations in Chapter 14 do not mention the responsibility of school districts, intermediate units and inpatient/outpatient facilities to provide appropriate educational services to patients/students. The Department of Public Welfare and Department of Education were working on this issue to ensure that students entering treatment facilities were receiving educational services, especially the students with IEPs.

NASW-PA would encourage the State Board of Education and the legislative committees to consider these issues as the board revises the regulations and issues final form regulations in the near future.

Cc: Independent Regulatory Review Commission
Pennsylvania State Board of Education
Via e-mail