



Illinois State Board of Education

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Dr. Janet Steiner
Chair

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Dr. Robert E. Schiller
State Superintendent of Education

MEMORANDUM

TO: District Superintendents
Directors of Special Education Cooperatives and Entities
Parent Training Information Centers
Interested Organizations and Individuals

FROM: Christopher Koch, Ed.D.
State Director of Special Education
Department of Special Education *Christopher Koch*

DATE: March 18, 2004

RE: Compliance with state and federal regulations regarding psychological counseling and mental health services

The purpose of this memorandum is to provide guidance to school districts to ensure that children with behavioral or emotional disabilities (ED) are receiving all of the related services that they need, including psychological counseling services, as part of a free appropriate public education in the least restrictive environment. This guidance is provided as part of the Illinois State Board of Education's (ISBE) approved Continuous Improvement Plan under Part B of the Individuals with Disabilities Education Act (IDEA), in compliance with mandates of the United States Department of Education, Office of Special Education Programs (OSEP).

Each school district in Illinois must review, and update if necessary, its current special education policies and procedures to ensure that a system of comprehensive programming for students with emotional and behavioral disabilities and suspected emotional and behavioral disabilities includes a full continuum of placement options, supplementary services and related services, such as psychological counseling. These policies and procedures must address all legal obligations required by the Individuals with Disabilities Education Act (IDEA) to provide a Free Appropriate Public Education (34 CFR 300.121, 300.122, 300.300, 300.301) [<http://www.gpoaccess.gov/fr/retrieve.html>, 1999, 12406] and the implementing regulations and the School Code of Illinois and implementing state regulations 23 Illinois Administrative Code (IAC) 226.50, 226.300, 226.760 [<http://www.legis.state.il.us/commission/jcar/admincode/023/02300226sections.html>]. Future monitoring by ISBE special education services will be verifying that such policies and procedures are in place.

Comparison Data on Placement of Students with ED

Children may exhibit emotional or behavioral problems for many reasons, including developmental or environmental stressors, and the presence of other disorders. Emotional and behavioral disorders can interfere with learning processes and social skills acquisition and can negatively impact vocational, career and transition goals. It is essential that early identification and intervention for students with emotional and/or behavioral problems take place in the schools. It has also been recognized that students identified as eligible for special education and related services because they have an emotional and/or behavioral disability are frequently programmed into more restrictive settings and generally are underserved in the schools.

Number and Placements of Illinois Students (Ages 6-21) with Emotional Disturbance (2002 Data)

Removed 60% or more of School Day	10146
Public Separate Facility	5066
Private Separate Facility	3721
Private Residential	291
Homebound Instruction	66
Public Residential	11
Removed Less Than 60% of School Day	11007

A total of 64% of all students with emotional disabilities were removed from Illinois general education classrooms more than 60% of the school day while nationally, a total of 50.81% of students were removed from general education classrooms more than 60% of the school day. This demonstrates that Illinois places students with emotional disabilities at a rate of approximately 13% higher than the national aggregate rate.

Number and Placements of Students (50 States, D.C., and P.R. Ages 6-21) with Emotional Disturbance During the 1999-2000 School Year

Removed 60% or more of School Day	152839
Public Separate Facility	35020
Private Separate Facility	25676
Private Residential	9158
Homebound Instruction	7036
Public Residential	7002
Removed Less Than 60% of School Day	229252

Note: National data came from *Twenty-Fourth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*. Data based on the December 1, 1999 count, updated as of August 30, 2001. U.S. Department of Education, office of Special Education, Office of Special Education programs, Data Analysis System (DANS).

Criteria for Determining ED Eligibility

While not the only criteria for determining eligibility for ED, some key points to understand about emotional disorders and the responsibility of school districts to identify and provide for the mental health needs of students with disabilities are:

- ❖ ED is a condition in which the behavioral or emotional responses of an individual in school are so different from his/her generally accepted, age appropriate, ethnic or cultural norms that they adversely affect performance in such areas as self-care, social relationships, personal adjustment, academic progress, classroom behavior, or work adjustment.
- ❖ ED and other disabilities that affect behavior, are more than transient, expected responses to stressors in the child's environment and would persist even with individualized interventions, such as feedback to the individual, consultation with parents or families, and /or modification of the educational environment.
- ❖ The eligibility decision for ED and other disabilities must be based on multiple sources of data about the individual's behavioral or emotional functioning. The characteristics of these disabilities are exhibited over an extended period of time and to a marked degree that adversely affects a child's educational performance. ED frequently co-exists with other disabilities and conditions and may include children or youth with schizophrenia, affective disorders, anxiety disorders, or who have other sustained maladaptive behaviors, attention problems, or adjustment to the school environment.
- ❖ ED and other emotional and behavioral problems, such as ADHD, exist along various continuums of intensity, duration, and frequency of occurrence. The type and amount of related services and supports being provided should correlate with the intensity of the problem.

Placement/Services for Students with ED

When determining the appropriate placement of a child, the first placement considered must be the age-appropriate general education classroom a child would attend if not disabled, with the provision of the necessary special education and related services, supplementary aids and services, and program modification or supports for school personnel, in accordance with the child's individual needs. Placement decisions cannot be based solely on a child's disability category.

Children and youth with these disorders should receive comprehensive assessments and intervention services in collaboration with the family and any involved community or agency professionals. Service providers must also be sensitive to the diverse cultural backgrounds and unique perspectives of the students and families being served.

Comprehensive program requirements include the provision of related services by qualified school personnel, at no cost to the parents, consistent with IAC 226.700 d (4) [<http://www.legis.state.il.us/commission/jcar/admincode/023/02300226sections.html>]. School psychologists have been trained to provide direct counseling and indirect interventions through consultation for students with disabilities and suspected disabilities who experience mental health problems that impair learning and/or socialization. The school psychologist, in collaboration with other school service personnel, such as the school social worker and school counselor, develops appropriate behavioral, affective, adaptive, social, and career goals for students; implements interventions to achieve those goals; and evaluates the effectiveness of interventions. Such interventions include, but are not limited to, consultation, behavioral assessment/intervention, and individual and group counseling.

In order to become compliant with IDEA regulations that address the provision of related services to students with disabilities, school districts must develop practices and provide the resources to ensure that if a child needs psychological counseling as a related service, the individualized education program (IEP) team includes that service on the child's IEP and the service is provided (34 CFR §300.24).

[<http://www.gpoaccess.gov/fr/retrieve.html>]

Counseling services mean services provided by certified school psychologists, school social workers, or school counselors. Counseling services can include working with the child individually or in groups in order to improve social and school adjustment; social skills training to help eliminate deficits in the acquisition or execution of social skills; crisis prevention and intervention; as well as career, vocational, and transition planning. Counseling services also include assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP (34 CFR §300.24).

The development of a school based comprehensive program to address the social, emotional, and behavioral needs of students with behavioral or emotional disabilities is required to help these students achieve overall school success. These programs and services should emphasize prevention and early intervention, in addition to providing school-based individual, group, and crisis intervention by the certified student support personnel (e.g., school psychologists, school social workers, and school counselors). If restraints of time, training or expertise prevent the use of school personnel for provision of needed psychological and counseling services, it is expected that districts will arrange for outside services to meet individual student needs. Such arrangements may include agreements with community health providers, arranging for school locations and schedules to facilitate provision of services, or contracting with private providers (e.g., counseling centers, psychologists).

A comprehensive program for students with emotional and behavioral disorders includes the development of individual behavioral intervention plans when appropriate.

The IEP team should consider the need for positive behavioral interventions, strategies and supports to address any behavior that may impede the learning of the child with the disability or the learning of his or her peers. The provision of psychological, social work or counseling services would all be appropriate supports for inclusion in a student's behavioral intervention plan, in accordance with 23 IAC 226.220. [<http://www.legis.state.il.us/commission/jcar/admincode/023/02300226sections.html>]

Many resources are available to provide assistance and support to school districts and families of students with emotional and behavioral disorders. A listing of those resources follow:

Illinois State Board of Education and Interagency Resources

EBD/PBIS Network

Website: <http://www.ebdnetwork-il.org/>

Phone: 708-482-4860

The Department of Human Resources, Specialized Programs for Children and Adolescents Offers Screening, Assessment and Support Services (SASS) 24 hours a day, every day to screening, crisis intervention and assessment services

Website: <http://www.dhs.state.il.us/mhdd/mh/Services/ChildrenAdolescents.asp>

Phone: 1 800-843-6154

Community Residential Service Authority (CRSA)

An interagency group created by the State Legislature in 1985. The CRSA is responsible for identifying and addressing barriers facing parents, professionals and providers when trying to obtain needed services for individuals with a behavior disorder or severe emotional disturbance and their family.

Website: <http://www.systemofcareillinois.com/CRSA.htm>

Phone: Toll free: 877-541-2772

Additional Resources

Center for School Mental Health Assistance

The Center provides leadership and guidance to programs and individuals involved in advancing school-based mental health programs. Consultation is provided remotely or on-site by staff with significant and current experience as providers in schools.

Website: <http://csmha.umaryland.edu>

Phone: 1-888-706-0980

Children and Adults with Attention Deficit Disorder (CHADD)

Website: <http://chadd.org>

Phone: 1-800-233-4050

OSEP Technical Assistance Centers on Positive Behavioral Interventions and Supports

<http://www.pbis.org/english/default.htm>

Thank you for your continued efforts to improve services and outcomes for students with disabilities in Illinois. Should you have questions or wish to seek further resources please contact James Gunnell at 217/782-5589.