



School Social Work Association of America
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August 22, 2017

Hilary Malawer, Assistant General Counsel
Regulatory Services Div., Office of General Counsel
U.S. Department of Education
400 Maryland Avenue, SW, Room 6E231
Washington, DC 20202

Docket ID: ED-2017-OS-0074

Dear Ms. Malawer:

The School Social Work Association of America (SSWAA) appreciates the opportunity to submit comments regarding the current status of education regulations, including possible repeal, replacement, or modification. SSWAA promotes the profession of school social work to enhance social-emotional growth and positive mental health, behavioral, and academic outcomes of all students. We support school social work as a valued, integral part of the education of all children, connecting schools, families and communities.

School social workers are conversant with and work under most federal laws governing elementary and secondary education. We are particularly interested in regulations implementing the Individuals with Disabilities Education Act (IDEA) and the Every Student Succeeds Act (ESSA). We focus on the impact of the laws and accompanying regulations on students' ability to access and receive school-based mental health services from qualified school-employed mental health professionals, including school social workers, to ensure academic success for all students. We also work through those laws to ensure a positive school learning environment for all students.

Generally seen as a civil rights statute, the IDEA ensures a free appropriate public education (FAPE) in the least restrictive environment (LRE) for all eligible children and youth with disabilities. It is a complex education law, and the accompanying regulations are comprehensive and closely aligned with the statutory language. The law gives families the right to participate in the development of an individualized education program (IEP) and due process rights to enforce FAPE, LRE, and other critical provisions of the law. Strong implementation of the IDEA, based on both the statute *and* the regulations, has been critical in helping students with disabilities, including those with mental health needs, advance academically and in providing their families full partnership in educational decisions for their children.

A broad array of stakeholders provided extensive comments to and engaged intensively with the Department of Education on the current IDEA regulations. The Department issued regulations that mirror the law in many instances and clarify certain statutory provisions to assist school districts in implementing the law fairly and appropriately. These regulations also help families understand what services and

supports are available to their children and how they can be accessed. *SSWAA believes any changes to these regulations – repeal, replacement, or modification – should not be undertaken without considering the full context of the law. Therefore, SSWAA does not support changing current IDEA regulations in any manner at this time.*

In addition, school social workers are part of the Every Student Succeeds Act (ESSA) as school-based mental health providers, working closely with the four designated student subgroups and their families. We have already seen the repeal of accountability regulations promulgated shortly after the law was passed before these regulations were allowed to go into effect. School districts need clarity and stability as they move forward to implement this new law fully in the next school year. Any further changes at this time will affect longstanding plans by states to effectively transition to ESSA. Therefore, *SSWAA recommends no further changes to ESSA regulations at this time.*

SSWAA would be pleased to serve as a resource to the Department regarding issues related to school mental health and positive school climate. As you move forward, please feel free to contact Myrna Mandlawitz, SSWAA Director of Government Relations, mrmassociates@verizon.net, to assist you with this and other Department activities.

Thank you for your careful consideration of these comments.

Sincerely,



Rebecca Oliver
Executive Director