



## Position Statement



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### The Appropriateness of Educational Teams Using Conditions and/or Diagnoses Identified by School Psychologists

#### Introduction

In New Hampshire, educational teams often need an identified condition or diagnosis as part of the process of determining whether a student is eligible for educational services under either special education or Section 504. When a student is referred for special education services, the IEP team will meet to consider the referral and, if appropriate, formulate an evaluation plan. Once completed, those evaluations are used by the IEP team to determine whether the student qualifies for special education. In order to find a student eligible for special education, the IEP team must find: (1) that the student has a disability listed in the state or federal special education laws; and (2) that, as a result of this disability, the student needs specially designed instruction. 20 U.S.C. 1401(3)(A); RSA 186-C:2, I.

Similarly, when determining whether a student qualifies as an “individual with a disability” entitled to the protections of Section 504 of the Rehabilitation Act of 1973, a school district must determine whether the student “has a physical or mental impairment” that “substantially limits one or more major life activities.” 34 C.F.R. 104.1(j)(1). This determination also typically requires evaluations.

The process of determining eligibility under the special education laws or Section 504 may require the team to consider whether one of these evaluations establishes that the student is presenting with a relevant condition and/or diagnosis.

It is the position of the New Hampshire Association of School Psychologists (NHASP) and the New Hampshire Association of Special Education Administrators (NHASEA) that educational teams are able to use a condition and/or diagnosis identified by a school psychologist, or other professional acting in this role, when one is required as part of the process of identifying certain disabilities under the special education laws or Section 504. Example areas of eligibility where this could apply include: Autism; Emotional Disturbance; Specific Learning Disability; and Other Health Impairment for certain conditions, such as ADHD.

It is also the position of NHASP and NHASEA that any qualified professional as defined under the New Hampshire Board of Education’s special education rules (Ed 1107.04(b), Table 1100.1) can potentially be the one who identifies a relevant diagnosis and/or condition. The only restriction is the professional competence and scope of practice of the individual evaluator. For example, while the diagnosis of an Autism Spectrum Disorder could potentially be provided by a school psychologist, licensed psychologist, or physician, that person should only make the diagnosis if they feel they meet the ethical requirements of competence to do so.



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## Statement of the Problem

The federal and New Hampshire special education laws carefully define the process for determining whether a student is eligible for special education. While it is the duty of a school-based IEP team, and not one individual, to determine whether a student meets eligibility criteria for special education, some information and evaluations must be obtained from specific types of professionals (NH Ed 1107.05(b), Table 1100.1). The problem addressed by this position statement is the practice of some educational teams in New Hampshire to not consider a condition and/or diagnosis identified or ruled out by a school psychologist as part of the eligibility process. Commonly, members of educational teams who take this position state that the condition and/or diagnosis must be identified or ruled out through the health evaluation and that school psychologists are not qualified to provide the health evaluation.

Only accepting diagnoses and/or conditions identified by the professional providing the health evaluation is a mistake. Clarification of the role of the health evaluation was provided by the US Department of Education's Office of Special Education and Rehabilitative Services at least as early as 1994 (OSERS Letter to Williams, 1994) and the NH Department of Education in 2009 (NH Department of Education Bureau of Special Education FY '10 Memo 20). While it is true that a school psychologist cannot provide the health evaluation, there is no educational law or regulation that states the diagnosis and/or condition must be identified through the health evaluation, or any other specific evaluation area listed in NH Ed 1107.04(b) Table 1100.1.

This misunderstanding that a diagnosis can only be provided by a health professional comes at a cost to children and families. When educational teams require a diagnosis and/or condition to be identified through the health evaluation, or by another outside professional, this can lead to the inappropriate denial or delay of educational services. It also can lead the student's family to incur the cost of additional evaluations, which may be a violation of the requirement to provide a Free Appropriate Public Education. Finally, without a clear diagnostic understanding of their child's needs, some families may have more difficulty accessing community-based services.

## Recommendations for Practice

Several recommendations for practice by school teams are offered in support of this position statement. These recommendations seek to provide a starting point for school teams to reconsider their current practices and develop new systems and supports.

- The primary recommendation of this position paper is that an educational team should consider diagnoses and/or conditions identified or ruled out by school psychologists in their written and submitted reports of evaluations they completed when such evaluations are required for the determination of eligibility under the special education laws or Section 504.



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- Note, nothing in this paper is meant to state that school psychologists should have the authority to unilaterally determine whether a child qualifies for a special education category or as disabled under Section 504.
- Having a condition and/or diagnosis identified by a school psychologist does not remove the requirement for educational teams to provide a health evaluation for some areas of eligibility as listed in NH Ed 1107.04(b), Table 1100.1. Importantly, a school psychologist, licensed psychologist, or other similar provider cannot provide a health evaluation. Only the professionals identified in NH Ed 1107.04(b), Table 1100.1 can provide the health evaluation.
  - Additionally, students should never be denied consideration for special education eligibility because their family has not provided documentation requested by a school team, such as a diagnosis from a medical doctor at the family's expense. When a health evaluation is required, the school district is ultimately responsible for ensuring one is done, which may include arranging and paying for one.
- No single professional should be considered competent to identify all types of diagnoses and/or conditions. School administrators should support team members who feel that additional evaluations and/or evaluators are needed to accurately identify or rule out the relevant diagnosis and/or condition for a student as this practice falls in line with standards of professional ethics.
  - The evaluating school psychologist should have the responsibility, and be allowed, to determine if they have the training and professional competence to appropriately identify a diagnosis and/or condition. Access to professional development activities and peer support targeting the process of identifying specific conditions and/or diagnoses is a critical part of this work. When any professional identifies a specific condition and/or a diagnosis through the process of an evaluation, there is a high expectation of professionalism and competence. School psychologists responsible for these evaluations should be allowed and encouraged to pursue professional development, consultation, collaboration, and supervision regarding identifying diagnoses and/or conditions.
  - The process of formulating accurate conditions and/or diagnoses often requires a comprehensive evaluation that considers the student's health, developmental history, functioning at home, functioning in the community, and functioning in the classroom, in addition to performance on any specific evaluation tools administered by the professional. School psychologists are well prepared to



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provide appropriately comprehensive evaluations, and school administrators should ensure sufficient time and resources are available to school psychologists tasked with identifying conditions and/or diagnoses.

### Definitions

In this document, the terms “condition” and “diagnosis” are considered equivalent and they are both considered different than the terms “educational category” or “identification.” These latter terms refer to the 14 categories that have been defined by the IDEA and New Hampshire law as specific areas of eligibility for special education. The terms “condition” and “diagnosis” are used in education statutes, rules, and regulations, but are not defined specifically. It is the position of NHASP and NHASEA that these terms are equivalent regarding their roles in the educational decision-making process. Examples of a condition or diagnosis could include those which are described in current versions of the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), or the International Statistical Classification of Diseases and Related Disorders, 10th Edition (ICD-10), such as Attention Deficit Hyperactivity Disorder (ADHD) or Generalized Anxiety Disorder. Nothing in education law, however, requires the use of a specific diagnostic framework, such as the DSM-5 or ICD-10.

For the purposes of this position statement, the term “school psychologist” means any individual who has an active certification as a School Psychologist from the Bureau of Credentialing at the NH Department of Education. Additionally, it is the position of NHASP that NH certified associate school psychologists, NH certified school psychologists, NH licensed school psychologists, and NH licensed psychologists have an equivalent scope of practice in regards to the question of identifying conditions and/or diagnoses in the course of educational evaluations for public schools.

### Statement on the Appropriateness of School Psychologists Identifying Diagnoses and Conditions

Reference to the formulation of diagnoses by school psychologists, and other related service providers, is found in multiple locations throughout federal and state laws, as well as in position papers issued by the National Association of School Psychologists (NASP) and other organizations.

These references demonstrate that school psychologists have knowledge of a broad range of psychological, educational, and developmental conditions that impact children and families in school. They are qualified to perform comprehensive assessments, to identify conditions that impact a student’s functioning, and to develop and provide interventions for children and families. School psychologists are both legally allowed and professionally qualified to provide in their written evaluation reports a clear conclusion, formulation, or diagnosis of those conditions



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for which they are prepared and qualified to assess. Clear formulation or diagnosis by a school psychologist enables the parents, educators, and the child to understand the strengths, needs, and challenges of the child, and also provides important information if the child moves to another school, community, or setting.

Some examples include the following:

- The Every Student Succeeds Act (ESSA) of 2015 includes school psychologists among “specialized instructional support personnel” who are “involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) as part of a comprehensive program to meet student needs.” 20 U.S.C. 7801(47)(A)
- NH law defining the licensure and practice of psychology includes the act of providing a diagnosis under the definition of “school psychology services” (NH RSA 329-B:2, XII-b). Additionally, the law states, “Nothing in this chapter shall be construed to prevent the New Hampshire department of education from credentialing individuals with the title school psychologist or associate school psychologist to provide school psychological services in those settings that are under the purview of the New Hampshire department of education.” (NH RSA 329-B:28, II.)
- The New Hampshire Board of Education’s rules regarding “Comprehensive School Psychological Services” state, “The school psychologist shall provide comprehensive psychological services throughout various learning environments to help children and youth develop academic, social, behavioral, and emotional competence.” Ed 306.25(c). This includes, “Data-based decision making and accountability methods that use psycho-educational assessment results, data collection strategies, and technology resources to design and implement services and programs and to evaluate outcomes.” Ed 306.25(c)(1).
- The National Association of School Psychologists’ Professional Practice Standards state, “As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to use psychological and educational assessment, data collection strategies, and technology resources and apply results to design, implement, and evaluate response to services and programs.”



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### Conclusion

It is the position of NHASP and NHASEA that educational teams are able to use conditions and/or diagnoses provided by school psychologists when determining eligibility for special education and Section 504 services. School psychologists have the training, competence, and qualifications to diagnose or identify conditions and/or diagnoses in students through school-based evaluations. Written reports of evaluations designed to establish or rule out diagnoses and/or conditions generally will need to incorporate extensive developmental histories, input from the student's family and teachers, observations, and a variety of assessment data. As long as the individual school psychologist feels confident in the evaluation data, school teams should feel confident in using conditions and diagnoses school psychologists have identified as part of the process of determining eligibility for special education or under Section 504. There may, however, be circumstances in which inconclusive findings may warrant further evaluation and expertise.

Of note, while this position statement reflects our interpretation of current state and federal law, we recognize that not all school psychologists presently feel they are professionally prepared to identify all mental health disorders and conditions listed in current versions of the DSM or ICD. Additionally, the task of evaluation and diagnosis is only one part of the broad scope of services offered by school psychologists. NHASP recognizes the importance of ongoing professional development in the competency of diagnosis and treatment planning, and/or referral for additional consultative or diagnostic expertise.

### Notes

- Cite this position statement as: NH Association of School Psychologists & NH Association of Special Education Administrators (2020), The Appropriateness of Educational Teams Using Conditions and/or Diagnoses Identified by School Psychologists: Concord, NH.
- This document has been reviewed by the law firm of Drummond Woodsum for the purpose of confirming compliance with the IDEA, Section 504, and New Hampshire's special education laws.