

Exceptional Teachers Teaching Exceptional Children

NASET SPECIAL EDUCATOR E-JOURNAL

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Special Education Legal Alert

Perry A. Zirkel

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This month's update identifies two court decisions that address current issues, including school district mask mandates and special education teachers' lack of regular certification. For various related articles, special supplements, and earlier monthly updates, see perryzirkel.com.

On November 10, 2021 in *E.T. v. Morath*, the federal district court in Texas issued its decision, after a bench trial, in response to a suit for declaratory and injunctive relief on behalf of a group of students with disabilities, including Down syndrome, asthma, immune deficiency, and cerebral palsy. These medical conditions placed the students at increased risk of contracting, and experiencing severe symptoms from, COVID-19. Most of these students were below the applicable age for COVID-19 vaccination. Primarily on the basis of Section 504 and the Americans with Disabilities Act (ADA), they challenged the governor's executive order that prohibited government entities from mandating masks. The subsequent state education department guidance reminded school districts that they are not permitted to require students, staff, or visitors to wear masks in their facilities. The state's attorney general followed up by filing suit against school districts that violated the governor's order. In its decision, the court first ruled on the defendants' motion to dismiss the students' claims against them.

Two of the named defendants, the chief state school officer (along with his department) and the state attorney general, sought dismissal based on alleged lack of sufficient enforcement connection to the order.

The court dismissed the state education's commissioner and department because their guidance was without enforcement authority; however, the court denied dismissal of the attorney general based on his public threats and actions to enforce the order.

A second and broader basis for the defendants' dismissal motion was the students' lack of standing.	Rejecting this basis, the court concluded that the plaintiffs "allege a concrete and particularized injury that is redressable."
The next basis for the dismissal motion was the exhaustion requirement for FAPE-based claims, per <i>Fry v. Napoleon Community Schools</i> (2017).	The court also rejected this claim: "Applying the <i>Fry</i> analysis, the court finds that the gravamen of Plaintiffs' claims seek relief for disability discrimination, not for denial of a FAPE."
As to the merits of the plaintiffs' claim, the defendants argued that the executive order does not ban the plaintiff students from attending school.	Due to the unnecessarily greater health and safety risks, the court concluded that the order denied the plaintiff-students the benefits of in-person learning on an equal basis as their peers without disabilities under Section 504/ADA.
Concluding that the governor's executive order both "violates and is preempted by federal law," the court permanently enjoined the attorney general from "enforcing or giving any effect to the provisions of [the order] prohibiting school districts from requiring masks." Federal courts in other jurisdictions, including Iowa, South Carolina, and Tennessee have reached similar conclusions based on Section 504 and the ADA in motions for preliminary injunctions, and federal appellate courts will likely address this issue next.	

In its October 15, 2021 decision in *Cooper v. Hammond School District*, a federal district court in Indiana addressed the dismissal motions of (a) of a private psychologist on contract with the district and, in limited part, (b) the district. The student transferred from another state for 2019–20 (grade 10) with a move-in IEP for health and learning disabilities. The district’s IEP team promptly developed a new IEP for him. In mid-October, the student’s special education teacher went on medical leave, and the substitute for the rest of the year lacked certification in special education. In January, the parents filed for a due process hearing. They initially refused to consent to the district’s requests for reevaluation, which included the pandemic period in the last few months of the year. However, in June 2020, during the resolution period, they finally agreed. The district arranged for the private psychologist to conduct the reevaluation. According to the parents, the psychologist characterized it as an independent educational evaluation (IEE). Dissatisfied with the results, the parents proceeded with the hearing. The psychologist testified that she breached her ethical duty to notify the parents of her conflict of interest by serving as a litigation expert for the district. After a ten-session hearing that addressed six issues, the hearing officer concluded that the district denied FAPE to the student by failing to adequately determine his needs for the 2019–20 school year, not timely providing the parents with the IEP, and failing to have a licensed special education teacher for several months. However, the hearing officer did not provide the requested compensatory education. Challenging the hearing officer’s reasons for denying relief, the parents filed this appeal. The court’s decision was limited to the two above-mentioned dismissal motions.

The parents clarified that their claim against the private psychologist was under Section 504 and the ADA, not the IDEA. They pointed out that even if her firm did not receive federal financial assistance, the ADA would apply.

Assuming that the ADA applied, the court granted the private psychologist’s dismissal motion w/o prejudice based on the causation requirement; the parents failed to allege that, but for the student’s disability, she would have provided the proper notification.

<p>The district’s dismissal motion was limited to the issue of the lack of special education certification, for which the hearing officer denied compensatory education because "the Student . . . has until he is 22 years of age to receive special education and related services and ... may be entitled to receive Recovery Services due to COVID-19.”</p>	<p>The court granted this dismissal motion based on “the plain language of the IDEA” establishing that there is no “private right of action” for a district’s failure to meet the IDEA requirements for regular state licensing as a special education teacher. The court added that the hearing officer decisions that the parents cited “may be governed by different rules and remedies.”</p>
<p>The ruling regarding the private psychologist serves as a reminder of (a) the difference between ethical and legal obligations and (b) the extended coverage of the ADA and its shared requirement with Section 504 of disability-based causation. The more significant lessons of this case arise from the issue of lack of regular special education certification. The hearing officer’s reasoning, including its confusion between compensatory education as an adjudicative remedy for denial of FAPE and “compensatory services” as a district measure per federal guidance, is clearly questionable. Similarly, but only to the limited extent of different rules and remedies under the IDEA for hearing officers, the court’s reasoning is off-putting. But the key points concern the rule-of-construction language of the IDEA, which merits general and careful consideration. First, such certification violations are clearly within the jurisdiction of the IDEA’s alternate decisional dispute-resolution avenue—the state complaint procedures mechanism. Second, lack of the requisite certification can, if properly pleaded, clearly fit as one integral part of a wider FAPE claim rather than being a separate cause of action.</p>	

Buzz from the Hub

All articles below can be accessed through the following links:

<https://www.parentcenterhub.org/buzz-nov2021-issues1-2/>

<https://www.parentcenterhub.org/buzz-oct2021-issue2/>

<https://www.parentcenterhub.org/buzz-oct2021-issue1/>

<https://www.parentcenterhub.org/buzz-sept2021-issue2/>

Facing Fears, Supporting Students

(Also available in Spanish: [De vuelta a la escuela 2021](#))

This back-to-school toolkit comes from Mental Health America (MHA) and aims to help students, parents, and school personnel recognize how feeling unsafe can impact mental health and school performance, and what can be done to help young people who are struggling with their mental health.

Updated CDC Guidance for Operating Early Care and Education/Child Care Programs

*(Also available in **Spanish** and other languages, via the Languages drop-down menu)*

Updated as of November 10th, this guidance starts by identifying what key changes the CDC has made to its earlier guidance to early care programs.

In Case You Missed It: Webinar on Development and Implementation of IEPs

In late October, CPIR hosted an info-rich webinar with presenters from OSEP explaining and elaborating upon **OSEP's guidance** on this crucial topic. It's online for your viewing, as are the presentation slides and a transcript of what presenters had to say. (BTW, it was a fantastic webinar!)

How Parent Support Groups Can Help

(Also available in Spanish: Cómo pueden ayudar los grupos de apoyo para padres)

When a child's challenges first emerge, parents often find themselves feeling not only confused but alone. This is where special-needs communities can become key. By finding other parents who are facing, or have faced, the same issues, many parents feel better able to navigate a path they never envisioned.

p.s. Another useful resource for parents when they learn that their child has a disability: **You are Not Alone** *(In Spanish: Ud. no está solo)*.

Special Needs Trusts and ABLE Accounts: How Are They Different?

(Also available in Spanish: Fideicomisos Para Necesidades Especiales y Cuentas ABLE: ¿En qué se diferencian?)

Do parents know the differences between a special needs trust and an ABLE account? This video can help them decide which is right for their family.

Development and Implementation of the IEP in the LRE

In late September the Office of Special Education Programs (OSEP) released a 40-page **guidance** describing how many children with disabilities will have a range of new or additional needs resulting from the pandemic that schools and IEP teams must address as students return to school. In late October, CPIR hosted a webinar on the same subject, with OSEP taking Parent Centers through the salient points raised in its guidance. The link above will take you to the archive of the webinar, where you can connect with the video recording, the slides OSEP used, a transcript of what presenters said, and the written guidance that inspired the gathering.

Behavior Challenges: Conversation Starters to Use with Your Child's Teacher *(good to share with families)*

(Also available in Spanish: Problemas de conducta: Cómo iniciar la conversación con el maestro de su hijo)

When a child has behavior challenges, it can be hard for parents to talk about them with teachers. Having these conversations can help parents get support for their child at school, even if learning

is happening at home. Parents can use these sample conversation starters to help themselves plan what to say when they talk with their child's teacher.

Cutting and Other Self-Injury (*good for sharing with families*)

(Also available in Spanish: **Cortes y otro tipo de autolesiones: Cómo ayudar**)

When kids intentionally hurt themselves, often by cutting or scratching their skin, it's often as a way to manage difficult emotions. This Child Mind offering discusses self-injurious behavior as part of answering 3 questions: *Why do kids cut or hurt themselves? What are signs of self-injury?* and *How can parents help?*

Part C Finance Glossary

Download this glossary of terms relevant to **finance** for IDEA Part C and Part B, Section 619 programs (e.g., blending and braiding funds, pass-through-funding, and supplant). Terms include references to IDEA and other related federal fiscal requirements and those specific to billing public and private insurance for IDEA services. The glossary was developed collaboratively by Infant Toddler Coordinators Association (ITCA), ECTA, the DaSy Center, and Center for IDEA Fiscal Reporting (CIFR).

Supporting and Protecting the Rights of Students at Risk of Self-Harm

From the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice, this joint 3-page fact sheet can help support students with mental health disabilities, their families, and their schools in the era of COVID-19. OCR also released a **letter to educators** highlighting the civil rights obligations of schools and postsecondary institutions to students with mental health disabilities.

Connect to Care

From the Child Mind Institute come several on-point mental health resources for families and professionals alike.

- Its new **Family Resource Center**, which features over 700 resources on kids' mental health, learning disorders, and common parenting challenges — all in English and Spanish.

- Its **latest newsletter**, which connects you with stand-alone articles in English and Spanish, such as “*Should I get care for my child?*” and “*How to find a children’s mental health professional.*”
- The **2021 Children’s Mental Health Report** (also available in **Spanish**), which focuses on the effects of the COVID-19 pandemic on children’s mental health.

For Parents of Children Who Were Just Diagnosed With a Health Condition

Having your child diagnosed with a health condition can be downright frightening. Here are 5 gentle reminders for anyone whose child was just diagnosed with a disability or chronic illness.

New to Disability?

This, too, is an article meant for parents who’ve just found out that their child has a disability.

Autism | Have you seen what Sesame Street offers?

(Available in **Spanish**) (Storybook “*We’re Amazing, 1, 2, 3!*” is now available in Mandarin and Cantonese) Front-liners and families, you’re in for a treat. Sesame Street offers Julia, a girl with autism spectrum disorder, and a website of stellar info including videos for kids, interactives for kids, parent videos, scads of info about autism itself, and a newsletter that will flow yet more info your way.

Return to School Roadmap: Development and Implementation of IEPs in the Least Restrictive Environment

The title’s a mouthful, but the content is right on time for the school year. This Q&A from OSERS at the U.S. Department of Education tackles topics covering such a wide range of key IEP elements that you have to see it for yourself!

Video on Supported Decision Making

Thanks to Lauren Agoratus for posting this resource in CentersConnect. Looks like a goodie.

About the video: Jordan was just hours away from a court hearing that would have awarded his parents guardianship. In the video Jordan shares his supported decision-making story and how he almost lost his rights. Jordan and Ashley also talk about a new project they are working on for the Center of Youth Voice to train other self-advocates about alternatives to guardianship.

2 New Toolkits for Child Welfare and Juvenile Justice Agencies

Child Trends has published 2 new toolkits that are designed to help **child welfare agencies** and **juvenile justice agencies** support children and youth during and in the aftermath of natural disasters and pandemics, using a trauma-informed, resilience-focused foundation for natural disaster response. (*Spanish versions of the toolkits:* for Child Welfare agencies; for Juvenile Justice agencies)

Brain Injury in Children

Looking for info to share with families on brain injury in children? Here are two to pursue:

—**Infographic poster** from the CDC

—**Articles and guidance to share with families and educators** from Brainline

What is a Behavior Intervention Plan (BIP)?

(Also available in Spanish: ¿**Qué es un plan de intervención del comportamiento?**?) | A BIP is a plan to help children whose problem behavior in school is affecting their learning. This article from Child Mind answers 3 basic questions: What is a BIP? How is a BIP created? How can parents tell if the plan is working?

Want to know even more? Check out CPIR's **Resource Collection on Functional Behavioral Assessment and BIPs**! It includes videos, helpful websites, and lots of info in English and Spanish.

Update from the U.S. Department of Education

ED Will Award \$5 Million to Support Parents and Families Informing Student Development and Academic Recovery

The U.S. Department of Education released the 2022 application for the Statewide Family Engagement Centers program, underscoring the Biden-Harris Administration's commitment to ensuring parents and families play a critical role in informing and supporting their children's education and academic success. The program will award \$5 million in grants that will provide financial support to organizations that offer technical assistance and training to state educational agencies and school districts in the implementation of effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement. As students continue to recover from the pandemic, it is critical that states and districts work in partnership with parents and families to help address the impacts the pandemic has had on children across the country, and that their experiences can help inform how our schools address academic recovery and students' needs. As part of the Biden-Harris Administration's broader commitment to ensure parents and families can help inform their children's education, the American Rescue Plan's Elementary and Secondary School Emergency Relief (ESSER) fund requires states and school districts to conduct robust stakeholder engagement around how ESSER funds should be spent – and parents can and should participate in that process.

“Parents’ voices are critical to the success of our education system. They are our children’s first, and most influential teachers,” said U.S. Secretary of Education Miguel Cardona. “Our commitment to parent and family engagement and collaboration has been embedded in our work at the U.S. Department of Education since Day One of the Biden-Harris Administration. In fact, meaningful parent engagement in schools has never been more important than now as we work together to support our learners during a pandemic. I’m heartened that these new grants will help support the vital role that parents and families play in nurturing our students’ academic success, mental health needs, and developing critical life skills.”

Statewide organizations or consortia in partnership with at least one State Education Agency, are invited to apply for funds to establish Statewide Family Engagement Centers that (1) carry out parent education and family engagement in education programs, and (2) provide comprehensive training and technical assistance to states, districts, and schools identified by states and districts, organizations that support family-school partnerships, and other such programs.

The Department will provide up to \$5 million for an estimated 5-7 new grants with an estimated first-year grant award of \$500,000 to \$1 million per grantee. Grantees will receive annual grant funds over a period of five years.

Applications for the second round of funding will be due on February 17, 2022. Winners will be selected, and awards will be made by September 2022. Officials from the Department of Education's Office of Elementary and Secondary Education will conduct several webinars for potential applicants. All webinars require participants to register in advance. Registration and additional information about the Statewide Family Engagement Centers program will be available at <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/school-choice-improvement-programs/statewide-family-engagement-centers-program/>.

U.S. Department of Education Announces \$182 Million in Education Innovation and Research Grants to Improve Academic Achievement for Underserved Students

U.S. Secretary of Education Miguel Cardona announced \$182 million in new grant awards to 30 school districts, institutions of higher education, and nonprofit organizations across the United States as part of the Education Innovation and Research (EIR) program. These grants will support local efforts to develop, implement, and take to scale entrepreneurial and evidence-based projects that have the potential to improve academic achievement for underserved students.

"Especially as students, educators, and school communities continue to heal and recover from the pandemic, we must invest in programs that are innovative and backed by evidence of what works to ensure that our education system can fully and effectively address the academic and social-emotional needs of our children," said Secretary Cardona. "These grants will help to offer rich

opportunities to accelerate students' learning and nurture their development. I look forward to seeing how Education Innovation and Research Grants help take promising practices to scale."

The EIR program helps the field design, scale, and validate programs with the potential to solve education's most pressing problems. Twenty six of the 30 grantees address at least one of the priorities included in the competition for responding to the impact of the pandemic or promoting equity in student access to high-quality educational resources and opportunities.

As a result, the EIR grantees are exploring innovations for potential models for how the nation can address the impact of school closures and lost instructional time resulting from the pandemic, including:

- increasing student learning in Science, Technology, Engineering, and Math (STEM) by providing tools to support a school-based tutoring program with volunteer tutors;
- utilizing a literacy intervention for kindergarten through third grade that delivers research-based one-on-one tutoring and family engagement;
- supporting second-graders' literacy learning recovery among underserved and rural populations;
- increasing the number of students who feel they belong, demonstrate resilience, and build positive relationships through social emotional learning (SEL) instruction and enhanced family therapy and health services.

Within this cohort of grants, the EIR program is supporting:

- more than \$46 million in grants to rural areas;
- more than \$67 million in grants focused on STEM education (including computer science); and
- more than \$73 million in grants supporting SEL projects.¹

A full list of selected grantees can be found at: <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/innovation-early-learning/education-innovation-and-research-eir/awards/>.

U.S. Department of Education's Office for Civil Rights Solicits Public Input on Civil Rights Data Collection for 2021-22 School Year

The U.S. Department of Education's Office for Civil Rights (OCR) announced that it has submitted to the Federal Register for public comment a proposed [Civil Rights Data Collection \(CRDC\)](#) Information Collection Request package for the 2021–22 school year.

The package describes key civil rights data OCR intends to collect from the nation's public schools and districts. OCR plans to introduce new data categories, such as those relating to students' educational experiences during the COVID-19 pandemic and restore key data categories from previous collections.

The Department has collected civil rights data since 1968. The CRDC collects data and information about student access to educational courses and school staff, as well as school climate factors, such as the use of student discipline and incidents of student harassment, from schools serving students in preschool to grade 12.

"The Civil Rights Data Collection provides crucial information for evaluating students' experiences in America's public schools. Especially given the COVID-19 pandemic, today's announcement of proposed data elements for the 2021-22 collection comes at a critical moment," said Assistant Secretary for Civil Rights Catherine E. Lhamon. "We look forward to receiving and reviewing public comments on the proposed data elements and to working with schools and districts to collect these essential data."

Today's Information Collection Request package includes key proposed data elements for the 2021-22 CRDC, which were informed by listening sessions with stakeholders. These data include:

- The addition of COVID-19 data elements to learn the extent to which schools are offering remote and/or in-person instruction to students during the school year.
- Revisions to the restraint and seclusion definitions.

- The restoration and expansion of data about preschool students and teachers, including data elements regarding preschool students with disabilities who receive special education and related services and those who are English Learners; the extent to which schools have teachers with one or two years of experience; and teacher certification status. And,
- The addition of a nonbinary option to male/female data categories for those schools and districts that already collect that data, to ensure the CRDC captures accurate and inclusive information about all student identities and student experiences, where the data are available.

In August 2021, OCR announced the administration of a 2021-22 CRDC, marking the first time that OCR has conducted a civil rights data collection two years in a row for the 2020-21 and 2021-22 school years. The additional collection will allow the Department to identify and address inequities in educational opportunities as the country continues to grapple with the COVID-19 pandemic and its effects on students' academic, social, and emotional development.

Ongoing civil rights data about student experiences will assist the Department and school officials with assessing the initial impacts of the substantial increase in federal funding to schools and districts to ensure students received equitable access to instruction and other activities during the COVID-19 pandemic. The 2021-22 CRDC will also advance OCR's mission to ensure that schools and districts receiving financial assistance from the Department do not discriminate based on race, color, national origin, sex or disability.

Mental Health.gov in English and Spanish

This federal website is an excellent source of information and connection on mental health issues and concerns. The webpages and resources are available in English and Spanish, and are organized into sections such as:

- **Eating Disorders** | Extreme emotions, attitudes, and behaviors involving weight and food is a kind of mental health problem. Read more about the causes, symptoms and how to get help.
- **Mental Health Experts and Resources** | Find a local organization that can help you coordinate a community event, organize support groups, or provide general info.
- **Help for Young People** | OK2TALK is a community for teens and young adults struggling with mental health problems. Learn more and start talking about mental health.
- **Show Your Care. Connect and Share** | Join the conversation and talk about mental health.

Website in English | <http://www.mentalhealth.gov/index.html>

Website in Spanish | <http://espanol.mentalhealth.gov/index.html>

Teen Mental Health

Useful to Parent Centers for sharing with families who have teenagers with special health care needs or mental health concerns. Most materials are also available in Spanish.

This resource-rich page at MedlinePlus pulls together a spectrum of topics related to mental health and includes numerous resources in Spanish. It's written so as to speak directly to teens, describing in bullet form some of the things they might feel or experience that may indicate the need to seek the help and support of parents, a school counselor, or a healthcare professional.

Sections include:

- where to start;
- the latest news pertinent to teens (e.g., bullying, smartphone addiction, self-harm);
- danger signs to look for and comprehensive psychiatric evaluation;
- treatments and therapies; and
- related issues (e.g., cliques, dealing with a health condition, coping with trauma, dealing with anger, helping friends who self-harm, peer pressure, and the teenage brain).

The assembled list of various resources come from such authoritative sources as the American Psychological Association, the Nemours Foundation, the CDC, NIMH, American Academy of Family Physicians, and the American Academy of Child and Adolescent Psychiatry.

To access the Teen Mental Health resources page, visit:

<https://medlineplus.gov/teenmentalhealth.html>

Mental Health Resources

There are many, many organizations and groups that deal with mental health. This page will help you find the one or ones that offer the type of assistance, intervention, or information you're seeking. We've organized the information into the following sections:

If It's a Crisis...

First things first, regardless of how frightening a note this is to begin on. If someone you know is having a mental health crisis and you need help fast, try the resources below that seem to fit the nature of the crisis.

Join IMAlive.

People need a safe place to go during moments of crisis and intense emotional pain. IMAlive is a live online network that uses instant messaging to respond to people in crisis. All of its volunteers are trained and certified in crisis intervention.

<https://www.imalive.org/>

Call 1.800.273.8255, the National Suicide Prevention Lifeline.

Another excellent resource is the National Suicide Prevention Lifeline, which also provides access to trained telephone counselors who provide free and confidential emotional support to people in suicidal crisis or emotional distress, 24 hours a day, 7 days a week. For the same help in Spanish, call 1.888.628.9454. Individuals who are deaf or hard of hearing can contact the lifeline via their preferred relay service or by dialing 711, then 1.800.273.8255.

<https://suicidepreventionlifeline.org/>

Find a residential placement for an individual.

The ACRC (Association of Children's Residential Centers) concerns itself with therapeutic living environments for children and adolescents with behavioral health disorders. Contact ACRC at 1.877.332.ACRC (2272). Visit their website and find multiple briefs to guide families and caregivers considering residential placement, all of which were written by parents or

guardians with the lived experience of having children in residential facilities. There are also 4 short videos where youth speak for themselves about being in residential placement and/or about coping with mental health issues. Youth may also find it helpful to read ACRC's 1-pager called *Inside Info on the Residential Programs from Youth Who Have Been There*.

<https://togetherthevoice.org/best-practices/for-families/>

<https://togetherthevoice.org/best-practices/youth-voice/>

A Quick-Read Fact Sheet

Read our fact sheet on emotional disturbance.

If you're looking for an intro to emotional problems and the mental health field, this is a good place to start. Our fact sheet will hook you up with organizations that can help, online and print resources of more information, and an overview look at disabilities that cause mental health concerns.

<https://www.parentcenterhub.org/emotionaldisturbance/>

Be Sure To Come Here

There are numerous sources of incredible information, support, and guidance on mental illness—across the gamut. We've listed a few starter links below where you can find out more about the range of specific mental disorders, interventions, family life, coping strategies, and much more.

National Institute of Mental Health (NIMH) | A very rich resource! At NIMH, you'll find health info on a very wide range of mental health disorders; all about different medications; and the latest info on clinical trials and research. Find all this—and publications in English and Spanish.

English | <https://www.nimh.nih.gov/health/index.shtml>

Spanish | <https://www.nimh.nih.gov/health/publications/espanol/spanish-listing.shtml>

National Federation of Families | The National Federation of Families is a national family-run organization linking more than 120 chapters and state organizations focused on the issues of children and youth with emotional, behavioral, or mental health needs and substance use

challenges and their families.

<https://www.ffcmh.org/resources>

MentalHealth.gov | MentalHealth.gov provides one-stop access to U.S. government mental health and mental health problems information.

<https://www.mentalhealth.gov/>

NAMI, the National Alliance for the Mentally Ill | NAMI is an invaluable source of information on mental health and illness. In addition to the mountain of info you'll find on NAMI's site, you can also connect with state and local NAMI chapters. The NAMI HelpLine (1.800.950.NAMI) is a free, nationwide peer-support service providing information, resource referrals, and support to people living with a mental health conditions, their family members and caregivers, mental health providers and the public.

<https://www.nami.org/Home>

NAMI in Spanish | <https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/Hispanic-Latinx/La-salud-mental-en-la-comunidad-latina>

Mental Health America | MHA addresses all aspects of mental health and mental illness. Delve into their online resources about mental issues and identify MHA affiliates in your area.

<https://www.mhanational.org/>

American Academy of Child and Adolescent Psychiatry (AACAP) | At the link below, you can find information on child and adolescent psychiatry, fact sheets for parents and caregivers in English and Spanish, current research, practice guidelines, and managed care information.

AACAP website | <https://www.aacap.org/>

Facts for Families in Spanish |

https://www.aacap.org/aacap/families_and_youth/facts_for_families/Facts_for_Families_Spanish.aspx

American Academy of Pediatrics (AAP) | AAP offers the family-friendly site called Healthy Children, where you can find a wealth of information in English and Spanish about emotional problems in children.

English | <https://www.healthychildren.org/English/health-issues/conditions/emotional->

[problems/Pages/default.aspx](https://www.healthychildren.org/problems/Pages/default.aspx)

Spanish | <https://www.healthychildren.org/spanish/health-issues/conditions/emotional-problems/paginas/default.aspx>

Mental Help Net | Here, you'll find a vast amount of info here on specific mental disorders, mental health, wellness, and family and relationship issues and concerns. There's an especially strong focus on the connection between mental health issues and addiction and substance abuse.

<https://www.mentalhelp.net/>

Finding Mental Health Services

Find mental health services.

Visit the Center for Mental Health Services (CMHS) and use its "Treatment Locator" to identify the range of agencies and mental health assistance available in your state and nationally.

<https://www.samhsa.gov/find-treatment>

Health care insurance for uninsured children.

Did you know that each state has a health insurance program for children? Children who don't have health insurance right now are very often eligible for state medical coverage. The insurance is available to children in working families, including families that include individuals with a variety of immigration status. To find out what your state's policies are, what's covered, and how to apply, call 1.877.543.7669 or find your state at:

<https://www.insurekidsnow.gov/>

Spanish | <https://espanol.insurekidsnow.gov/>

Medicaid benefits for mental health services.

If you're eligible for Medicaid, you may be able to access mental health services through Medicaid. States vary, however, in what types of mental health services they provide under Medicaid.

Find out what your state's policies and services are, at: <https://www.medicaid.gov/state-overviews/index.html>

Main website | <https://www.medicaid.gov/medicaid/benefits/behavioral-health-services/children-and-youth/index.html>

Organizations on Specific Disorders

Looking for info and assistance related to a specific mental condition? In addition to what you'd find by visiting the organizations listed above under "Be Sure to Come Here," look over the quick alphabetical list below of organizations that focus on a specific mental disorder. They offer in-depth information, support groups, and guidance regarding that disability—perhaps the one of concern to you.

Anxiety Disorders | Visit the Anxiety Disorders Association of America (ADAA). Spanish publications and webinars are available, as well as an online support group you can join (<https://adaa.org/adaa-grupo-de-apoyo-en-linea>).

<https://adaa.org/>

Bipolar Disorders | If this is your area of concern, try these groups.

International Bipolar Foundation (IBPF) | <https://ibpf.org/>

Depression and Bipolar Support Alliance | <https://www.dbsalliance.org/>

Toll-free number: 1.800.826.3632. Visit website to find a support group near you.

Dually Diagnosed: Mental Illness and Intellectual Disabilities | The National Association for Dually Diagnosed (NADD) focuses upon the needs and issues of individuals who have both mental illness and cognitive impairments or intellectual disabilities, and the professionals and families who share concern for these individuals.

<http://thenadd.org/>

Eating Disorders | The National Eating Disorders Association (NEDA) works to prevent eating disorders and provide treatment referrals to those suffering from anorexia, bulimia and binge eating disorder and those concerned with body image and weight issues.

Website in English | <https://www.nationaleatingdisorders.org/>

Info in Spanish: <https://www.nationaleatingdisorders.org/neda-espanol>

OCD, Obsessive-Compulsive Disorder | The International OCD Foundation is for people with obsessive-compulsive disorder (OCD) and related disorders, their families, friends, professionals

and other concerned individuals. Use the foundation's Resource Directory to find trained therapists and other help in your area.

<https://iocdf.org/>

Post-Traumatic Stress Disorder (PTSD) | For more info and assistance on PTSD, you'll want to visit the Gateway to Post-Traumatic Stress Disorder (PTSD) Information.

<http://www.ptsdinfo.org/>

Sexual Health Education for Young People with Disabilities

In recent years, changes in public policies and attitudes have resulted in improved opportunities for people with physical and intellectual disabilities. Unfortunately, societal attitudes have changed less in regard to sexuality and disability. Even today, many people do not acknowledge that most people experience sexual feelings, needs, and desires, regardless of their abilities. As a result, many young people with disabilities receive little or no formal sexual health education, either in school or at home. Yet all young people need access to and can benefit from sexual health information. Young people with disabilities have the same right to this education as their peers. However, considerations must be made in order to modify the program to allow for information to be understood and learned in a way that is meaningful to them.

This article from e-Parent is divided into several sections, as follows:

- What is Disability?
- Are Disabilities Common among Young People?
- Sexuality and Disability
- Parent/Guardian Concern for Sexual Health Education and their Young Person with a Disability
- General Guidelines for Parents/Guardians: Talking to Your Young Person about their Sexuality and Sexual Health

Access the article at:

<https://www.eparent.com/education/sexual-health-education-for-young-people-with-disabilities/>

Book Review: The New One Minute Manager

By Nohelis Mena

Dr. Kenneth Blanchard is the Chairman of Blanchard Training and Development, Inc., also known as BTd. He is known throughout the world for his work as an educator, consultant and author. He received his Bachelor of Arts degree from Cornell University in Government and Philosophy, a Master of Arts degree from Colgate University in Sociology and Counseling, and finally Doctorate degree from Cornell in Administration and Management. Currently, he is a professor of Leadership and Organizational Behavior at University of Massachusetts, Amherst.

Dr. Blanchard has also spoken with and oversaw areas of the Young Presidents' Organization, the United States Armed Forces, and UNESCO.

Dr. Spencer Johnson is the Chairman of Candle Communications Corporation. He is also an author, publisher, and lecturer. In total, he has successfully written and published more than twelve books regarding medicine and psychology.

Dr. Johnson has a degree in psychology from the University of Southern California, is a Medical Doctor from the Royal College of Surgeons in Ireland, and medical clerkships at Harvard Medical School and the Mayo Clinic. He has taken a lead role in the manufacturing of cardiac pacemakers. He has also served as a consultant in communications for the Center for the Study of the Person.

The New One Minute Manager reflects both Dr. Blanchard's and Dr. Johnson's interest in assisting others to experience less stress and better health through improved leadership skills and better communication skills. This book helps establish quick and efficient leadership skills that can be applied in a multitude of careers. Dr. Johnson and Dr. Blanchard have also produced a corresponding video for this book.

Main Themes

The New One Minute Manager has several steps or tips that are defined as useful in the leadership world. Dr. Blanchard and Dr. Johnson describe three secrets or tips that lead to successful leadership. They are one minute goals, one minute praising and one minute reprimands. According to the authors of the book, the most notable leaders are the ones who can combine all three tips to advise their team members with only a few minutes.

The first secret is about one minute goals. Each person working in some facility or institution should have their own set goal written down before an attempt at a task is made. Each of these goals should be less than 250 words so that the goal can be read within one minute.

After writing the goal, the leader and employee should have a discussion to ensure everyone understands what is expected of them before they actually complete the task. Each day, employees should look over their goals and think on whether or not they are on the right track of achieving their goals.

The second tip discusses one minute praising. An effective and efficient leader goes around the facilities to ensure people are focusing on their work and are helping them to reach their goals. The idea behind this principle is that people who feel good will deliver good results. By making a presence around the workplace, people will feel as though they can easily reach the leader or confront them with something they need help with.

When the leader sees somebody doing good work, they should praise this person by explaining to them what this person is doing is having a positive impact with the company and that they should be proud of their work.

The third and final secret discusses one minute reprimands. This involves the leader going around the workplace and staying on the lookout for those who may not be doing what they are tasked with doing. Should the leader take notice of someone being off task, they will address it immediately and directly. The one minute manager may see someone not acting according to standard, so they explain to the person what they saw and how that impacts what should be occurring in the facilities. However, the leader should remind the employee that they are a valued part of the organization.

Key Quotes

“People who feel good about themselves produce good results.” (Pg. 13)- This quote shows that the authors want to reiterate that keeping a positive attitude in the workplace can assist others in being productive and creating great results.

“If you can’t tell me what you’d like to be happening, you don’t have a problem yet. You’re just complaining.” (Pg. 17)- This statement explains that talk with no action is useless. If discussing an issue, the purpose of the discussion should be to find a solution to the problem and ameliorate the situation.

“Everyone is a potential winner.” (Pg. 40)- This quote from the authors is saying that should everyone put forth their best effort, they will all reap the benefits in the end.

“Help people reach their full potential. Catch them doing something right.” (Pg. 23)- This quote states that it is highly effective to praise people when they are doing something right or are doing well. By encouraging them to keep up the great work, they will naturally push themselves to continue doing well.

“We are not just our behavior. We are the person managing our behavior.” (Pg. 51)- This statement explains that we should not let our behavior define us but rather how we compose ourselves in the workplace be the definition of us. An individual who is excellent at managing their behavior and emotions will be held in high regard.

Strengths and Weaknesses

The strengths of this book include how it effectively, yet briefly, goes into detail about how to be effective, how to increase productivity and profits in the workplace, and how to contribute to the positive development of the team. The authors also do an excellent job of explaining that managers who focus on both results and people tend to fail. It is best that they focus on one or the other. The book also has strength in advocating for short reachable goals. It emphasizes the importance of pacing yourself and avoiding burnout.

Some of the weaknesses to be noted in *The New One Minute Manager* are the fact that when it comes to the leader offering feedback, the book says to state that it is pleasing for the leader to

see such excellent work rather than encouraging employees to be proud of their own work or to own up to their own accomplishments or mistakes. By instilling a sense of self pride, workers can better themselves and be more productive and efficient.

References

Blanchard, K. H., & Johnson, S. (2018). *The new one minute manager*. Thorsons, an imprint of HarperCollinsPublishers.

Book Review: Swimming in the Deep End Four Foundational Skills for Leading Successful School Initiatives

By Elizabeth Vasquez

Former teacher and wearer of many hats, Jennifer Abrams offers perspective when in leadership in a school setting for readers to view. She evokes self-reflection on four approaches towards typical encounters by individuals in a school setting when implementing new initiatives and offers multiple open-ended strategies for readers to utilize. Now a consultant, Jennifer provides a roadmap through personal and professional experiences with research-based support for readers to learn how to individually improve in order to collectively make a change. She identifies the challenges faced by many leaders within a school setting as an opportunity to learn, and refers to these endeavors as “swimming in the deep end.” She proposes four foundational skills for leaders to consider and apply when starting a new initiative. Abrams speaks directly towards the reader and compels her readers to answer questions that self-evaluate one’s thinking. Abrams appeals to readers' emotional state and overall mindset and provokes readers to consider others’ reaction towards that mindset. By having readers dive into their sense of self, Abrams adds personal encounters that reflect the authenticity of each of the four foundational “deep end skills” to survive in the deep end. Although the skills are essential for effectively leading in a school setting, Abrams offers up a more personal growth side to her practice that grabs readers attention in implementing these practices as an overall self-improvement as a person. She additionally branches into taking these practices to collaboratively work with others, even with resistance, a leader's approach can make a world of difference in their process of encountering those who resist change. Leaders benefit from support academically, socially and emotionally and need them to continue to thrive. Therefore, Abrams justifies that leaders need their supporters and resisters to improve their overall effectiveness in multiple areas.

Main Themes

Abrams metaphorically refers to the encounters and changes leaders in a school setting face, as swimming in the deep end. She refers to four deep end skills that will overall improve a leader's

approach and reaction to new initiatives. Abram states leadership requires certain psychological, social and cognitive skills. She addresses her four skills as reinforcers to those vital skills. Abram explicitly identifies these skills as follows: (1) thinking before you speak, (2) preempting resistance, (3) responding to resistance, and (4) managing yourself through change and resistance.

In Abrams first deep end skill of thinking before you speak, she reiterates the importance of planning prior to speaking of a new initiative to others. Preparing leaders by putting on the lens of others perspectives and anticipating their reactions. By doing so a leader can better verbalize and provide a positive standpoint to a new initiative that may stir others emotions and reactions. A leader could also align new initiatives to others values, perceiving to the moral purpose of others. Abrams reiterates the communication and social skills of a leader is an initial vital skill that will affect others when rolling out an initiative.

Secondly, in the deep end skills Abram provides is preempting resistance. Where Abrams gives another proactive approach to implementing new initiatives. Abram focuses on leaders recognizing themselves and their style of leadership and perceiving new initiatives and comparing that to others. By recognizing one's own triggers can bring to light that other's triggers can vary, and a leader needs to find how to approach those when leading an initiative. Leaders need to recognize those social cues of others and continuously look for ways to make others be seen as individuals.

Moreover, Abrams continues in her deep end skills by describing to readers how to respond to resistance. She reiterates that although it is not in our nature to be allocentric and more in our nature to react to resistance, leaders need to hold the impulsivity of reacting. She further defines responding to resistance as taking it in without placing blame, and monitoring the intensity of one's response as a leader. As a leader there needs to be a balance between being "credible" and "approachable" and that depends on the situational awareness of the leader. That is a learning edge that one learns from experience.

Lastly, Abrams evokes leaders to reflect and manage oneself through change in resistance. As a leader one needs to have supports and structures in place to continue leading. Abrams further explains that as leaders there is work that needs to be addressed aside from being aware and

concerned of others which can cause burnout. Abrams provides multidisciplinary solutions that pertain to a variety of preferences for leaders to not survive when encountering change and resistance but to thrive.

Overall Abrams provides initial skills for leaders to acquire as they encounter new initiatives, and is intended for leaders to strengthen their abilities as they become more self-sufficient.

Key Quotes

“Knowing about who we are working with helps us understand points of view they might bring to the work they do.” (Pg. 45) - Abrams puts her expectation of leaders being socially and emotionally aware on display, as a vital skill to leading others and not based on just one sole-perspective. The largest priority of leading is knowing their audience is not all going to think similarly to one’s beliefs, thinking and vision.

“This agility involves knowing when one needs to be credible and when one needs to be approachable.” (Pg. 62) - Abrams recognizes here that leaders need to have versatility in their approach and have the situational awareness of when those leadership styles are appropriate. Abrams puts forward here that leaders need the cognitive, psychological and social abilities to discern effectively when one needs to be firm and when one needs to be open to discussion.

“But the concepts of suggestion, recommendation, expectation are different and the wording must be accurate and consistent to have traction.” (Pg. 64) - In the setting of education language and communication is everything when conducting an initiative. There is no room to leave an opening for misinterpretation. As a leader of a school, Abrams confirms that leaders need to communicate their expectations clearly before holding others accountable. She reiterates if the communication is unclear then implementation will be misconstrued.

“If we keep living in the past, we can’t move forward to doing things better in the future. Self-compassion meditations help me honor my humanity and acknowledge I am human and mess up and that is okay, but also urge me to reflect on what I can do better next time.” (Pg. 74)- Abram reveals the mindset of many leaders that reflect often on failures, leading to burnout and other complications that could be more severe. Abram personally dives into her own perspective revealing that as a leader of many trades, she as well had to change her mindset to move forward.

Strengths and Weaknesses

Jennifer Abrams' dedicated intention to encourage leaders to self-reflect and proactively look unto others when implementing an initiative in a school setting offers a personalized course of action for readers to choose and dwell on as they read through the four deep end skills. Abram stresses the importance of engaging in one's perspectives and abilities.

The idea of being aware of one's own values and others' values is important to bring about change regardless of other factors that come into play such as requirements and expectations from higher ups. One's own communicative ability to shape the culture and pursue the moral purpose collaboratively creates an initiative other stakeholders can align themselves with. Abrams brings to light the social awareness that leaders need to acquire to cultivate an environment that can encounter change.

Although, Abrams does provoke readers to also proactively consider the resistance from others and provides language and strategies for leaders to practice. It is not solidified by personal experiences. Readers are provided outside perspectives for strategies but application of these strategies are absent. She does provide additional resources for these strategies for responding to resistance and provides norms for collaborative work.

Additionally, it may have been beneficial for readers to have been given a variety of personalized interviews from others that have encountered these four foundational skills as a step towards self-sufficiency and provide a justification for instilling these practices when in a real-school setting.

Comparison to Fullan

Abram dwells on the self-awareness leaders need to have when swimming in the deep end of change. Many of Abrams' focuses fall into Fullan's framework. Although *Swimming in the Deep End* focuses on leaders bettering themselves in order to better "serve" others and oneself, Fullan's text touches on these areas when creating a moral purpose, relationship building and understanding change.

Like Abrams, Fullan also acknowledges the resistance met when in leadership at any large or even small organization where there is diversity in workers or staff. Diversity is a beautiful

concept that provides multiple perspectives, background knowledge and insight. However, this can also create resistance towards the vision of leadership. These individuals can be addressed as resisters. They bring the check and balance to an organization, especially in a school. Resisters are not to be ignored because they can bring clarity to the table, alternatives and understanding. Having these individuals included in the leadership circle is beneficial because it promotes growth. Abram personalizes this by acknowledging as leaders there needs to be a self evaluation of oneself to understand others perspectives. And advocating effectively when encountering the resisters in verbal and nonverbal ways. Abrams concludes this is social awareness in action.

Abrams and Fullan both touch on relationship building with communication and understanding of others. Fullan coins the term as having emotional intelligence, while Abrams recognizes these social resource. They both justify interpersonal skills as a must when interacting with others in a stressful and changing environment. A leader must show empathy, understanding and execute clear and direct communication. If this area of leadership is weaker than there needs to be an adjustment and reflection to find ways to better those areas by looking to mentors or other effective leaders. Resisters provide feedback as well.

Although Fullan's leadership framework operates in a checks and balances fashion he explicitly states that, “that the single factor common to every successful change initiative is that relationships improve (Fullan, 2001).” Abrams and Fullans share the view of relationships as a vital factor in approaching change.

References

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