

Education Policy Principles of the Wisconsin Council on Mental Health

Background:

Education policy is a component of the purview of the Wisconsin Council on Mental Health (WCMH), as part of its statutory charge to “advise ... the legislature and the governor on the use of state and federal resources and on the provision and administration of programs for persons who are mentally ill or who have other mental health problems.” To that end, the state agencies represented on the Council include the Department of Public Instruction, and the Council has taken positions on various education-related policy issues through the years. This document offers a foundation for consideration of future education-related initiatives and legislation related to mental health.

“Addressing barriers to learning through learning supports is an essential function of schools. Therefore addressing student emotional well-being and mental and behavioral health is an essential function of schools.” -- WI Dept. of Public Instruction, Approach to School Mental Health, 2015

Principles:

1) The federal Individuals with Disabilities Education Act (IDEA), establishing and protecting the educational rights of students with emotional and behavioral disabilities, is an indispensable foundation for publicly-funded education in Wisconsin.

The IDEA is crucial for a just and equitable publicly-funded education for Wisconsin’s students with mental health-related disabilities. Under the umbrella of the IDEA, students with disabilities have the right to: a free and appropriate public education in the least restrictive environment; a team-based creation of a legally-binding Individualized Education Plan (IEP); protections relating to actions that are a manifestation of the student’s disability; and due-process protections in cases of dispute.

Related past policy positions of the WCMH:

- Opposition to special needs vouchers proposals (2011 and subsequent)
- Opposition to the Opportunity Schools Partnership Program (2015)
- Opposition to the CHOICE Act on the federal level (2017)

2) Students with mental health-related challenges have the right to be free from aversive behavioral interventions that compromise health and safety. Restraint and seclusion can cause psychological and physical trauma, up to and including death. Restraint and seclusion are neither therapeutic nor educational, and should never be used for the sake of convenience. These measures are not supported in the research as a means of treatment or discipline, to force compliance, or to teach appropriate behavior.

The goal regarding “emergency restraint or containment” articulated in the 2016 “prohibited practices” memo by Wisconsin’s Department of Health Services is a worthy goal for Wisconsin’s schools as well: “The ultimate goal is to work toward systems and settings in which positive intervention strategies obviate the need for restrictive measures. ... Emergency safety interventions are to be avoided whenever possible and all other feasible alternatives should be exhausted, including a variety of de-escalation techniques.”

Related past policy positions of the WCMH:

- Support for WI 2011 Act 125 (which went into effect in September 2012, formalizing Wisconsin's recognition of the importance of regulating and reducing the use of seclusion and restraint in schools.)
- Support for the federal Keeping All Students Safe Act (KASSA)
- Support for proposed updates to Act 125 (2016, 2018)

3) Schools should provide a safe, welcoming and supportive learning environment for all students, including those with mental health challenges. Zero-tolerance policies, exclusionary discipline, bullying and stigma are all factors that disproportionately impact students with mental health challenges, and undermine the connectedness that is crucial to these students' future success.

Wisconsin students with disabilities receive exclusionary discipline (suspension and expulsion) at a greater rate than their non-disabled peers, and students with emotional behavioral disability are at the highest risk across disability categories. Students who are thus separated from their educational communities are at greater risk of dropping out of school altogether, as well as entering the justice system. Zero-tolerance policies exacerbate this harmful dynamic, and have been shown to negatively impact students across the learning community.

The presence of bullying and stigma in school environments are also detrimental not only to students with mental health challenges, but to the entire learning community. Family involvement and partnership with schools is a crucial element in working to address and eliminate prejudicial attitudes and actions.

Related past policy positions of the WCMH:

- Support for Wisconsin's anti-bullying law (enacted 2010)
- Opposition to 2017 AB693 ("Teacher Protection Act")

4) An ideal approach to mental health in schools elevates families as leaders in working together collaboratively with school partners and community mental health service providers, using compassionate, trauma-sensitive, and culturally-responsive strategies and services within multi-level systems of support.

School mental health encompasses a continuum of strategies and supports, ideally integrated with multi-level systems of support such as positive behavioral intervention and supports (PBIS) and Response to Intervention (RtI). The continuum includes universal strategies to promote social-emotional well-being and development of all students; selected strategies to support students at risk of or with mild mental or behavioral health challenges; and targeted strategies to support those with significant needs.

Authentic, respectful family involvement is essential to school mental health efforts at every level.

5) Robust, equitable funding and well-prepared school personnel are fundamental to the education of students with mental-health related challenges.

The education of students with mental health challenges requires sufficient funding that is brought to bear in an equitable manner. Appropriate education and training for all school personnel involved in the education and support of students with mental health challenges is essential.

Related past policy positions of the WCMH:

- Support for increased special education categorical aid (2016 and subsequent)
- Support for school mental health budget initiatives (2017/19 state budget)