

The Honorable Kymberly K. Evanson

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

Defendants.

NO. 2:25-cv-01228-KKE

DECLARATION OF KATIE EKLUND

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I, Katie Eklund, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am an Associate Professor at the University of Wisconsin-Madison (UW-Madison). I am over the age of 18 and have personal knowledge of all the facts stated herein, including knowledge based on my experience and information provided to me. If called as a witness, I could and would testify competently to the matters set forth below.

2. I submit this Declaration in support of the Plaintiff States' Motion for Preliminary Injunction.

Background

3. I am an Associate Professor in the UW-Madison School of Education's School Psychology Program, a role I have held since 2018. I received my doctorate in Counseling, Clinical, and School Psychology from the University of California, Santa Barbara and my Masters degree in Social Work from the University of Michigan. Prior to entering academia, I worked in public education for 10 years as a school administrator, school psychologist, and school social worker. I am a Nationally Certified School Psychologist and licensed Psychologist. I currently serve as Co-Director of the School Mental Health Collaborative, a center focused on conducting research that informs policy and practice related to the promotion of social-emotional and behavioral success of all students. My research focuses on school mental health, including early identification and intervention for children who have behavioral and/or social-emotional concerns, culturally equitable mental health interventions, social emotional learning, and school safety. My current research projects include implementation of universal screening and Tier 2 social emotional interventions in K-12 schools, addressing the social-emotional and behavioral needs of

culturally and linguistically diverse students, and examining school threat assessment practices in Wisconsin middle and high schools. I am also co-author of the Resilience Education Program, a brief intervention for students at-risk for internalizing behavior concerns.

4. UW-Madison is the flagship university of the University of Wisconsin System. UW-Madison is composed of 13 schools and colleges and, as of the Fall of 2024, enrolls over 52,000 students and employs over 27,000 faculty and staff. The University of Wisconsin System's statutory mission, as set forth in Wis. Stat. § 36.01(2), is:

to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

The UW-Madison School of Education is consistently rated as the number one school of education in the country, and the Department of Educational Psychology is also rated as number one in the country.

5. I currently lead multiple projects focused on school mental health services at UW-Madison. I have served as a principal investigator or co-principal investigator on 10 grants funded by the U.S. Department of Education, Office of Special Education Programs, and/or Institute of Education Sciences. These projects have included training grants designed to increase the school mental health workforce and access to mental health services for children, as well as research grants to create and examine behavioral assessment and intervention supports for children in K-12 schools. These grants have resulted in the creation of new universal screening measures to assess children's behavioral and social emotional competencies, a Tier 2 intervention program for children at-risk of developing internalizing behavior concerns (e.g., depression, anxiety), and

examining school- and classroom-based interventions to support children with externalizing behavior concerns (e.g., disruptive behaviors, conduct problems).

6. The projects I currently lead include my role as Principal Investigator and Project Director for Expanding Culturally Responsive Mental Health Services in Madison Metropolitan School District, Award #S184X230088, which UW-Madison received as part of the Department's Mental Health Service Professional Demonstration Grant Program.

The Department's Funding and Discontinuance of Expanding Culturally Responsive Mental Health Services in Madison Metropolitan School District

7. The Mental Health Service Professional Demonstration Grant (MHSP) attracts candidates for school-based mental health professions, including school psychology, and provides training opportunities for students in rural and other high-needs local educational agencies (LEAs) (also referred to as school districts). MHSP facilitates partnerships between high-needs school districts and institutions of higher education, allowing opportunities for practicum students and interns to obtain required clinical supervision and increase additional children and youth's access to school mental health services.

8. UW-Madison applied for a multi-year MHSP grant on January 27, 2023.

9. In its application, UW-Madison proposed to partner with the Madison Metropolitan School District (MMSD) to expand mental health services in the district by recruiting, training, and hiring 24 school psychology graduate students to complete practicum and internship experiences in Madison schools. Graduates would be required as part of the grant to work for three years as a school psychologist in a high-need school following graduation. The application explained that MMSD was selected for this partnership in part because it is a large district where recent surveys indicate that nearly half of middle and high school students reported mental health concerns (49%), while only 3% report receiving mental health services at school. MMSD has a

high unmet need for school psychologists. The district has had an average of between three and eight school psychologist vacancies each year over the last 10 years and, as a result of this shortage, school psychologists in the Madison schools often work in two or more schools or are placed as the sole school psychologist in buildings that serve over 1,000 students. In high-needs schools within the district, the school psychologist-to-student ratio is 1:800, exceeding the national recommended ratio of one school psychologist for every 500 students.

10. To meet the MHSP program priorities in 2023, UW-Madison proposed the following goals for its MHSP project: (1) Recruit 24 school psychology graduate students over 4 years to complete their training at UW-Madison; (2) Increase the number of school psychologists from diverse backgrounds in the UW-Madison program who will complete practicum and internship requirements in MMSD; (3) Increase school psychologist to student ratios in MMSD by having graduate students complete practicum and internship requirements in Madison schools and be hired in high-needs schools after graduation; and (4) Improve the ability of school psychology graduate students and MMSD school psychologist supervisors to provide culturally responsive mental health services. As part of the competitive preference priority 1, UW-Madison's application included grant outcomes focused on recruiting and training school psychologists from diverse backgrounds that reflect the communities, identities, races, ethnicities, abilities, and cultures of the students in the district. As part of the competitive preference priority 2, we included grant outcomes focused on providing professional development and training on culturally responsive mental health services. This included training graduate students and their supervisors through quarterly trainings and weekly seminars for our graduate students beyond their school psychology training program (e.g., family school partnerships, school safety, state leaders in education).

11. On March 30, 2023, the Department awarded UW-Madison Award No. S184X230088, Expanding Culturally Responsive Mental Health Services in Madison Metropolitan School District. The March 30, 2023 Grant Award Notification is attached as **Attachment A**. The performance period for this grant was April 1, 2023 to December 31, 2027, and authorized funding for the initial budget period of April 1, 2023 to December 31, 2023.

12. The Department granted continuation awards that funded subsequent budget periods. The Department issued a Grant Award Notification, continuing funding for this grant, on December 19, 2024 in the amount of \$1,175,190.00. The current budget period started on January 1, 2025 and ends on December 31, 2025. That document is attached as **Attachment B**. Most recently, the Department issued a Grant Award Notification on February 18, 2025, correcting budget amounts for future budget periods. That document is attached as **Attachment C**.

13. Since the Department awarded UW-Madison this grant, UW-Madison has used the funds under the grant to provide fellowships to 19 school psychology graduate students enrolled in the 3-year Educational Specialist (EdS) degree program at UW-Madison. Students (who have already been admitted to the EdS degree program) are required to apply for the fellowship and go through a competitive written and oral interview to be selected for these positions. Each selected student receives a \$58,000 scholarship to cover their tuition during the program, \$25,000 during each of their first 2 years of the program to assist with living expenses, a \$1,000 stipend each year to assist with travel to and from practicum and internship training in local schools, and professional development funds to participate in state and national conferences. As a condition of this fellowship, these students have committed to work, full-time, for 3 years as a school psychologist in a high need school district following graduation. The 19 students are at different stages within their program. The first cohort of six students has completed two years of graduate coursework at

UW-Madison and practicum training in MMSD. Students are on track to meet graduation requirements, including necessary coursework and credit requirements, meeting program requirements and milestones, and above average to exemplary ratings by school psychology practicum supervisors. These students will complete their third year of studies and internship during the 2025-26 academic year. They are on track to graduate in May 2026. The second cohort of six students has completed one year of graduate coursework at UW-Madison and practicum training in MMSD. Students have met all necessary year one program requirements, including coursework and credit requirements, meeting program requirements and milestones, and above average to exemplary ratings by school psychology first year practicum supervisors. These students are slated to start their second year of coursework at UW-Madison and practicum training in MMSD during the 2025-26 academic year. They are on track to graduate in May 2027. The third cohort of 7 students have been recruited and signed contracts to start graduate coursework at UW-Madison and complete their practicum and internship training in MMSD during the 2025-26 academic year. This cohort would graduate in May 2028.

14. Since the Department awarded this grant to UW-Madison, UW-Madison has also used award funds to form a leadership team of four UW-Madison faculty (whose salaries are paid partly by the grant), two MMSD central office staff (who receive a stipend for this time, paid with grant funds), and the MMSD school psychologist (who is paid, full time, using award funds, as described below). This grant leadership team meets bi-weekly, facilitates monthly seminars with students, advises students, coordinates student practicum and internship placements, supervises practicum and internship training, and creates and facilitates professional development training for graduate students and their supervisors. With the award funds, MMSD hired the licensed school psychologist supervisor who is part of the leadership team, to provide additional training and

supervision of the 19 graduate students. This MMSD school psychologist, in addition to working as part of the leadership team on the functions described above, also facilitates direct individual and group supervision with each student and leads professional development sessions throughout the year.

15. UW-Madison has submitted to the Department all interim performance reports and annual performance reports on time. We have met and exceeded all project goals by recruiting 19 (instead of 18) graduate students into the program, hiring a school psychology supervisor, and ensuring students are meeting and exceeding program requirements.

16. In my experience, discontinuance of a project's funding is rare, and I have never had a project's funding discontinued or terminated.

17. Nevertheless, on April 29, the Department sent notice that UW-Madison's MHSP award would be discontinued at the end of the grant's current budget period, which is December 31, 2025. Given that the Department originally approved this grant's performance period through December 31, 2027, UW-Madison faces a loss of \$2,805,159.00 in prospective funding, including \$1,532,782.00 that it had expected to receive in 2026 to cover portions of both the 2025-26 and 2026-27 academic years. The Department's discontinuation notice is attached as **Attachment D**.

18. The notice came without any previous process or communication about the discontinuance from the Department. It purported to discontinue the grant based on 34 C.F.R. § 75.253(a)(5) and (f)(1). These regulations allow the Department to not continue a grant if it determines that continuation of the project is not in "the best interest of the Federal Government." 34 C.F.R. § 75.253(a)(5); 34 C.F.R. § 75.253(f)(1). In making this determination, the Department limited its considerations to "any relevant information regarding grantees' performance."

34 C.F.R. § 75.253(b). However, this notice failed to cite anything regarding UW-Madison's performance.

19. Rather it “determined that the grant specified above provides funding for programs that reflect the prior Administration’s priorities and policy preferences and conflict with those of the current Administration.” It then went on in boilerplate fashion to list a mishmash of reasons, claiming the programs: “violate the letter or purpose of Federal civil rights law; conflict with the Department’s policy of prioritizing merit, fairness, and excellence in education; undermine the well-being of the students these programs are intended to help; or constitute an inappropriate use of federal funds.” Based on this boilerplate language, UW-Madison has no way of knowing which reason(s) applied as the Department’s basis for discontinuing the MHSP grant for Expanding Culturally Responsive Mental Health Services in Madison Metropolitan School District.

Harms from the Department’s Decision to Discontinue UW-Madison’s Grant

20. The discontinuance of the UW-Madison's MHSP grant will end Expanding Culturally Responsive Mental Health Services in Madison Metropolitan School District.

21. Although UW-Madison can still access funding through the end of our current budget period on December 31, 2025, UW-Madison is already experiencing the harmful effects of this discontinuance and is planning for the additional impacts that will result once it no longer has this funding. These include:

a. Impacts on Graduate Students

The 19 graduate students who were selected to receive fellowship funding under this award did not accept their offers of admission to enroll in the EdS graduate program until after they had received the fellowship award offer. The loss of these fellowships will be highly impactful and potentially determinative as to whether they continue their studies at UW-Madison or continue to pursue a school psychology degree at all. These students currently face uncertainty about whether

they will have the necessary financial resources to complete their graduate degree to become a licensed school psychologist, including whether they will have sufficient funding to pay for their tuition, financial support for their living expenses, financial assistance with travel to and from practicum and internship training in local schools, and professional development funds to participate in state and national conferences. The timing of the funding loss is especially detrimental to these graduate students, since the funding will be discontinued in the middle of the academic year. It is very difficult for students to count on tuition support for half of the year and then to be left to find a job or other mid-year support. For example, to pursue a student academic employment position to replace this lost funding, they would be required to apply for the position before the fall semester.

More specifically, the first cohort of 6 students will not have award funding to complete their final semester of internship during Spring 2026 and to participate in professional development training alongside their school psychologist supervisors. These funds are necessary for them to complete all program requirements so they can successfully graduate on time in May 2026. The second cohort of 6 students will not have award funding to complete their second year of coursework at UW-Madison and practicum training in MMSD during the Spring 2026 semester. They also will not have award funding to cover their program tuition on internship during the 2026-27 academic year, so they can successfully graduate on time in May 2027. Students will also lose approximately \$25,000 of support each year to assist with their living expenses. The third cohort of 7 students will not have award funding to complete their first year of coursework at UW-Madison and practicum training in MMSD during the Spring 2026 semester. They also will not have award funding to cover their program tuition during their second year of the program during 2026-27 or during internship in the 2027-28 academic year, so they can successfully graduate in

May 2028. Students will also lose approximately \$25,000 of support each year to assist with their living expenses. Finally, we will not have funds available to recruit and secure admission for our final cohort of graduate students during Fall 2026 who would be expected to graduate in May 2029. (Due to sound budget management, there would have been 7 students in the final cohort, bringing the total number of trained school psychologists from UW-Madison's MHSP program to 26.)

b. Impacts on UW-Madison and MMSD

UW-Madison will have one staff member, who is a coordinator for this grant, that will lose half of their appointment due to the discontinuation of the award. As referenced above, the UW-Madison School Psychology Program may also lose a substantial number of graduate students as 19 of our 45 graduate students receive financial support from this fellowship, thus threatening program financial and educational stability. MMSD will need to identify alternate funding to pay a full-time school psychologist who was fully paid with this grant funding and who was providing clinical supervision to the program's 19 graduate students. As the Department is no longer requiring graduate students to work in a high needs school district following graduation as part of the non-continuation of these grants, MMSD also faces the likelihood that fewer graduates that were part of this program will seek employment in the district following graduation.

c. Impacts on K-12 Students

The loss of these funds will continue to exacerbate the mental health crisis that children and youth are experiencing by not having access to qualified mental health providers. Graduate students in this program engage in training experiences during practicum and internships, which include providing the following services for K-12 students in Madison schools: individual and group counseling to students with mental health, academic, and behavioral challenges; evaluations

to determine preK-12 student eligibility to receive special education services; consultation with teachers on effective academic interventions in the classroom; crisis response counseling; and school safety planning. Without these additional supports in schools offered by the graduate students in this program, K-12 students in the district will face the immediate impact of having less access to school mental health professionals to address any barriers to learning they may be experiencing.

As discussed above, the loss of this funding may result in some or all of the program's graduate students not pursuing their professional goals of becoming a school psychologist. If graduate students withdraw from UW-Madison due to the financial strain of losing their fellowship, it will further exacerbate the shortages of school psychologists who are ready to join the workforce across Wisconsin and in the United States. Additionally, graduate students who choose to remain enrolled may need to take out significant student loans to pay for graduate school, leading them to choose a more financially lucrative job after graduation, instead of seeking employment in high needs school districts. Both of these possibilities will exacerbate the shortages of school psychologists in high needs public schools who are able to address the mental health crisis that children and youth are experiencing nationwide.

22. There is no way to recover lost time or restore continuity once disrupted. Even if the Department were to re-bid MHSP funds, and UW-Madison were to receive a new grant award, the harm would already be done. Graduate students will immediately need to make alternate plans for this academic year, given the disruption in their tuition and stipend for living expenses that will come in December. If the graduate students choose to withdraw from our program and/or take on substantial debt to continue their education, those actions cannot be reversed with a later award of funding from the Department. Our graduate students may already be enrolling in other programs

or securing other employment, making them unable to be recruited for this fellowship again. This is a huge loss, given the investment we have made to each of these students. Additionally, it would be difficult to recruit a new group of students who would be understandably hesitant to commit to a fellowship that was previously discontinued. If MMSD secures alternate funding for the full-time school psychologist who had been providing clinical supervision and support to graduate students under this award, it is unclear whether that person would be able to return to the program if UW-Madison received a future award.

Conclusion

23. The discontinuances of UW-Madison's MHSP grant undermines a key aspect of UW-Madison's mission—that education offered here should positively influence people's lives in around Madison, the State of Wisconsin, and beyond—as well as the Department's "mission to ensure equal access to education and to promote educational excellence throughout the Nation." 20 U.S.C. § 1228a(a). These discontinuances make it harder to train and secure talent and to fund providers so that our children may access mental health services. To meet budgetary deadlines, UW-Madison and its partners will be making difficult decisions in the next few weeks and informing graduate students that they have lost significant financial assistance. These harms are ongoing and will be irreparable if they are not stopped.

24. On June 30, 2025 at 11:01 a.m., the University of Wisconsin-Madison withdrew its request for reconsideration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 1st day of July, 2025, at Madison, Wisconsin.



Katie Eklund
Associate Professor