

110TH CONGRESS
1ST SESSION

H. R. 3419

To establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. LOEBSACK (for himself, Mr. HARE, Mr. KILDEE, Mr. BARROW, Ms. ROYBAL-ALLARD, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. YARMUTH, Mr. KENNEDY, Mr. INSLEE, Mr. ROTHMAN, Mr. KAGEN, Ms. MCCOLLUM of Minnesota, Mr. RUPPERSBERGER, Mr. DOGGETT, Mr. LARSEN of Washington, Mr. SIRES, Ms. SOLIS, Mr. SCOTT of Virginia, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. McNULTY, Mr. WELCH of Vermont, Mr. FILNER, Mr. BECERRA, Mrs. DAVIS of California, Mr. ANDREWS, Mr. COURTNEY, Mr. WAXMAN, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Barriers to
3 Learning Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Interventions to increase students’ bonding
7 to school promote academic success by reducing bar-
8 riers to learning.

9 (2) Interventions that foster students’ engage-
10 ment in school have been shown to reduce high
11 school dropout rates.

12 (3) Interventions that strengthen students’ so-
13 cial, emotional, and decision-making skills also posi-
14 tively impact their academic achievement, both in
15 terms of higher standardized test scores and better
16 grades.

17 (4) Prevention and early intervention programs
18 that target elementary school-aged students who are
19 academically and socially at risk have been shown to
20 produce declines in special education referrals and
21 placement, suspension, grade retention, and discipli-
22 nary referrals.

23 (5) Students with barriers to learning, such as
24 low levels of resilience assets (such as high expecta-
25 tions and caring relationships at school), have lower

1 levels of academic achievement both in low- and
2 high-performing schools.

3 (6) Increasing students' engagement and sense
4 of community in the school produces reductions in
5 problem behaviors, increased associations with
6 prosocial peers, and better academic performance.

7 (7) School mental health programs improve
8 educational outcomes by decreasing absences and
9 discipline referrals and improving test scores.

10 (8) Students who receive social-emotional sup-
11 port and prevention services achieve better academi-
12 cally in school.

13 (9) While it is well recognized that mental
14 health directly affects children's learning and devel-
15 opment, in a recent study one-third of school dis-
16 tricts reported decreased funding for school mental
17 health services at the same time that two-thirds re-
18 ported increased need for such services.

19 (10) School counseling programs are essential
20 for students to achieve optimal personal growth, ac-
21 quire positive social skills and values, set appropriate
22 career goals, and realize full academic potential to
23 become productive, contributing members of the
24 world community.

1 (11) 70 percent of children receiving services
2 from speech-language pathologists make progress in
3 emergent literacy skills, and 75 percent make
4 progress in word recognition, an important compo-
5 nent of literacy skills; over two-thirds of classroom
6 teachers report that students receiving these services
7 show improved reading skills in the classroom.

8 (12) Use of creative arts therapies (including
9 art therapy, dance/movement therapy, and music
10 therapy) promote learning and skill acquisition (in-
11 cluding enhanced literacy skills), increased attention,
12 improved behavior, increased socialization, improved
13 receptive/expressive language, self-expression, and a
14 more positive attitude for learning.

15 (13) 97 percent of children in the United States
16 spend their days at school. Therefore, the school can
17 be an important site where health and education
18 risks (such as depression, absenteeism, and sub-
19 stance use) may be identified and timely interven-
20 tions initiated.

21 (14) Whole-school interventions using positive
22 behavior support have been shown to decrease be-
23 havior problems while improving academic perform-
24 ance, as measured by standardized tests in reading
25 and mathematics.

1 (15) Branches of Federal agencies need to re-
2 evaluate policies aimed at enhancing school-based
3 mental health and become more proactive in pro-
4 viding leadership to achieve integrated, collaborative,
5 and effective programs aimed at improving the men-
6 tal health of America’s children.

7 (16) 20 percent of the 53 million children at-
8 tending school in the United States will, at some
9 point, meet the criteria for a diagnosable mental ill-
10 ness at a level of impairment that requires some
11 type of intervention. Thus, there is the potential that
12 over 10 million children will need some type of help
13 to meet the goals relating to emotional well-being in
14 the No Child Left Behind Act of 2001.

15 (17) More than three-quarters of schools have
16 a coordinator of mental health and social services in
17 the school; nearly two-thirds of school districts have
18 a coordinator who serves this role; and one-half of
19 the States have a coordinator of school mental
20 health and social services. However, there is cur-
21 rently no person responsible for overseeing or pro-
22 moting these services and supports in the Depart-
23 ment of Education.

1 **SEC. 3. OFFICE OF SPECIALIZED INSTRUCTIONAL SUPPORT**
2 **SERVICES.**

3 (a) IN GENERAL.—The Department of Education
4 Organization Act (20 U.S.C. 3401 et seq.) is amended by
5 redesignating sections 219 and 220 as sections 220 and
6 221, respectively, and by inserting after section 218 the
7 following new section:

8 **“SEC. 219. OFFICE OF SPECIALIZED INSTRUCTIONAL SUP-**
9 **PORT SERVICES.**

10 “(a) ESTABLISHMENT.—There shall be, in the De-
11 partment, an Office of Specialized Instructional Support
12 Services (referred to in this section as the ‘Office’).

13 “(b) DIRECTOR.—

14 “(1) APPOINTMENT AND REPORTING.—The Of-
15 fice shall be under the direction of the Director of
16 Specialized Instructional Support Services who shall
17 be appointed by the Secretary and who shall report
18 directly to the Deputy Secretary.

19 “(2) FUNCTIONS.—The Director of Specialized
20 Instructional Support Services, through the Office,
21 shall carry out the following activities:

22 “(A) Improve specialized instructional sup-
23 port services in schools in order to better ad-
24 dress barriers to student learning and improve
25 academic achievement and educational results
26 for students.

1 “(B) Identify scientifically-based practices
2 in specialized instructional support services that
3 effectively address barriers to education and im-
4 prove both academic achievement and edu-
5 cational results for students.

6 “(C) Provide continuous training and pro-
7 fessional development opportunities for special-
8 ized instructional support services personnel
9 and other personnel in the use of effective tech-
10 niques to address academic, behavioral, and
11 functional needs.

12 “(D) Provide technical assistance to State
13 specialized instructional support coordinators, if
14 any, as well as to local and State educational
15 agencies in the provision of effective, scientif-
16 ically-based specialized instructional support
17 services.

18 “(E) Coordinate specialized instructional
19 support services programs and services in
20 schools between the Department and other Fed-
21 eral agencies, as appropriate.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 for such Act is amended by redesignating the items relat-
24 ing to sections 219 and 220 as relating to sections 220

1 and 221, respectively, and by inserting after the item re-
 2 lating to section 218 the following new item:

“Sec. 219. Office of Specialized Instructional Support Services.”.

3 **SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES TO RE-**
 4 **DUCE BARRIERS TO LEARNING.**

5 (a) IN GENERAL.—Title I of the Elementary and
 6 Secondary Education Act of 1965 (20 U.S.C. 6301 et
 7 seq.) is amended by redesignating part I as part J and
 8 by inserting after part H the following new part:

9 **“PART I—REDUCED BARRIERS TO LEARNING**

10 **“SEC. 1901. PURPOSES.**

11 “The purposes of this part are—

12 “(1) to build the capacity of States to identify
 13 and respond to the need for specialized instructional
 14 support services at the district level in order to pro-
 15 mote student success for all students;

16 “(2) to promote comprehensive and coordinated
 17 delivery of services within and across Federal, State,
 18 and local educational agencies and in collaboration
 19 with available community agencies supports and
 20 services;

21 “(3) to promote evidenced-based practices that
 22 have demonstrated effectiveness in reducing barriers
 23 to learning and improving student outcomes;

24 “(4) to monitor the access, use, availability, and
 25 adequacy of resources, services, and personnel de-

1 signed to specifically address barriers to learning at
2 the district and individual school level;

3 “(5) to assist in the recruitment, retention, and
4 adequate staffing of specialized instructional support
5 services to meet the needs of students experiencing
6 barriers to learning at the district and individual
7 school level; and

8 “(6) to improve shared accountability for stu-
9 dent outcomes by all school personnel.

10 **“SEC. 1902. GRANTS TO STATE EDUCATIONAL AGENCIES.**

11 “(a) GRANTS.—

12 “(1) IN GENERAL.—The Secretary may award
13 competitive grants under this part to State edu-
14 cational agencies—

15 “(A) to establish or expand specialized in-
16 structional support services and programs at
17 the State level that are designed to provide
18 technical assistance, and coordinate and sup-
19 port specialized instructional support services
20 and programs, for the purpose of addressing
21 barriers to learning within local educational
22 agencies and individual schools; and

23 “(B) to hire and support specialized in-
24 structional support services coordinators to pro-
25 vide such assistance, coordination, and support.

1 “(2) BARRIERS TO LEARNING.—For purposes
2 of this part, the term ‘barriers to learning’ include
3 any social, emotional, behavioral, physical, environ-
4 mental, or academic factor that substantially inter-
5 feres with a student’s ability to achieve academically
6 at proficient levels and successfully complete high
7 school. Such factors may include acute or transi-
8 tional factors such as family conflict, homelessness,
9 geographic relocation, grief and loss, emotional
10 stress, mental or physical illness, or mild learning
11 problems, and more chronic or severe factors com-
12 monly associated with a disability.

13 “(b) PRIORITY.—In awarding grants under this sec-
14 tion, the Secretary shall give priority to applications that
15 demonstrate—

16 “(1) the greatest financial need based upon the
17 number of students identified as requiring special-
18 ized instructional support services and programs in
19 order to overcome barriers to learning and academic
20 achievement;

21 “(2) the greatest need based upon the limited
22 amount of resources, services, or personnel (within
23 local educational agencies and individual schools)
24 available to specifically address barriers to learning
25 and academic achievement; and

1 “(3) the greatest potential for program sustain-
2 ability following the completion of the grant’s dura-
3 tion.

4 “(c) MATCHING REQUIREMENT.—To be eligible to
5 receive a grant under this section, a State educational
6 agency shall provide non-Federal matching funds equal to
7 not less than 50 percent of the amount of the grant.

8 “(d) DURATION.—Grants under this section shall be
9 awarded for a period of not more than 5 years.

10 “(e) ADMINISTRATIVE COSTS.—A State educational
11 agency that receives a grant under this part may reserve
12 not more than 15 percent of the grant funds for adminis-
13 trative expenses.

14 “(f) SUPPLEMENT; NOT SUPPLANT.—Funds made
15 available under this part shall be used to supplement, and
16 not supplant, any other Federal, State, or local funds that
17 would otherwise be available to carry out the activities as-
18 sisted under this part.

19 **“SEC. 1903. STATE APPLICATIONS.**

20 “(a) IN GENERAL.—Each State educational agency
21 seeking a grant under this part shall submit an application
22 to the Secretary at such time, in such manner, and accom-
23 panied by such information as the Secretary may require.

24 “(b) CONTENTS.—Each application for a grant under
25 this section shall also describe—

1 “(1) the needs of the State in meeting the pur-
2 poses of this part;

3 “(2) if a State intends to hire a specialized in-
4 structional support services coordinator, the quali-
5 fications of the specialized instructional support
6 services coordinators demonstrating that personnel
7 are knowledgeable and experienced in school sys-
8 tems, operations, and the specific role and function
9 of specialized instructional support services;

10 “(3) the specific leadership activities to be per-
11 formed by the coordinators in order to address such
12 purposes;

13 “(4) the school population to be targeted for
14 services by the specialized instructional support serv-
15 ices;

16 “(5) the specific student outcomes expected as
17 a result of delivering these services;

18 “(6) the adequacy of staffing as compared to
19 student needs for specialized instructional support
20 services personnel, especially personnel representing
21 diverse cultural populations;

22 “(7) the proposed strategies for recruiting and
23 retaining specialized instructional support services
24 personnel, including professional development, men-
25 toring, and hiring incentives;

1 “(8) the methods to be used to evaluate the
2 outcomes and effectiveness of the program; and

3 “(9) how the State and local educational agen-
4 cies will involve community groups, social service
5 agencies, and other public and private entities in co-
6 ordinated, collaborative efforts to reduce barriers to
7 learning.

8 **“SEC. 1904. EVALUATION AND REPORTING.**

9 “(a) IN GENERAL.—The Secretary shall evaluate the
10 programs assisted under this part.

11 “(b) REPORTING.—Not later than 3 years after
12 grants are awarded under this part to the State edu-
13 cational agencies, the Secretary shall make publicly avail-
14 able a report—

15 “(1) detailing the results of the Secretary’s
16 evaluation of each program assisted pursuant to a
17 grant under this part;

18 “(2) demonstrating how each State educational
19 agency receiving a grant under this part reduced
20 barriers to learning for students; and

21 “(3) demonstrating how each State educational
22 agency receiving a grant under this part improved
23 the coordination and collaboration of specialized in-
24 structional support services at the local and indi-
25 vidual school level and with community groups, so-

1 cial services agencies, or other public or private serv-
 2 ice agencies working to reduce barriers to learning.

3 **“SEC. 1905. AUTHORIZATIONS.**

4 “There are authorized to carry out this part such
 5 sums as may be necessary for fiscal year 2008 and each
 6 of the 5 succeeding fiscal years.”.

7 (b) REFERENCES TO PUBLIC SERVICES AND PER-
 8 SONNEL.—

9 (1) The Elementary and Secondary Education
 10 Act of 1965 is amended—

11 (A) by striking “pupil services” each place
 12 it appears in sections 1114(b)(1)(B)(iii)(I)(aa),
 13 1416(4), and 4152(2) and inserting “special-
 14 ized instructional support services”, and

15 (B) by striking “pupil services personnel”
 16 each place it appears and inserting “specialized
 17 instructional support personnel”.

18 (2) Paragraph (36) of section 9101 of such Act
 19 (20 U.S.C. 7801) is amended to read as follows:

20 “(36) SPECIALIZED INSTRUCTIONAL SUPPORT
 21 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
 22 SERVICES.—

23 “(A) SPECIALIZED INSTRUCTIONAL SUP-
 24 PORT PERSONNEL.—The term ‘specialized in-
 25 structional support personnel’ means school

counselors, school social workers, school psychologists, and other qualified professional personnel 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) as part of a comprehensive program to meet student needs.

“(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.”.

(c) CLERICAL AMENDMENTS.—

(1) Sections 1901 through 1908 of part J of title I of the Elementary and Secondary Education Act of 1965 (as redesignated by subsection (a)) are redesignated as sections 1921 through 1928, respectively.

(2) The table of contents for the Elementary and Secondary Education Act of 1965 is amended by striking the items relating to part I of title I and inserting the following new items:

“PART I—REDUCED BARRIERS TO LEARNING

“Sec. 1901. Purposes.

“Sec. 1902. Grants to State educational agencies.
 “Sec. 1903. State applications.
 “Sec. 1904. Evaluation and reporting.
 “Sec. 1905. Authorizations.

“PART J—GENERAL PROVISIONS

“Sec. 1921. Federal regulations.
 “Sec. 1922. Agreements and records.
 “Sec. 1923. State administration.
 “Sec. 1924. Local educational agency spending audits.
 “Sec. 1925. Prohibition against Federal mandates, direction, or control.
 “Sec. 1926. Rule of construction on equalized spending.
 “Sec. 1927. State report on dropout data.
 “Sec. 1928. Regulations for sections 1111 and 1116.”.

1 (3) Section 1922 of such Act, as redesignated
 2 by paragraph (1), is amended by striking “1901”
 3 and inserting “1921”.

4 (4) Paragraph (11) of section 1111(c) of such
 5 Act is amended by striking “1903(b)” and inserting
 6 “1923(b)”.

○