

113TH CONGRESS
1ST SESSION

H. R. 1940

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2013

Mr. LOEBSACK (for himself, Mr. MICHAUD, Mr. PAYNE, Ms. MCCOLLUM, and Mr. PRICE of North Carolina) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish an Office of Specialized Instructional Support 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reducing Barriers to
5 Learning Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

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

4 (2) Interventions that foster students’ engage-
5 ment in school have been shown to reduce high
6 school dropout rates.

7 (3) Interventions that strengthen students’ so-
8 cial, emotional, and decisionmaking skills also posi-
9 tively impact their academic achievement, both in
10 terms of higher standardized test scores and better
11 grades.

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

18 (5) Students with barriers to learning, such as
19 low levels of resilience assets (such as high expecta-
20 tions and caring relationships at school), have lower
21 levels of academic achievement both in low- and
22 high-performing schools.

23 (6) Increasing students’ engagement and sense
24 of community in the school produces reductions in

1 problem behaviors, increased associations with
2 prosocial peers, and better academic performance.

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

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

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

15 (10) Nearly 15 to 18 percent of children and
16 adolescents have a chronic health condition, nearly
17 half of whom could be considered disabled. School
18 nursing provides access to high quality, cost-effective
19 care to our Nation's school children, including the
20 most vulnerable. Improving access and overall health
21 outcomes supports positive learning outcomes in our
22 schools.

23 (11) School counseling programs are essential
24 for students to achieve optimal personal growth, ac-
25 quire positive social skills and values, set appropriate

1 career goals, and realize full academic potential to
2 become productive, contributing members of the
3 world community.

4 (12) Seventy percent of children receiving serv-
5 ices from speech-language pathologists make
6 progress in emergent literacy skills, and 75 percent
7 make progress in word recognition, an important
8 component of literacy skills; over two-thirds of class-
9 room teachers report that students receiving these
10 services show improved reading skills in the class-
11 room.

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

19 (14) Ninety-seven percent of children in the
20 United States spend their days at school. Therefore,
21 the school can be an important site where health and
22 education risks (such as depression, absenteeism,
23 and substance use) may be identified and timely
24 interventions initiated.

1 (15) Whole-school interventions using positive
2 behavior support have been shown to decrease be-
3 havior problems while improving academic perform-
4 ance, as measured by standardized tests in reading
5 and mathematics.

6 (16) Branches of Federal agencies need to re-
7 evaluate policies aimed at enhancing school-based
8 mental health and become more proactive in pro-
9 viding leadership to achieve integrated, collaborative,
10 and effective programs aimed at improving the men-
11 tal health of America's children.

12 (17) Twenty percent of the 53 million children
13 attending school in the United States will, at some
14 point, meet the criteria for a diagnosable mental ill-
15 ness at a level of impairment that requires some
16 type of intervention. Thus, there is the potential that
17 over 10 million children will need some type of help
18 to meet the goals relating to emotional well-being in
19 the Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 6301 et seq.).

21 (18) More than three-quarters of schools have
22 a coordinator of mental health and social services in
23 the school; nearly two-thirds of school districts have
24 a coordinator who serves this role; and one-half of
25 the States have a coordinator of school mental

1 health and social services. However, there is cur-
2 rently no person responsible for overseeing or pro-
3 moting these services and supports in the Depart-
4 ment of Education.

5 **SEC. 3. OFFICE OF SPECIALIZED INSTRUCTIONAL SUP-**
6 **PORT.**

7 (a) IN GENERAL.—The Department of Education
8 Organization Act (20 U.S.C. 3401 et seq.) is amended by
9 redesignating sections 219 and 220 as sections 220 and
10 221, respectively, and by inserting after section 218 the
11 following new section:

12 **“SEC. 219. OFFICE OF SPECIALIZED INSTRUCTIONAL SUP-**
13 **PORT.**

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

17 “(b) DIRECTOR.—

18 “(1) APPOINTMENT AND REPORTING.—The Of-
19 fice shall be under the direction of the Director of
20 Specialized Instructional Support who shall be ap-
21 pointed by the Secretary and who shall report di-
22 rectly to the Deputy Secretary.

23 “(2) FUNCTIONS.—The Director of Specialized
24 Instructional Support, through the Office, shall
25 carry out the following activities:

1 “(A) Improve specialized instructional sup-
2 port services in schools in order to better ad-
3 dress barriers to student learning and improve
4 academic achievement and educational results
5 for students.

6 “(B) Identify and disseminate scientifically
7 based practices in specialized instructional sup-
8 port services that effectively address barriers to
9 education and improve both academic achieve-
10 ment and educational results for students.

11 “(C) Provide continuous training and pro-
12 fessional development opportunities for special-
13 ized instructional support personnel and other
14 personnel in the use of effective techniques to
15 address academic, behavioral, emotional, social,
16 mental health, and functional needs.

17 “(D) Provide technical assistance to State
18 specialized instructional support coordinators, if
19 any, as well as to local and State educational
20 agencies in the provision of effective, scientif-
21 ically based specialized instructional support
22 services.

23 “(E) Coordinate specialized instructional
24 support services programs and services in

1 schools between the Department and other Fed-
 2 eral agencies, as appropriate.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 for such Act is amended by redesignating the items relat-
 5 ing to sections 219 and 220 as relating to sections 220
 6 and 221, respectively, and by inserting after the item re-
 7 lating to section 218 the following new item:

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

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

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

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

15 **“SEC. 1901. PURPOSES.**

16 “The purposes of this part are—

17 “(1) to build the capacity of States to identify
 18 and respond to the need for specialized instructional
 19 support services at the local educational agency level
 20 in order to promote student success for all students;

21 “(2) to promote comprehensive and coordinated
 22 delivery of services within and across Federal, State,
 23 and local educational agencies and in collaboration
 24 with available community agencies supports and
 25 services;

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

4 “(4) to monitor the access, use, availability, and
5 adequacy of resources, services, and personnel de-
6 signed to specifically address barriers to learning at
7 the district and individual school level;

8 “(5) to assist in the recruitment, retention, and
9 adequate staffing of specialized instructional support
10 personnel to meet the needs of students experiencing
11 barriers to learning at the local educational agency
12 and individual school level; and

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

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

16 “(a) GRANTS.—

17 “(1) IN GENERAL.—The Secretary may award
18 competitive grants under this part to State edu-
19 cational agencies—

20 “(A) to establish or expand specialized in-
21 structional support services and programs at
22 the State level that are designed to provide
23 technical assistance, and coordinate and sup-
24 port specialized instructional support services
25 and programs, for the purpose of addressing

1 barriers to learning within local educational
2 agencies and individual schools; and

3 “(B) to hire and support specialized in-
4 structional support services coordinators to pro-
5 vide such assistance, coordination, and support.

6 “(2) BARRIERS TO LEARNING.—For purposes
7 of this part, the term ‘barriers to learning’ include
8 any social, emotional, behavioral, physical, environ-
9 mental, or academic factor that substantially inter-
10 feres with a student’s ability to achieve academically
11 and successfully complete secondary school. Such
12 factors may include acute or transitional factors
13 such as family conflict, homelessness, geographic re-
14 location, grief and loss, emotional stress, mental or
15 physical illness, or mild learning problems, and more
16 chronic or severe factors commonly associated with
17 a disability.

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

21 “(1) the greatest financial need based upon the
22 percentage of students identified as requiring spe-
23 cialized instructional support services and programs
24 in order to overcome barriers to learning and aca-
25 demic achievement;

1 “(2) the greatest need based upon the limited
2 amount of resources, services, or personnel (within
3 local educational agencies and individual schools)
4 available to specifically address barriers to learning
5 and academic achievement; and

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

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

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

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

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

1 **“SEC. 1903. STATE APPLICATIONS.**

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

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

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

10 “(2) if a State intends to hire a specialized in-
11 structional support services coordinator, the quali-
12 fications of the specialized instructional support
13 services coordinators demonstrating that personnel
14 are knowledgeable and experienced in school sys-
15 tems, operations, and the specific role and function
16 of specialized instructional support services;

17 “(3) the specific leadership activities to be per-
18 formed by the coordinators in order to address such
19 purposes;

20 “(4) the school population to be targeted for
21 services by the specialized instructional support serv-
22 ices;

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

25 “(6) the adequacy of staffing as compared to
26 student needs for specialized instructional support

1 personnel, especially personnel representing diverse
2 cultural populations;

3 “(7) the proposed strategies for recruiting and
4 retaining specialized instructional support personnel,
5 including professional development, mentoring, and
6 hiring incentives;

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

9 “(9) how the State and local educational agen-
10 cies will involve community groups, social service
11 agencies, and other public and private entities in co-
12 ordinated, collaborative efforts to reduce barriers to
13 learning.

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

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

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

21 “(1) detailing the results of the Secretary’s
22 evaluation of each program assisted pursuant to a
23 grant under this part;

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

4 “(3) demonstrating how each State educational
 5 agency receiving a grant under this part improved
 6 the coordination and collaboration of specialized in-
 7 structional support services at the local and indi-
 8 vidual school level and with community groups, so-
 9 cial services agencies, or other public or private serv-
 10 ice agencies working to reduce barriers to learning.

11 **“SEC. 1905. AUTHORIZATIONS.**

12 “There are authorized to carry out this part such
 13 sums as may be necessary for fiscal year 2014 and each
 14 of the 5 succeeding fiscal years.”.

15 (b) REFERENCES TO PUBLIC SERVICES AND PER-
 16 SONNEL.—

17 (1) The Elementary and Secondary Education
 18 Act of 1965 is amended—

19 (A) by striking “pupil services” each place
 20 it appears in sections 1114(b)(1)(B)(iii)(I)(aa),
 21 1416(4), and 4152(2) and inserting “special-
 22 ized instructional support services”, and

23 (B) by striking “pupil services personnel”
 24 each place it appears and inserting “specialized
 25 instructional support personnel”.

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

3 “(36) SPECIALIZED INSTRUCTIONAL SUPPORT
4 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
5 SERVICES.—

6 “(A) SPECIALIZED INSTRUCTIONAL SUP-
7 PORT PERSONNEL.—The term ‘specialized in-
8 structional support personnel’ means school
9 counselors, school social workers, school psy-
10 chologists, school nurses, and other qualified
11 professional personnel involved in providing as-
12 sessment, diagnosis, counseling, educational,
13 therapeutic, and other necessary services (in-
14 cluding related services as that term is defined
15 in section 602 of the Individuals with Disabil-
16 ities Education Act) as part of a comprehensive
17 program to meet student needs.

18 “(B) SPECIALIZED INSTRUCTIONAL SUP-
19 PORT SERVICES.—The term ‘specialized instruc-
20 tional support services’ means the services pro-
21 vided by specialized instructional support per-
22 sonnel.”.

23 (c) CLERICAL AMENDMENTS.—

24 (1) Sections 1901 through 1908 of part J of
25 title I of the Elementary and Secondary Education

1 Act of 1965 (as redesignated by subsection (a)) are
 2 redesignated as sections 1921 through 1928, respec-
 3 tively.

4 (2) The table of contents for the Elementary
 5 and Secondary Education Act of 1965 is amended
 6 by striking the items relating to part I of title I and
 7 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.”.

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

11 (4) Paragraph (11) of section 1111(c) of such
 12 Act is amended by striking “1903(b)” and inserting
 13 “1923(b)”.

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