

112TH CONGRESS
1ST SESSION

H. R. 1995

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 25, 2011

Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. WAXMAN, Mr. BRALEY of Iowa, and Mr. COURTNEY) 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 2011”.

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

21 (11) Seventy percent of children receiving serv-
22 ices from speech-language pathologists make
23 progress in emergent literacy skills, and 75 percent
24 make progress in word recognition, an important
25 component of literacy skills; over two-thirds of class-

1 room teachers report that students receiving these
2 services show improved reading skills in the class-
3 room.

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

11 (13) Ninety-seven percent of children in the
12 United States spend their days at school. Therefore,
13 the school can be an important site where health and
14 education risks (such as depression, absenteeism,
15 and substance use) may be identified and timely
16 interventions initiated.

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

22 (15) Branches of Federal agencies need to re-
23 evaluate policies aimed at enhancing school-based
24 mental health and become more proactive in pro-
25 viding leadership to achieve integrated, collaborative,

1 and effective programs aimed at improving the men-
2 tal health of America's children.

3 (16) Twenty percent of the 53 million children
4 attending school in the United States will, at some
5 point, meet the criteria for a diagnosable mental ill-
6 ness at a level of impairment that requires some
7 type of intervention. Thus, there is the potential that
8 over 10 million children will need some type of help
9 to meet the goals relating to emotional well-being in
10 the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 6301 et seq.).

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

21 **SEC. 3. OFFICE OF SPECIALIZED INSTRUCTIONAL SUP-**
22 **PORT.**

23 (a) IN GENERAL.—The Department of Education
24 Organization Act (20 U.S.C. 3401 et seq.) is amended by
25 redesignating sections 219 and 220 as sections 220 and

1 221, respectively, and by inserting after section 218 the
2 following new section:

3 **“SEC. 219. OFFICE OF SPECIALIZED INSTRUCTIONAL SUP-**
4 **PORT.**

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

8 “(b) DIRECTOR.—

9 “(1) APPOINTMENT AND REPORTING.—The Of-
10 fice shall be under the direction of the Director of
11 Specialized Instructional Support who shall be ap-
12 pointed by the Secretary and who shall report di-
13 rectly to the Deputy Secretary.

14 “(2) FUNCTIONS.—The Director of Specialized
15 Instructional Support, through the Office, shall
16 carry out the following activities:

17 “(A) Improve specialized instructional sup-
18 port services in schools in order to better ad-
19 dress barriers to student learning and improve
20 academic achievement and educational results
21 for students.

22 “(B) Identify scientifically based practices
23 in specialized instructional support services that
24 effectively address barriers to education and im-

1 prove both academic achievement and edu-
2 cational results for students.

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

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

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

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

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

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

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

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

8 **“SEC. 1901. PURPOSES.**

9 “The purposes of this part are—

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

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

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

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

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

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

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

9 “(a) GRANTS.—

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

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

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

24 “(2) BARRIERS TO LEARNING.—For purposes
25 of this part, the term ‘barriers to learning’ include

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

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

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

19 “(2) the greatest need based upon the limited
20 amount of resources, services, or personnel (within
21 local educational agencies and individual schools)
22 available to specifically address barriers to learning
23 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 2012 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

1 counselors, school social workers, school psy-
2 chologists, and other qualified professional per-
3 sonnel involved in providing assessment, diag-
4 nosis, counseling, educational, therapeutic, and
5 other necessary services (including related serv-
6 ices as that term is defined in section 602 of
7 the Individuals with Disabilities Education Act)
8 as part of a comprehensive program to meet
9 student needs.

10 “(B) SPECIALIZED INSTRUCTIONAL SUP-
11 PORT SERVICES.—The term ‘specialized instruc-
12 tional support services’ means the services pro-
13 vided by specialized instructional support per-
14 sonnel.”.

15 (c) CLERICAL AMENDMENTS.—

16 (1) Sections 1901 through 1908 of part J of
17 title I of the Elementary and Secondary Education
18 Act of 1965 (as redesignated by subsection (a)) are
19 redesignated as sections 1921 through 1928, respec-
20 tively.

21 (2) The table of contents for the Elementary
22 and Secondary Education Act of 1965 is amended
23 by striking the items relating to part I of title I and
24 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)”.

○