



NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS
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*Enhancing the mental health and
educational competence of all children.*

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Dear Chairman Kennedy and Ranking Member Enzi,

On behalf of the National Association of School Psychologists (NASP), we thank you for the opportunity to share our comments and recommendations on the upcoming reauthorization of the No Child Left Behind Act (NCLB).

NASP represents over 25,000 school psychologists in schools and communities across the country. The NASP mission is to support school psychology with leadership to enhance the mental health and educational competence of all children by implementing research-based, effective programs that promote healthy behaviors, enhance independence, and promote optimal learning. This is accomplished through state-of-the-art research and training, advocacy, ongoing program evaluation, and caring professional service. We are particularly active in programs and services for school and community-based prevention efforts, including behavioral interventions and strategies to remove emotional, behavioral and academic barriers to learning.

School psychologists regularly work in schools within many contexts of NCLB and the Individuals with Disabilities Education Act (IDEA). We provide community and school-based mental health counseling and psychological services; consult with parents, teachers, and school administrators on strategies to improve academic success; link students and families to resources within the community; and help design and implement projects to evaluate the effectiveness of academic and behavioral programs. We provide accurate and comprehensive assessments. We provide education and professional development for other educators and staff. And we develop, implement, and evaluate individualized education programs and behavioral intervention plans.

School psychologists often act as the bridge between special education and general education programs, school and community-based programs and services, and parents and the school community. Most importantly, we are specifically trained to link mental health and learning concerns to successful academic interventions and outcomes. For these reasons, we are integral players in the successful and effective application and implementation of NCLB.

As you work to reauthorize NCLB, NASP urges you to support the role of school psychologists in improving academic success and promoting a healthy school climate for all students. Toward that end, NASP offers the following comments and recommendations as our priority concerns:

NASP Principles and Legislative Language Recommendations for the Reauthorization of ESEA/NCLB

The National Association of School Psychologists (NASP) urges the President and Congress to incorporate the following principles into the reauthorization of the Elementary and Secondary Education Act/No Child Left Behind (ESEA/NCLB). NASP represents more than 24,000 school psychologists who work with students, educators and families to ensure the academic achievement and positive mental health of **all** students, including those with and without disabilities who struggle with barriers to learning. While the following list of principles is not considered exhaustive, we firmly believe that the principles outlined below form the foundation for school mental health policies and student supports necessary to achieving success at home, in school, and in life for all of America's children.

Principles of Effective Education and Developmental Support for Children and Youth

- 1. Student health and well-being are integral to student success.** Mental health is as important as physical health to children's quality of life and directly impacts their learning and development. Children cannot learn effectively if they are struggling with a mental health problem, such as depression, poor coping skills, anxiety, or behavioral difficulties. Students, families, schools, and society at large benefit when schools meet the needs of the whole child by fostering social-emotional skills and identifying and preventing mental health problems early.
- 2. School mental health services promote academic and social emotional success for all children.** Instructional support that includes mental health prevention and intervention services must be provided within a continuum of care and coordinated with families, educators, and community service providers. All instructional support services (academic and non-academic) must be responsive to individual student needs, including their mental health and cultural and linguistic backgrounds.
- 3. Student outcome measures must extend beyond literacy and numeracy to encompass factors such as student health and well-being, school climate, and school safety.** Monitoring student progress on these other variables (such as levels of school violence, substance abuse, academic engagement, school attendance and school completion) enables school personnel to recognize and to strengthen the relationship between the access and availability of school mental health services and student ability to overcome non-academic barriers to learning.
- 4. Accountability systems should reflect a comprehensive picture of students' and schools' performance.** Student assessment must move from an overwhelming reliance on standardized tests to using multiple indicators of student achievement. Accountability systems must be designed with realistic goals that recognize normal human variability and genuinely reflect individual progress and achievement. Effective systems (such as student growth models) need to vary for subpopulations, ages, regions, and schools. Accountability systems used with

individual students should be designed with adequate validity and reliability to support individual decision making.

5. School personnel need to deepen their knowledge of and expertise in research-based practices that help students overcome barriers to learning.

Schools should provide opportunities for all educators to receive continuing professional development in the areas of classroom-based strategies for ongoing progress monitoring; prevention of school failure; and specific academic, social, emotional, and behavioral intervention strategies for struggling students.

6. Common elements of IDEA and NCLB need to be explicitly linked to each other in both policy and practice.

Among others, these elements include school based mental health services and supports, progress monitoring, accountability for all students, positive behavior supports, response-to-intervention, universal screening, and scientifically-based interventions.

7. The President and Congress need to increase authorized ESEA/NCLB funding levels.

Federal funding levels should cover a substantial percentage of the costs that states and districts incur in carrying out the ESEA/NCLB. Further, Congress should fully fund the law at these levels without reducing expenditures for other education programs.

Specific Recommendations

NASP recommends requiring schools to determine and to assure the availability of social and mental health services for their students as part of their school improvement plan. The Commission on No Child Left Behind (2007) has asserted that it is critical to fully understand and to comprehensively address students' behavioral, social, and emotional needs in addition to their academic needs. In their report, the NCLB Commission cites the comprehensive research indicating that students struggling with mental health concerns achieve at higher rates when schools identify and intervene with these problems early. The Commission links access to mental health services to improved student outcomes and recommends that, when creating their school improvement plan, schools should be required to determine the availability of school and community social and mental health services to support struggling students. NASP concurs and further maintains that school improvement plans should include mechanisms for assuring access to such services along the full continuum of mental health care.

Recommended Legislative Language:

Title I, Part A, Subpart 1, Sec. 1116 – Add new subparagraph (b)(3)(A)(iv) and re-number current (v)-(xi):

"Sec. 1116. Academic Assessment and Local Educational Agency and School Improvement.

(b) School Improvement.—

(3) School Plan.—

(A) Revised Plan.—After the resolution of a review under paragraph (2), each school identified...for school improvement shall...develop or revise a school plan....The school plan shall cover a 2-year period and—

(iv) describe the availability of social, behavioral, and mental health services in the school and the community to assist students in overcoming barriers to learning and achievement, including—

(I) staffing adequacy of school-employed mental health personnel, such as school counselors, school psychologists, and school social workers, in accordance with the recommended ratios found in Section 5421 (c) (2) (K) of this Act ;

(II) breadth of available school services including counseling, positive behavior supports, screening and assessment, prevention and early intervention, intervention and skill development, and behavioral and instructional consultation;

(III) accessibility of school personnel and services to meet the needs of struggling students;

(IV) availability and accessibility of community social and mental health programs and qualified personnel capable of linking with schools to provide a full continuum of social and mental health support."

NASP recommends directing the Secretary of Education to establish an Office of Specialized Instructional Supports within the U.S. Department of Education.

The purpose of creating this office would be to provide leadership within the Department of Education, which is dedicated to promoting specialized instructional support programs and services (“pupil services” as defined in NCLB and “related services” as defined in IDEA) that assist struggling learners. Many local school districts and state education agencies currently have this level of leadership in place. However, the absence of such a position at the federal level limits the communication and coordination of national efforts associated with services that promote academic success for all students. This office would facilitate the development of a comprehensive, child-focused, multifaceted, and cohesive system of learning supports. The goal is to improve cross-agency coordination among SAMHSA, DOJ, HRSA, and DOE, reduce gaps and inefficient redundancies in support services, streamline systems, and simplify and improve the understanding and participation of parents in their child’s comprehensive education and care.

Legislative Language Recommended

"Sec. XXX. Office of Specialized Instructional Support Personnel.

(a) Establishment.—There shall be, within the Office of the Deputy Secretary in the Department of Education, an Office of Specialized Instructional Support Services (hereafter referred to as the "Office").

(b) Purpose.—The purpose of the Office shall be to administer, coordinate, and carry out programs and activities concerned with providing specialized instructional support services in schools, delivered by trained, qualified specialized instructional support personnel, as defined in Sec. XXX of the Act.

(c) Director.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and report directly to the Deputy Secretary of Education.

(d) Activities.—In carrying out subsection (b), the Director shall support activities to—

(1) improve specialized instructional support services in schools in order to improve academic achievement and educational results for students;

(2) identify scientifically based practices in specialized instructional support services that support learning and improve academic achievement and educational results for students;

(3) provide continuous training and professional development opportunities for specialized instructional support personnel and other school personnel in the use of effective techniques to address academic, behavioral, and functional needs;

(4) provide technical assistance to local and state educational agencies in the provision of effective, scientifically based specialized instructional support services; and,

(5) coordinate specialized instructional support services programs and services in schools between the Department of Education and other federal agencies, as appropriate."

NASP recommends encouraging states to use Title I funds to support the use of positive behavior interventions and supports in schools. Positive Behavioral Interventions and Support (PBIS) is an empirically validated, functionally based approach used to eliminate challenging behaviors and replace them with prosocial skills. Research indicates that schools employing system-wide interventions for problem behavior prevention have reduced office discipline referrals by 20-60%, and have increased student academic engagement and achievement. The Individuals with Disabilities Education Act (IDEA) recommends the use of PBIS for students with challenging behaviors. Section 1003 of NCLB authorizes states to reserve up to 2-4% of Title I funds for school improvement to meet the state's responsibilities under Section 1116 and 1117. Additionally, Section 1114 authorizes LEA's to use funds for school wide programs. Amending Sections 1003, 1114, 1116 and 1117 to include implementation of school wide PBIS will permit states to use their Title I state reservations funds to promote and support such initiatives and will increase the likelihood that these funds will be used for this purpose.

Recommended Legislative Language:

1. Section 1003: School Improvement

In paragraph (b) relating to uses of funds, add a new (3):

(3) (the state) may allocate funds to develop and implement coordinated, early intervening services (including positive behavior supports) for all students, including those who have not been identified as needing special education but who need additional academic and behavioral support to succeed in a general education environment. These funds shall be aligned with funds authorized under the

Individuals with Disabilities Education Act, Part B, Section 613 (f). Such funds shall be used to supplement, and not supplant, funds made available under the IDEA for these activities and services.

2. Section 1114: School-Wide Programs

(b)(1)(B)(iii), relating to strategies to address the needs of all children, renumber paragraphs (bb) and (cc) as (cc) and (dd) and add a new paragraph (bb) to include the use of positive behavior supports:

(bb) improve the learning environment in the school, including the implementation of positive behavioral supports, in order to improve academic outcomes for students.

3. Section 1116: Academic Assessment and Local Educational Agency and School Improvement

In paragraph (b)(4)(B) relating to technical assistance add a new (iii) and renumber (iii) as (iv) as (iv) and (v):

(iii) shall include assistance in implementation of school-wide positive behavior supports and other approaches with evidence of effectiveness for improving the learning environment in the school;

4. Section 1117: School Support and Recognition

In paragraph (a)(3), relating to technical support, add to the list of technical assistance (TA) centers:

any technical assistance center on school-wide positive behavior supports funded under Part D, Section 665(b) of the Individuals with Disabilities Education Act.

In paragraph (a)(5)(B) relating to functions of school support teams, add a new (iii) and renumber (iii) and (iv) as (iv) and (v):

(iii) review the number of discipline referrals in the school and the overall school climate and engagement of families, and use that information to assist the school to implement school-wide positive behavior supports and/or other early intervening services;

NASP recommends infusing ‘evidence-based intervention model’ throughout NCLB to improve access to early intervening services, early identification and improved academic and social-emotional learning outcomes for all students and to ensure all available resources are appropriately targeted to serve all struggling learners as early as possible. IDEA now includes important provisions that encourage states and school districts to use high quality, research-based interventions as a part of the special education identification process. This process, commonly known as Response to Intervention (RTI), is a multi-step approach to providing services and evidence-based interventions, typically through

general education, to students who struggle with academics or behavior at increasing levels of intensity. The progress students make at each stage of intervention is closely monitored. Results of this monitoring are used to make decisions about the need for further research-based instruction and/or intervention in general education, in special education or both. The RTI process has the potential to limit the amount of academic failure that any student experiences and to increase the accuracy of special education identification. Its use may also reduce the number of children who are mistakenly identified as having learning disabilities when their learning problems are actually due to cultural differences or lack of adequate instruction. Information and data gathered by an RTI process can lead to earlier identification of children who have true disabilities and are in need of special education services.

The IDEA 2004 also now allows up to 15 percent of special education funds to be used for the provision of 'early intervening services' (Sec. 613(f)) for students who have academic or behavioral difficulties but are not identified as having a disability. Now, struggling learners can receive intervention as early as kindergarten and first grade instead of waiting until they experience a prolonged and significant period of academic failure. While this is an option for all schools, it is a requirement for schools identified as having over-identification of minorities in special education. By further aligning IDEA and NCLB resources are effectively targeted to the students most in need and those most at-risk academically and behaviorally.

Recommended Legislative Language:

Insert in Title I:

(a) Inclusion in Local Educational Agency Plans Under Section 1112.—Subparagraph (C) of section 1112(b)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the semicolon “, such as through an evidence-based intervention model described in section 1114(b)(1)(B)(v)”.

(b) Inclusion in Schoolwide Reform Strategies of Schools Under Section 1114.—Subparagraph (B) of section 1114(b)(1) of such Act is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting a semicolon, and by adding at the end the following new clauses:

“(iv) coordinate with early intervening services under section 613(f) of the Individuals with Disabilities Education Act; and

“(v) provide evidence-based intervention models that include high-quality instruction, universal screening, progress monitoring, research-based interventions matched to student needs, and educational decision-making using learning rate over time and level of performance.”

(c) Required Use of Evidence-Based Intervention Models in Schools in Need of Improvement.—Clause (i) of section 1116(b)(3)(A) of such Act is amended by inserting “includes an evidence-based intervention model described in section 1114(b)(1)(B)(v) and” after “school reform model that”.

() Inclusion in Reading First Strategies.—Clause (ii) of section 1202(c)(7)(A) of such Act is amended by striking “and” at the end of subclause (I), by striking the period at the end of subclause (II) and inserting “; and”, and by adding at the end the following new subclause:

“(III) includes an evidence-based intervention model described in section 1114(b)(1)(B)(v) to support the activities required or permitted under this paragraph.”

() Inclusion in Professional Development Funding.—

(1) Paragraph (2) of section 2113(c) of such Act is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and” and by adding at the end the following new subparagraph:

“(C) enable teachers to provide services under an evidence-based intervention model described in section 1114(b)(1)(B)(v).”

(2) Subparagraph (B) of section 2123(a)(3) of such Act is amended by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively, and by inserting after clause (iii) the following new clause:

“(iv) provide training to enable teachers to provide services under an evidence-based intervention model described in section

NASP recommends the continued authorization and increased funding for the Elementary and Secondary School Counseling Program (ESSCP). The Elementary and Secondary School Counseling program (ESSCP) helps school districts to establish or expand school-based counseling services provided by qualified state licensed or certified school counselors, school psychologists, school social workers, or appropriately qualified psychiatrists and psychologists. The program helps improve school safety and increase student academic achievement by expanding student access to counseling services and school mental health interventions. With the passage of NCLB, Congress expanded the name of this program to include secondary schools. However, a funding trigger within the statute requires all funds up to \$40 million to be directed to elementary schools. In order for the services outlined in this program to respond to the growing needs of middle and high schools, the program must be funded at higher levels. Currently, ESSCP is funded at \$34.7 million and we request that funding for ESSCP increase to a minimum of \$75 million.

Recommended Legislative Language

The ESSCP is authorized under the Fund for the Improvement of Education, Title V, Section 5421, No Child Left Behind Act of 2001, P.L. 107-110 and we support its continued authorization and increased funding to a minimum of \$75 million so that secondary students might also benefit from this program.

Thank you for your consideration of these comments and recommendations concerning the reauthorization of the No Child Left Behind Act. NASP welcomes the opportunity to work with you and the other committee members in assisting with the revision of this vital piece of legislation. For further information, please contact Stacy Skalski, NASP Director of Public Policy, at sskalski@naspweb.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorin", with a horizontal line extending from the end of the signature.

Susan Gorin, CAE
Executive Director