June 29, 2015

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Harry Reid
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader McConnell, Minority Leader Reid, and Esteemed Senators:

The National Association of School Psychologists (NASP) recognizes the hard work of Senator Lamar Alexander and Senator Patty Murray for their leadership in crafting the bi-partisan legislation, the Every Child Achieves Act of 2015, which was approved by the Senate HELP committee with a unanimous vote. NASP represents more than 25,000 school psychologists who work with students, educators, and families to support the academic achievement, positive behavior, and mental wellness of all students, especially those who struggle with barriers to learning. School psychologists work with parents and educators to help shape individual and system-wide supports that provide the necessary prevention and intervention services to ensure that all students have access to the mental health, social-emotional, behavioral, and academic supports they need to be successful at school.

NASP is dedicated to advancing policy and practice that ensures every child has access to a high quality public education and the comprehensive academic, behavioral, social-emotional, and mental health services they need to be successful in school, at home, and throughout life. We are pleased that ECAA recognizes the use of multi-tiered systems of support, efforts to improve school climate and school safety, access to specialized instructional support personnel and services, and school based mental health programs as important strategies to improve student and school outcomes. NASP believes that this bi-partisan legislation is a solid foundation for the re-authorization of ESEA and we are pleased that the full Senate will soon begin debate on this important legislation. To that end, we offer our recommendations regarding student assessment and accountability systems, school based mental health programs, and voice our support of, and opposition to amendments we anticipate being offered on the Senate floor.

Assessments and Accountability Systems

Over 30 years of data indicate that when states are given free rein to set their own standards and assessments, they do so unequally, which has resulted in persistent achievement gaps and unequal opportunities for kids. Our country has made gains in closing the racial achievement gap, yet data indicate that significant gaps continue to exist among and within states. To preserve the national priority of equity of excellent education for all students, there must be leadership at the national level and a mechanism of federal oversight to hold states and local school districts accountable for setting and meeting challenging state standards. NASP believes that all children should be held to high expectations and an academically rigorous curriculum, and we respect the intent of ECAA to provide more control and flexibility to states and local school districts. However, we remain cautiously optimistic that the proposed peer review process will ensure that each and every state will set high standards, maintain high expectations, and hold schools accountable to the goal that all students, regardless of race, ethnicity, disability status, or economic advantage will graduate from high school ready for college and/or career.

Assessment

We anticipate a lively debate regarding student assessment requirements. Current policies mandated by No Child Left Behind and others included in state ESEA waiver plans inappropriately stress student performance on a standardized test as a metric of teacher effectiveness and school success. These policies mandate that high stakes decisions about
students and school personnel be heavily influenced by a single data point. As a result, there have been calls to implement grade span testing, or do away with assessment requirements completely. NASP does not support either of these options.

Rather, NASP supports the proposed requirement for states to annually assess students in math and reading for grades 3-8, and once in high school. Proposals to do away with assessments assume that the problem is with the assessment itself. However, the problem is not with the assessment, but rather how it has been used in high stakes decision making. When used appropriately, formative and summative assessments provide critical data to help teachers align their instruction with student need, and help inform school wide improvement efforts.

**Accountability**

NASP is pleased to see that ECAA removes the overly punitive accountability mechanisms that placed too much emphasis on a score obtained on a standardized test and resulted in a narrowing of the curriculum. Additionally, we support states’ ability to develop their own state assessment system and the requirement that SEAs set performance goals for students and specific subgroups of students, including economically disadvantaged students, students from major ethnic and racial groups, children with disabilities, and English Language Learners. States, districts, and schools have an obligation to demonstrate that their policies and practices are enhancing, not hindering, student learning, growth, and performance. And despite many strong components of ECAA, we believe that the proposed accountability provisions need to be strengthened.

ECAA requires states and districts to identify low performing schools and provide intervention and technical support for those schools. However, there are no criteria specifying the amount of time a state can wait to intervene once a school has been identified as low performing. Without such criteria, subgroups of students could spend years in a school that provides inadequate instruction and supports. This is not acceptable. Further, we are concerned that ECAA contains no requirement of specific actions that will be taken, or consequences imposed when schools and districts are not making meaningful improvements toward state goals. Our history and current data show us that the absence of federal oversight in matters of school and student accountability systems results in inequitable schools and districts, which do not ensure that every student has access to a high quality public education. It is not unwarranted, and it should not be viewed as federal overreach, to require states to specify how they will address schools and districts who fail to demonstrate consistent progress despite intervention. There must be a minimum expectation of states that their plan will detail a set of consequences, including the loss of federal funding, and other state imposed sanctions for districts that fail to progress and/or comply after a reasonable period of time.

**School Based Mental Health Programs**

NASP supports collaborative school community partnerships to meet the comprehensive needs of students and families. However, we request, that either in statutory or report language, clarification that school employed mental health professionals (e.g., school psychologists) be consulted in the development, implementation, and evaluation of any program intended to improve student behavioral and mental health, improve school quality and climate, and improve comprehensive school safety. These professionals have unique expertise in the development and delivery of effective systems and services to address student and school needs in these areas.

**Amendments with NASP Support**

*Title I Resource Coordinator (Brown/Manchin):* Seeks to amends Title I to allow comprehensive services and a comprehensive services coordinator as allowable uses of funds in school-wide programs under section 1113(c).

Rationale: Allowing this language for school-wide Title I schools, will result in a more comprehensive alignment of services provided by the schools and those available in the community. A services coordinator can ensure that the right services are matched to the right students, while also facilitating effective collaboration among specialized instructional support personnel and community staff and agencies. This language would explicitly enable any school-
wide Title I school that seeks to initiate school-community partnerships leverage these Title I funds to hire a coordinator, allowing more schools the opportunity to implement this effective strategy for student achievement.

**Full Service Community Schools (Manchin/Brown):** Seeks to amend Title V to establish a full-service community schools program.

Rationale: Full-service community schools help provide students and their families a comprehensive system academic, behavioral, social-emotional, mental health and physical health supports both during, and after, the school day. This amendment would provide funds to help communities enhance existing school-based services and encourage for more effective collaboration between school-employed mental professionals and community-based service providers to needs of the community. Acting alone, neither the school nor the community can fully address the needs of children and youth; however, when the school and community develop an open and truly collaborative relationship, children, youth, and the community as a whole see more positive outcomes.

**Title IV Resource Coordinator (Brown/Manchin):** Seeks to amend part A of Title IV to ensure that each school served under such part has a resource coordinator.

Rationale: A resource coordinator can enhance the impact and cost-effectiveness of Title IV funds by working with the school to ensure that services provided by community agencies and other non-profit organizations enhance, rather than duplicate, services already provided in the school. Schools may choose to identify existing staff to take on this role, allowing schools the flexibility to determine what works best for them. The coordinator helps cultivate community partnerships to complement Title IV services offered by specialized instructional support personnel and other school staff. As a result, this role is important to the infrastructure and long-term sustainability of any school seeking to significantly improve its safety, health, and well-being measures to support academic achievement.

**Jessie Lewis Empowering Educators Act (Senator Blumenthal):** Seeks to amend Part A of Title II to support evidence based social emotional learning programming.

Rationale: Social emotional learning programs result in improved grades, test scores, academic engagement and positive social skills among students. These initiatives also result in lower rates of aggression and emotional distress. Instruction in social emotional learning can be easily infused into school-wide initiatives and classroom instruction. This amendment would allow schools to utilize Title II funds to provide professional development in effective social emotional learning strategies to teachers and principals seeking to infuse these skills in their schools and classrooms.

**Safe Schools Improvement Act (Senator Casey):** Seeks to amend Part A of Title IV to address harassment and bullying.

Rationale: Safe and supportive school environments that are free of bullying, harassment, and discrimination, promote student learning, higher academic achievement and improved social development. The Safe Schools Improvement Act would require that all schools adopt anti-bullying policies that have specific protections against bullying and harassment of all students. Research indicates that LGBTQ youth and children and youth with disabilities are victims of bullying and harassment at a rate that is disproportionally higher than their peers. Research also indicates that students who attend schools with enumerated anti-bullying policies experiences lower levels of victimization and report that teachers are more likely to intervene in bullying incidents. This amendment would help ensure that all students attend a school with a safe and supportive learning environment.

**Student Nondiscrimination Act (Senator Franken)**

Rationale: Every day, students who are, or who are perceived to be, lesbian, gay, bisexual, or transgender (LGBT) are subject to discrimination, including bullying and harassment. This population is bullied at a rate that is two or three times higher than their non LGBTQ peers. Current civil rights legislation provides protection from discrimination on the basis of race, color, sex, religion, disability, and national origin; however, these laws do not explicitly cover sexual
orientation or gender identity. This amendment would establish federal prohibition of discrimination on our nation’s public schools and provide LGBTQ students the same legal protections against bullying and harassment that currently apply to students based on race and gender. Eliminating discrimination, including bullying and harassment, for all students helps ensure that all schools are safe, supportive, and conducive to learning.

**Amendments NASP Opposes**

**Student Data Privacy Protection Act (Senator Vitter):** Seeks to amend section 444 of the General Education Provision in order to improve the privacy protections available to students and their parents.

Rationale: This bill would prohibit the Secretary, any education agency, or institution from collecting psychological data, which is broadly defined. This would significantly interfere with schools’ efforts to provide evidence based prevention and early intervention services to support the academic, behavioral, social-emotional, and mental health needs of students. This amendment would also limit the ability of schools and districts to effectively address school climate, comprehensive school safety, and conduct appropriate suicide risk and threat assessments and would have a devastating impact on education research that helps to improve teaching and learning in our schools.

**Title IV Bullying Prevention:** Seeks to amend Title IV regarding anti-bullying policies.

Rationale: During committee mark-up, Senator Alexander introduced an amendment related to anti-bullying policies. NASP did not support this amendment during HELP Committee mark-up, primarily because this amendment strips enumeration from anti-bullying policies and does not ensure that all students are protected from bullying and harassment in schools. NASP is opposed to any effort to weaken the provisions included in the Safe Schools Improvement Act.

If you would like to discuss specific proposals related to the Every Child Achieves Act or have any questions, please contact Kelly Vaillancourt Strobach (kvaillancourt@naspweb.org). Thank you for your commitment to ensuring that every child has access to a high quality public education.

Sincerely,

Susan Gorin, CAE
Executive Director