

School Success for All Coalition

Reauthorization of the Elementary and Secondary Education Act (ESEA) Recommendations to Improve School Climate

March 26, 2010

Respectfully submitted by:

American Academy of Child and Adolescent Psychiatry*
American Association for Marriage and Family Therapy
American Counseling Association
American Group Psychotherapy Association*
American School Counselor Association
American Occupational Therapy Association
American Psychological Association
Bazelon Center for Mental Health Law
Center for Children's Law and Policy*
CHADD- Children and Adults with Attention-Deficit/Hyperactivity Disorder
Easter Seals
First Focus*
Huff Osher Consulting, Inc*
Mental Health America
National Alliance on Mental Illness
National Association for Children's Behavioral Health*
National Association of School Psychologists
National Association of State Mental Health Program Directors
National Center for Learning Disabilities
National Down Syndrome Congress
National Federation of Families for Children's Mental Health
National Parent Teacher Association (PTA)
School Social Work Association of America
The Advocacy Institute*
TASH
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About the Coalition:

The School Success for All Coalition seeks to ensure that all schools have a climate that is conducive to learning and to ensuring children's social and emotional health. We work to encourage widespread adoption of school-wide Positive Behavior Support (PBS) initiatives to help reshape school climates into more favorable learning environments appreciated by students, parents, teachers and other school personnel. Our recommendations for the reauthorization of ESEA 1) *promote the adoption of school-wide Positive Behavior Support* and 2) *expand the*

availability of social and mental health services and professionals. For information contact co-chairs: Laurel Stine, JD, Director of Federal Relations, Bazelon Center for Mental Health Law at laurels@bazelon.org and Deitra Reiser, PhD, NCSP, Public Policy Fellow, National Association of School Psychologists at dreiser@naspweb.org.

Recommendations:

*Note recommendations 1 through 4, 7, and 8 are as included in the Positive Behavior for Safe and Effective Schools Act (HR 2597) sponsored by Rep. Phil Hare.

1. Encourage use of Title I funds to build, scale-up and sustain school-wide implementation of positive behavior support.

Rationale:

Section 1003 of ESEA currently authorizes states to reserve up to 2-4% of Title I funds for school improvement. Systematic approaches to school improvement, like school-wide Positive Behavior Support, have been shown to help schools bolster academic achievement overall, as well as respond to the needs of individual learners most at risk of school failure.

Currently, special education law (IDEA) explicitly promotes Positive Behavior Support for individuals with disabilities, but there is no recognition of PBS in the general education provisions of ESEA. **By expressly stating that Title I state reserved funds can be used to implement school-wide Positive Behavior Support through amendments to Sections 1003, 1116 and 1117 of ESEA, Congress can effectively align general education and special education law.**

IDEA allows local education agencies to use up to 15% of Part B funds to implement academic and behavioral support. The funds may be used in coordination with funds from ESEA to implement school-wide PBS, which is an approach currently used by many localities. Although many positive behavior support initiatives were launched under the special education umbrella, the school-wide application of PBS is really both a means to help students in special education, as well as a way to help all students increase academic achievement and improve social behavior.

Expressly permitting use of Title I funds for implementation of school-wide Positive Behavior Support would **provide essential federal leadership to state and local educational agencies.** It is a recommendation, not a mandate, and flexibility would remain as to whether to use Title I funds for this purpose.

Suggested language:

Amend Title I- Improving the Academic Achievement of the Disadvantaged

Sec. 1003(b): (School Improvement)- Relating to use of funds, redesignate paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and insert ‘(1)’ before “Of the amount”; and at the end add new ‘(2) *Of the amount reserved under subsection (a) for any fiscal year, the State educational agency may allocate funds to develop and implement coordinated, early intervening services (including school-wide 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. Funds so allocated shall be aligned with funds authorized under section 613(f) of the Individuals with Disabilities Education Act; and used to supplement, and not supplant, funds made available under such Act for such activities and services.*

2. Provide technical assistance on implementation of school-wide Positive Behavior Support to schools needing improvement.

Rationale:

Far too few schools have been able to implement systemic changes that would make for state-of-the-art learning environments. Developing capacity for technical assistance and training that would support consistent and comprehensive approaches that align values, knowledge and practices is paramount. One shot training cannot accomplish effective systemic reform as an institutionalized capacity is needed to adapt to advancements in the field, changes in personnel and changing cultures and environment. **Training is an integral part of school-wide Positive Behavior Support and must be continual as new staff are hired or as additional schools in the district begin implementation.** Technical assistance, including on-site coaching, peer-to-peer support, and training in using data-driven approaches to modify practice are vital to successful implementation. Technical assistance is particularly important in the area of building the capacity of schools to meet the needs of children with the most intensive mental disorders.

Suggested Language:

Amend Title I- Improving the Academic Achievement of the Disadvantaged

Sec. 1116(b)(4)(B): (Academic Assessment and Local Educational Agency and School Improvement)- Relating to school improvement technical assistance, redesignate (iii) as (iv) as (iv) and (v), respectively, and insert new item ‘(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 and reducing the need for suspensions, expulsions, referrals to law enforcement, and other actions that remove students from instruction;*

Sec.1117(a)(3): (School Support and Recognition)- Relating to regional centers, add ‘*any technical assistance center on school-wide positive behavior supports funded under section 665(b) of the Individuals with Disabilities Education Act,*

3. Require state school support teams to review the number of disciplinary referrals in struggling schools, as well as assess school climate and parental and family engagement, to inform and assist with the implementation of school-wide Positive Behavior Support.

Rationale:

To help schools achieve academic proficiency, attention must be given to identifying and assisting struggling learners and students at risk of school failure. School-wide Positive Behavior Support encourages schools to provide a continuum of supports that **address the needs of all students**, including those with significant challenges, using data to assess deficiencies, and match the intensity of interventions to each child's unique needs.

Additionally, school-wide Positive Behavior Support cannot succeed without adequate evaluation and promotion of positive school climate and family engagement. The Department of Education's national PBS technical assistance center urges that families be represented at all levels of implementation: state leadership teams, school or district PBS leadership teams and on the individual PBS teams for children. PBS schools focus on creating a family-friendly school environment that **actively solicits family input and participation** and **ensures regular communications with parents about PBS expectations, systems and practices**. Schools that engage in family-friendly practices report that they have achieved better relationships with parents. The results include improved attendance at parent-teacher conferences and school open houses; more volunteers for school activities; a vibrant parent organization; and more effective alliances between families, schools and community agencies when students need intensive services.

Suggested Language:

Amend Title I- Improving the Academic Achievement of the Disadvantaged

Sec.1117(a)(5)(B): (School Support and Recognition)- Relating to the functions of school support teams, redesignate (iii) and (iv) as (iv) and (v), respectively, and insert new item '(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 or other early intervening services, or both;*'.

4. Provide flexibility for local educational agencies to implement school-wide Positive Behavior Support for schools in need of improvement.

Rationale:

Schools must promote an environment that is safe and conducive to learning, providing a strong foundation on which to build other programs and supports. **School-wide Positive Behavior Support contributes to attitudinal change, creating a culture that fosters a shared sense of responsibility.** The positive school climate that results from the implementation of school-wide Positive Behavior Support promotes learning by reducing discipline problems, increasing instructional time and comprehensively addressing the social and emotional development of students. Section 1114 authorizes local education agencies to use funds for school-wide programs. Adding school-wide Positive Behavior Support to this section increases the likelihood that schools will make use of this important avenue to implement school-wide Positive Behavior Support.

Suggested Language:

Amend Title I- Improving the Academic Achievement of the Disadvantaged

Sec.1114(b)(1)(B)(iii)(I): (School Wide Programs)- Relating to components of school wide reform strategies, redesignate (bb) and (cc) as (cc) and (dd), respectively, and insert new item *‘(bb) improving the learning environment in the school, including the implementation of school-wide positive behavioral supports, in order to improve academic outcomes for students and reduce the need for suspension, expulsions, referrals to law enforcement, and other actions that remove students from instruction;’.*

5. Require schools to determine and assure the availability of social and mental health services for their students as part of their school improvement plan.

Rationale:

The Commission on No Child Left Behind (2007) asserted that it is critical to understand fully and to address comprehensively students’ behavioral, social, and emotional needs in addition to their academic needs. The Commission cites comprehensive research which indicates that **students struggling with mental health concerns achieve at higher rates when schools identify and intervene early to address these problems.** The Commission links access to mental health services and improved student outcomes and recommends that, when creating their school improvement plans, schools should be required to determine the availability of school and community social and mental health services to support struggling students. We support this recommendation and further maintain that school improvement plans should include mechanisms for assuring access to such services along the full continuum of mental health care. Therefore, we offer the following recommendation, as included in the Barriers to Learning Act (HR 3800) introduced by Rep. Dave Loebsack:

Suggested Language:

Amend Title I- Improving the Academic Achievement of the Disadvantaged

Sec. 1116(b)(3)(A): (Academic Assessment and Local Educational Agency and School Improvement) – Relating to the school improvement school plan-redesignate (v)-(x) as (vi)- (xi), respectively, and insert new subparagraph “(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, 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.”

6. Require applicants for teacher preparation to include training on social and emotional learning in children and approaches that improve school climate, such as school-wide Positive Behavior Support.

Rationale:

Integrated efforts to address academic and non-academic barriers to learning are **more likely to help schools meet academic requirements than efforts that focus on academics alone.** Despite the breadth of scientific understanding surrounding academic instruction, behavior improvement and school climate enhancement practices, many ineffectual practices persist. When research-based, comprehensive approaches are employed to address social and emotional learning and student behavior (such as school-wide Positive Behavior Support), studies have shown they reduce disruptive and problem behaviors that result in office discipline referrals and hinder teaching. Educators see school-wide Positive Behavior Support as a method to: change the school environment; significantly reduce discipline problems; facilitate improved academic outcomes and test scores; help schools meet academic standards; support children who cause frequent problems in school and for whom other approaches have failed; address the social-emotional needs of all children; and increase families’ involvement in their children’s education and in the school.

Suggested Language:

Amend Title II- Preparing, Training and Recruiting High Quality Teachers and Principals- Part A, Subpart 1, Grants to States, by adding new subparagraph under Sec. 2113, State Activities

Sec. 2113(c)(xx) *Encouraging and supporting the training of teachers and administrators to understand and incorporate social and emotional learning and approaches that improve the school climate for learning (such as school-wide positive behavior supports).*

Amend Title II- Preparing, Training and Recruiting High Quality Teachers and Principals- Part A, Subpart 2, Subgrants to Local Educational Agencies

Sec.2122(c)(2): (Local Applications and Needs Assessment)- Relating to needs assessment requirements, strike ‘subject matter knowledge and teaching skills’ and insert ‘*subject matter knowledge, teaching skills and an understanding of social or emotional, or both, learning in children and approaches that improve the school climate for learning (such as school-wide positive behavior supports)*’; and insert “*to improve the teachers’ schools’ climate for learning*” after ‘instructional leadership skills to help teachers,” in the same paragraph.

Amend Title II- Preparing, Training and Recruiting High Quality Teachers and Principals- Part A, Subpart 2, by adding new subparagraph under Sec. 2123, Local use of Funds

Sec. 2123(a)(xx) *Encouraging and supporting the training of teachers and administrators to understand and incorporate social and emotional learning and approaches that improve the school climate for learning (such as school-wide positive behavior supports).*

7. **Enhance the purpose of the Safe and Drug- Free Schools and Communities to address whole school climate. Authorize grants to local educational agencies to establish, operate and improve local programs relating to improving the school-wide climate that includes positive behavior supports.**

Rationale:

Schools implementing school-wide Positive Behavior Support **achieve reductions in disciplinary problems**, as well as **improved social climate and academic performance**. When schools implement school-wide PBS with fidelity, research shows increases in both reading comprehension and mathematics scores on standardized tests. School-wide Positive Behavior Support improves other variables related to student success, including increased student attendance, fewer expulsions and suspensions, and reductions in the incidence of bullying and other anti-social behavior.

Suggested language:

Amend Title IV- 21st Century School- Part A, Safe & Drug -Free Schools & Communities

Sec. 4002: (Purpose): Redesignate paragraphs (1)-(4) as (2)-(5), respectively, and insert new item ‘(1) *States for grants to local educational agencies and consortia of such agencies to establish, operate and improve local programs relating to improving the school-wide climate (including implementation of positive behavior supports and other programs);*’

Sec. 4002: (Purpose) Revise to read as-‘The purpose of this part is to support programs *that improve the whole school climate in order to foster learning, including programs that prevent*

discipline problems, that reduce the need for suspensions, expulsions, referrals to law enforcement, and other actions that remove students from instruction, that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities in the school programs and activities; and that are coordinated with related federal, state, school and community efforts and resources to foster a school climate for learning that is safe and drug free to support student academic achievement, through the provision of federal assistance to—

8. Require applicants for the school counseling program to describe how the local educational agency will address the need for early intervening services that will improve the school climate for learning, such as through school-wide positive behavior support.

Rationale:

Investing in school-wide Positive Behavior Support helps create a safe climate that fosters learning, by providing students with the individualized supports they need to achieve, and affording teachers and administrators the tools they need to reinforce desired behavior. **School-wide Positive Behavior Support addresses both students' social and emotional learning needs and leads to improvement in academic outcomes.** Positive behavior support uses in-school professionals to help translate training into practice and to support staff who are implementing school-wide Positive Behavior Support.

Suggested Language:

Amend Title V- Promoting Informed Parental Choice & Innovative Programs- Part D,-

Subpart 2, Elementary and Secondary School Counseling

Sec. 5421(b)(2): (Elementary and Secondary School Counseling Program): Relating to content of applications, redesignate (C) through (H) as (D) through (I), respectively, and insert new '(C) *describe how the local educational agency will address the need for early intervening services that improve the school climate for learning and reduce the need for suspensions, expulsions, referrals to law enforcement, and other actions that remove students from instruction, such as through school-wide positive behavior supports;*'

9. Establish a definition of positive behavior support.

Rationale:

A statutory definition of school-wide Positive Behavior Support is critical to ensure a clear and consistent meaning of the term throughout education policy. Positive behavior support is not a program, but an approach that is based on decades of behavioral and biomedical research.

Positive behavior support uses a public health framed three-tiered system of prevention and support that addresses the spectrum of behavioral needs and serves all children when implemented school-wide. The suggested definition is as provided in the Graduation for All Act (HR 4122) introduced by Chairman George Miller.

Suggested Language:

Amend Title IX- General Provisions, Part A- Definitions

Sec. 9101: (Definitions)–Renumber paragraphs (33)-(43) as (34)-(44) and add new ‘(33) *‘Positive behavior supports’ means a systematic approach to embed evidence-based practices and data-driven decision making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.’*

Additional Recommendations

1. Replace the term ‘pupil services personnel’ with ‘specialized instructional support personnel’ and the term ‘pupil services’ with ‘specialized instructional support personnel’. Establish such terms, as defined in the Barriers to Learning Act (HR 3800) and the Positive Behavior for Safe and Effective Schools Act (H.R 2597). Fully integrate specialized instructional support services into the education system.

State and local education agency capacity should be increased to ensure integration of specialized instructional support services into the general education system. Other school personnel, including teachers and administrators, should be made aware of how to access and use the skills and knowledge of specialized instructional support personnel. Ultimately, increased school system capacity should define how specialized instructional support personnel coordinate and collaborate with other school personnel to ensure student success.

2. Establish an office within the Department of Education to enhance greater integration of all Department of Education agencies’ activities regarding supportive services for children, including school mental health. The Office shall carry out the activities as provided in Section 8 of the Positive Behavior for Safe and Effective Schools Act (HR 2597) and Section 3 of the Barriers to Learning Act (HR 3800).

Programs relating to social/emotional learning and provision of supports from school counselors and mental health professionals and other school-based support personnel are promoted and funded in various Department of Education agencies. However, leadership is needed about the specialized instructional support programs and services (referred to as pupil services under ESEA and as related services under IDEA) that assist struggling learners and remove barriers to learning. Establishing an Office of Specialized Instructional Support Personnel would bring a “voice to the table” about the services and personnel focusing on student’s at risk of school failure and to improve cross-agency coordination of services and programs supporting.

3. Adopt the Graduation for All Act (HR 4122, sponsored by Chairman George Miller).

There is growing concern about the high dropout and low graduation rates of students with disabilities. According to the National Center for Education Statistics, approximately 45% of students age 15 and older who experience serious emotional disturbance drop out of high school – the highest dropout rate of any disability group. Students with disabilities struggle academically, and earn lower grades across all subject areas in comparison to their typically developing peers. As a consequence, high school dropouts are less likely than others to be employed, more likely to receive public assistance, and much more likely to be incarcerated. Evidence suggests that a relationship between academic failure and social failure emerges early in life, indicating that early intervention is key. Successful implementation of school-wide PBS can lead to academic improvement and comprehensively address the social and emotional development of students. We strongly believe that this type of comprehensive approach is necessary to reduce the high and unacceptable dropout rate of students with disabilities.

4. Identify struggling learners early and support targeted instruction or interventions for these students.

Students who are struggling to meet their grade-level academic standards should receive targeted instruction and appropriate behavior supports as soon as possible. Targeted instruction and intervention-- including strategies such as school-wide Positive Behavior Support, response to intervention, universal design for learning and other scientifically-based interventions-- work to create a positive school climate assist struggling learners. Targeted instruction and intervention, however, must not delay or deny an evaluation for special education services for a child who may be eligible for such services.

5. Integrate programs and services into schools' academic curriculum to address barriers to learning.

The Commission on No Child Left Behind (2007) found that it is critical to comprehensively address students' behavioral, social and emotional needs. Research demonstrates that students are more likely to achieve academic success when schools identify and address barriers to learning such as access to mental health services, assistive technology, specialized instructional support services, and adequate nutrition. In addition, positive behavior supports, response to intervention and other scientifically-based interventions should be implemented school-wide to ensure a positive climate for learning resulting in better outcomes for students.

6. Provide Federal Leadership in Alternatives to Harmful Zero Tolerance Policies.

In an effort to improve school safety, many school systems have adopted “zero tolerance” policies which mandate swift, harsh, “one size fits all” penalties, including mandatory suspension and expulsion, for violations of school rules. Although instances when a student must be removed because they pose a threat to the safety of a school occur (such as when a student brings a firearm or illegal drugs to school), research shows that rigid and inflexible approaches to discipline generally do not increase school safety or benefit students affected by

zero tolerance policies. Further, inflexible policies disproportionately impact students of color and students with behavioral, emotional, and mental health needs and have long-term negative effects. In contrast, positive and relational approaches provide a means to successfully improve the school environment without resorting to exclusionary practices. School-wide Positive Behavior Support offers administrators an effective alternative to managing problem behaviors without removing children from school. School-wide Positive Behavior Support is also consistent with a school code of conduct that specifies consequences for problem behaviors, while also emphasizing teaching and offering consistent rewards for good behaviors. Schools utilizing school-wide Positive Behavior Support have up to 60 percent reductions in office discipline referrals, significant increases in instructional time, and improved academic outcomes. Threat assessment techniques also offer administrators an alternative to zero tolerance responses when an actual threat of violence is made by one student against another, allowing a school to consider responses that are commensurate with the facts of specific incidents.

In addition to the above recommendations that encourage implementation of school-wide Positive Behavior Support, we recommend requiring the Department of Education to provide training and technical assistance to state and local educational agencies in states whose dropout, suspension and expulsion data reflect inappropriate identification, intervention and integration policies for students with significant mental health needs. Furthermore, we recommend that the Department of Education encourage the collection of building-level school climate data under Title IV through surveys provided to students, teachers, and administrators. We also recommend that this effort gather data on incidents of violence against teachers and the presence of positive elements of school climate, such as student connectedness and whether students feel adults in the building are available to help with non-academic problems.

7. Promote (within Title IV) positive school climate initiatives that reduce the incidence of and increase appropriate responses to bullying behavior, including bystander responses, and broaden the purpose of Title IV to recognize effective school-wide bullying prevention programs that involve the creation of pro-social school environments within violence prevention efforts.

Bullying is defined as aggressive behavior that is intended to cause harm or distress, involves an imbalance of power or strength between the victim and aggressor, and occurs repeatedly over time. It takes many forms, including physical violence and intimidation, teasing and name-calling, and social exclusion and the manipulation of social relationships. Within a semester, 16 percent of students report being the victim of bullying, and approximately three-quarters of students report being bullied during their school career. For example, years of research show that students who are bullied experience a range of associated, negative outcomes, including decreased attendance and attention to school work, complaints of physical ailments, and mental health problems, including depression and risk of suicide. Bullying behavior also corresponds to other antisocial behavior, including absenteeism, use of alcohol and other drugs, and risk of contact with the criminal justice system. Bullying represents much more than a rite of passage during childhood; it seriously detracts from students' educational opportunities and stands as a considerable public health concern.