

107TH CONGRESS
2D SESSION

H. R. 5352

To amend the Individuals with Disabilities Education Act to develop and implement strategies to reduce the number of children who have, or who are at risk of developing, emotional disturbances that require the provision of special education and related services under that Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2002

Mr. KENNEDY of Rhode Island (for himself, Mr. CUMMINGS, Mr. MARKEY, Mr. PAYNE, Mr. McDERMOTT, Mr. OWENS, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Individuals with Disabilities Education Act to develop and implement strategies to reduce the number of children who have, or who are at risk of developing, emotional disturbances that require the provision of special education and related services under that Act.

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 (a) SHORT TITLE.—This Act may be cited as the
5 “Reducing Special Education Through Prevention Act”.

1 **SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABIL-**
2 **ITIES EDUCATION ACT.**

3 (a) IN GENERAL.—Part D of the Individuals with
4 Disabilities Education Act (20 U.S.C. 1451 et seq.) is
5 amended by adding at the end the following:

6 **“Subpart 3—Grants To Improve School-Based Early**
7 **Intervention Services for Children With Emo-**
8 **tional Disturbances**

9 **“SEC. 691. FINDINGS; PURPOSE.**

10 “(a) FINDINGS.—Congress finds the following:

11 “(1) During 2002–2001 approximately 472,932
12 children between the ages of 6 and 21 who were re-
13 ceiving special education and related services were
14 identified as having emotional disturbances—a 21.8
15 percent increase from the number of such children
16 so identified during 1990–1991. These children with
17 emotional disturbances represent 7.7 percent of the
18 total number of children with disabilities and ap-
19 proximately 1 percent of the general population of
20 the United States.

21 “(2) It is estimated that up to 19 percent of
22 the total number of students in elementary and sec-
23 ondary schools in the United States exhibit symp-
24 toms of emotional disturbance or symptoms of other
25 mental health conditions, but only 1 percent of such
26 students are properly identified as such and receive

1 necessary services. These students fail more classes,
2 miss more days of school, have lower grades, are
3 more frequently retained at the same grade level for
4 more than 1 school year, drop out from school more
5 frequently, and have lower graduation rates than do
6 other students with disabilities.

7 “(3) At the Conference on Children’s Mental
8 Health in September 2000, the Surgeon General
9 stated that ‘[c]hildren and families are suffering be-
10 cause of missed opportunities for prevention and
11 early identification [of children with emotional dis-
12 turbances], fragmented services, and low priorities
13 for resources’.

14 “(4) Goal Number 3 of the Conference on Chil-
15 dren’s Mental Health Report is to improve the as-
16 sessment and recognition of the mental health needs
17 of children, including through the following actions:

18 “(A) Encourage early identification of
19 mental health needs in existing preschool,
20 childcare, education, health, welfare, juvenile
21 justice, and substance abuse treatment systems.

22 “(B) Promote cost-effective, proactive sys-
23 tems of behavior support at the school level.
24 These systems of behavior support should em-
25 phasize universal, primary prevention methods

1 that recognize the unique differences of all chil-
2 dren and youth, but should include selective in-
3 dividual student support for those students with
4 more intense and long-term needs.

5 “(5) Improving outcomes for children with emo-
6 tional disturbances depends not only on improving
7 the learning opportunities of such children, but also
8 on promoting effective coordination among schools,
9 families, and systems that provide services for such
10 children, such as the social services, health, mental
11 health, child welfare, and juvenile justice systems.
12 Positive results of such coordination include in-
13 creased retention in school, improved educational
14 outcomes, and the cognitive, emotional, and behav-
15 ioral development of such children.

16 “(6) Increased academic performance, improved
17 attendance, increased engagement in academic ac-
18 tivities, and fewer disruptions to the learning envi-
19 ronment are a few of the many positive outcomes
20 documented when systems that provide services for
21 children with emotional disturbances include a con-
22 tinuum of services such as prevention, early inter-
23 vention at the first indication of a mental health
24 problem or behavioral difficulty of a child, and treat-
25 ment of severe and chronic mental health problems.

1 “(7) Surveys of school administrators indicate
2 that behavioral problems, lack of discipline, safety of
3 students, and violence in schools are among top con-
4 cerns with respect to public education today. Teach-
5 ers spend inordinate amounts of time and energy
6 during the school day managing student misbehavior
7 and conflict—time and energy that could be spent
8 on teaching and learning.

9 “(8) Effective early intervention strategies to
10 reduce the number of children who have, or who are
11 at risk of developing, emotional disturbances cur-
12 rently exist. As the National Academy of Sciences
13 concluded in its 2002 report “Minority Students in
14 Special and Gifted Education”, early intervention
15 for children at risk of behavioral problems “has been
16 demonstrated to be considerably greater than the ef-
17 fectiveness of later, postfailure intervention”.

18 “(b) PURPOSE.—The purpose of this subpart is to
19 develop and implement strategies to reduce the number
20 of children who have, or who are at risk of developing,
21 emotional disturbances that require the provision of spe-
22 cial education and related services under this Act.

23 **“SEC. 692. AUTHORIZATION.**

24 “(a) IN GENERAL.—The Secretary is authorized to
25 make grants for a three-year period to State educational

1 agencies and local educational agencies to develop and im-
2 plement effective strategies to reduce the number of chil-
3 dren who have, or who are at risk of developing, emotional
4 disturbances that require the provision of special edu-
5 cation and related services under this Act.

6 “(b) PRIORITY.—In making grants under subsection
7 (a), the Secretary shall give priority to State educational
8 agencies and local educational agencies that agree to pro-
9 vide additional annual reports to the Secretary in accord-
10 ance with section 697 after completion of the term of the
11 grant.

12 **“SEC. 693. APPLICATION.**

13 “(a) IN GENERAL.—A State educational agency or
14 local educational agency that desires to receive a grant
15 under this subpart shall submit to the Secretary an appli-
16 cation at such time, in such manner, and including such
17 information as the Secretary may require.

18 “(b) CONTENTS.—The application shall include the
19 following:

20 “(1) A description of a plan, developed in con-
21 sultation with families of children who will be eligible
22 to participate in activities carried out under this
23 subpart, teachers, and mental health and related
24 service providers, to carry out activities under the
25 grant.

1 “(2) A description of prevention and early
2 intervention services provided to date in schools with
3 respect to which activities under a grant under this
4 subpart are proposed to be carried out.

5 “(3) A description of the outcome measures
6 that will be used to demonstrate the effectiveness of
7 activities carried out to achieve the purpose of this
8 subpart and to comply with the requirements of
9 paragraphs (4) and (5) of section 694(b).

10 “(4) A description of the funding structure of
11 amounts received under a grant under this subpart,
12 including a detailed description for compliance with
13 the matching requirement under section 695.

14 “(5) Assurances that activities carried out
15 under this subpart will be culturally competent.

16 “(6) Assurances that amounts received under a
17 grant under this subpart will be used to supplement
18 and not supplant amounts from other sources to
19 carry out activities consistent with the purpose of
20 this subpart.

21 **“SEC. 694. USE OF AMOUNTS.**

22 “(a) IN GENERAL.—A State educational agency or
23 local educational agency, as the case may be, that receives
24 a grant under this subpart may use amounts received
25 under the grant to carry out activities that are consistent

1 with the purpose of this subpart, including the following
2 activities:

3 “(1) Universal, primary prevention strategies at
4 the school level to reduce the number of children
5 who have, or who are at risk of developing, emo-
6 tional disturbances that require the provision of spe-
7 cial education and related services under this Act.

8 “(2) Early intervention services and individual
9 support for children who have, or who are at risk of
10 developing, emotional disturbances and who are not
11 currently provided services pursuant to part B of
12 this Act.

13 “(3) Effective coordination among schools, fam-
14 ilies, and systems that provide services for such chil-
15 dren, such as the social services, health, mental
16 health, child welfare, and juvenile justice systems.

17 “(4) Training of staff and professional develop-
18 ment with respect to prevention and early interven-
19 tion strategies.

20 “(b) ADDITIONAL REQUIREMENTS.—In carrying out
21 the activities described in subsection (a), the agency
22 shall—

23 “(1) coordinate such activities with appropriate
24 social services providers, health (including mental

1 health) providers, child welfare organizations, and
2 juvenile justice organizations;

3 “(2) ensure that a sufficient number of children
4 are provided services in order to produce results that
5 are measurable and reliable under evaluations of
6 such activities conducted pursuant to section 698;

7 “(3) ensure that not more than 5 percent of the
8 amount of a grant is used for administrative ex-
9 penses, including expenses related to the collection
10 of data;

11 “(4) ensure that such activities do not adversely
12 affect school attendance, dropout rates, classroom
13 behavior, academic achievement, or the general wel-
14 fare of students who receive special education and
15 related services;

16 “(5) ensure that such activities do not result in
17 increased segregation of students receiving special
18 education classes from students in the general edu-
19 cation program or curriculum of the school; and

20 “(6) ensure that such activities are culturally
21 competent and are evidenced-based.

22 **“SEC. 695. MATCHING REQUIREMENT.**

23 “The Secretary may not make a grant to a State edu-
24 cational agency or local educational agency under this sub-
25 part unless the agency agrees that, with respect to the

1 costs to be incurred in carrying out the activities for which
2 the grant was awarded, the agency will make available
3 non-Federal contributions in an amount equal to not less
4 than 35 percent of such costs for the first year of the
5 grant, 50 percent of such costs for the second year of the
6 grant, and 65 percent of such costs for the third year of
7 the grant.

8 **“SEC. 696. ADMINISTRATIVE EXPENSES.**

9 The Secretary may reserve not more than 10 percent
10 of the amount made available to carry out this subpart
11 for a fiscal year for administrative expenses in carrying
12 out this subpart, including expenses relating to the evalua-
13 tion conducted under section 698.

14 **“SEC. 697. REPORTS TO SECRETARY.**

15 “A State educational agency or local educational
16 agency that receives a grant under this subpart shall sub-
17 mit annually to the Secretary a report that contains such
18 information as the Secretary may reasonably require, in-
19 cluding a description of the collection of data by the agen-
20 cy to ensure compliance with the requirements of this sub-
21 part (particularly the requirements contained in para-
22 graphs (4) and (5) of section 694(b)).

23 **“SEC. 698. EVALUATIONS.**

24 “The Secretary shall, directly or through grants, con-
25 tracts, or cooperative agreements, conduct evaluations of

1 activities established and carried out under grants made
 2 under this subpart.

3 **“SEC. 699. REPORTS TO CONGRESS.**

4 “The Secretary shall submit annually to Congress a
 5 report that contains the following:

6 “(1) A summary and analysis of the data in the
 7 reports submitted to the Secretary under section
 8 697.

9 “(2) A summary of the evaluations conducted
 10 under section 698.

11 **“SEC. 699A. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
 13 this subpart such sums as may be necessary for each of
 14 the fiscal years 2003 through 2007.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
 16 tents of the Individuals with Disabilities Education Act
 17 (20 U.S.C. 1400(b)) is amended by adding at the end the
 18 following:

“SUBPART 3—GRANTS TO IMPROVE SCHOOL-BASED EARLY INTERVENTION
 SERVICES FOR CHILDREN WITH EMOTIONAL DISTURBANCES

“Sec. 691. Findings; purpose.

“Sec. 692. Authorization.

“Sec. 693. Application.

“Sec. 694. Use of amounts.

“Sec. 695. Matching requirement.

“Sec. 696. Administrative expenses.

“Sec. 697. Reports to Secretary.

“Sec. 698. Evaluations.

“Sec. 699. Reports to Congress.

“Sec. 699A. Authorization of appropriations.

