

111TH CONGRESS  
1ST SESSION

# H. R. 3800

To establish an Office of Specialized Instructional Support Services in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2009

Mr. LOEBSACK (for himself, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. KENNEDY, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. SIRES, Mr. COURTNEY, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To establish an Office of Specialized Instructional Support Services 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 2009”.

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 No Child Left Behind Act of 2001.

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

20 **SEC. 3. OFFICE OF SPECIALIZED INSTRUCTIONAL SUPPORT**  
21 **SERVICES.**

22 (a) IN GENERAL.—The Department of Education  
23 Organization Act (20 U.S.C. 3401 et seq.) is amended by  
24 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 SERVICES.**

5 “(a) ESTABLISHMENT.—There shall be, in the De-  
6 partment, an Office of Specialized Instructional Support  
7 Services (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 Services who shall  
12 be appointed by the Secretary and who shall report  
13 directly to the Deputy Secretary.

14 “(2) FUNCTIONS.—The Director of Specialized  
15 Instructional Support Services, through the Office,  
16 shall 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 Services.”.

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 2008 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)”.

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