



March 29, 2007

The Honorable Edward M. Kennedy, Chairman
Committee on Health, Education, Labor & Pensions
United States Senate
Washington, DC 20510

The Honorable Michael B. Enzi, Ranking Member
Committee on Health, Education, Labor & Pensions
United States Senate
Washington, DC 20510

Dear Chairman Kennedy and Ranking Member Enzi:

The School Social Work Association of America (SSWAA) strongly supports the main purpose of the Elementary and Secondary Education Act (ESEA): to afford all children an equal opportunity to receive a quality education and, in doing so, to close the achievement gap between disadvantaged children and their more advantaged peers. SSWAA believes that highly qualified teachers are critical to student achievement; however, if children are not physically and mentally prepared to learn, the best classroom instruction will not produce the desired results.

SSWAA is the only national organization exclusively dedicated to the profession of school social work. Its members provide direct services to address barriers to learning for students with and without disabilities and provide consultation to other school staff on classroom management and positive behavioral supports. They also link families with school and community resources to help meet students' social, emotional, and mental health needs, so that students can be successful in school.

As Congress moves toward the reauthorization of the ESEA [currently authorized as the No Child Left Behind Act (NCLB)], SSWAA urges your serious consideration of the following recommendations:

I. Technical Amendment: Change the ratio of school social workers to students under the Elementary and Secondary School Counseling Program to reflect the ratio as determined by the profession.

The Elementary and Secondary School Counseling Program (Title V, Part D, Subpart 2) cites ratios previously established by the American School Health Association (ASHA) for school social workers, school psychologists, and school counselors. Those ratios are no longer established by ASHA, but rather by the individual professions.

The School Social Work Association of America (SSWAA) has established a base ratio of 400 students to 1 school social worker. Currently there is wide variation in the ratio of students to school social workers across school districts and states. In order to provide even the minimum level of services, the ratio should not exceed 400 students per school social worker.

Technical Amendment:

Change Title V, Part D, Subpart 2, Sec. 5421(c)(2)(K) to read:

"Sec. 5421. Elementary and Secondary School Counseling Programs.

...
(c) Use of Funds.—

...
(2) Requirements.—Each program funded under this section shall—

...
(K) ensure a team approach to school counseling in the schools served by the local educational agency by working toward ratios ~~recommended by the American School Health Association~~ of...1 school social worker to ~~800~~ 400 students...."

II. Maintain and enhance the Elementary and Secondary School Counseling Program (Title V, Part D, Subpart 2).

SSWAA urges Congress to maintain and enhance this critical grant program.

The Elementary and Secondary School Counseling Program currently is the only federal program providing funds for school districts to hire school social workers, school counselors, and school psychologists, and to develop and expand student services. These small discretionary grants provide seed money to school districts to improve the ratio of school-employed mental health professionals to students, thus increasing direct services to students and consultative services for teachers and other school personnel.

SSWAA also believes that the program should be funded at a level that allows school districts to use grant money in elementary, middle, and high schools, depending on the need, as determined by each grantee. Currently, funding has not reached the trigger of \$40 million, which is necessary for middle and high schools to reap the benefits of this program.

Recommended language: Current language adequately reflects the purposes of the program, with the technical amendment noted in I. above.

III. Establish an Office of Specialized Instructional Support Services within the U.S. Department of Education.

SSWAA urges Congress, through the ESEA reauthorization, to direct the Secretary of Education to establish an Office of Specialized Instructional Support Services and to appoint a director and appropriate staff.

Specialized instructional support personnel (currently "pupil services," as noted above) encompass a large number of staff categories with a broad set of responsibilities in schools. A number of State education agencies (SEAs) already provide leadership for pupil services by employing departments and/or coordinators for all or various subsets of these professions.

Establishing this office would facilitate the development of a comprehensive, child-focused, cross-disciplinary system of learning supports. This office also would provide the leadership needed to improve cross-agency program coordination, minimize duplication of and address gaps in services. The absence of leadership at the federal level ignores the critical nature of these services in helping students to be successful in school.

The Assistant Secretaries for Special Education and Rehabilitative Services and for Elementary and Secondary Education have authority over these personnel through the IDEA and the ESEA.

However, no specific point of contact – office or individual – is assigned to work with State pupil services coordinators or with SEAs in general on issues related to pupil services. The U.S. Department of Education should have an office and staff dedicated to providing technical assistance and a specific point of contact on these services for State and local education agencies.

Recommended language: Add the following language:

Add new Part B under Title X and reletter the current Parts B-E:

"Part B – Establishment

"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."

IV. Clarify conflicting terminology, definitions, and roles of pupil/related services personnel.

SSWAA urges Congress to adopt one single term – "specialized instructional support personnel"— that will be used in all education laws that reference these personnel. Services provided by these personnel, currently titled "pupil services," should conform and be titled "specialized instructional support."

School social workers are one of a number of professionals known collectively as "pupil services personnel" in the ESEA and as "related services personnel" in the IDEA. This difference in terminology continues to cause confusion for school districts. Establishing one common statutory term would ease this confusion and would more accurately reflect the nature and purpose of the services that these professionals provide to students in schools and ensure that school districts have adequate well-qualified staff to address barriers to student achievement.

Recommended language:

A. Title IX, Part A, Sec. 9101(36) – Change to read and renumber appropriately:

"(XX) Pupil Services Personnel; Pupil Services Specialized Instructional Support Personnel; Specialized Instructional Support Services.—

(A) ~~Pupil services personnel~~ Specialized instructional support personnel. The term ~~'pupil services personnel'~~ 'specialized instructional support personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary corrective or supportive services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

(B) ~~Pupil services~~ Specialized instructional support services.—The term ~~'pupil services'~~ 'specialized instructional support services' means the services provided by ~~pupil services personnel~~ specialized instructional support personnel, including any other corrective or supportive services to meet student needs."

B. Change all references to "pupil services personnel" in the Act to "specialized instructional support personnel and all references to "pupil services" to "specialized instructional support services."

NOTE: For ease of understanding, the current term 'pupil services' has been used through the remainder of this document.

V. Identify students with academic and behavioral challenges early and provide targeted interventions before considering referral for special education services.

The 2004 reauthorization of the Individuals with Disabilities Education Act provides (a) that school districts may reserve up to 15% of their federal IDEA funds to design an early intervening system to address academic and behavioral challenged and (b) that a process of "scientific, research-based interventions"(known generically as "response to intervention" or RTI) in determining which students have true learning disabilities. Together, these two provisions – targeted at students in general education – provide funds and a process to attempt to address academic and behavioral problems before students are referred for special education evaluation.

SSWAA recommends the inclusion of language related to RTI in the "Schoolwide Programs" provisions of ESEA, Title I. This language should provide for the services of school social workers in designing and implementing these interventions. RTI processes strongly support the inclusion of school social workers in the process. Trained and versed in systems approaches to problem-solving, school social workers in many states are dually licensed by their state departments of education and mental health or other clinical licensing boards and can provide the ecological perspective of RTI to academic, social/emotional, or behavioral concerns in schools and with individual students.

Recommended language:

Add the following in Title I, Part A, Subpart 1, Sec. 1114 [Current (bb)-(cc) will be relettered as (cc) and (dd)]:

"Sec. 1114. Schoolwide programs.

...

(b) Components of a Schoolwide Program.—

- (1) In General.—A schoolwide program shall include the following components:
 ... (B) Schoolwide reform strategies that—
 ... (iii) (I) include strategies to address the needs of all children in the school, ... which may include
 (aa) counseling, pupil services, and mentoring services
specialized instructional support services;
 (bb) the child's response to scientific, research-based interventions to support academic, emotional, social, and behavioral success...

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

SSWAA urges Congress to require schools to include in their school improvement plans the available school and community social and mental health services critical to supporting student success.

The Commission on No Child Left Behind (2007) has 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. SSWAA supports this recommendation 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 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, 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."

VII. Ensure inclusion of pupil services personnel throughout the ESEA as essential members of the school staff.

SSWAA urges Congress to acknowledge appropriately throughout the ESEA that pupil services personnel are the critical link to school success for many students.

Input from pupil services personnel into the development and participation in the implementation of local education agency plans under ESEA, Title I should be mandated. Currently, consultation of pupil services personnel is required only for development of State plans. Since pupil services personnel provide direct services to students and consultative services to other staff members, their input is necessary to ensure that the local district plan adequately addresses how these services will be provided.

Recommended language:

Title I, Sec. 1112(d)(1) – Change to read:

"(d) Plan Development and Duration.—

(1) Consultation.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), specialized instructional support personnel, and other appropriate school personnel, and with parents of children in schools served under this part."

SSWAA urges Congress to include pupil services personnel in all high-quality professional development opportunities under the statute.

Pupil services personnel, as critical members of the school staff, should be afforded equal opportunities for ongoing, high-quality professional development. In a number of instances in ESEA, professional development for pupil services personnel is included only "as appropriate," whereas participation by teachers and administrators is allowed without qualification. SSWAA believes that Congress should ensure that all staff members working with students have access to the most current and high-quality professional development. Therefore, pupil services personnel should be eligible for all professional development opportunities.

Recommended language:

Title II – Change the following sections as indicated:

- 1. Change title to read – “Preparing, Training, and Recruiting High Quality Teachers, Principals, and Specialized Instructional Support Personnel”.**
- 2. Part A, Sec.2101, Purpose – Change paragraph (1) and add new paragraph (2); renumber current (2) as (3):**

"The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified specialized instructional support personnel, principals and assistant principals in schools; and

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

3. Part A, Sec.2102, Definitions – Add new paragraph (7):

“(7) Specialized Instructional Support Personnel.—The term ‘specialized instructional support personnel’ has the meaning given the term in Title IX, Part A, Section 9101, (xx).”

4. Part A, Subpart 1, Sec.2112(b)(7)(A) – Change to read:

"Sec. 2112. State Applications.

...
(b) Contents.—Each application submitted under this section shall include the following:

...
(7)(A) A description of how the State educational agency will ensure compliance with the requirements of professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, specialized instructional support personnel, parents, administrators, paraprofessionals, and other personnel.”

5. Part A, Subpart 1, Sec.2113(c), State Activities:

Change paragraph (4) as follows:

"(c) State Activities.—The State educational agency...shall use the funds described in subsection (a)(3) to carry out one or more of the following activities...:

...
"(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers...principals and ~~pupil services personnel~~ specialized instructional support personnel. ~~except that funds made available under this paragraph may be used for pupil services personnel only~~

(A) if the State educational agency is making progress...; and

(B) in a manner consistent with mechanisms...principals.

Add new paragraph (14) and renumber current (14)-(18):

"(14) Providing assistance to local educational agencies for the development and implementation of professional development programs for specialized instructional support personnel that promote professional growth and enable specialized instructional support personnel to effectively assist students to address barriers to learning and academic achievement."

SSWAA urges Congress to fully integrate pupil services into the educational system.

State and local education agency capacity should be increased to ensure integration of pupil 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 pupil services personnel. Ultimately, increased school system capacity should define how pupil

services personnel coordinate and collaborate with other school personnel to ensure student success.

There are numerous other instances in ESEA where pupil services personnel should be included along with the other school personnel. SSWAA will work with Congress to determine where inclusion of these important personnel would be appropriate and would most assist in improving student achievement.

Recommended language:

Title II – Change the following sections as indicated:

1. Part A, Subpart 2, Sec. 2122(b) – Change to read:

"Sec. 2122. Local Applications and Needs Assessment.

...
(b) Contents.—Each application submitted under this section shall be based on the needs assessment...and shall include the following:

...
(5) A description of the professional development activities that will be made available to teachers, ~~and principals,~~ and specialized instructional support personnel...

...
(7) A description of how the local educational agency, teachers, paraprofessionals, principals, specialized instructional support personnel, other relevant school personnel, and parents have collaborated in the planning of activities....

...
(9) A description of how the local educational agency will provide training, including the use of specialized instructional support personnel as trainers, to enable teachers to—

(A) teach and address the needs of students with different learning styles...;

(B) improve student behavior...;

(C) involve parents in their child's education; and

(D) understand and use data and assessments to improve classroom practice and student learning.

....
(c) Needs Assessment.—

...
(2) Requirements.—Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in the programs under part A of title I, and specialized instructional support personnel, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, to give specialized instructional support personnel the resources, including professional growth opportunities, ~~and~~ to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards."

2. Part A, Subpart 2, Sec. 2123(a)(3) – Add new subparagraph (4) and renumber current (4)-(10); add new subparagraph (12):

"Sec. 2123. Local Use of Funds.

(a) In general.—A local educational agency that receives a subgrant under section 2121 shall use the funds...to carry out one or more of the following activities...:

...

(4) Providing professional development activities that improve the knowledge of specialized instructional support personnel and that involve collaborative training with teachers, administrators, and other appropriate school personnel.

...
(12) Carrying out programs and activities promote and enhance the recruitment and retention of qualified specialized instructional support personnel.”

Title IX, Part A, Sec. 9101(34) – Change to read:

"Sec. 9101. Definitions.

...
(34) Professional Development.—The term 'professional development'—

(A) includes activities that—

...
(iii) give teachers, principals, specialized instructional support personnel, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards, including addressing barriers to academic achievement;

...
(ix) are developed with extensive participation of teachers, principals, parents, specialized instructional support personnel, and administrators of schools to be served under this Act;

(x) are designed to give teachers of limited English proficient children, other teachers and instructional staff, and specialized instructional support personnel the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(xv) include instruction in ways that teachers, principals, ~~pupil services personnel~~ specialized instructional support personnel, and school administrators may work more effectively with parents...."

VIII. Require the public disclosure of the qualifications of specialized instructional support personnel working in Title I schools.

SSWAA urges Congress to extend the requirement that parents in Title I schools may request information regarding teacher qualifications to requests for information on pupil services personnel qualifications.

The Elementary and Secondary Education Act currently requires that LEAs receiving Title I funds notify parents that they may request, and the agency will provide in a timely manner, information about their child’s classroom teachers. At a minimum, information may be requested regarding State licensure and certification for grade level and subjects taught; emergency or provisional certification or waivers of those requirements; college majors and other graduate certificates or degrees; and, whether any services are being provided by paraprofessionals, and if so, their qualifications. In addition, Title I schools must provide parents timely notice that their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified. These requirements also apply to special education teachers who teach core academic subjects in Title I schools.

SSWAA believes that all children are entitled to receive services from qualified personnel. Including specialized instructional support personnel in this notification requirement is integral to

empowering parents and assisting them to determine which schools and personnel can best serve their children. Schools and school districts that employ under- or unqualified personnel should be held publicly accountable.

Recommended language:

Title I, Part A, Subpart 1, Sec. 1111(h)(6)(A) – Change to read:

"(h) Reports.—

...

(6) Parents Right-to-Know.—

(A) Qualifications.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds...that the parents may request, and the agency will provide...on request (and in a timely manner), information regarding the professional qualifications of—

(i) the student's classroom teachers, including at a minimum...; and

(ii) any specialized instructional support personnel providing specialized instructional support services to the student."

We appreciate your serious consideration of these recommendations. Should you need further information or clarification, please feel free to contact Myrna Mandlawitz, Director of Government Relations (mandlawitz@verizon.net; (202) 686-1637).

Sincerely,



Judith Kullas Shine
President