



AMERICAN COUNSELING ASSOCIATION

March 29, 2007

Honorable Ted Kennedy, Chairman
Honorable Mike Enzi, Ranking Minority Member
Senate HELP Committee
Washington, D.C. 20510
Nora_Crowley@help.senate.gov
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Dear Chairman Kennedy and Ranking Member Enzi:

On behalf of the American Counseling Association (ACA), the nation's largest non-profit organization representing professional school counselors, we are pleased to present the attached policy principles for your consideration during the reauthorization of the Elementary and Secondary Education Act (ESEA).

ACA strongly supports the main purpose of the 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. ACA 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.

Professional school counselors advocate for and care for students, and are important members of the educational team. They consult and collaborate with teachers, administrators and families to help all students be successful academically, vocationally and personally.

Today, there are over 100,000 highly trained professional school counselors working in America's public schools. School counselors are on the front lines helping all young people succeed, impacting their futures on a daily basis.

The No Child Left Behind (NCLB) Act brought academic achievement for all students to the top of education reform priorities. The new emphasis on achievement for all coincides with a movement among school counselors to move from the periphery to the center of a school's mission. Professional school counselors can help individual students do better in school and make better choices for life after school. They can also help schools move beyond antiquated systems to real reforms that benefit the entire school community.

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www.counseling.org

American Counseling Association is committed to equal opportunity

Numerous research studies show that professional school counselors, implementing a comprehensive school counseling program, can serve a vital role in maximizing student achievement. For example,

- A 2003 research study of Florida students in the 5th through 9th grades found that students in schools with a comprehensive guidance program scored significantly better on the state's standardized test for reading and math. --*Does Implementing a Research-based School Counseling Curriculum Enhance Student Achievement?* (Center for School Counseling Outcome Research, 2004)
- Another 2003 study of elementary-age students in Washington State found that students who had spent several years in schools with strong, comprehensive counseling programs did better on standardized achievement tests. --*Improving Academic Achievement in Primary Students Through a Systemic Approach to Guidance and Counseling* (Washington School Research Center, 2003)

We look forward to working with you on the reauthorization of the Elementary and Secondary Education Act, and would be pleased to serve as a resource to you on improving the educational staff in our nation's schools through the recruitment and retention of qualified pupil/related services personnel. I urge your staff to contact Chris Campbell in ACA's Public Policy department at (703) 823-9800, ext. 241, or ccampbell@counseling.org, if they have any questions, or would like more information.

Attachments



AMERICAN COUNSELING ASSOCIATION

April 10, 2007

Honorable George Miller, Chairman
Honorable Howard McKeon, Ranking Minority Member
House Education and Labor Committee
Washington, D.C. 20515
alice.cain@mail.house.gov
jill.morningstar@mail.house.gov

Dear Chairman Miller and Ranking Member McKeon:

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**Reauthorization of the Elementary and Secondary Education Act:
Recommendations of the American Counseling Association (ACA)**

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

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

ACA 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 services."

These personnel are known as "pupil services personnel" in the ESEA and as "related services personnel" in the IDEA, despite the fact that they are exactly the same professionals. 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.

NOTE: Although we have recommended a change in terminology, for ease of understanding we will use the current term "pupil services personnel" in this document.

ACA further urges Congress to make explicit in the ESEA definition that the list of services is not exhaustive.

The U.S. Department of Education consistently has interpreted, through the IDEA regulations, that the list of "related services personnel" is not exhaustive. Since the IDEA definition is incorporated by reference into the ESEA definition of "Pupil Services," this interpretation also should be incorporated explicitly into the ESEA. Specifically, if students require the services of other therapists or service providers to assist them to be successful in school, school districts, within reason, must provide those services.

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."

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

ACA urges Congress, under the ESEA, 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") 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.

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 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."

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

ACA 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."

ACA 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. ACA 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."

ACA 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. ACA 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:

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."

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...."

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

ACA 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.

ACA 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."

V. ACA recommends requiring schools to determine and to ensure access to adequate social and mental health services for their students as part of their school improvement plan.

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. In their report, the NCLB Commission cites the comprehensive research indicating that students struggling with mental health concerns achieve at higher rates when schools identify and intervene with these problems early. The Commission links access to mental health services to improved student outcomes and recommends that, when creating their school improvement plan, schools should be required to determine the availability of school and community social and mental health services to support struggling students. ACA concurs 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:

Add a new (iv) using the following language and then renumber remaining items (v) through (xi).

Title I, Sec. 1116. Academic Assessment and Local Educational Agency and School Improvement.

(b) School Improvement

(3) School Plan

(A) Revised 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.

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

ACA 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.

ACA 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:

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

(c) USE OF FUNDS-

“(1) IN GENERAL- The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to initiate or expand elementary school or secondary school counseling programs that comply with the requirements of paragraph (2).

“(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 **a ratio recommended by the American Counseling Association of one school counselor to 250 students, and ratios recommended by the American School Health**

Association of one school social worker to 800 students, and one school psychologist to 1,000 students;