



AMERICAN COUNSELING ASSOCIATION

March 24, 2010

The Honorable George Miller, Chair
The Honorable John Kline, Ranking Member
U.S. House Committee on Education and Labor
Washington, DC 20515

Dear Chairman Miller and Ranking Member Kline:

On behalf of the American Counseling Association (ACA), the nation's largest non-profit organization representing school counselors and professional counselors working in other settings, we present the attached recommendations for reauthorizing the Elementary and Secondary Education Act (ESEA) for your consideration. We also wish to bring to your attention our concern about the administration's ESEA proposal to eliminate the Elementary and Secondary School Counseling Program (ESSCP).

Though ACA appreciates the administration's interest in improving school climate, eliminating ESSCP will substantially reduce students' access to professional school counselors, other school-employed mental health professionals, and the comprehensive school counseling programs they implement, especially as needs increase. ESSCP is the only federal program that provides funds for developing and expanding comprehensive and collaborative school counseling programs.

Highly trained and licensed/certified to work in school settings, professional school counselors and related personnel provide *all* students with essential "9 AM to 3 PM" services and academic supports. This is the most cost-effective way to address current student problems that impose barriers to learning, and to identify problems early on, prevent future problems, and help students and schools navigate the road to college and career readiness. These professionals also provide expert consultation to and collaboration and coordination with teachers, principals, families and community-based professionals who provide the "3 PM-9 PM" services for students and families requiring more intensive or extended care.

As in the American Recovery and Reinvestment Act programs and the president's FY2011 budget request, the Administration's ESEA proposal relies solely on teachers and principals/leaders without also ensuring the necessary supports they need to do their jobs successfully. The need for continued funding of ESSCP is shown by the huge demand for federal assistance to build the capacity for school counseling programs in school districts across the country. The current funding level (\$55 million for FY2010) allows support of only 1 in 10

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applications. In 2009, 64 school districts – comprising more than 850 schools and more than 429,000 students – across 29 states obtained new grants to establish or expand school counseling programs and services. The proposal to consolidate ESSCP would threaten the capacity-building efforts of existing grantees and eliminate the absolute priorities that seek to meet this growing public demand for school counseling programs.

Reauthorization of ESEA must ensure an expanded investment in school counseling services. As recent studies have documented, high quality school counseling services play an important role in helping narrow the college access gap between lower-income and higher-income student groups. School counselors and related school-employed mental health professionals enable teachers and principals to move beyond antiquated systems to real reforms, improving student behavior, well-being and achievement. School-employed mental health professionals also serve as key partners with community providers to make community schools successful.

We would welcome the opportunity to work with the committee to develop safeguards and standards to ensure that federal support for counseling services and personnel is increased, not eliminated, under ESEA reauthorization. For future correspondence, please contact Dominic W. Holt, MSW, MFA in the ACA Office of Public Policy and Legislation at (703) 823-9800, ext. 242, or dholt@counseling.org.

Sincerely,



Lynn E. Linde, Ed.D.
President
American Counseling Association

Attachments

Cc: House Education and Labor Committee

**Recommendations for Reauthorization
of the Elementary and Secondary Education Act (ESEA)
American Counseling Association – March, 2010**

I. ACA urges Congress and the administration to maintain and enhance the Elementary and Secondary School Counseling Program (Title V, Part D, Subpart 2).

The Elementary and Secondary School Counseling Program is the only federal program that provides school districts with dedicated funds for hiring school counselors, school social workers, and school psychologists and developing and expanding student services. These grants enable 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 continue to be funded well above the \$40 million trigger to allow school districts to use grant money in elementary, middle, and high schools, depending on the need, as determined by each grantee.

Recommended language:

Title V, Part D, Subpart 2, Sec. 5421(c)(2)(K) – Change 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, a ratio recommended by the School Social Work Association of America of one school social worker to 400 students, and a ratio recommended by the National Association of School Psychologists of one school psychologist to 1,000 students.”

II. ACA urges Congress to clarify conflicting terminology, definitions, and roles of pupil/related services personnel.

A. ACA urges adopting one single term – “specialized instructional support personnel”— that will be used throughout 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 ESEA and as "related services personnel" in the Individuals with Disabilities Education Act (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.

B. ACA further urges making explicit in the ESEA definition that the list of services is not exhaustive.

The U.S. Department of Education consistently has interpreted, through 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 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:

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."~~

III. ACA urges Congress or the administration 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 IDEA and 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 SEAs and local education agencies (LEAs).

Recommended language:

Add new Part B under Title X and re-letter 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. ACA urges Congress to acknowledge throughout ESEA that pupil services personnel are the critical link to school success for many students and are essential members of the school staff.

A. Thus, 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."

B. In addition, pupil services personnel should be included 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), add new paragraph (2), and 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) – 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."

6. Part A, Subpart 1, Sec. 2113(c) – Add new paragraph (14) and renumber current (14)-(18):

"(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...:

...
(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."

C. ACA urges Congress to fully integrate pupil services into the educational system under ESEA.

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:

1. Title II, 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. Title II, Part A, Subpart 2, Sec. 2123(a)(3) – Add new subparagraph (4), renumber current (4)-(10), and 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 that promote and enhance the recruitment and retention of qualified specialized instructional support personnel."

3. 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...."

V. ACA urges Congress to extend the right-to-know requirement, which allows parents of children in Title I schools to see teachers' qualifications, to pupil services personnel working in Title I schools.

ESEA 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 pupil services 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."

VI. ACA urges Congress to require schools to determine and to ensure access to adequate social and mental health services for their students as part of the school improvement plan.

The Commission on No Child Left Behind (2007) asserted that it is critical to understand fully and to address comprehensively "students' behavioral and social needs in addition to their academic needs." The commission's report 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:

Title I, Sec. 1116 (b)(3)(A) – Add new (iv) using the following language and renumber (v)-(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 social workers, and school psychologists, 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.”