

Every Student Succeeds Act of 2015 (ESSA):
School Social Work, Specialized Instructional Support Personnel, and School-Based Mental Health Services

School social workers are named only three times specifically in the law. However, "specialized instructional support personnel," as defined in the law includes school social workers and are referenced many times in the law. In addition, school social workers are part of "school-based mental health services providers."

I. School Social Workers:

- **Title IV, Part A, Sec. 4102(6):** *School social workers are listed as one of the professions under the definition of "school-based mental health services provider."*
“(6) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘school-based mental health services provider’ includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.
- **Title VI, Sec. 6122(a)(2):** *Pre- and in-service training is available to Native American individuals to become school social workers.*
(I) Professional development for teachers and education professionals.—Section 6122 ([20 U.S.C. 7442](#)) (as redesignated by section 6001) is amended—
 - (1) in subsection (a)—
 - (A) by striking paragraph (1) and inserting the following:
“(1) to increase the number of qualified Indian teachers and administrators serving Indian students;”;
 - (B) by striking paragraph (2) and inserting the following:
“(2) to provide pre- and in-service training and support to qualified Indian individuals to enable such individuals to become effective teachers, principals, other school leaders, administrators, paraprofessionals, counselors, social workers, and specialized instructional support personnel;”;
 - (C) in paragraph (3), by striking the period at the end and inserting “; and”; and
 - (D) by adding at the end the following:
“(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian students improve their academic achievement, outcomes, and preparation for postsecondary education or employment.”;
- **Title VIII, Sec. 8002(47):** *School social workers are named in the definition of "specialized instructional support personnel."*
“(47) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—
 - “(A) **SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.**—The term ‘specialized instructional support personnel’ means—
 - “(i) school counselors, school social workers, and school psychologists; and
 - “(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act ([20 U.S.C. 1401](#))) as part of a comprehensive program to meet student needs.
 - “(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.”;(19) by striking the undesignated paragraph between paragraph (47) (as inserted by paragraph (18)) and paragraph (49) (as so redesignated by paragraph (2)) and inserting the following:

II. Specialized Instructional Support Personnel/Services (SISP):

Title I—Improving Basic Programs Operated by State and Local Educational Agencies

- **Sec. 1111(a)(1)(A): States must consult SISP in developing their Title I plans.**

“(a) Filing for grants.—

“(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall file with the Secretary a plan that is—

“(A) developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents; and

- **Sec. 1111(a)(4)(A)(ii)(I): SISP must be represented on multi-disciplinary peer review teams that review State plans.**

“(A) IN GENERAL.—The Secretary shall—

“(i) establish a peer-review process to assist in the review of State plans;

“(ii) establish multidisciplinary peer-review teams and appoint members of such teams—

“(I) who are representative of—

“(aa) parents, teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and the community (including the business community); and

Note: Responsibilities included after this.

- **Sec. 1112(a)(1)(A): School districts must consult SISP in developing their Title I plans.**

Title I SEC. 1112. Local educational agency plans.

“(a) Plans required.—

“(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

“(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part; and

- **Sec. 1112(b)(9): The local plan must describe how teachers and principals in Title I "targeted assistance schools," in consultation with SISP and other groups, will identify children most in need of Title I services.**

“(b) Plan provisions.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those

“(9) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1115, will identify the eligible children most in need of services under this part; children who are not meeting such standards, each local educational agency plan shall describe—

- **Sec. 1114(b)(2): Title I "schoolwide" program plans must be developed in consultation with SISP, "as appropriate," among other stakeholders.**

SEC. 1008. Schoolwide programs.

Section 1114 ([20 U.S.C. 6314](#)) is amended—

“(b) Schoolwide program plan.—An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of the enactment of the Every Student Succeeds Act) that—

“(2) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of programs described in other parts of this title), the local educational agency, to the extent feasible, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school;

- **Sec. 1114(b)(7)(A)(iii)(I)**: *Schoolwide plans must address strategies used to address needs especially of at risk students, which may include counseling, school-based mental health programs, and specialized instructional support services.*

“(7) includes a description of—

“(A) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

“(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

“(I) counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ skills outside the academic subject areas;

- **Sec. 1115(b)(2)(D)**:

SEC 1009. Targeted assistance schools: *Targeted assistance schools may use funds for professional development for school personnel, including "SISP, if appropriate."*

“(b) Targeted assistance school program.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

“(1) determine which students will be served;

“(2) serve participating students identified as eligible children under subsection (c), including by—

“(A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;

“(B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—

“(i) expanded learning time, before- and after-school programs, and summer programs and opportunities; and

“(ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act ([20 U.S.C. 1400 et seq.](#));

“(C) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of title II, or State-run preschool programs to elementary school programs;

“(D) providing professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;

- **Sec. 1116(a)(3)(D)**: *School districts can use "parent engagement" funds to provide professional development, which may be provided jointly to SISP and other school personnel and family members.*

“(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency’s parent and family engagement policy, including not less than 1 of the following:

“(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

“(ii) Supporting programs that reach parents and family members at home, in the community, and at school.

“(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

“(iv) Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.

“(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency’s parent and family engagement policy.”;

Title II—Preparing, Training & Recruiting High-Quality Teachers, Principals, & Other School Leaders

- **Sec. 2101(c)(4)(B)(xv)**: *States may use Title II formula grant funds to provide training to prevent and recognize child sexual abuse for all school personnel, including SISP.*
 - “(c) State uses of funds.—
 - “(4) STATE ACTIVITIES.—
 - “(A) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.
 - “(B) TYPES OF STATE ACTIVITIES.—The activities described in this subparagraph are the following:
 - “(xv) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.
- **Sec. 2101(d)(3)(A)**: *State Application for Title II: States must consult with SISP in developing their application for Title II funds.*
 - “(d) State application.—
 - “(3) CONSULTATION.—In developing the State application under this subsection, a State shall—
 - “(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;
 - “(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and
 - “(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.
- **Sec. 2102(b)(3)(A)**: *Subgrants to local educational agencies: School districts must consult with SISP in developing their application for Title II funds.*
 - “(b) Local applications.—
 - “(3) CONSULTATION.—In developing the application described in paragraph (2), a local educational agency shall—
 - “(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;
 - “(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this title; and
 - “(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.
- **Sec. 2103(b)(3)(L)**: *Local uses of funds. School districts may use Title II funds to provide training to prevent and recognize child sexual abuse for all school personnel, including SISP.*
 - “(b) Types of activities.—The programs and activities described in this subsection—
 - “(3) may include, among other programs and activities—
 - “(L) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;
- **Sec. 2223(d); Sec. 2224(c)-(e)**: *Subgrants to eligible entities in support of birth through kindergarten entry literacy. Literacy grant funds to support birth-grade 12 literacy may be used for professional development for SISP and other professionals; to coordinate the involvement of families and staff, including SISP, as appropriate, in literacy development for children served under the grant; and to provide time for teachers, and SISP as appropriate, to plan comprehensive literacy instruction.*
 - “(d) Local uses of funds.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

“(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;

“(2) train providers and personnel to develop and administer evidence-based early childhood education literacy initiatives; and

“(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, specialized instructional support personnel (as appropriate), and teachers in literacy development of children served under the subgrant.

- **SEC. 2224. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.**

“(c) Local uses of funds for kindergarten through grade 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

“...(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

“(3) Training principals, specialized instructional support personnel, and other local educational agency personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

“(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, school personnel, and specialized instructional support personnel (as appropriate) in the literacy development of children served under this subsection....”

“(d) Local uses of funds for grades 6 through 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

“...(2) Training principals, specialized instructional support personnel, school librarians, and other local educational agency personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12....”

“(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.”

“(e) Allowable uses.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsections (c) and (d), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

“...(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy instruction.”

- **Sec. 2244(b)(4): Technical assistance and national evaluation. *A center is established on students at risk of not attaining full literacy skills due to disability. One of the purposes of the center is to identify or develop evidence-based professional development for educators, including SISP, to understand early indicators of language/reading/executive functioning problems, use screening assessments for early identification beginning in kindergarten, and implement evidence-based instruction.***

“(b) Purposes.—The comprehensive center established by the Secretary under subsection (a)(1) shall—

“(4) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

“(A) understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

“(B) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

“(C) implement evidence-based instruction designed to meet the specific needs of such students; and

- **Sec. 4104(b)(3)(C)(v): State use of funds.** *Title IV State funds may be used to provide school personnel, including SISP, with knowledge and skills to use technology effectively, including integration of technology to improve instruction and student achievement.*

“(b) State activities.—Each State that receives an allotment under section 4103 shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

 “(3) supporting local educational agencies in providing programs and activities that—

 “(C) increase access to personalized, rigorous learning experiences supported by technology by—

 “(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and
- **Sec. 4106(c)(1), (2): Local educational agency applications.** *School districts must consult SISP in developing their applications for Title IV block grant funds and engage in continued consultation in order to meet the purposes of the grant.*

“(c) Consultation.—

 “(1) IN GENERAL.—A local educational agency, or consortium of such agencies, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart.

 “(2) CONTINUED CONSULTATION.—The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.

“(d) Needs assessment.—

 “(1) IN GENERAL.—Except as provided in paragraph (2) and prior to receiving an allocation under this subpart, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this subpart in order to examine needs for improvement of—

 “(A) access to, and opportunities for, a well-rounded education for all students;

 “(B) school conditions for student learning in order to create a healthy and safe school environment; and

 “(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

 “(2) EXCEPTION.—A local educational agency receiving an allocation under section 4105(a) in an amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

 “(3) FREQUENCY OF NEEDS ASSESSMENT.—Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.
- **Sec. 4108(5)(A)(ii); (D): Activities to support safe and healthy students.** *Title IV block grant funds may be used for high-quality training for SISP and other school personnel on suicide prevention, effective and trauma-informed practices in classroom management, crisis management and conflict resolution techniques, human trafficking, school-based violence prevention strategies, drug abuse prevention, and bullying and harassment prevention.*

“(5) may include, among other programs and activities—

 “(A) drug and violence prevention activities and programs that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available) including—

 “(i) programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and

 “(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

- “(D) high-quality training for school personnel, including specialized instructional support personnel, related to—
 - “(i) suicide prevention;
 - “(ii) effective and trauma-informed practices in classroom management;
 - “(iii) crisis management and conflict resolution techniques;
 - “(iv) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 ([22 U.S.C. 7102](#)));
 - “(v) school-based violence prevention strategies;
 - “(vi) drug abuse prevention, including educating children facing substance abuse at home; and
 - “(vii) bullying and harassment prevention;

- **Sec. 4303(h)(1): Grants to support high-quality charter schools. *Under the Charter School Grants program, grantees may use funds to prepare school staff, including SISP, by paying costs of providing professional development and hiring and compensating, during the grant planning period, teachers, school leaders, and SISP.***

“(h) Local uses of funds.—An eligible applicant receiving a subgrant under this section shall use such funds to support the activities described in subsection (b)(1), which shall include one or more of the following activities:

- “(1) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with—
 - “(A) providing professional development; and
 - “(B) hiring and compensating, during the eligible applicant's planning period specified in the application for subgrant funds that is required under this section, one or more of the following:
 - “(i) Teachers.
 - “(ii) School leaders.
 - “(iii) Specialized instructional support personnel.
- “(2) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

- **Sec. 4625(e)(3): *Under Full-Service Community Schools grants, funds must be used to, if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by SISP.***

“(e) Use of funds.—Grants awarded under this subpart for activities described in this section shall be used to—

- “(1) coordinate not less than 3 existing pipeline services, as of the date of the grant award, and provide not less than 2 additional pipeline services, at 2 or more public elementary schools or secondary schools;
- “(2) to the extent practicable, integrate multiple pipeline services into a comprehensive, coordinated continuum to achieve the annual measurable performance objectives and outcomes under subsection (a)(4)(C) to meet the holistic needs of children; and
- “(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

Title VI—Indian, Native Hawaiian, and Alaska Native Education

- **Sec. 6122(a)(2): *Pre- and in-service training is available to Native American individuals to become SISP.***

(l) Professional development for teachers and education professionals.—Section 6122 ([20 U.S.C. 7442](#)) (as redesignated by section 6001) is amended—

- “(2) to provide pre- and in-service training and support to qualified Indian individuals to enable such individuals to become effective teachers, principals, other school leaders, administrators, paraprofessionals, counselors, social workers, and specialized instructional support personnel;”;

Title VIII—General Provisions

- **Sec. 8002(42): *SISP are included in the list of educators in the definition of "professional development."***

(42) **PROFESSIONAL DEVELOPMENT**.—The term ‘professional development’ means activities that—

“(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and
“(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that....”

- **Sec. 8002(47): *This is the definition of Specialized Instructional Support Personnel and Services!***
“(47) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—
“(A) **SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.**—The term ‘specialized instructional support personnel’ means—
“(i) school counselors, school social workers, and school psychologists; and
“(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act ([20 U.S.C. 1401](#))) as part of a comprehensive program to meet student needs.
“(B) **SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.**—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.”;
(19) by striking the undesignated paragraph between paragraph (47) (as inserted by paragraph (18)) and paragraph (49) (as so redesignated by paragraph (2)) and inserting the following:

Title IX—Education for the Homeless and Other Laws

- **Sec. 9102(g)(1)(D): *State plans for grants for the education for homeless children must include a description of programs for school personnel, including SISP, to heighten awareness of specific needs of homeless and runaway children and youth.***

Section 722 of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11432](#)) is amended—

“(g) State plan.—

“(1) **IN GENERAL.**—For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

“(D) A description of programs for school personnel (including liaisons designated under subparagraph (J)(ii), principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths.

III. School-Based Mental Health Services and Counseling

Title I—Improving Basic Programs Operated by State and Local Educational Agencies

- **Sec. 1114(b)(7)(A)(iii)(I):** Schoolwide plans must address strategies used to address needs especially of at risk students, which may include counseling, school-based mental health programs, and specialized instructional support services.
“(7) includes a description of—
“(A) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—
“(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—
“(I) counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ skills outside the academic subject areas;

Title II—Preparing, Training & Recruiting High-Quality Teachers, Principals, & Other School Leaders

- **Sec. 2103(b)(3)(I): USE OF FUNDS:** *Title II formula grant funds may be used for in-service training in forming partnerships between school-based mental health programs and public or private mental health organizations; use of referral mechanisms that link children to appropriate treatment and intervention services in the school and community; techniques and supports needed to help educators understand when and how to refer students affected by trauma and with or at risk of mental illness; and, addressing issues related to conditions for learning, such as safety, peer interactions, substance abuse, and chronic absenteeism.*
 - “(3) may include, among other programs and activities—
 - “(I) carrying out in-service training for school personnel in—
 - “(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;
 - “(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;
 - “(iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and
 - “(iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism;

Title IV—21st Century Schools

- **Sec. 4001(a): Parental Consent:** *Entities receiving Title IV funds must obtain prior written, informed consent from parents of any child under 18 years old to participate in any mental health assessment or service funded through this title and conducted in connection with an elementary or secondary school under Title IV. The notice must describe in detail the assessment or service, including the purpose and provider of the service or assessment, when the assessment or service will begin, and how long it may last. This consent will not be required in cases of emergency where there is an immediate health or safety issue for the child, other children, or staff, or where parental consent has been sought but cannot be reasonably obtained.*
 - “(a) Parental consent.—
 - “(1) IN GENERAL.—
 - “(A) INFORMED WRITTEN CONSENT.—A State, local educational agency, or other entity receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.
 - “(B) CONTENTS.—Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.
 - “(C) LIMITATION.—The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 444 of the General Education Provisions Act ([20 U.S.C. 1232g](#)).
 - “(2) EXCEPTION.—Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—
 - “(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or
 - “(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—
 - “(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or
 - “(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 725 of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11434a](#)).
 - “(b) Prohibited use of funds.—No funds under this title may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.
 - “(c) Prohibition on mandatory medication.—No child shall be required to obtain a prescription for a controlled substance, as defined in section 102 of the Controlled Substances Act ([21 U.S.C. 802](#)) as a condition of—
 - “(1) receiving an evaluation or other service described under this title; or

“(2) attending a school receiving assistance under this title.”.

- **Sec. 4102(6): This is the definition of "School-based mental health services provider."**

“(6) **SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.**—The term ‘school-based mental health services provider’ includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

- **Sec. 4104(b)(3)(B)(ii): STATE USE OF FUNDS:** *States may assist local schools districts to foster safe, healthy, supportive, and drug-free environments that support academic achievement, including implementing mental health awareness training programs for school staff on community resources for students with mental illness and other resources related to mental health or safe de-escalation of crisis situations involving students with mental illness; or, to expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs.*

“(3) supporting local educational agencies in providing programs and activities that—

“(A) offer well-rounded educational experiences to all students, as described in section 4107, including female students, minority students, English learners, children with disabilities, and low-income students who are often underrepresented in critical and enriching subjects, which may include—

“(i) increasing student access to and improving student engagement and achievement in—

“(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

“(II) activities and programs in music and the arts;

“(III) foreign languages;

“(IV) accelerated learning programs that provide—

“(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

“(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs;

“(V) American history, civics, economics, geography, social studies, or government education;

“(VI) environmental education; or

“(VII) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

“(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

“(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include—

“(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);

“(ii) supporting local educational agencies to—

“(I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

“(II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

“(iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and

“(iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv); and

- **Sec. 4108(5): Activities to support safe and healthy students.** *Local school districts may use Title IV formula grant funds for (a) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers; and, (b) school-based mental health services partnership*

programs conducted in partnership with public or private mental health or health care entities and that provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school. Services and training should be based on trauma-informed practices, coordinated where appropriate with IDEA early intervening services, and provided by qualified mental and behavioral health professionals.

“SEC. 4108. Activities to support safe and healthy students.

“Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop, implement, and evaluate comprehensive programs and activities that—

“(1) are coordinated with other schools and community-based services and programs;

“(2) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

“(3) promote the involvement of parents in the activity or program;

“(4) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities described in this section; and

“(5) may include, among other programs and activities—

“(A) drug and violence prevention activities and programs that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available) including—

“(i) programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and

“(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

“(B) in accordance with sections 4001 and 4111—

“(i) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be provided by school-based mental health services providers; and

“(ii) school-based mental health services partnership programs that—

“(I) are conducted in partnership with a public or private mental health entity or health care entity; and

“(II) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are—

“(aa) based on trauma-informed practices that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available);

“(bb) coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act ([20 U.S.C. 1400 et seq.](#)); and

“(cc) provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise;

“(C) programs or activities that—

“(i) integrate health and safety practices into school or athletic programs;

“(ii) support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

“(iii) help prevent bullying and harassment;

“(iv) improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;

“(v) provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;

“(vi) establish or improve school dropout and re-entry programs; or

“(vii) establish learning environments and enhance students’ effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports;

“(D) high-quality training for school personnel, including specialized instructional support personnel, related to—

- “(i) suicide prevention;
 - “(ii) effective and trauma-informed practices in classroom management;
 - “(iii) crisis management and conflict resolution techniques;
 - “(iv) human trafficking (defined, for purposes of this subparagraph, as an act or practice described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 ([22 U.S.C. 7102](#)));
 - “(v) school-based violence prevention strategies;
 - “(vi) drug abuse prevention, including educating children facing substance abuse at home; and
 - “(vii) bullying and harassment prevention;
- “(E) in accordance with sections 4001 and 4111, child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—
- “(i) age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and
 - “(ii) information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;
- “(F) designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that—
- “(i) is consistent with best practices;
 - “(ii) includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and
 - “(iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a ‘youth PROMISE plan’; or
- “(G) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act ([20 U.S.C. 1400 et seq.](#)), in order to improve academic outcomes and school conditions for student learning;
- “(H) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—
- “(i) establishing partnerships within the community to provide resources and support for schools;
 - “(ii) ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and
 - “(iii) strengthening relationships between schools and communities; or
- “(I) pay for success initiatives aligned with the purposes of this section.

*Compiled by **Myrna Mandlawitz**, Director of Government Relations, School Social Work Association of America and **Dot Kontak**, State Consultant, School Social Workers Association of Missouri & Director, Communications & Membership Services, New York State School Social Workers' Association.
March, 2016*