

## Federal Legislation Promoting Positive Behavior Support

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## HR 2597 Positive Behavior for Safe and Effective Schools Act

Lead Sponsor: Rep. Phil Hare (D-IL)

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## Cosponsors: 33

- Rep. Judy Biggert ( IL)
- Rep. Sanford D. Bishop, Jr. (GA)
- Rep. Madeline Bordallo (GU)
- Rep. Yvette Clarke (NY)
- Rep. Gerald Connolly (VA)
- Rep. Jerry Costello (IL)
- Rep. Joe Courtney (CT)
- Rep. Elijah Cummings (MD)
- Rep. Danny K. Davis (IL)
- Rep. Barney Frank (MA)
- Rep. Alan Grayson (FL)
- Rep. Raul Grijalva (AZ)
- Rep. Berman Howard (CA)
- Rep. Leonard Boswell (IA)
- Rep. Tim Holden (PA)
- Rep. John Lewis (GA)
- Rep. David Loebsack (IA)
- Rep. Carolyn McCarthy (NY)
- Rep. Ed Pastor (AZ)
- Rep. Mike Quigley (IL)
- Rep. Gregorio Sablan (MP)
- Rep. John P. Sarbanes (MD)
- Rep. Janice D. Schakowsky (IL)
- Rep. Joe Sestak (PA)
- Rep. Carol Shea-Porter (NH)
- Rep. Pete Stark (CA)
- Rep. Lynn C. Woolsey (CA)
- Rep. Laura Richardson (CA)

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## Cosponsors- (cont.)

- Rep. Patrick Kennedy (RI)
- Rep. Dennis Moore (KS)
- Rep. Robert C. "Bobby" Scott (VA)
- Rep. Tim Holden (PA)
- Rep. Bob Filner (CA)
- Rep. C.A. Dutch Ruppersberger (MD)

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Referred to House Committee on  
Education and Labor  
May 21, 2009

Available at <http://thomas.loc.gov>

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## The Bill – Section by Section

The legislation would amend the Elementary and Secondary Education Act (ESEA) creating avenues at the federal level for schools to more easily implement SWPBS.

- **Flexibility to use Title I funds for school-wide PBS and Technical Assistance**
  - Authorizes and encourages states to use Title I funds to develop and implement SWPBS. There is no mandate that Title I funds be used for this purpose
  - Provides that LEA's make available to schools identified as schools needing improvement technical assistance on implementation of SWPBS and other approaches with evidence of effectiveness for improving the learning environment in the schools (and the national technical assistance funded by the Department of Education be made available to such schools).

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## The Bill – Section by Section

- Requires school support teams to review the number of discipline referrals in struggling schools and use that information to assist schools to implement SWPBS.
- Authorizes LEA's to utilize, as a school reform strategy that is offered to schools in need of improvement, SWPBS or other strategies to improve school performance.
- **Teacher Professional Development to Improve School Climate**
  - Offers instructional leadership skills to help teachers administer PBS and enhance their understanding of the social and emotional learning of children to improve their school's climate for learning.
  - Requires needs assessments take into account the need to give teachers and principals skills to improve their school's climate for learning.

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## The Bill – Section by Section

- **Amendments to the Safe & Drug-Free Schools and Communities Program**
  - Amends the program to emphasize initiatives that improve the whole school climate in order to foster learning, including programs that prevent discipline problems, that reduce the need for suspensions, expulsions, referrals to law enforcement and other actions that remove students from instruction... (violence in and around schools, the illegal use of alcohol, tobacco, and drugs, and involve parents and communities in the school program and activities).
  - Authorizes grants to LEAs to establish, operate and improve local programs relating to improving the school-wide climate (including implementing SWPBS).

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## The Bill – Section by Section

- **School Counselors Program**
  - Requires applicants for these grants to describe how the LEA will address the need for early intervening services that will improve the school climate for learning and reduce the need for suspensions, expulsions, referrals to law enforcement, and other actions that remove students from instruction, such as through SWPBS.
- **Office of Specialized Instructional Support Services**
  - Establishes an Office of Specialized Instructional Support Services in the U.S. Department of Education to administer, coordinate and carry out specialized instructional support services and activities in schools, delivered by trained, qualified "specialized instructional support personnel." Activities governed by such an office would include:
    - Improving academic achievement and educational results for students through PBS

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## The Bill – Section by Section

- Promoting a trained, qualified specialized instructional support workforce in schools
  - Providing technical assistance to local and state education agencies to carry out effective, scientifically-based specialized instructional support services.
- **Definition of PBS**
- a systematic approach to embed proven practices for early intervening services, including a range of systemic and individualized strategies to reinforce desired behaviors and eliminate reinforcement for problem behaviors, in order to achieve important social outcomes and increase student learning, while preventing problem behaviors for all students including those with the most complex and intensive behavioral needs.

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## Supporters

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| ■ Advocacy Institute                                   | ■ American School Counselors Association                                   |
| ■ American Academy of Child and Adolescent Psychiatry  | ■ Anxiety Disorders Association of American                                |
| ■ American Art Therapy Association                     | ■ The Arc of the U.S.  |
| ■ American Association for Marriage and Family Therapy | ■ Association for Ambulatory Behavioral Healthcare                         |
| ■ American Association of People with Disabilities     | ■ Association of University Centers on Disability                          |
| ■ American Counseling Association                      | ■ Bazelon Center for Mental Health Law                                     |
| ■ American Group Psychotherapy Association             | ■ Center for Children's Law and Policy                                     |
| ■ American Mental Health Counselors Association        | ■ Child Welfare League of America  |
| ■ American Music Therapy Association                   | ■ CHADD- Children and Adults with Attention-Deficit/Hyperactivity Disorder |
| ■ American Occupational Therapy Association            | ■ Clinical Social Work Association   |
| ■ American Psychological Association                   | ■ Council for Children with Behavioral Disorders                           |
| ■ American Psychotherapy Association                   | ■ Council for Exceptional Children   |

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## Supporters (cont.)

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| ■ Council for Learning Disabilities                            | ■ National Association for Children's Behavioral Health        |
| ■ Council of Parent Attorney's & Advocates, Inc.               | ■ National Association of Pupil Service Administrators         |
| ■ Disability Rights Education and Defense Fund                 | ■ National Association of School Nurses                        |
| ■ Easter Seals   | ■ National Association of School Psychologists                 |
| ■ Education Law Center   | ■ National Association of Secondary School Principals          |
| ■ First Focus  | ■ National Association of State Directors of Special Education |
| ■ Higher Education Consortium for Special Education            | ■ National Center for Learning Disabilities, Inc.              |
| ■ Huff Osher Consulting, Inc.                                  | ■ National Coalition for Jewish Women                          |
| ■ Learning Disabilities Association of America                 | ■ National Council for Community Behavioral Healthcare         |
| ■ Mental Health America  | ■ National Disability Rights Network                           |
| ■ National Advocacy Center of the Sisters of the Good Shepherd |  |
| ■ National Alliance on Mental Illness (NAMI)                   |  |

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## Supporters (cont.)

- National Down Syndrome Congress
- National Down Syndrome Society
- National Education Association
- National Federation of Families for Children's Mental Health
- National PTA
- National Rehabilitation Association
- School Social Work Association of America
- TASH
- Teacher Education Division of the Council for Exceptional Children
- Therapeutic Communities of America
- The Respect ABILITY Law Center
- United Cerebral Palsy
- United Church of Christ Justice and Witness Ministries
- University of Maryland, Center for School Mental Health
- U.S. Psychiatric Rehabilitation Association

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## What You Can Do

Co-sponsors are needed for HR 2597. Please contact your Representative in Congress to urge him or her to co-sponsor the Positive Behavior for Safe and Effective Schools Act (H.R. 2597).

- Phone: You can reach your Representative (and his or her legislative staff) by calling the Capitol switchboard at 202-224-3121. You can also call the direct line, available on your Representatives website through [www.thomas.gov/](http://www.thomas.gov/).
- Email: Much less effective than a phone call, email must come through the link on the lawmaker's website to be counted (rarely read). You can find your Representative's website on <http://www.house.gov/>.
- Postal mail: Find the postal address on the member's website or write to:  
The Honorable (first and last name)  
U.S. House of Representatives  
Washington, DC 20515

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## Action Alert

**YOUR HELP IS NEEDED THIS WEEK**  
*Five Minutes of Your Time to Make a Difference*

### **SUPPORT SWPBS IN SCHOOLS**

The Education and Labor Committee of the U.S. House of Representatives is soliciting input and suggestions on the reauthorization of the Elementary and Secondary Education Act (ESEA)- currently known as No Child Left Behind. Organizations and stakeholders are encouraged to email comments by Friday (March 26). This is a great opportunity to help influence the drafting of legislation that will renew and amend our nation's primary federal education law.

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## What You Can Do:

- Send an email today to [eseacomment@mail.house.gov](mailto:eseacomment@mail.house.gov)
- Identify yourself in the email (e.g. name, title, group/school, address)
- Ask the Committee to **support the development and expansion of SWPBS in legislation reauthorizing the Elementary and Secondary Education Act**. Specifically, ask the Committee to **authorize (not mandate) Title I funds for implementation of SWPBS** –and other provisions included in "Positive Behavior for Safe and Effective Schools Act" (HR 2597) sponsored by Representative Phil Hare (D-IL).
- **Deadline:** Close of business, Friday, March 26

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## HR 4247 and S 2860 Preventing Harmful Restraint and Seclusion Act

Lead Sponsors: Rep. George Miller (D-CA)  
and Cathy McMorris Rodgers (R-WA) and  
Sen. Christopher Dodd (D-CT)

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## Status of bills-

HR 4247 was approved by the House of Representatives on March 13 on a vote of 262-153. The name was changed to Keeping Students Safe in Schools Act.

S 2860 was referred to the Committee on Health, Education, Labor and Pensions on December 9, 2009. There are no cosponsors.

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## What the bill does-

- Prohibits the use of restraint and seclusion in schools unless the student's behavior poses an immediate danger of physical injury and less restrictive interventions would be ineffective.
- Requires adequate training for school personnel; immediate parental notification; and a school debriefing following each incident of restraint or seclusion.
- Require states to create a state plan that incorporates the minimum standards and report annually on the number of incidents of restraint and seclusion.
- Provides competitive grants to assist with developing/implementing the state plan, training, and **implementing PBS** to further prevent restraint and seclusion. National Assessment shall identify models that emphasize **PBS** and de-escalation techniques over physical intervention.

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## Definition of PBS-

A systematic approach to embed evidence-based practices and data-driven decision making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.

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## Alternatives-

- Safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings. Staff training focused on the dangers of physical restraint and seclusion as well as training in evidence-based positive behavior supports, de-escalation techniques, and physical restraint and seclusion prevention, can reduce the incidence of injury, trauma and death. (H.Rpt. 111-417)
- The implementation of PBS can assist in the prevention and reduction of the use of harmful restraint and seclusion in schools, and education resources should be invested in such efforts. (H.Rpt. 111-417)

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## What You Can Do

Co-sponsors are needed for S 2860. Please contact your Senators in Congress to urge him or her to co-sponsor the Preventing Harmful Restraint and Seclusion in Schools Act (S 2860).

- Phone: You can reach your Senators (and his or her legislative staff) by calling the Capitol switchboard at 202-224-3121. You can also call the direct line, available on your Representatives website through [www.thomas.gov](http://www.thomas.gov).
- Email: Much less effective than a phone call, email must come through the link on the lawmaker's website to be counted (rarely read). You can find your Representative's website on <http://www.house.gov>
- Postal mail: Find the postal address on the member's website or write to:

The Honorable (first and last name)  
U.S. House of Representatives  
Washington, DC 20515

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## HR 2531 Mental Health in the Schools Act

Lead Sponsor:  
Rep. Grace Napolitano (D-CA)

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## Cosponsors, Status and Other Info-

- The bipartisan bill has 43 cosponsors.
- It was referred to the Energy and Commerce Committee on May 20, 2009.
- Sponsor is the co-chair of the House Mental Health Caucus.
- Likely to advance when Congress develops legislation to reauthorize the programs and services within SAMHSA.

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## What the bill does-

- The Mental Health in the Schools Act would increase funding for the Safe Schools-Healthy Students program to enable states to expand school-based mental health services for children in grades kindergarten through 12.
- Allows for a flexible, state-based approach to creating a comprehensive mental health school-program and promotes formal collaboration between families, schools, welfare agencies and substance abuse and mental health service systems.
- Encourages schools to **implement PBS** into their school curriculum.

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## HR 4122 The Graduation for All Act

Lead Sponsor:  
Chairman George Miller (D-CA)

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## Cosponsors, Status and Other Info-

- The bill has 9 cosponsors (Reps. Berman, Fattah, Hinojosa, Kildee, Scott, David, Grijalva, Hirono and Loeb sack)
- It was referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education of the Education and Labor Committee on November 19, 2009.
- Rep. Miller is the chairman of the House Education and Labor Committee. Cosponsor Rep. Dale Kildee is the chairman of the subcommittee of jurisdiction (ESEA).

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## What the bill does-

- The Graduation for All Act seeks to:
  - address the dropout crisis by supporting LEAs in improving the achievement, increasing the graduation rates, increasing the college enrollment and postsecondary persistence rates, and improving preparation for citizenry, of students attending the nation's lowest-performing high schools and their feeder middle schools.
  - support comprehensive data-based school reforms and the creation of new schools (incl. charter, other innovative school models like magnet schools..)
  - provide targeted, intensive support and effective interventions to reform schools with high school dropout and low graduation rates .....(under the whole school reform activities, **positive behavior supports or multitier systems of supports may be implemented**)
  - Conduct an extensive evaluation of reform efforts and disseminate the results of such efforts in order to ensure the success of future middle school and high school reform efforts.

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## Early Intervention-

- There is growing concern about the high dropout and low graduation rates of students with disabilities.
  - According to the National Center for Education Statistics, approximately 45% of students age 15 and older who experience serious emotional disturbance drop out of high school – the highest dropout rate of any disability group.
  - Students with disabilities struggle academically, and earn lower grades across all subject areas in comparison to their typically developing peers.
- Evidence suggests that a relationship between academic failure and social failure emerges early in life, indicating that early intervention is key.
  - Successful implementation of SWPBS can lead to academic improvement and comprehensively addresses the social and emotional development of students; steps necessary to reduce the high and unacceptable dropout rate of students with disabilities.

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## Definition of PBS in bill-

A systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.

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