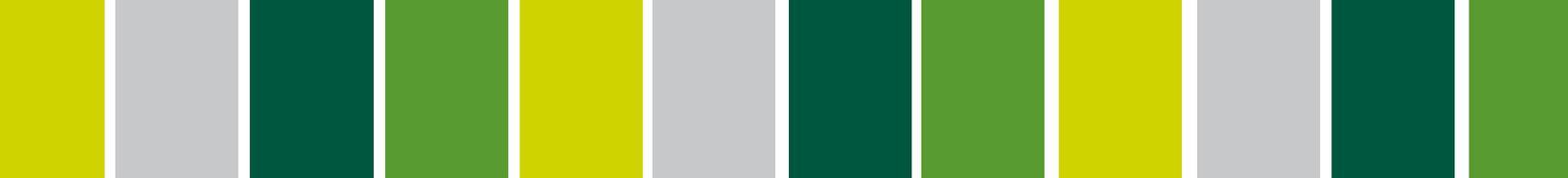




# Opportunities to Pursue Trauma-Related Work in the Every Student Succeeds Act

A product of the Defending Childhood State Policy Initiative





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September, 2016

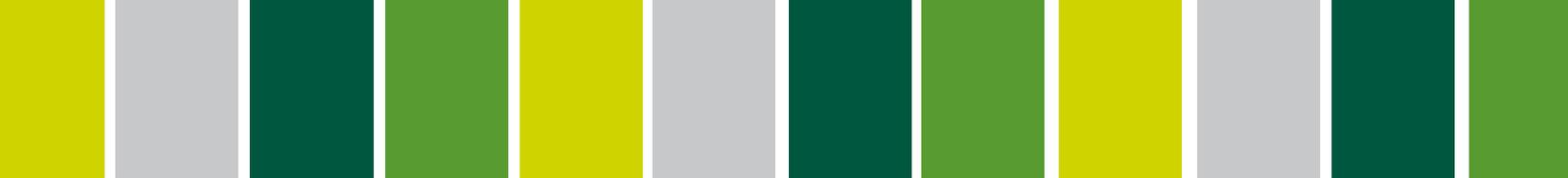
Sunil Mansukhani

The Raben Group | [www.rabengroup.com](http://www.rabengroup.com)

The National Center for Mental Health and Juvenile Justice  
345 Delaware Avenue, Delmar, NY, 12054 | [www.ncmhjj.com](http://www.ncmhjj.com)



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# Part I: State Opportunities

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*This part highlights the relevant ESSA Titles that California can use to support and incentivize trauma-informed work.*

## Title I

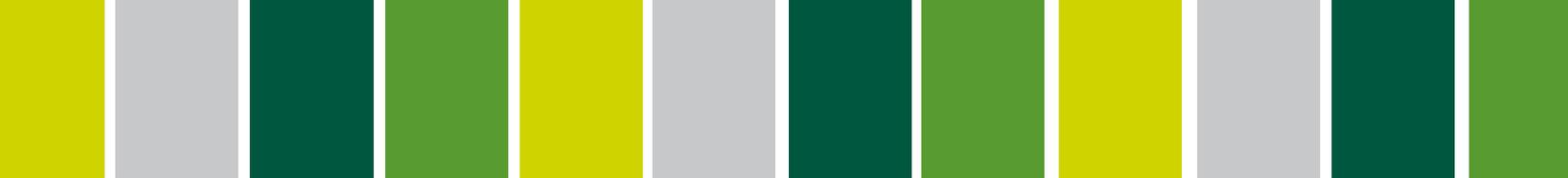
Title I, Part A is the single largest funding stream in ESSA. It provides financial assistance to school districts and schools with high numbers or high percentages of students from low-income families.

### Accountability

Under ESSA, each state must develop an accountability system designed to improve student achievement and school success. As part of that accountability system, a state must include a set of academic performance indicators and at least one valid, reliable, and comparable indicator of school quality or student success. This may include measures of student engagement or school climate and safety. The state accountability system must be designed to meaningfully differentiate among all public schools in the state, and then identify some schools for comprehensive or targeted support and improvement. If a school is identified as needing comprehensive support and improvement, the LEA must develop and implement a comprehensive plan for the school to improve student outcomes. If a school is identified for targeted support and improvement, the school must develop and implement a targeted plan to improve student outcomes for the group(s) of students identified as needing such support. While the effects of trauma can impact virtually all aspects of student performance, there are some specific indicators that California can select that would further incentivize districts to implement trauma-related programming. For example, it appears that California will choose suspension rates as one element of school quality in its accountability system. Given the relationship between childhood trauma and student behavior,<sup>1</sup> a district could incorporate trauma-related programs as a means to address the suspension rate indicator. If California includes chronic absenteeism in its system, that too can be an impetus for a district to implement trauma-related supports since research shows that students who suffer from the effects of trauma are more likely to miss school.<sup>2</sup> I would like to emphasize, however, that trauma-related programming should also be considered an acceptable part of an LEA's plan to meet a state's "academic" indicators given the effect that trauma has on academic achievement.<sup>3</sup>

### State Support for School Districts and Schools

ESSA requires each state plan to describe how the State Educational Agency (SEA) will support school districts receiving Title I funds in improving the conditions for student learning, including through reducing incidents of bullying and harassment, the overuse of discipline practices that remove students from the classroom, and the use of aversive behavioral interventions that compromise student health and safety.<sup>4</sup>



The state plan must also provide an assurance that the SEA will assist local school districts and schools affected by the plan with meeting the requirements of Title I.<sup>5</sup> Both of these provisions provide an opportunity for the State to be proactive in its efforts to provide, promote, and support trauma-related programming.

In addition, the state, among other requirements, is required to provide technical assistance to each LEA serving a significant number of schools implementing either a comprehensive support or targeted support and improvement plan. California can provide guidance and other forms of technical assistance for its districts on how trauma-related supports can assist in these school improvement efforts and give examples of LEAs and schools that are already doing this work.<sup>6</sup> In addition, the Department of Education has proposed regulations for ESSA that provide an opportunity for the State to create a list of state-approved, evidence-based (as defined in ESSA) interventions for schools that need comprehensive or targeted support.<sup>7</sup> The State can include trauma-related supports on its list of state-approved interventions as a way to further incentivize districts to use these supports.

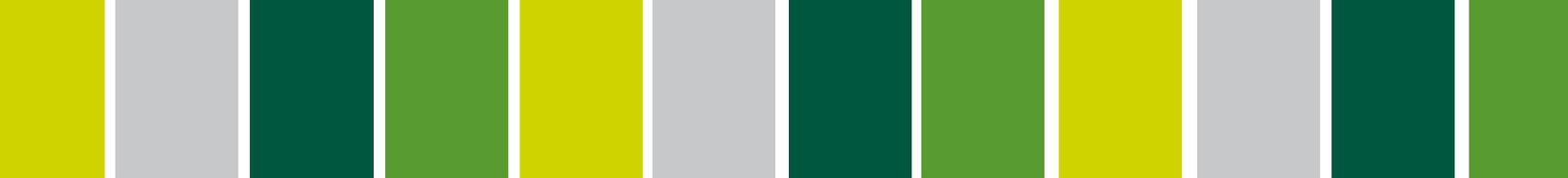
Furthermore, if the LEA agrees, the state can directly provide (or contract for) trauma-related services in a district as part of its school improvement activities.<sup>8</sup>

## Title II, Part A

Title II of ESSA is the largest professional development<sup>9</sup> piece of the law. While most of the funds are subgranted from the states to school districts, the state can carry out activities directly. ESSA provides a number of permissible uses of funds for the state, including providing training for all school personnel on how to prevent and recognize child sexual abuse.<sup>10</sup>

## Title IV, Part A

ESSA contains a new block grant, the Student Support and Academic Enrichment Grant (SSAEG), which can be used for a variety of activities that (1) provide students with access to a well-rounded education; (2) improve school conditions for student learning; and (3) improve the use of technology. While most of the funds under this grant program will flow from the states to school districts, states also have an opportunity to use funds that will support trauma-related services in school districts. As part of the state plan that must be submitted to receive these funds, the state must provide technical assistance to school districts.<sup>11</sup> Given the broad parameters for which these funds can be used, it would be well within a state's authority to provide detailed technical assistance on how, for instance, school districts can create trauma-sensitive schools. In fact, the statute specifically states that a state can use the funds it receives to provide monitoring, training, technical assistance, and capacity building to school districts.<sup>12</sup> Furthermore, a state can use the funds it receives to identify and eliminate state barriers to the coordination and integration of programs, initiatives, and funding streams so that school districts can better coordinate with schools and community-based services and programs.<sup>13</sup> This provision provides the state with the opportunity to, for example, assess how information is currently being shared between community-based providers and schools and see whether this information sharing can be enhanced in a way that benefits the trauma-related needs of students while still maintaining confidentiality. Finally, the state can use the funds it receives to support school districts in (1) reducing



exclusionary discipline; (2) implementing mental health awareness training programs that are evidence-based (to the extent the state determines such evidence is reasonably available); and (3) expanding access to or coordinating resources for school-based counseling and mental health programs, such as school-based mental health services partnership programs.<sup>14</sup>

## McKinney-Vento Homeless Assistance Act

Title IX of ESSA amended McKinney-Vento, which is not part of the Elementary and Secondary Education Act. The amendments require the state to develop and implement professional development programs for school district liaisons for homeless children and youth and other school district personnel. The programs should heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.<sup>15</sup> Providing training on how trauma can impact homeless students and the steps school personnel can take to address this trauma would certainly seem to be an allowable use of funds under this section.

## Part II: District Opportunities

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*As was the case with the state-centric analysis above, there are several opportunities to use ESSA to support trauma work within school districts. This section will discuss three areas: (1) Professional development; (2) Mental health services and other social service supports; and (3) School climate (with a focus on discipline since California will apparently include suspension rates as one element of its accountability system). I conclude with a very short summary of how funding flexibility and impact aid can also be used to support trauma-related programs.*

## Professional Development

Title II contains a specific reference to trauma. Under Title II, Part A, school districts receive a grant from the state. Districts can use the funds to “...carry[] out in-service training for school personnel in – (1) 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. Professional development can be provided for educators of all types, including teachers, principals, other school leaders, specialized instructional support personnel (SISP), paraprofessionals, and early childhood educators.<sup>16</sup> Districts can also use the funds to provide training for all school personnel on how to prevent and recognize child sexual abuse.<sup>17</sup>

While Title II is the most directly applicable professional development provision, other parts of ESSA can be used to build a trauma-informed workforce as well. For instance, under Title I, Part A, an eligible school operating a targeted assistance program can, in certain circumstances, provide professional development to assist teachers, SISP, and other staff in identifying and meeting the comprehensive needs of eligible children.<sup>18</sup>

The SSAEG program, discussed above, also provides school districts with an opportunity to provide trauma-related professional development. Under Section 4108 of ESSA, districts can provide:

- Professional development and training for school personnel, SISIP, and interested community members in prevention, education, early identification, intervention, mentoring, recovery support services and, where appropriate, rehabilitation and referral, as it relates to drug and violence prevention.<sup>19</sup>
- Staff development for school and community personnel working in the school that are based on trauma-informed practices that are evidence-based.<sup>20</sup>
- Programs or activities that improve instructional practices that 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<sup>21</sup>
- High-quality training for school personnel, including SISIP, related to suicide prevention, effective and trauma-informed practices in classroom management, crisis management and conflict resolution techniques, school-based violence prevention strategies, and bullying and harassment prevention.<sup>22</sup>

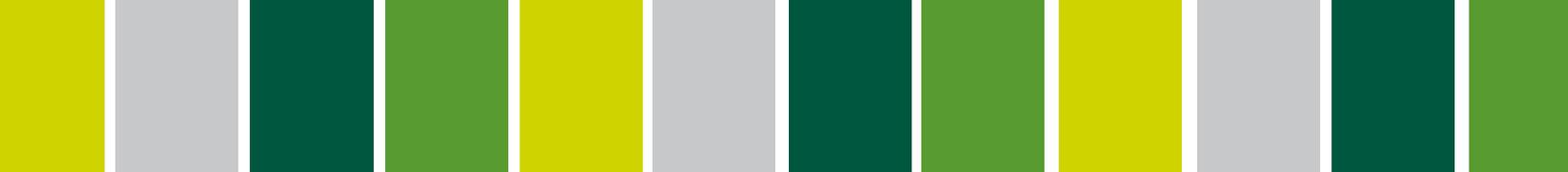
ESSA also has some competitive grant programs that provide opportunities for professional development. The Full-Service Community School (FSCS) Program, for example, requires an entity seeking funds to include a plan for the professional development of personnel who manage, coordinate or deliver pipeline services.<sup>23</sup> Under ESSA, “Pipeline Services” include family and community engagement and supports, as well social, health, and mental health services and supports.<sup>24</sup> The Promise Neighborhoods program is a competitive grant program that, while not specifically referencing professional development, envisions that the applicant will explain how it will improve the pipeline services it offers (as defined above), and can use the funds to support the development and implementation of pipeline services.<sup>25</sup> LEAs are eligible recipients of FSCS grants, but must partner with other entities (such as a non-profit) under the Promise Neighborhoods program.<sup>26</sup>

Finally, ESSA’s amendments to McKinney-Vento provide an opportunity for school districts to provide training to their personnel about the trauma that homeless students may face and how they can address it.<sup>27</sup>

## Mental Health Services and Related Supports

School districts seeking to provide mental health and related services to students suffering from the effects of trauma will find several opportunities in ESSA to get funding for these services.

As noted, Title I, Part A is the largest component of ESSA. Schools operating a schoolwide program must develop a comprehensive plan that must be based on a needs assessment of the school. The plan must include strategies that addresses the needs of all children in the school. These strategies may include counseling and school-based mental health programs and specialized instructional support services.<sup>28</sup> There are more restrictions for using Title I funds in schools designated as “targeted assistance” schools, but providing mental health services might still be possible. The school would have to (1) show that these services are not otherwise available to eligible children in the school; (2) do a comprehensive needs assessment; (3) establish a collaborative partnership with local service providers; and (4)



demonstrate that funds are not reasonably available from other public and private sources. If that is the case, then funds may be used for integrated student supports.<sup>29</sup>

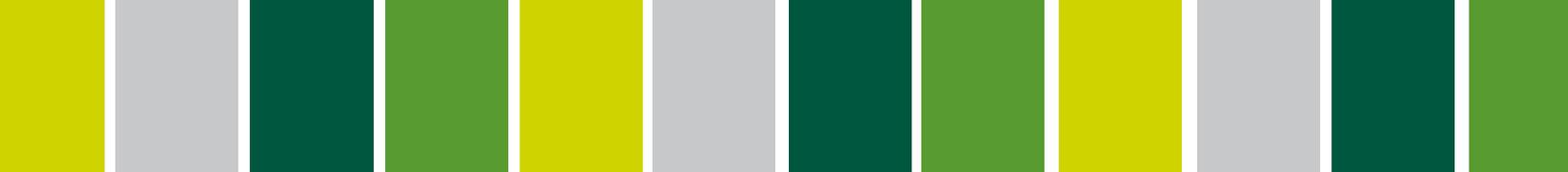
A district can also identify gaps in the provision of SISP services in schools that are identified for comprehensive and, in some cases, targeted support, and seek to fill those gaps as part of the school's improvement activities.<sup>30</sup> The Department of Education proposed regulations implementing this section do not specifically identify SISP as one of the elements to be reviewed in the resource equity analysis, or include them as an example of an intervention in schools needing comprehensive or targeted support.<sup>31</sup> However, there is nothing prohibiting this use either, and addressing gaps in the provision of SISP services would seem to be well within the range of what should be acceptable in an improvement plan.

Title I, Part D of ESSA provides funds for prevention and intervention programs for children and youth who are neglected, delinquent, or otherwise at-risk. This part includes funding for school districts that collaborate with locally operated correctional facilities that (1) carry out high-quality education programs; (2) transition children from correctional programs to further education or employment; and, (3) provide programs in schools for students returning from correctional facilities.<sup>32</sup> These programs may also serve other at-risk children and youth. The school district can use these funds for the coordination of health and social services, which can include mental health services.<sup>33</sup> The school district must be able to demonstrate that the services will increase the likelihood that the students will be able to complete their education.

The SSAEG block grant under Title IV, Part A of ESSA also provides LEAs with funding for mental health services and related supports. Districts receiving over \$30,000 from this block grant are required to do a needs assessment. An LEA may use the funds for school-based mental health services and appropriate referrals to direct individual or group counseling services, as well as for school-based mental health partnership programs that are trauma-informed and evidence based (to the extent that the State, in consultation with LEAs, determine that such evidence is reasonably available).<sup>34</sup>

There are also competitive grant programs for which LEAs can apply for funds to support mental health and related programs. For instance, Title IV, Part B is the 21<sup>st</sup> Century Community Learning Centers program, which provides opportunities for communities to establish or expand community learning centers. LEAs can apply for funds from their state to support programs that advance student academic achievement and student success including “drug and violence prevention programs and counseling programs.”<sup>35</sup> As noted above, the definition of “pipeline services” for both the FSCS program and the Promise Neighborhoods program under Title IV, Part F of ESSA includes social, health, nutrition, and mental health services and supports so entities that receive those grant awards can use them to provide mental health services.<sup>36</sup> Title IV, Part F of ESSA also contains the Project SERV program, which is a discretionary grant program to initiate or strengthen violence prevention activities as part of the activities designed to restore a learning environment that was disrupted by a violent or traumatic crisis.<sup>37</sup> ESSA does not specifically state that funds can be used for mental health services, but the Department of Education's response to a list of frequently asked questions for the Project SERV program makes clear that using funds for these services is acceptable.<sup>38</sup>

Finally, under McKinney-Vento, school districts can use the funding to ensure that homeless children and youth receive referrals for mental health and other appropriate services.<sup>39</sup> LEAs can also directly



provide SISP services, as well as conduct activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health and substance abuse problems.<sup>40</sup> The Department of Education recently released guidance that describes how ESSA can be used to support homeless students. It discusses how Title I, Part A funds can be used to provide a variety of services to homeless students, including, “counseling services to address anxiety related to homelessness that is impeding learning.”<sup>41</sup>

## School Climate

As noted in Part One of this memo, the accountability indicators a state chooses will play an important role in the type of programming districts will choose to provide with their Title I funds. If a state chooses “school climate and safety” as one indicator, then it should be relatively easy for a LEA to include trauma-related programs as a way to help foster a positive school climate,<sup>42</sup> and to include this programming in, for example, both comprehensive and targeted support and improvement plans.<sup>43</sup> Even with other indicators, however, the relationship between a positive school climate and improved academic achievement is a strong one<sup>44</sup> so a district should be able to include trauma-related programming regardless of the specific indicators chosen by the state.

In order to get Title I funding, a LEA’s plan must describe how it will identify and implement instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning.<sup>45</sup> This is another logical place to include trauma-related programs.

ESSA also contains a number of references to how Title I funds can address school discipline related issues. For example, the LEA’s Title I plan must describe how the LEA will support efforts to reduce the overuse of discipline practices that may remove students from the classroom.<sup>46</sup> The plans for both schoolwide programs and targeted assistance schools must describe the strategies the school will use to address student needs, which can include implementation of a schoolwide tiered model to prevent and address problem behavior and early intervening services.<sup>47</sup>

The SSAEG block grant under Title IV, Part A includes “school conditions for student learning” as one of the areas in which grant funds can be use.<sup>48</sup> A LEA can choose to use these funds for a range of programs, including those that:

- Prevent bullying and harassment;
- Raise awareness of child sexual abuse awareness as well as prevention programs and activities;
- Design and implement a locally-tailored plan to reduce exclusionary discipline practices in schools that should include evidence-based strategies;
- Implement schoolwide positive behavioral intervention and supports.<sup>49</sup>

As noted in prior sections, Title IV of ESSA includes other discretionary grant programs, such as Promise Neighborhoods, Full-Service Community Schools, and Project SERV. Improving school climate is not specifically referenced in these grant programs. Given the nature and purpose of these programs, however, I believe it would be acceptable for a district to propose undertaking trauma-related activities for these programs as a means to improve school climate.



## Flexible Use of Funds

Under Title V of ESSA, both states and school districts have flexibility to transfer funds from certain parts of ESSA to others. For example, a state can choose to move funds it receives for state level activities between Title II, Part A (teacher professional development grants) and Title IV, Part A (Student Support and Academic Enrichment Block Grant), which are described above. These funds can also be shifted into certain parts of Title I. Districts have the same flexibility for funds that they receive. Depending on what a state or a district decides to do, there may be more (or less) funding available for trauma-related services.

## Impact Aid

Title VII of ESSA contains the Impact Aid provisions. This aid is essentially general revenue for a school district so there is no reason why, from a federal perspective, some of these funds cannot be used for trauma-related supports.

## Conclusion

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As can be seen, ESSA provides a myriad of ways in which trauma-related programming and professional development can be implemented at both the state and district level. This flexibility provides California with an opportunity to launch an ambitious effort to dramatically increase the amount of trauma-informed programming in the state and, in fact, be a national model for other states to follow.

## References

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2. National Child Traumatic Stress Network, *The Effects of Trauma on Schools and Learning*, <http://www.nctsn.org/resources/audiences/school-personnel/effects-of-trauma#q7> (last visited Aug. 29, 2016).
3. Christina Bethell et al., *Adverse Childhood Experiences: Assessing the Impact on Health and School Engagement and the Mitigating Role of Resilience*, 33 HEALTH AFFAIRS, No. 12, 2016, 2111 (2014), [http://ostrc.org/newsletter/documents/AdverseChildhoodExperiences\\_000.pdf](http://ostrc.org/newsletter/documents/AdverseChildhoodExperiences_000.pdf) (last visited Sept. 1, 2016). See also *Effects of Emotional Trauma on the Brain and Learning*, BRIGHT HUB EDUC., <http://www.nctsn.org/trauma-types/complex-trauma/effects-of-complex-trauma> (last visited Aug. 29, 2016).
4. See ESSA § 1111(g)(1)(C), <http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf> (last visited Sept. 1, 2016).
5. ESSA § 1111(g)(2)(C).
6. See, e.g., State Responsibilities to Support Continued Improvement, 81 Fed. Reg. 34,540, 34,607 (proposed May 31, 2016) (to be codified at 34 C.F.R. § 200.23(b)) ("Each State must provide in its State plan . . . a description of [the] technical assistance it will provide to each LEA in the State serving a significant number of schools identified for comprehensive or targeted support and improvement.").
7. See State Responsibilities to Support Continued Improvement, 81 Fed. Reg. 34,540, 34,607 (proposed May 31, 2016) (to be codified at 34 C.F.R. § 200.23(c)(2)-(3)).
8. ESSA § 1003(b)(1)(B).
9. Professional development is defined in ESSA § 8101(42). It includes supporting the recruitment, hiring, and training of effective teachers.
10. ESSA § 2101(c)(4)(B)(xv).
11. ESSA § 4103(c)(2)(C)(ii).
12. ESSA § 4104(b)(1).
13. ESSA § 4104(b)(2).
14. ESSA § 4104(b)(3)(B).
15. ESSA § 9102(2)(C)(5)(B). See also § 9102(4)(f)(6), (5)(g)(1)(D) (describing other professional development related requirements).
16. ESSA § 8101(42)(A). "Specialized Instructional Support Personnel" includes school counselors, school social workers, and school psychologists. ESSA § 8101(47)(A)(i).
17. ESSA § 2103(b)(3)(L).
18. ESSA § 1115(e)(2)(B)(v).
19. ESSA § 4108(5)(A)(ii).
20. ESSA § 4108(5)(B)(ii)(II).
21. ESSA § 4108(5)(C)(iv).
22. ESSA § 4108(D).
23. ESSA § 4625(a)(4)(E).
24. ESSA § 4622(3).
25. ESSA § 4624(a)(10), (d).
26. ESSA § 4622(1)(B).

27. See ESSA §§ 9102(5), 9103(4). See also McKinney-Vento Homeless Assistance Act § 722(g)(5)(C)(iii) (coordination requirements shall be designed to raise awareness of school personnel and service providers about the efforts of short-term stays in a shelter and other challenges associated with homelessness); § 722(g)(6)(ix) (each LEA liaison for homeless children and youth shall ensure that school personnel providing services under this subtitle receive professional development and other support); and § 723(d)(3) (LEAs can use funds for professional development and other activities for educators and SISPs that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths).
28. ESSA § 1114(b)(7)(A)(iii)(I).
29. ESSA § 1115(e)(2)(B)(iv).
30. ESSA § 1111 (d)(1)(B)(iv), (d)(2)(C).
31. See Comprehensive Support and Improvement, 81 Fed. Reg. 34,540, 34,603 (proposed May 31, 2016) (to be codified at 34 C.F.R. § 200.21(d)(3), (d)(4)); Targeted Support and Improvement, 81 Fed. Reg. 34,540, 34,650 (proposed May 31, 2016) (to be codified at 34 C.F.R. § 200.22(c)(7)).
32. ESSA § 1421.
33. ESSA § 1424(a)(3).
34. ESSA § 4108(5)(B).
35. ESSA § 4205(a)(12).
36. ESSA § 4622(3). See also ESSA § 4624(a)(7)(D) (Promise Neighborhoods applicant must describe how pipeline activities will facilitate the coordination of social, health, nutrition, and mental health services and supports, for children, family members and community members, which may include services provided within the school building). Grant recipients from both programs must conduct needs assessments.
37. ESSA § 4631(b)(1).
38. See Frequently Asked Questions, Project School Emergency Response to Violence (SERV), U.S. DEPT OF EDUC., <http://www2.ed.gov/programs/dvppserv/faq.html#funded> (last visited Aug. 29, 2016) (Response to Question 4 of the FAQ).
39. McKinney-Vento Homeless Assistance Act, § 722(g)(6)(A)(iv), (d)(4).
40. McKinney-Vento Homeless Assistance Act, § 723(d)(12)-(13).
41. United States Department of Education, *Education for Homeless Children and Youths Program*, (July 27, 2016) at 39, <http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf> (last visited Aug. 30, 2016).
42. Barbara Oehlberg, *Why Schools Need to Be Trauma Informed*, 8 TRAUMA & LOSS (Fall/Winter 2008), <http://www.humanimpact.org/wp-content/uploads/WhySchoolsNeedToBeTraumaInformed2.pdf> (last visited Sept. 1, 2016).
43. ESSA § 1111(d)(1)(B)(i), (d)(2)(B)(i). In addition, school improvement plans also must include evidence-based interventions and, for comprehensive support plans, be based on a school-level needs assessment.
44. Makeba Jones et al., *School Climate and Student Achievement*, U.C. DAVIS SCHOOL OF EDUC. CTR. FOR APPLIED POL'Y IN EDUC. (2008), [http://education.ucdavis.edu/sites/main/files/Yonezawa\\_Paper\\_WEB.pdf](http://education.ucdavis.edu/sites/main/files/Yonezawa_Paper_WEB.pdf) (last visited Aug. 29, 2016). Guidance issued by the United States Department of Education prior to passage of ESSA also makes clear that school-climate related supports (e.g., anti-bullying strategies or positive behavioral interventions and supports) are an acceptable use of Title I funds in schoolwide programs. See Letter from Ann Whalen to Chief State School Officers (July 30, 2015), at 4-5, <https://www2.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf> (last visited Aug. 29 2016).
45. ESSA § 1112(b)(1)(D).
46. ESSA § 1112(b)(11).
47. ESSA §§ 1114(b)(7)(A)(iii)(III), 1115(b)(2)(B)(ii).
48. ESSA § 4101(2).
49. ESSA § 4108(5).