



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

September 5, 2002

Jacquelyn C. Jackson, Ed.D
Acting Director, Student Achievement and
School Accountability Programs
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., SW
Room 3W230, FB-6
Washington, DC 20202-6132

Dear Dr. Jackson:

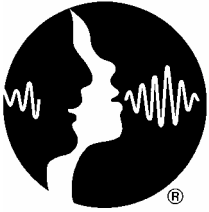
The American Speech-Language-Hearing Association (ASHA) is pleased to submit the following comments on Subparts A, B, and D, Title 1 of the Elementary and Secondary Education (ESEA) Act of 1965, as amended. This is in response to your request for comments on the proposed regulations on Title 1 programs that appeared in the August 6, 2002 *Federal Register*.

As you know, poor communication skills can interfere with children's ability to understand and participate in classroom instruction and may impair their relationships with teachers and other children. ASHA is the national professional, scientific, and credentialing association representing more than 107,000 speech-language pathologists, audiologists, and speech/language/hearing scientists nationwide. More than 47,000 ASHA certified school-based speech-language pathologists (SLPs) and audiologists work every day in public and private schools with children who have communication problems that affect their success in classroom activities, social interaction, literacy, and learning.

Please contact Catherine Clarke, ASHA's Director of Education and Regulatory Advocacy, at 202-624-5953 or via e-mail at cclarke@asha.org if you have any questions. Thank you for your consideration of these comments/recommendations as you implement changes to Title 1 of the ESEA made by the No Child Left Behind (NCLB) Act. We look forward to working with ED to assure that no child is left behind.

Sincerely,

Nancy A. Creaghead, PhD
President



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ASHA COMMENTS ON SUBPARTS A, B, AND D OF TITLE 1 OF ESEA (NO CHILD LEFT BEHIND ACT)

Subpart A

School-wide Programs

Section 200.26 Development and evaluation of program plan.

Recommendation: Amend Sec. 200.26(b)(1) by inserting the following bolded and underlined language:

(1) Takes into account **the constantly changing** needs of migratory children as defined in section 1309(2) of the Act

Rationale: Developing a comprehensive needs assessment to take into account the needs of migratory children will be extremely difficult to accomplish. The migratory and transient nature of this population will require ongoing assessment of constantly changing needs. While a needs assessment is critical to planning for any intervention, assessing the needs of this population will have to be a dynamic and ongoing process.

LEA and School Improvement

Section 200.36 Communication with parents

Recommendation: Amend Section 200.36(1) by inserting the following bolded and underlined language:

In an understandable and uniform format **taking into account language proficiency and literacy levels for the target population**, including alternative formats upon request **that should include non-traditional communication vehicles, such as posting notices and information at churches and other social service facilities, and educating and establishing networks with other caregivers (e.g., those providing social services and health care to this population).**

Rationale: Many migrant children are from families with limited English proficiency and limited education and literacy levels. Communicating information to parents will require consideration of parents' literacy levels, different languages and dialects, and that alternative means for communicating to parents may need to be identified, since parents of migrant children are often not accessible through traditional means, e.g., mailing materials, and electronic communication. Providing examples of other ways of reaching the parents of migratory children, such as posting information at other facilities that

provide services to this population (e.g., churches, social service facilities, etc), and educating and establishing networks with other caregivers (e.g., those providing social services and health care to this population), will help to ensure more effective communication with these families.

**Sec. 200.27 School-wide program implementation components
(c) Parental involvement**

Recommendation: Amend Sec. 200.27(c)(1) by inserting the following bolded and underlined language:

(1) A school-wide program must involve parents **or their representative** in the planning, review, and improvement of the comprehensive school-wide program plan.

Rationale: It is not always the parents who are raising these children. At times, grandparents, other family members, or designated others are responsible for the children. Therefore, parents should be able to designate someone to act on their behalf.

Section 200.45 Supplemental Education Services

Comments: Because the requirements for measuring academic success are new, potential supplemental service providers may not be able to initially demonstrate their record of effectiveness in increasing student achievement. One area in which all potential supplemental service providers can inform the state and parents of eligible children of the quality of the services they offer is by indicating to what degree that the staff providing direct supplemental/educational services to children are qualified to provide those services. States may choose to require supplemental service providers to indicate if the personnel providing direct services to children are currently licensed in that state, and certified in their field of expertise.

Qualifications of Teachers and Paraprofessionals

Sections 200.55 – 200.57

Comments: ASHA applauds the recommended degree and state certification requirements as outlined in Sections 200.55 through 200.57. It is well documented that the primary factor in children's successful performance is the qualifications of the teachers, professional service providers, and paraprofessionals. ASHA believes that the quality of preservice education is highly correlated with the quality of services provided to students and student success. In addition, ASHA supports the highest level of certification as defined by the states for the profession or discipline as opposed to the current practice of emergency, temporary, or provisional basis certification.

ASHA supports the NCLB requirement that all general education teachers be highly qualified within four years of enactment and that this timeline should also be applied to all special education teachers, pupil services providers, and early intervention teachers who provide services to children covered under ESEA and IDEA. This change would

provide legal continuity for personnel standards in both regular education and special education.

Section 200.59 Duties of paraprofessionals

Recommendation: Amend section 200.59(b) (2) by inserting the following bolded and underlined language:

(2) A paraprofessional works under the direct supervision of a teacher, **including pupil services personnel**, if...

Rationale: ASHA believes that the supervision of paraprofessionals and assistants must be conducted by professionals who have met the highest requirements in the state for the profession or discipline in which the paraprofessionals and assistants are utilized. The professionals, including pupil services personnel such as speech-language pathologists, also must have obtained the knowledge, skills, and abilities necessary to supervise paraprofessionals and assistants and to ensure that the activities and tasks carried out by paraprofessionals or assistants are appropriate for a child with disabilities. For example, if a paraprofessional or assistant is utilized in the speech-language pathology service program, a qualified speech-language pathologist must be the person who supervises and assigns activities and tasks.

Section 200.60 Expenditures for Professional Development

Comments: ASHA supports ongoing professional development specifically targeted to help teachers, other professionals and paraprofessionals to meet the new statutory requirements governing their qualifications. In fact, ASHA is currently phasing in mandatory continuing education as part of its national certification process to ensure that audiologists and speech-language pathologists are informed of current practices. ASHA recognizes that life-long learning is essential for advancing the continued professional development of audiologists and speech-language pathologists. As of mid-year 2002, the CCCs as granted by ASHA is held by 104,593 speech-language pathologists and audiologists.

Professional development activities must be based on competencies required for the independent practice of any area of the professions. New and emerging teaching methods are continuously developing, and mandatory continuing education allows professionals to remain current and vital. All professionals and paraprofessionals must receive support from their school districts to pursue continuing education that is relevant and tailored to their particular field of practice, not just district-wide training offered to all employees.

Recommendation:

1) Amend section 200.60(a)(1) with the following bolded and underlined language as follows:

(a)(1) ..., an LEA must use funds it receives under subpart A on this part for professional development activities to ensure that teachers, **including pupil services personnel**, and paraprofessionals meet the requirements of Secs 200.56 and 200.58.

2) Amend section 200.60(b) with the following bolded and underlined language as follows:

(b) The LEA may use additional funds under subpart A of this part to support ongoing training and professional development, as defined in section 9101(34) of the Act, to assist teachers, **including pupil services personnel**, and paraprofessionals in carrying out activities under subpart A of this part.

Rationale: Language is the foundation for all learning and social interaction. Language problems are both a cause and a consequence of literacy problems in children and adolescents. Literacy is an essential prerequisite for social well-being, academic achievement, and lifetime opportunities. Speech-language pathologists (SLPs) play a critical and direct role in the development of literacy for children and adolescents with communication disorders, including those with severe or multiple disabilities. SLPs have the expertise and play important roles in ensuring that all children gain access to instruction to reading, writing, and spelling, including early identification and assessment, intervention, and the development of literacy programs. They should be a part of the team that serves students who have reading and writing difficulties, and along with audiologists and other pupil services personnel, should have access to professional development opportunities.

Participation of Eligible Children in Private Schools

Sec. 200.63 Factors for determining equitable participation of private school children

Recommendation: Amend section 200.63(a)(2)(i) with the following bolded and underlined language as follows:

(i) ... the LEA must provide equitable services, **including necessary educational support such as technology and interpreters**, to eligible private school children...

Rationale: To ensure student success it is important that the programs and services a student would receive in the LEA be equitable to the programs and services the student receives in the private school.

Sec. 200.64 Determining equitable participation of teachers and families of participating private school children

Recommendation: Amend section 200.64(a)(1) with the following bolded and underlined language as follows:

(a)(1) ..., an LEA shall ensure that teachers, **including pupil services personnel**, and families of participating private school children participate on an equitable basis in parent involvement and professional development activities, respectively.”

Rationale: Language is the foundation for all learning and social interaction. Language problems are both a cause and a consequence of literacy problems in children and adolescents. Literacy is an essential prerequisite for social well-being, academic achievement, and lifetime opportunities. Speech-language pathologists (SLPs) play a critical and direct role in the development of literacy for children and adolescents with communication disorders, including those with severe or multiple disabilities. SLPs have the expertise and play important roles in ensuring that all children gain access to instruction to reading, writing, and spelling, including early identification and assessment, intervention, and the development of literacy programs. They should be a part of the team that serves students who have reading and writing difficulties, and along with audiologists and other pupil services personnel should have access to professional development opportunities.

Subpart D Prevention Programs for Children and Youth Who Are Neglected, Delinquent, or At-risk of Dropping Out

Comments: ASHA supports the continuation of the programs that address the needs of the neglected, delinquent, and at-risk children and youth, a population that is often overlooked. There is a link between communication disorders and violence. The relationship between communication disorders and violence or aggressive behavior is highly complex. This relationship may be viewed from many perspectives, including the contribution of communication disorders to the genesis of violent behavior, onset of communication disorders as a result of violence, and difficulties in communication that may arise from witnessing violence. No single factor can be identified as causal in creating the stage for the development of aggression and violence. Rather, an intricate web of economic, educational, employment, sociological, cultural, psychological, and other inter- and intra-personal factors appear to interact to produce violent behavior. Among these many factors, communication disorders may play an under appreciated, but vital, role.