

Positive Behavioral Interventions and Support (PBIS) and Early Intervening Services (EIS) to Improve Student Academic Achievement Act:

A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of school-wide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce over-identification of individuals with disabilities, and reduce disciplinary problems in schools, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act.

Section-by-Section Summary

Section 3(a) – Title I State Plans

Amends Section 1111(b) of the Elementary and Secondary Education Act of 1965:

- A State that proposes to use funds under Section 1111(b) to support PBIS must submit a plan that includes how the State educational agency will assist local educational agencies in implementing PBIS in schools, in providing technical assistance and training to improve and support PBIS implementation, and in evaluating the effects of providing PBIS.
- A State that proposes to use funds under Section 1111(b) to support EIS must submit a plan that includes how the State educational agency will assist local educational agencies in implementing EIS in schools, in providing technical assistance and training to improve coordination of EIS with similar services under IDEA, and in evaluating the effects of providing EIS.

Section 3(b) – Title I State Reports

Amends Section 1111(h)(1)(C) of the Elementary and Secondary Education Act of 1965:

- The State shall include in its annual State report card the number of local educational agencies that implement PBIS; the number of students who are served through the use of EIS; and the number of students who in the preceding two-year period received EIS and who, after receiving EIS, were identified as eligible for, and receive, special education and related services.

Section 3(c) – Title I Educational Agency Plans

Amends Section 1112(b)(1) of the Elementary and Secondary Education Act of 1965:

- Each local educational agency plan shall include a description of the actions that the local educational agency will take to provide PBIS if the local educational agency proposes to use subgrant funds under this part for PBIS.

- Each local educational agency plan shall include a description of the actions that the local educational agency will take to provide EIS if the local educational agency proposes to use subgrant funds under this part for EIS.

Section 3(d) – Title I Schoolwide Programs

Amends Section 1114(b)(1)(B)(iii)(I) of the Elementary and Secondary Education Act of 1965:

- A schoolwide program shall include implementation of PBIS in order to improve academic outcomes for students and reduce the needs of suspensions, expulsions, referrals to law enforcement, and other actions that remove students from instruction
- A schoolwide program shall include implementation of EIS.

Amends Section 1116(b)(4)(B) of the Elementary and Secondary Education Act of 1965:

- The local educational agency’s technical assistance shall include assistance in the implementation of PBIS and other approaches with evidence of effectiveness for improving the learning environment in the school and reducing the need for suspensions, expulsions, and other actions that remove students from instruction, including effective strategies for improving coordination of community resources

Section 3(e) – Title I Assessments and School Improvement

Amends Section 1116(b)(3)(A) of the Elementary and Secondary Education Act of 1965:

- A school plan shall cover a two-year period and specify whether the local educational agency or the school will adopt and implement policies or practices to implement or improve PBIS.
- A school plan shall cover a two-year period and specify whether the local educational agency or the school will adopt and implement policies or practices to implement or improve EIS.

Amends Section 1116(c)(10)(C) of the Elementary and Secondary Education Act of 1965:

- In the case of a local educational agency identified for corrective action, the State educational agency shall take corrective action that may include improving or expanding PBIS or improving or expanding EIS.

Section 3(f) – Title I School Support and Recognition

Amends Section 1117(a)(3) of the Elementary and Secondary Education Act of 1965:

- Statewide systems shall work with and receive assistance and support from any technical assistance center on PBIS funded under section 665(b) of IDEA.

Amends Section 1117(a)(5)(B) of the Elementary and Secondary Education Act of 1965:

- Each school support team shall review and analyze all facets of the school's operation, including by improving or expanding PBIS.
- Each school support team shall review and analyze the school's efforts to identify and assist students with poor academic achievement and students with disabilities, and assist the school in developing or improving EIS.
- Each school support team shall review and analyze the school's efforts to address behavioral or disciplinary problems, and assist the school in developing or improving PBIS.
- Each school support team shall review the number of discipline incidents in the school and use that information to assist the school to implement PBIS, EIS, or both.

Section 3(g) – Title I Parental Involvement

Amends Section 1118(e) of the Elementary and Secondary Education Act of 1965:

- Each school and local educational agency shall provide information to school personnel, students, and parents about the school's use of PBIS and the expectations of school personnel, students, and parents in supporting a safe learning environment for all students

Section 3(h) – Prevention and Intervention Programs

Amends Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965:

- Any State agency that desires to receive funds to carry out a program shall submit an application to the State educational agency that describes how the programs will be coordinated with other appropriate State and Federal programs, such as the use of PBIS or EIS to improve academic achievement and reduce disciplinary action.

Section 3(i) – Technical Assistance

Amends Section 1419 of the Elementary and Secondary Education Act of 1965:

- The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year to provide technical assistance in implementing PBIS and EIS in order to improve academic achievement and reduce disciplinary actions.

Section 3(j) – Definitions

Amends Section 9101 of the Elementary and Secondary Education Act of 1965:

- The term “early intervening services” means early intervening services as described in section 613(f)(1) of the Individuals with Disabilities Education Act.