

Stakeholders Comments

1. Council for Exceptional Children

June 3, 2002

Julie Manuel
National Governors Association

RE: Comments on NGA and CCSSO principles related to IDEA reauthorization.

Dear Ms. Manuel:

The Council for Exceptional Children (CEC) is the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, giftedness, or both. Thank you for the opportunity to submit written comments on the joint NGA/CCSSO draft principles for IDEA reauthorization. The following is intended as a preliminary reaction to the draft document as we are unable to provide formal comments at this time due to travel schedules of executive staff.

You mentioned on the phone today that you have a copy of CEC's recommendations for IDEA. You will note that CEC's IDEA reauthorization recommendations are generally consistent with NGA/CCSSO's draft principles for IDEA reauthorization. However, there are a few points where we may have a different perspective or priorities for IDEA reauthorization, which are noted below:

FUNDING

CEC wholeheartedly supports full funding for IDEA and is pleased to see this recommendation in your draft. We note, however, that the draft does not specifically mention mandatory for funding for IDEA, which CEC strongly believes is essential to ensure continued increased federal appropriations for Part B of IDEA. CEC also supports increased funding for Part C of IDEA to prevent or ameliorate later childhood disabilities. However, CEC believes that Part C must be permanently authorized to ensure it's continued viability and effectiveness as a comprehensive system of services and supports for infants/toddlers and their families. We also note that the draft's recommendations do not address preschool services under Section 619 of IDEA. The federal per child allocation for preschool services has significantly decreased over the past 10 years, while enrollment has increased. This has led to both a tremendous cost shift to states and localities as well as a decrease in the availability of developmentally appropriate services for this population of children.

You will note in CEC's recommendations for qualified personnel that our recommendations direct significant new federal funds to state and localities to engage in personnel preparation, recruitment, retention, and certification activities (over \$120 million of the \$156 million set-aside funds under our proposal). However, CEC also supports the national focus of the Part D personnel preparation programs and activities and would oppose redirecting current Part D funds only to states via a formula grant, with the exception of the State Improvement Grants (SIG), where CEC is advocating for increased funds so that all states can receive formula grants to engage in systemic reform activities under SIGs.

Finally, CEC urges you in your final funding recommendations to seek indexing authorization and appropriation of Part D funds to the annual Part B and C appropriations in a manner consistent with the private industry standard for research, development, dissemination, personnel preparation, and other infrastructure development activities. Without adequate funds to support innovation, research, dissemination, and other critical support activities, we will never to develop and sustain continuous improvement activities in the field of special education. Only by indexing Part D authorization and appropriations to Part B and C appropriations will we ensure adequate yearly funding for special education related R & D activities.

Unified System of Quality Services

CEC supports collaboration between general education and special education. We also agree that a child's individual learning needs should dictate what services they receive rather than disability label. This is equally true, however, in compensatory education programs such as Title I, bilingual education, migrant education, and so on; all of which have established eligibility criteria either for provision of school-wide services or services to individual children. Thus, while CEC believes that a child's individual needs must drive services, the special education eligibility determination process is critical in determining what services a student needs. For example, it is essential to discern if a child's lack of expected academic progress is the result of a disability or due to lack of proper instruction in general education or other environmental factors. This distinction is critical in determining what types and intensity of services a student needs. In matters pertaining to special education it is therefore not a matter of increasing our emphasis on educational needs and de-emphasizing disability determination; the two go hand-in-hand.

Assessment and Accountability

CEC agrees that current special education accountability systems and mechanisms focus too much on process accountability and not enough on improved student outcomes. We support streamlining the compliance monitoring process and reporting requirements of IDEA to focus on improved student outcomes. We also have specific recommendations for streamlining the IEP review and revision process in a manner that focuses less on process and more on continuous program improvement and student progress monitoring and reporting to parents.

Teacher Quality

We generally support the draft's principle of linking professional development with curricula and state academic standards. We also strongly support any effort to reduce unnecessary paperwork to increase instructional time with students, which we also believe will increase teacher retention, as well as the draft's emphasis on increasing the capacity of all teachers to meet the needs of diverse learners (we would add general and special education administrators, parents, related services providers, and paraprofessionals to this list).

Discipline

CEC supports clarifying the current IDEA discipline policy to increase understanding and improve implementation. We further believe that the discipline amendment should not be invoked unless parents disagree with the recommendations of the IEP Team with regard to appropriate disciplinary measures to address the needs of students who pose a danger to self or others (that is, special education discipline matters should be resolved through the traditional IEP process. Only when an agreement cannot be reached should the IDEA discipline provisions apply). We also believe that interagency agreements are essential to ensure that all children receive appropriate alternative services if they are suspended or expelled from school.

Thank you for the opportunity to submit these initial reactions to your draft principles for IDEA reauthorization. We will continue to analyze your proposals and hope there will be additional opportunities for us to more formally respond to your principles and work with the NGA and CCSSO as the IDEA reauthorization process unfolds. If you have any questions please do not hesitate to contact me (David Egnor; 703/264-9452; davide@cec.sped.org) or Deborah Ziegler (703/264-9406; debz@cec.sped.org).

Sincerely,

David Egnor, Ph. D.
Senior Director for Governmental Relations
Public Policy Unit
Council for Exceptional Children

2. National Association of Elementary School Principals

1. Re: professional development: Would your two groups consider including principals in the professional development section? We believe a school team approach, in which all professional school staff would be present, could help everyone be working from the same framework. This would, in our view, help to improve the instructional services to students with disabilities. Of course teachers would need more intensive training in subject matter and other instructional strategies, but some joint professional development activities would, we believe, go a long way to improving achievement among students with disabilities.

2. RE: discipline: Is clear articulation of existing law really all that's needed? What about improving the system and doing away with the dual system of discipline?

Thanks again for soliciting the views of other associations.

Sally McConnell
Asst. Exec. Director, Government Relations
NAESP

3. Maine State Department of Education

Under the funding section the third bullet could be revised as follows:

Provide increased funding for "both" Part C "and Part B, Section 619" to allow early intervention "and early childhood special education " services to reduce the intensity and need "s" of students with disabilities at school age,

I have put the new proposed language in quotes. It is equally important to enhance the section 619 funding as the program has been level funded for four years and serves more than 600,000 eligible children.

Thank you for consideration.

Jaci Holmes