

## **BACKGROUND**

The nation's Governors and the Chief State School Officers have come together to address important issues regarding support for the education of individuals with disabilities. Foremost, Governors and Chief State School Officers believe in the ability of all students to learn, and believe that it is the role of states to ensure that all students receive the support and services they need to achieve. We believe it is the role of the federal government to support states in meeting these responsibilities through full funding of the federal commitment for special education, allowance of greater state flexibility over the use of federal education funds, and alignment of federal education laws, policies, and regulations toward the single goal of achievement for all students.

## **PREAMBLE**

Congress passed PL94-124 (now named the Individuals with Disabilities Education Act, or IDEA) in 1975. Since the enactment of this important legislation, students with disabilities have had increased access to the public education system and received more timely and appropriate educational services. Special education services are now an integral part of the education system in all states and school districts. Society's beliefs about, and expectations of, people with disabilities have changed as those benefiting from IDEA have progressed through the public educational system to postsecondary education or employment. Policymakers, educators, parents, and advocates share credit for the monumental accomplishments of the past 27 years. They also have a shared interest in seeing continued progress in the nation's efforts to ensure positive educational outcome for ALL children.

Governors and Chief State School Officers applaud Congress and the Administration for the success of IDEA. However, much remains to be accomplished. The upcoming reauthorization of IDEA provides an opportunity to refocus federal policy and strengthen the commitment to children with disabilities by emphasizing improved educational achievement and more positive post-school results.

## **OVERARCHING THEMES**

The following themes should guide the future vision for IDEA and are designed to direct federal support to the education of children with disabilities as well as enhance the opportunity for these children to be prepared for, participate in, and contribute to the 21st Century economy and society.

- **Federal funding must be increased to meet the original commitment and sufficient flexibility must be provided in the use of funds to allow states and school districts to implement the new IDEA in concert with their reform measures.** States and school districts can maximize resources from all sources if the federal requirements are flexible.
- **The primary goal of the new IDEA must be to improve educational outcomes for individuals with disabilities.** Procedural protections must be retained while increased emphasis is placed on teaching and learning and closing the achievement gap between children with disabilities and their nondisabled peers.
- **Improved outcomes are dependent upon a unified system of quality services and accountability.** Quality services must be provided to all children. General education and special education must be flexible and responsive to individual needs. All teachers must be prepared to teach diverse learners and no child should be excluded from the accountability system. Determination of the quality of services must be more dependent on learner outcomes and less dependent on documentation of the process.

## **FUNDING**

To achieve this vision, mandatory full funding of the federal share of IDEA is essential, particularly in this difficult state fiscal environment. States and local districts are currently bearing the brunt of special education costs. Moreover, states and local districts are responsible for implementing new requirements in the No Child Left Behind (NCLB) law to include students with disabilities in state assessments and are being held accountable for their achievement. Current law restricts state and local control and flexibility over the use of federal education funds, which impedes local educators and policymakers in responding to the particular needs of districts and students. The nation's Governors and Chief State School Officers believe that Congress should do the following.

- Provide mandatory full funding at the federally committed level of 40 percent of the cost of educating a child with disabilities through IDEA Part B grants to states.
- Provide flexibility for states and school districts on maintenance-of-effort requirements in proportion to federal funding increases.
- Remove the cap established in 1997 on the funds for states to use for statewide leadership support activities. A return to the original language regarding use of IDEA funds by states will simplify the requirements and provide necessary flexibility in meeting states' supervision requirements and improving outcomes and accountability.
- Direct professional development funds, provided under Part D, to states. These funds should be administered by the states, targeted to state education priorities, and based on an allocation formula, not competition.
- Provide funds on a formula basis to states for any new grant authorized in IDEA that help states meet requirements for which they are held accountable.
- Provide financial incentives for states to improve outcomes for children with disabilities, such as bonuses for increased performance on statewide assessments.
- Ensure IDEA funds support a unified system - including preventative services, professional development, and interagency activity - by extending the flexible use of funds, provided in the 1997 amendments to IDEA.
- Develop clear, consistent federal laws and regulations that include individuals with disabilities in the Medicaid program and increase coordination between IDEA and other federal programs that serve individuals with disabilities, such as vocational rehabilitation.

## **UNIFIED SYSTEM OF QUALITY SERVICES**

All federal education policy should provide all students with the opportunities to be successful in life and work. General education and special education need to be conceptualized as an array of services. IDEA is one of many instructional support services for general education. The determination of services should be based on the child's educational needs not on identification of disability. The nation's Governors and Chief State School Officers believe that Congress should do the following.

- Ensure federal resources, laws, and regulations are aligned to support high-quality instruction and access to appropriate curriculum for all students. Specific emphasis needs to be placed on supporting the general education classroom to improve instruction of all learners and to reduce unnecessary referrals to special education; and ensuring continuity and alignment of federally supported early education and intervention services, both educational (pre-K) and programmatic (state and federal).
- Address issues of disproportionate representation of racial and ethnic minorities within special education. Focus should be on collection and analysis of data and continued research. Moreover, there should be continued emphasis on support of parents who are poor and racially diverse.

### **ASSESSMENT AND ACCOUNTABILITY**

Governors and Chief State School Officers believe all children must be held to high standards. All children must be included in one state accountability system, the framework provided in NCLB, and in all state measures of school performance. In addition, emphasis needs to be placed on improved student outcomes not process requirements. The nation's Governors and Chief State School Officers believe that Congress should do the following.

- Ensure to the greatest extent possible that the implementation of the new NCLB and changes to IDEA respect existing state accountability systems.
- Streamline the compliance process to allow states to achieve IDEA goals by emphasizing improved outcomes for children over process.
- Ensure federal and state reporting requirements inform the public and parents about educational performance based on outcome indicators rather than about adherence to steps in a process.
- Support continued research of assessment accommodations (including use, application, selection, etc.).
- Realign data collection requirements to focus more on student achievement and less on other information.

### **TEACHER QUALITY**

Initial preparation, professional development, and instructional support for personnel of students with and without disabilities are all key to improved student outcomes. These components of professional development are essential to ensure proper identification and early interventions for children with disabilities. In addition, research-based practices and effective teaching methods are needed to help prevent unnecessary referrals to special education and over identification of children in need of special education. An environment that focuses on teaching and learning while minimizing paperwork and process is necessary for quality teaching. The nation's Governors and Chief State School Officers believe that Congress should do the following.

- Support professional development for teachers of students with disabilities that is linked to curricula and state academic standards.
- Emphasize professional development support to teachers for low-incidence disabilities.

- Reduce paperwork burden on teachers by simplifying the process.

**DISCIPLINE**

It is essential that safe school environments be maintained while ensuring that the educational needs of all students are met. IDEA discipline requirements must be articulated simply and clearly so they can be understood by those who must administer the requirements and by students who must follow them.

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