

Draft Joint NGA/CCSSO Individuals with Disabilities Education Act Policy

PREAMBLE

The nation's Governors and the Chief State School Officers have come together in preparation for the reauthorization of the Individuals with Disabilities Education Act (IDEA) to address this important issue. Foremost, Governors and Chief State School Officers support equal opportunity for all citizens and support the purposes and spirit of IDEA. In addition, Governors and Chief State School Officers have expressed their strong commitment to improving the academic performance of all students, including students with disabilities. They 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. Furthermore, Governors and Chief State School Officers believe that it is the role of the federal government to support states in meeting these responsibilities through full funding of its commitment at the 40 percent authorized level for special education services, greater allowance of state flexibility, and alignment of federal education laws and regulations toward the single goal of achievement for all students.

Congress passed PL94-142 (now named the Individuals with Disabilities Education Act, or IDEA) in 1975 and has made revisions over the years with extensive amendments being made in 1997. 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 federal commitment of 40 percent of the average per pupil expenditure 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 the No Child Left Behind (NCLB) Act of 2001 and state 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, but the paperwork associated with their implementation must be minimized. Increased emphasis must be

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. States and local districts currently bear the brunt of special education costs. Moreover, states and local districts are responsible for implementing new requirements in the NCLB law, which includes students with disabilities in state assessments and holds states 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 average per pupil expenditure.
- Provide flexibility for states and school districts on maintenance-of-effort requirements in proportion to federal funding increases.
- Provide permanent authorization for Part C and increased funding for both Part C and Part B, Section 619, Preschool grants, to allow early intervention and early childhood special education services to reduce the intensity and needs of students with disabilities at school age.
- 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 via a formula grant. These funds should be administered by the states so that they are targeted to state education priorities, and based on a national allocation formula, not competition.
- Provide funds on a formula basis to states for any new grants 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 increased flexibility and or bonuses for improved performance on statewide assessments.
- Ensure IDEA funds support a unified system - including prevention and intervention services, professional development, and interagency activity - by extending the flexible use of funds, provided in the 1997 amendments to IDEA.

- Revise existing federal laws and regulations to articulate clear and consistent policies between IDEA and other federally funded programs that must be coordinated to ensure that individuals with disabilities have access to appropriate services, such as Medicaid, vocational rehabilitation, higher education, and workforce programs.

UNIFIED SYSTEM OF QUALITY SERVICES

Federal education policy should provide all students with the opportunity 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 primarily on the child's educational needs rather than predominately on disability determination. 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.
- Emphasize support for the general education classroom to improve instruction of all learners and to reduce unnecessary referrals to special education.
- Ensure continuity and alignment of federally supported early education and intervention services.
- Address issues of disproportionate representation of racial and ethnic minorities within special education through continued research and collection of data. Moreover, there should be continued emphasis on support to parents of children who may be at-risk of academic failure.

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, more emphasis should be placed on improved student outcomes rather than 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 and reporting requirements to allow states to achieve IDEA goals by emphasizing improved outcomes for children over process. The process associated with individualized education programs (IEPs) must be simplified so that they can be used to determine the appropriate services to be provided to students with disabilities.
- Support continued research of assessment accommodations (including use, application, selection, etc.) and effective instructional practices for students with disabilities.
- Realign data collection requirements to focus more on student achievement and less on other information.

- Dispute resolution provisions should be revised with a new emphasis on alternative dispute resolution. The current due process system can result in too much litigation that often does not benefit students, and families, or schools.
- Consider lengthening the IDEA reauthorization cycle. The current five-year cycle does not allow states enough time to implement new procedures and keeps them in a constant state of change.

TEACHER QUALITY

Initial preparation, professional development, and instructional support for personnel of students with and without disabilities are key to improved student outcomes. These components are essential to ensure proper identification and early interventions for children with disabilities. An environment that focuses more on teaching and learning rather than 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 and regular classroom teachers 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 all of the processes associated with special education. In addition, emphasis should be placed on the need to develop new technologies to simplify the paperwork and to increase coordination among agencies and levels of government that serve children with disabilities.
- Support training for all teachers and administrators that focuses on both subject matter content and research-based instructional strategies that are linked to standards-based student outcomes for diverse learners. In addition, provide support to parents, related service providers, and paraprofessionals, in order to foster collaboration.

DISCIPLINE

It is essential that safe school environments be maintained while ensuring that the educational needs of all students remain a priority. In addition, existing IDEA discipline requirements are complex and misunderstood. They should be articulated clearly so they can be understood by those who administer the requirements and by students who follow them.