

The Issue

The Individuals with Disabilities Education Act (IDEA) was enacted in 1990 as amendments to the Education for All Handicapped Children Act. This law provides states with funding as well as mandates to provide a free and appropriate education and procedural safeguards for all children with disabilities without regard to costs incurred by states and localities. States have enacted their own statutes and regulations to comply with the federal laws and, in many cases, have gone beyond what is mandated by the federal government in providing services. State and federal laws and regulations, combined with the extensive and increasingly complex case law that has developed around this act, have made the practice of delivering services to students with disabilities complex and costly for states and communities.

In addition, the federal government committed to provide funding for 40 percent of Part B services under IDEA. However, currently the federal government's contribution amounts to only 17 percent, and states are funding the balance to assist school districts in providing special education and related services. States are currently reallocating existing state funds from other programs or committing new funds to ensure that students with disabilities are provided a "free and appropriate public education."

NGA's Position

The nation's Governors support equal opportunities for all citizens and support the purposes and spirit of IDEA. In addition, the Governors have expressed their strong commitment to improving the academic performance of all students, including students with disabilities. At the 1999 NGA Annual Meeting, the Governors passed NGA policy HR -23 that calls upon Congress to honor their original commitment and fully fund 40 percent of Part B services as authorized by IDEA.

The Governors, in conjunction with the Chief State School Officers, are currently discussing policy changes that should be considered during the Reauthorization of the Individuals with Disabilities Education Act (IDEA).

Current Status

Presidential Commission on IDEA

In anticipation of IDEA reauthorization this year, the President established the Commission on Excellence in Special Education last October. This 21 member commission, Chaired by former Iowa Governor Terry Branstad, formally released their report to the President on July 1, 2002. The commission was charged with submitting a report to the President which examines the effectiveness and cost of special education, issues recommendations on the best uses of federal funds, examines how federal funding affects student identification at the local level, and recommends ways to improve the relationship between the federal government and state and local education agencies.

Members of the Commission include: Chairman Terry Branstad, Iowa; Adela Acosta, Maryland; Steve Bartlett, Texas; Paula Butterfield, Pennsylvania; Jay Chambers, California; W. Alan Coulter, Louisiana; Thomas Flemming, Michigan; Jack Fletcher, Texas; Douglas Gill, Washington; David Gordon, California; Nancy Grasmick, Maryland; Bryan Hassel, North Carolina; Douglas Hunt, Ohio; Michael Rivas, Texas; Cheryl Takemoto, Virginia; Katie Wright, Illinois; Elizabeth Bryan, Texas; Edward

Sontag, Virginia; Robert Pasternak, New Mexico; Reid Lyon, Maryland; and Wade Horn, Maryland.

Administration

The President's budget includes a \$1 billion increase in state grants for special education. This would bring the fiscal 2003 appropriations level up to \$8.5 billion.

July 2, 2002