

When Diane and I met during a Senate Education Committee meeting last spring, I had no idea that it would result in my being asked to speak this morning, but it is an honor to be with you.

On behalf of Governor Musgrove, let me express appreciation to all of you for the service that you provide to Mississippi's children.

As the daughter of a special education teacher, I have a personal respect for the amount of work that you do and the amount of giving that it requires. You are truly the best of our best.

## **Background**

The notion of the National Governors Association and the Council of Chief State School Officers working together to develop a joint policy statement on the reauthorization of the Individuals with Disabilities Education Act arose

during a conversation between the executive directors of the two organizations. NGA endorsed this proposal for several reasons:

- First, when IDEA was enacted as amendments to the Education for All Handicapped Children Act, the law mandated states to provide a free and appropriate education and procedural safeguards for all children with disabilities without regard to costs incurred by states and localities. 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.
- Second, 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.

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.

NGA called upon Congress in 1999 to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA.

NGA and the Council formed a joint working group comprised of 7 governors and 7 chief state school officers to develop the joint policy. The working group was led

by Gov. Musgrove and Suellen K. Reed of Indiana, president of the Council.

This IDEA policy marks the first time in NGA history that a policy that has been developed in conjunction with another major state organization.

During initial discussions, the working group identified two intended outcomes of its efforts:

- We would draft statements of principle that could inform the reauthorization of IDEA
- The draft statements would be broad, but would contain enough specificity to reflect the recommendations of the working group clearly so as to not be misconstrued

## Process

The work group held a series of conference calls early on during which we identified the issues that the joint policy must address, as well as the process we would utilize to fully analyze each issue and develop the recommended policy. The working group agreed on the following process:

- We would develop statements that reflect our common ground on selected topic areas. We originally identified four topic areas:
  1. Funding
  2. Assessment and accountability
  3. A unified system of equality and services
  4. Discipline
- We eventually expanded these 4 to include teacher quality as a separate topic.

- In formulating the statements, members of the work group would draw upon what they have been hearing from constituencies as well as information provided by guest presenters.
- Following the full-day sessions of testimony and drafting policy, we would refine the draft statements via conference calls
- Following the final drafting of the proposed joint policy, we would schedule a session with stakeholders to present and seek input/response to the refined draft statements.

The work group held four meetings in Washington to hear testimony from guest presenters and to begin formulating the draft policy.

The format of these meetings consisted of testimony during the morning sessions from guest presenters, followed by discussion and policy drafting in the afternoon sessions.

Guest presenters included:

- the Institute for the Study of Exceptional Children at the University of Maryland
- New York's Deputy Commissioner for Vocational and Educational Services for Individuals with Disabilities
- The Kentucky Department of Education
- A former Deputy Assistant Secretary at the US Department of Education's Office for Civil Rights
- Representatives of the University of Florida's Center on Personnel Preparation Studies in Special Education

- The Virginia Department of Education
- The Director of Special Education for the Fairfax County, Virginia, schools
- Representatives of WESTAT
- Several special education teachers
- High school principals

We continued our work via conference calls and emails to refine our draft policy.

Finally, in June we invited 32 national stakeholder groups to review and comment on the proposed draft policy.

3 stakeholder groups provided comments:

1. The **Council for Exceptional Children** noted several items, including that the draft did not specifically mention mandatory funding for IDEA,



which the Council strongly believes is essential to ensure continued increased federal appropriations for Part B of IDEA, and, also, that the draft's recommendations did not address preschool services under Section 619 of IDEA. Our final policy does address both mandatory funding and preschool services.

2. The **National Association of Elementary School Principals** suggested that we consider including principals in the professional development section, in order to support a school team approach. Our final policy recommended professional development for teachers and administrators.

3. The **Maine State Department of Education** suggested that we recommend 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. Again, this was included in our final policy.

## **Joint Policy**

You should have a copy of the final joint policy in your meeting materials, but I would like to share with you the overarching themes of the policy, as well as a few items related to each of our 5 topics.

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 non-disabled 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.

In addition to recommending that Congress meet the original federal commitment of 40 percent funding, the workgroup recommended that Congress do the following with regards to funding:

- 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. This will simplify the requirements and provide necessary flexibility in meeting states' supervision requirements and improving outcomes and accountability.
- And, that professional development funds, provided under Part D, be administered by the states so that they are targeted to state education priorities, and based on a national allocation formula, not competition.

Regarding a unified system of quality services, the workgroup felt that 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. Thus, Congress should emphasize support for the general education classroom to improve instruction of all learners and to reduce unnecessary referrals to special education.

In regards to assessment and accountability, the workgroup believed that all children must be held to high standards and that more emphasis should be placed on improved student outcomes rather than process requirements. The workgroup recommended that

- Congress ensure to the greatest extent possible that the implementation of the new NCLB and changes to IDEA respect existing state accountability systems.

- Congress simplify the process associated with individualized education programs (IEPs) so that they can be used to determine the appropriate services to be provided to students with disabilities.
- Congress lengthen the IDEA reauthorization cycle. The current five-year cycle keeps states in a constant state of change.

In regards to teacher quality, the workgroup strongly believed that initial preparation, professional development and instructional support are key to improved student outcomes and are essential to ensuring proper identification and early interventions for our children with disabilities. Thus, Congress should:

- Support professional development for teachers of students with disabilities and regular classroom teachers that is linked to curricula and state academic standards.
- Reduce paperwork burden on teachers by simplifying all of the processes associated with special education.

Finally, with regards to discipline, the workgroup found that existing IDEA discipline requirements are complex and misunderstood. The reauthorization legislation should articulate these discipline requirements clearly so they can be understood by those who administer the requirements and by students who follow them.

### **Policy Adoption**

The National Governors Association adopted the joint IDEA policy at its Annual Meeting in July.



The Council of Chief State School Officers adopted the joint IDEA policy in August.

The joint policy has been delivered to Congressional leaders and NGA personnel will continue to track the IDEA reauthorization legislation.

Creating jobs for the people of Mississippi has become a trademark of Governor Musgrove's administration, but building a future for the children of Mississippi through quality education is his personal passion.

In closing, I would like to share with you the following comment that Governor Musgrove gave during a press conference to announce NGA's adoption of the joint policy.

I believe this comment effectively sums up the intent of our work:

*"The upcoming reauthorization of IDEA provides an opportunity to refocus federal policy and strengthen the commitment to children with disabilities. The fact that this policy marks the first time in NGA history that the association has adopted a joint policy reflects, the critical nature of this issue and the changing nature of education in America."*

Thank you.

NOTES:

GOVERNORS FROM KENTUCKY, MISSOURI, MISSISSIPPI, NEVADA, INDIANA, TENNESSEE AND CALIFORNIA. CHIEFS FROM INDIANA, NEW YORK, MARYLAND, UTAH, OKLAHOMA, RHODE ISLAND AND VIRGINIA.

Part C: Infants and toddlers ages 0-2

Part B, Sect. 619: Preschool Program for ages 3-5