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Advocacy Institute 2019 Homework

For Your Capitol Hill Meetings - Tuesday, January 29th

NSBA looks forward to your participation at the 2019 Advocacy Institute, January 27-29, 2019. To help you prepare for your Hill Day meetings with Members of Congress on Tuesday, January 29th, NSBA strongly encourages you to complete the following “homework” assignment. This assignment focuses on the importance of the Individuals with Disabilities Act (IDEA) and areas of concentration that Congress should examine when working to reauthorize the law. Your federal advocacy this January will be the catalyst for NSBA’s campaign to modernize and fully fund IDEA.

For many years, a core priority for school boards has been to increase the federal share of investments in IDEA. While this concern for full funding remains, we must also emphasize the program effectiveness of special education in our school districts. There are success stories that we can share with Members of Congress and their staff to convey the importance of why sustained investments are needed, along with statutory improvements to the law. The benefits of special education to student achievement and inclusion are areas worthy of highlighting with Congress, especially newly elected Members who need to know more about our school districts and their respective special education programs.

Widely agreed that IDEA needs to be re-focused on serving students in a collaborative atmosphere that allows flexibility for educators with the focus on improved student outcomes, some of the areas NSBA seeks to address include early intervention and response to intervention (RTI) programming; greater collaboration between parents and schools in developing appropriate individual education plans (IEPs); alternative dispute resolution (ADR); unilateral placement; and, maintenance of effort. As the campaign progresses, we will share additional data around these and other areas. However, the immediate goal is to begin this dialogue for IDEA modernization and full funding at the beginning of the 116th Congress. IDEA is key component of school district curricula that advances equity and helps ensure productive outcomes for our students.

Below you will find background information on IDEA. NSBA asks that you give thoughtful consideration to the questions that follow and provide answers that are applicable to your school district. Your answers will help to inform your talking points as you meet with Members of Congress and their staff.

Please forward your homework to NSBA either in advance of Advocacy Institute via email to wriggs@nsba.org, or when you register on site; and, be prepared to bring copies for your Hill meetings.

The Individuals with Disabilities Education Act (IDEA)

Background

Originally signed into law in 1975, the Individuals with Disabilities Education Act (IDEA) is the main federal statute governing special education for children. In fact, IDEA is one of the largest programs administered by the U.S. Department of Education. The law was originally enacted because Congress found that more than half of all children with disabilities in this country were not receiving appropriate educational services and that 1 million children with disabilities were excluded from the public-school system entirely. Congress also found that many children in public education were not having successful educational experiences because their disabilities were undiagnosed. **Today, IDEA protects the rights of over six million students with disabilities (approximately 13.5 percent of students) to receive a Free Appropriate Public Education in the least restrictive environment.**

IDEA consists of four unique parts:

Part A – this is general provisions section of the act and is important to interpreting the requirements of the law such as who qualifies, individual education programs and the roles of local education agencies.

Part B – Assistance for Education of all Children with Disabilities – this section provides federal funding to states, in the form of grants, to help educate children with disabilities and is the largest part of IDEA. As a condition to receiving funding, states must agree to provide a Free Appropriate Public Education to all children between the ages of 3 and 21. Further, as a condition of funding, school districts within participating states must identify all children that are eligible for special education and related services. Each child must have an Individualized Education Program (IEP) which details the specific special education and related services that will be provided to meet their individual needs.

Part C – Infants and Toddlers with Disabilities – the purpose of Part C is to help states create and maintain a statewide system that provides early intervention services for infants and toddlers with disabilities.

Part D – National Activities to Improve Education of Children with Disabilities – Part D of IDEA authorizes competitive grants to state education agencies, local education agencies, institutes of higher education and nonprofit organizations to ensure educators, parents and others are equipped with the skills they need to provide children with disabilities a successful education.

Since 1975, Congress has only reauthorized IDEA five times and each time Congress included increasingly detailed requirements for states, school districts and families to follow on issues such as discipline, placement and due process procedures. Unfortunately, these updates to the law and the courts interpreting it have focused on compliance instead of outcomes and student success. IDEA's dispute resolution process has also become contentious and has fostered an adversarial atmosphere between some families and the schools serving their children. Further, many school districts across the nation are facing a shortage of special education teachers. Too often, school districts lack the resources needed to recruit and retain highly effective teachers.

Compounding these issues, Congress has also failed to fully fund IDEA. It is estimated that educating a student with disabilities costs approximately twice the amount that it costs to educate traditional students. However, the costs of educating a student with multiple disabilities can be exponentially more. When IDEA was first passed, Congress agreed to a funding formula that would provide states with 40 percent of the excess cost associated with educating children with disabilities. Sadly, the federal

government's current IDEA investment is approximately 16 percent of the excess cost associated with educating children with disabilities and averages less than \$1,760 per student. This means that state and local school districts must absorb the additional costs while also maintaining their compliance with IDEA.

NSBA has long advocated that the federal government eliminate IDEA's financial burden on state and local governments by paying its fair share of the promised 40 percent. It is our hope that the new Congress will make full funding a priority and will also bring IDEA into the modern era through a robust reauthorization process. In fact, NSBA is leading the grassroots effort to reauthorize the law based on five guiding principles.

NSBA's Five Principles for Reauthorizing IDEA

- 1) **High Expectations and Accountability, Not Bureaucratic Procedures, Deliver Positive Outcomes for Students with Disabilities.** The next IDEA must set high academic expectations individualized for students with disabilities and better support state and local efforts to help students achieve them. Realizing this outcomes-focused vision will require a more balanced IDEA. The new law must provide appropriate procedural protections for students with disabilities, but rely more heavily on accountability, positive family engagement, and local needs assessment to drive the educational innovations and improvements that will help students succeed. This accountability focused approach to IDEA would better align with the Every Student Succeeds Act's underlying principles and vision. It would also work more seamlessly with state accountability systems and local school improvement initiatives that are designed to ensure that all students – including students with disabilities – achieve their full potential.
- 2) **Effectively Serving Students with Disabilities and their Families is a Shared Financial Responsibility.** Achieving IDEA's promise – that all students with disabilities will have access to a free appropriate public education – will require a much more balanced federal, state, and local funding partnership. Chiefly, the federal government must begin providing dedicated annual funding for students with disabilities that is not only commensurate with the IDEA's vision and goals, but also our moral commitment to these vitally important students and their families. For far too long, Congress has only provided roughly 15 percent of the funding required to serve students with disabilities. Substantially greater federal resources are required to meet the rising instructional and other costs associated with helping them succeed. The next IDEA must set a course for a much broader federal financial commitment that in the near term is at least equal to the funding provided by states and communities and on a path toward the full funding long promised by federal leaders.
- 3) **Positive Engagement and Collaboration with Families Helps Students with Disabilities Succeed.** The next IDEA must promote greater collaboration and facilitate trust-building between families and schools. Successfully supporting students with disabilities requires effective communication and strong school district partnerships with families. The vast majority of parents is happy or satisfied with the special education programs delivered to their children, but current law often promotes adversarial relationships and frustrates lines of communication, rather than encouraging effective engagement and collaboration aimed at helping student progress toward appropriate academic and developmental goals. Shifting toward a system that is more focused on student outcomes, and away from the current model, which is bureaucratic and procedure-heavy, could serve to remove counterproductive requirements that place barriers between schools and the families they serve.

- 4) **The Success of Students with Disabilities Depends on Access to Effective Teachers and other Special Education Professionals.** Many communities face a troubling shortage of special education teachers and other specialized instructional support personnel. The next IDEA must expand to prioritize helping school districts gain access to the highly effective educators required to serve students with disabilities. This work must include a focus on incentives to attract high performing students to the profession, ensure educator preparation programs deliver more sophisticated training in special education, and enable school districts to provide targeted professional development and other supports to help special education teachers and professionals succeed at their unique and challenging positions. The new law should also reduce the regulatory complexity of compliance, including providing guidelines and flexibility to schools, so that special education teachers and other professionals can more squarely focus on serving their special education students and families.

- 5) **Expanded Supports Directed at the Youngest Students with Disabilities Will Place More Learners on an Earlier Path Toward Academic and Life Success.** A growing body of research shows that high-quality early learning produces outcomes that persist for many years. The next IDEA must continue and expand supports for infants, toddlers, and preschool age students so that more student with disabilities arrive for kindergarten ready for longer-term success. Placing greater attention on the nation’s youngest students with disabilities – including offering greater federal investments to help school districts and other community providers serve them and their families – will help many students eventually progress out of special education services, and thereby reduce aggregate special education and other related costs that are increasingly dominating school district budgets.

Homework Questions

- 1) What specific successes have you had with IDEA? How has IDEA empowered educators to provide students in your school district with a successful educational experience?

Please email us your success stories, such as those for a special parental engagement programs through IDEA, response to intervention, best practices for alternative dispute resolution, and/or effective student transition programs. Sharing this information will help educate your Members of Congress about the necessary supports students need and will help illustrate your school district’s commitment to equity for all students.

- 2) What costs has your school district incurred to ensure compliance with IDEA? Have these costs pulled funding from other critical programs? If so, what is the overall impact to the students in your school district?
- 3) What is your district’s IDEA child count? Does this include students with multiple disabilities whose individual education plans may require significantly more support services?
- 4) How could your school district benefit from more funding for IDEA?
- 5) Besides funding, are there other barriers in place that prevent your school district from offering a high-quality education to students with disabilities? What can your representatives at the federal level do to help break down those barriers?

