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National Council on Disability IDEA [Individuals with Disabilities Education Act] Report

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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DATE: 3-15-2000

NUMBER OF PAGES: 4
(Including cover)

TO: Jonathan Young
AGENCY: _____
PHONE: _____
FAX: 456-0362

FROM:

___ Judith Heumann

___ Laura Verner

☒ Curtis Richards

___ Veronica Hogan

___ Lori Abrams

___ Lynne Fairfax

___ Beatriz Mitchell

___ Amii Limpp

___ Peggy McLeod

___ Liz Aybar

___ Sybrena Bullock

COMMENTS: _____

Fairfax, Lynne

From: Richards, Curtis
Sent: Sunday, March 05, 2000 4:10 PM
To: Fairfax, Lynne
Subject: FW: Here's what I sent out on NCD

Lynne,

Please print this out....thanx...clr

-----Original Message-----

From: Guard, Patty
Sent: Thursday, March 02, 2000 1:58 PM
To: Heumann, Judy; Richards, Curtis; Warlick, Kenneth;
Reynolds, JoLeta; Ryder, Ruth; Sheridan, Suzanne
Cc: Aybar, Elizabeth
Subject: FW: Here's what I sent out on NCD

FYI. Liz, we need to meet with Judy (or conference call with her) on how we want to respond to the NCD report ASOP. Thanks. Patty

-----Original Message-----

From: Pat Morrissey@labor.senate.gov
[SMTP:Pat Morrissey@labor.senate.gov]
Sent: Thursday, March 02, 2000 1:34 PM
To: patty_guard@ed.gov; Katie Corrigan@labor.senate.gov;
Connie Garner@labor.senate.gov
Subject: Here's what I sent out on NCD

March 1, 2000

Dear Parent:

Thank you for your e-mail. Your child's story was very compelling.

I have received many calls, letters, and e-mails on the NCD report -

- Back to School on Civil Rights. Everyone has asked for a hearing on the report and enforcement of the Individuals with Disabilities Act.

NCD report
encl

At this point I would recommend that you urge the Department of Education to:

1. take a hard look at the recommendations with regard to enforcement
 - (a) from the NCD report and (b) from the working group put together by the National Association of Protection and Advocacy Systems for the Coalition for Citizens with Disabilities;
2. identify those recommendations that (a) can be implemented through administrative actions, (b) that require additional resources, and (c) that require legislative action;
3. meet with stakeholders to develop a consensus-based compilation of:
 - (a) priority actions that should be implemented and can be through administrative action; (b) changes in enforcement efforts that require additional funding, but no change in law; and (c) changes in enforcement that require legislative action; and
4. prepare and disseminate a statement on how the U.S. Department of Education has (a) strengthened its enforcement since IDEA'97, highlighting its work in specific states with stakeholders; (b) identify additional changes in enforcement it anticipates making and when; and (c) explain why it has not used certain enforcement tools provided in IDEA '97.

Enforcement of IDEA is a complex process. Once these facts are known, congressional staff will be in a position to make recommendations to

Senators about how to best address needed changes in
enforcement of
IDEA.

Thank you for contacting me.

Pat Morrissey

Cc: Patty McGill Smith

Katy Neas

Bill East

Sallie Rhodes

Patty Guard

Connie Garner

Katie Corrigan



UNITED STATES DEPARTMENT OF EDUCATION
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DATE: 10-5-99

NUMBERS OF PAGES: 3
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TO: Jonathan Young
AGENCY: _____
PHONE: 456-7032
FAX: 456-6218

FROM:

☐ Judith Heumann

☐ Leslie Cooper

☒ Curtis Richards

☐ Lynne Fairfax

☐ Lori Abrams

☐ Veronica Hogan

☐ Peggy McLeod

☐ Amii Limpp

☐ Bea Mitchell

☐ Obral Vance

☐ Liz Aybar

☐ Laura Verner

COMMENTS: _____

Curtis

EDUCATION DAILY

The education community's independent daily news service

K-12 Spending Bill Guts Two Clinton Priorities

In a party-line vote, the House education funding subcommittee yesterday approved a bill for next year that would cut Education Department funding by roughly \$200 million and gut two of the president's K-12 priorities.

The measure would eliminate President Clinton's \$1.2 billion initiative for smaller K-3 classes—for which the administration requested \$1.4 billion next year—consolidating it into a new teacher quality program. Also, it would eliminate the \$120 million GEAR UP effort, which Congress launched last year to help middle school students prepare for college (*see related story, p. 3*).

A sharply divided House Labor, Health and Human Services and Education Appropriations Subcommittee voted, 8-6, on Thursday to provide \$89.4 billion for the nation's most popular domestic programs next year, down from \$89.6 billion in the current year. Joel Packer, lobbyist for the National Education Association, estimated that a net \$200 million would be cut from ED's \$33.5 billion share of the overall pie.

The measure falls short of the House GOP's goal to increase elementary and secondary education funding by more than \$2 billion in fiscal 2000, as Republicans pledged earlier this year during debate on their budget resolution.

"There are going to be adjustments [in K-12 funding] along the way," Illinois Republican John Porter, chairman of the K-12 funding panel, said in an interview. "But if you force me to choose through the discipline of the process between higher education and elementary and secondary education ... I'm going to choose higher education."

Block Grants Mean Cuts?

Subject to enactment of H.R. 1995, the Teacher Empowerment Act (TEA), Porter's spending plan would consolidate the \$1.2 billion class-size initiative, the \$491 million Goals 2000

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School Locker Searches.....Page 5

After 24 Years, IDEA Still Lacks Teeth, Says NCD

The Education Department is not doing enough to implement and enforce the Individuals With Disabilities Education Act (IDEA), an independent federal agency said Wednesday at a town meeting.

The National Council on Disability (NCD) based its pronouncement on preliminary findings from an upcoming analysis of federal civil rights enforcement for people with disabilities, "Back to School on Civil Rights," which is scheduled to be released next month.

NCD general counsel Andrew Imparato, at the agency's meeting in Arlington, Va., said parents and professionals have told the organization, "We already have great laws, they're just not being enforced." In response, NCD studied ED's annual Reports to Congress for the past five available years to assess the nearly 25 years of IDEA enforcement.

Wednesday's town council meeting was held to solicit and develop recommendations to Congress and President Clinton for how the law can be better enforced.

"The biggest finding, and by far the most troubling and powerful, is [that] every state, I

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After 24 Years, IDEA Still Lacks Teeth, Says NCD (Cont. from p. 1)

repeat, every state is out of compliance with the law, and many states appear to be in gross non-compliance," Imparato told the approximately 100 people in attendance.

NCD found that states' non-compliance rates in key areas of IDEA—such as general supervision, school-to-work transitions, procedural safeguards and least restrictive environments—ranged from 72 to 90 percent.

Imparato cautioned that non-compliance can range from "a technical issue to broad, systemic problems." Nevertheless, he said, most states' chronic failure to execute the letter of the law amounted to more than a glitch or an oversight.

Among other conclusions, NCD found that states' non-compliance tended to persist for a long time. Moreover, the Education Department has made "very limited" use of sanctions, especially withholding funds or referring non-compliant states to the Justice Department, Imparato said.

Nevertheless, discipline is improving, if only slightly, he added. The number of sanctions given out during the administration of Education Secretary Richard Riley and Judith Heumann, ED's assistant secretary for special education and rehabilitative services, has already surpassed the combined total of all prior administrations since IDEA—then known as the Education of the Handicapped Act—was passed in 1975.

Finally, NCD found little consistency or correspondence between non-compliance and sanctions. "The department tends to take an individual approach with each state," Imparato said. "There is no 'X, then Y,' where, if you have a specific infraction, there is a specific appropriate consequence."

'Continuous Improvement'

ED officials responded that they are "working very hard to improve our monitoring and enforcement capabilities." Associate division director Gregg Corr detailed the new "continuous improvement" monitoring process from the Office of Special Education Programs, under which states form steering committees that include various special education advocates, including state officials, instructors and parents (ED, July 22).

That panel evaluates the states' special education system, identifies strengths and weaknesses, and then submits its findings to OSEP monitors.

OSEP aides visit the state twice, not once, under the new system. In the first session, OSEP staffers meet with the steering committee, discuss the state's self-evaluation and hold public meetings that encourage input from parents.

In the second visit, they collect data from school districts and agencies providing services to infants and toddlers with disabilities and developmental problems under Part C of IDEA.

Public Frustration

But not everyone agreed that OSEP's improvements are working.

"I've never seen the monitoring that was indicated here, anytime, anyplace," Florida parent Renee Whaley told the panel. "You give me data up the yin yang, [but] I want to see accountability: Either you deliver the mail, or you don't get the money."

Whaley's frustration and anger were shared by others at the town council meeting, many of whom complained that ED is falling short in its efforts to involve the public in the monitoring and enforcement process.

"We're not getting the information we're supposed to be getting, so we need to get it from a source other than the school districts," said Agnes Johnson, who directs a grassroots consortium on disability in Texas.

Some blamed the political process for slowing down IDEA enforcement. "It's got to be worthwhile financially and politically for people in power to take risks" supporting legislation for disabled students, suggested Louisiana state Sen. Paulette Irons.

"It's about money, it's about votes," she said. "You have got to mobilize poor people."

NCD officials said they would consider the public comments and recommendations before releasing their report at a Capitol Hill press conference, probably next month.

*NCD can be accessed at www.ncd.gov.
—Michael Cardman*