IDEA'97 GENERAL INFORMATION

An overview of the bill to provide a broad understanding of some of the changes in IDEA'97.

OVERVIEW

The Progress

The Individuals with Disabilities Education Act (IDEA) has a long history. Prior to its implementation in 1975, approximately 1 million children with disabilities were shut out of schools and hundreds of thousands more were denied appropriate services. Since then, the legislation changed the lives of these children. Many are learning and achieving at levels previously thought impossible. As a result, they are graduating from high school, going to college and entering the workforce as productive citizens in unprecedented numbers.

Ninety percent of children with developmental disabilities were previously housed in state institutions. Today, they are no longer in those settings. As compared to their predecessors, three times the number of young people with disabilities are enrolled in colleges or universities, and twice as many of today's twenty-year olds with disabilities are working.

Unfulfilled Promises

While this is significant progress, we can and must do better. The status of children with disabilities still falls short of our expectations for them.

- Twice as many children with disabilities drop out of school.
- Drop outs do not return to school, have difficulty finding jobs and often end up in the criminal justice system.
- Girls who drop out often become young unwed mothers—at a much higher rate than their non-disabled peers.
- Many children with disabilities are excluded from the curriculum and assessments used with their non-disabled classmates, limiting their possibilities of performing to higher standards of performance.

Strategies for Success

The new IDEA legislation is an attempt to remedy these and other problems that contribute to the barriers children with disabilities face.

IDEA will make these changes by:

- Raising expectations for children with disabilities;
- Increasing parental involvement in the education of their children;
- Ensuring that regular education teachers are involved in planning and assessing children's progress;
- Including children with disabilities in assessments, performance goals, and reports to the public;
- Supporting quality professional development for all personnel who are involved in educating children with disabilities.

IDEA Accomplishments

Over the past four decades, special education research has provided practical answers to questions about how best to educate infants, toddlers, children and youth with disabilities. These accomplishments have translated into benefits for all our citizens.

- Over 1 million children, many of whom would have been placed in separate schools and institutions 25 years ago, are being educated in neighborhood schools, saving an average of $10,000 per child per year.
- Nine percent more children with disabilities graduated from high school between 1984 and 1992.
- Youth served under IDEA are employed twice as often as their predecessors, older American with similar disabilities who were not served under the law.
- Nearly half of all adults with disabilities have successfully completed course-work in colleges and universities.
- Although less than 1% of the annual expenditures to educate children with disabilities is spent on research and development to improve practice, these dollars have had exponential results. They support programs that allow children with disabilities to become independent learners and self-supporting adults.
- New knowledge has resulted in technologies that have enriched all our lives. For example, the Kurtzweil Machine, originally developed for taking written text and translating it into Braille and speech was the forerunner of the fax machine. Captioning, an aid for the deaf, has become a boon for older Americans with poor hearing and for those who are learning to read and speak English.

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3/11/1999 by GPR

IDEA '97 GENERAL INFORMATION

A brief set of frequently asked questions and answers are provided for people interested in having a broad understanding of some of the changes in IDEA'97.

Questions & Answers

1 2 3 4 5 6 7 8 9

1. How will the new law help children with disabilities reach higher levels of achievement?

The 1997 Individuals With Disabilities Education Act which will be signed into law by President Clinton aims to strengthen academic expectations and accountability for the nation's 5.4 million children with disabilities, and bridge the gap that has too often existed between what those children learn and the regular curriculum.

From now on, the Individualized Education Program (IEP) -- the plan that spells out the educational goals for each child and the services he will receive for his education -- must relate more clearly to the general curriculum that children in regular classrooms receive.

The law will also require regular progress reports to parents, include children with disabilities in state and district assessments and in setting and reporting on performance goals as they do for non-disabled children.

Teachers will benefit from advancements in research through professional development initiatives.

2. What about parents? How are parents involved in decisions about their child's education?

Parental involvement will increase under the new law. In all states, parents will now be included in groups making eligibility and placement decisions about children with disabilities. Previously, in some states, parents only had a right to be included in IEP meetings. Parents also have a right to consent to periodic re-evaluations of their children's program, in addition to initial evaluations.

Currently, parents of children with disabilities rarely get regular reports from schools on their child's progress in achieving academic goals set forth in the IEP. The new law aims to increase parental involvement by requiring regular progress reports, that are commonly made for other children.

3. Will more children with disabilities be placed in regular classroom settings under the law?

The new law is designed to remove financial incentives for placing children in more separate settings when they could be served in a regular classroom, and it will include regular classroom teachers in the meetings at which the academic goals of children with disabilities are set.

The new law also eases some of the restrictions on how IDEA funding can be used for children served in regular classrooms. Specifically, such funds can be used for providing services to children with disabilities in regular classroom settings even if non-disabled children benefit as well.

4. How does the new law change the roles and responsibilities of regular classroom teachers?

A critically important feature of the new law specifies that regular teachers will be part of the team that develops each child's IEP. That is especially important since the law removes barriers to placing disabled children in regular classroom settings and ties the education of children with disabilities more closely to the regular education curriculum.

The law requires that IEP's include the program modifications and supports for the child and teacher to enable the child to succeed in the classroom.

The law also provides continued federal support to improve teacher training nationwide, and adds support of teacher training programs in geographic areas with acute teacher shortages.

5. How will IDEA 97 prevent inappropriate placements for minority children?

Whether the child is a minority student or not, IDEA 97 emphasizes that for most children with disabilities, special education is not a place. Rather, special education is a set of services to support the needs of children with disabilities to succeed in general education classrooms.

For the first time, states will be required to gather data to ensure that school districts are not disproportionately identifying and placing children with disabilities from minority or limited English proficiency backgrounds in separate educational settings, and that such children are not being disproportionately suspended or expelled. In addition, in determining their education services, schools will be required to address the language needs of students who have limited English proficiency. Teachers will be provided training and research based knowledge to meet the special needs of these children.

6. How will this law help school districts meet the costs of special education?

The new law directs more federal dollars to school districts and allows them greater flexibility to meet the needs of children with disabilities in their schools. States and other public agencies will continue their level of support to school districts. Unnecessary assessments will be eliminated, saving school districts an estimated $765 million per year.

7. How does IDEA promote safe, well-disciplined schools?

All children deserve safe and well-disciplined schools. For the first time, the new law sets out and clarifies how school disciplinary rules and the obligation to provide a Free Appropriate Public Education to disabled children fit together.

The law explicitly requires that children who need it receive instruction and services to help them follow the rules and get along in school.

However, the law also recognizes that if students bring a weapon or illegal drugs to school, schools have the right to remove children with disabilities to an alternative educational setting for up to 45 days. The new law permits schools to go to a hearing officer for an injunction to remove a child for up to 45 days if the child is considered substantially likely to injure himself or others. Previously, only a court had that authority. And the law also recognizes the right of schools to report crimes to law enforcement or judicial authorities.

At the same time, the law guarantees that children under suspension or expulsion would still receive special education services elsewhere.

8. How does the law affect infants, toddlers, and preschoolers with disabilities?

The law allows federal funding to rise to $400 million for infants and toddlers programs from current appropriations of $315 million. For preschoolers allowable funding is up to $500 million up from current spending of $360 million. It clarifies that infants and toddlers should receive services in the home or in other natural settings where possible. It also improves the coordination and transition for children from infant and toddler programs to pre-school programs.

9. Will these changes and new requirements affect the number of lawsuits and due process hearings by parents and legal bills for school districts?

When parents and schools districts collaborate on children's education, conflict is minimized. IDEA 97 recognizes and encourages these positive relationships and non-adversarial methods of resolving disputes. The new law includes parents in placement decisions and requires schools to report regularly to parents on their child's progress.

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3/11/1999 by GPR

FY 2000 BUDGET REQUEST

Special Education | Vocational Rehabilitation | Technology and Research | Special Institutions

The Office of Special Education and Rehabilitative Services' FY 2000 BUDGET REQUEST

Special Education

The Administration's FY 2000 request for Special Education is $5.4 billion, an increase of $116 million over the FY 99 level. The request would maintain funding at roughly the 1999 level for the Grants to States program, which has grown by almost $2 billion or 85% since 1996. The Grants to States budget would be $4.314 billion and represents a federal contribution of about 10% of the excess costs of educating children with disabilities. These funds are critical to meet the needs of the projected 6.25 million children with disabilities in this country, providing an average of $688 per child.

These funds are important because they will enable states to respond to the challenges of IDEA '97 such as increasing access to the general education curriculum, including students with disabilities in state assessments, and ultimately improving educational results.

This budget requests significant increases for Special Education programs targeting young children with disabilities, including $50 million for a Primary Education Intervention Program. The Primary Education Intervention Program is a new initiative to help school districts meet the needs of children aged five through nine who have marked problems learning to read or who have behavioral problems. This initiative will help schools develop and implement research-based strategies to identify and address reading problems in the early grades to reach children sooner and give them the extra help they need to become good readers.

Preschool Grants and Grants for Infants and Families also feature strategic increases of 7.6% and 5.4%, respectively. The Preschool Grant program request provides an increase of $28 million to help State and local education agencies to identify and serve children with disabilities early in life when interventions can be most effective in improving results. This request would increase the Federal share per child by 6%, from $642 in 1999 to $679 in 2000, while serving an additional 10,500 children.

The budget requests a $20 million increase for the Grants for Infants and Families program which will help States expand the numbers of children served, improve the quality and scope of services, and enhance transition services for children with disabilities and their families.

Two other key investments reflected in this budget are increases for the State Improvement Grant program and the Parent Information Centers. The Administration requests that funds for State Improvement Grants be increased to $45.2 million, or 28.4% over the President's FY 1999 budget. These funds will help sustain the efforts of 24 existing projects and launch 12 new projects. Strategic increases are necessary to respond to the state-wide personnel needs in special education which are now perilously low as indicated in our most recent annual report to Congress. Also, State Improvement Grants will raise the state of art in special education and accelerate the enhancements envisioned with IDEA '97.

Another important need is to increase funds for Parent Training and Information centers (PTIs). This budget requests that these funds be increased to $22.5 million, or 21.6% over the FY 1999 level. The PTIs promote grass roots efforts among parents so they may help one another improve the educational experiences and outcomes of their children with disabilities. The success of these programs in the past warrants expansion so that more parents and children may be empowered through the knowledge of their rights and responsibilities.

Vocational Rehabilitation

The Administration requests that State Vocational Rehabilitation (VR) grants be increased to $2.316 billion. The increase of $34.6 million, or 1.5 %, is the amount needed to meet the statutory requirement to increase funding by the percentage change of the Consumer Price Index.

The Administration is also asking for increases in the Training Program, Services for Older Blind Individuals, and Independent Living programs. The Training Program budget requests an increase of $2 million, or 5% over the FY 1999 budget for a total of $41.6 million. These additional funds will enable States to expand support for their Comprehensive Systems of Personnel Development (CSPD) and raise academic standards of VR state agency personnel.

A large increase is proposed in the FY 2000 budget to promote independent living for individuals with disabilities. Specifically, the Administration requests that the Independent Living Program be increased to $50.9 million, or 10.4% over the FY 1999 budget. This increase will help expand independent living activities such as skills training, peer counseling, and individual and systems advocacy. For the Services for Older Blind Individuals Program, a 2% increase is requested for a total budget of $11.4 million. This slight increase will help this program to address the rising costs associated for serving this population.

Technology and Research

The Administration's FY 2000 budget request for the National Institute on Disability and Rehabilitation Research (NIDRR) is a 12.3% increase, or $9.96 million, for a total request of $90.96 million. These funds will address important research needs through the Rehabilitation Research and Training Centers (RRTCs), the Rehabilitation Engineering Research Centers (RERCs), the Disability and Rehabilitation Research and Related Projects. Three new initiatives would be launched with these funds including a project to enhance technology transfer, a consortia to work with information technology industries, and a demonstration center that would allow persons with disabilities, researchers, and industry representatives to learn about cutting-edge technology and information innovations.

In addition, the FY 2000 budget reflects an increase of $15 million, or 50%, over the FY 1999 budget. These funds will be used to establish to establish and maintain Assistive Technology alternative loan financing programs. Loan programs offer individuals with disabilities attractive options that significantly enhance their access to assistive technology.

Special Institutions

The Administration's FY 2000 request also includes small increases for special institutions such as American Printing House for the Blind, the National Technical Institute for the Deaf, and the Gallaudet University. Specifically, an APH increase of 3.6% over the FY 1999 budget is requested for a total of $8.97 million. These funds are needed to respond to increased costs associated with this program as well as increased consumer demands. The NTID budget request is a 5.3% increase for a total budget of $47.9 million, and the Gallaudet request is a 2% increase for a total budget of $85.1 million. The increases for both NTID and Gallaudet are needed for important construction needs to update and expand the facilities of these institutions.

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02/01/1999 by GPR

Legislative Updates

April 29, 1999
Education Flexibility Partnership Act of 1999 (P.L. 106-25)

"Ed-Flex" Bill Allows States to Waive Federal Education Provisions

On April 29, 1999, President Clinton signed into law the "Education Flexibility Partnership Act of 1999" (P.L. 106-25), which is commonly known as "Ed-Flex." Under the legislation, which would expand to all 50 states an existing 12-state pilot waiver program, states can apply for waivers of many provisions under the Elementary and Secondary Education Act (ESEA), as well as the Perkins Act. The waivers are intended to provide states with the opportunity to try innovative approaches to implementing the ESEA, in an attempt to achieve improved educational outcomes for students. Several of the programs that would be covered under the legislation include the Title I program for disadvantaged children, teacher training, and a host of smaller programs. Although the ESEA programs do not specifically address students with disabilities, *all* students would be impacted by the Ed-Flex law.

Ed-Flex does not allow states to waive regulations under federal civil rights laws (including IDEA), health, or safety laws. However, the Ed-Flex legislation does contain one amendment to IDEA concerning the use and possession of a weapon by a student with a disability, thereby conforming the 1997 law with the recently released final IDEA regulations. The amendment, which was sponsored by Sen. John Ashcroft (R-MO), amends section 615(k)(1)(A)(ii)(I) of IDEA, as follows (*emphasis added*):

> "(I) the child carries *or possesses* a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or"

This summary was prepared by The Council for Exceptional Children (CEC).

April 28, 1999
House Committee on Education and the Workforce
Senate Committee on Health, Education, Labor, and Pensions

House Committee Passes Resolution to Fully Fund IDEA

On April 28, 1999, the House Committee on Education and the Workforce passed a concurrent resolution that urges the Congress and President Clinton to fully fund IDEA programs before creating and funding any new education initiatives. The resolution, sponsored by Rep. Bill Goodling (R-PA), was passed by a vote of 38 to 4. Language in part states (*emphasis added*):

> "(1) should, working withing the constraints of the balanced budget agreement, give programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) the highest priority among Federal elementary and secondary education programs by meeting the commitment to fund the maximum State grant allocation for educating children with disabilities under such Act *prior to authorizing or appropriating funds for any new education initiative*; and"

Fully funding IDEA before spending monies on "new, unproven federal programs" is a win-win situation, according to Goodling. "It will allow schools to increase and improve services for all students," he explained in a statement, "including students with disabilities. Once the federal government begins to pay its fair share under IDEA," Goodling added, "local schools will no longer be forced to redirect local funds to cover the unpaid federal share."

The Senate Committee on Health, Education, Labor, and Pensions subsequently passed the same resolution (S. Con. Res. 25), which was sponsored by Sen. Jeffords (R-VT).

This summary was prepared by The Council for Exceptional Children (CEC).

Jonathan H. Schnur
08/09/99 09:13:05 PM

Record Type: Record

To: Bethany Little/OPD/EOP@EOP, Jonathan H. Schnur/OPD/EOP@EOP

cc:

Subject: IDEA MOE, Trigger, and 40% "Commitment"

---------------------- Forwarded by Jonathan H. Schnur/OPD/EOP on 08/09/99 09:13 PM ---------------------------

Leslie S. Mustain 03/15/99 11:39:52 AM

Record Type: Record

To: Tanya E. Martin/OPD/EOP@EOP, Jonathan H. Schnur/OPD/EOP@EOP

cc:

Subject: IDEA MOE, Trigger, and 40% "Commitment"

Hopefully these explanations will help you.

---------------------- Forwarded by Leslie S. Mustain/OMB/EOP on 03/15/99 11:39 AM ---------------------------

David Rowe

03/11/99 10:31:47 PM

Record Type: Record

Included in this email is a summary of the following:

- The Maintenance of Effort (MOE) requirement in the IDEA statute.
- The IDEA funding "trigger" when appropriations exceed $4.1 billion.
- The 40 percent federal funding "commitment" for IDEA.

When I refer to "Part B" grants in this email, I mean IDEA, Part B Grants to States. This is the largest piece of federal special education funding (in FY 1999, it made up $4.3 billion of the $5.3 billion total for special education), the piece Congress has been outbidding the Administration on, and the piece for which the "trigger" applies. The FY 2000 Budget increases federal special education spending by $116 million, but provides only a $3 million increase to Part B Grants to States.

Maintenance of Effort (MOE)

The IDEA statute only requires that States do not reduce their financial support for special education and related services below the preceding fiscal year's financial support. If a State doesn't meet this requirement, then the State's following year Part B allocation is reduced by the same amount by which the State did not meet the requirement. States do not need to match federal IDEA dollars or increases to federal spending.

At the local level, LEAs are also required to not reduce their expenditures for students with disabilities from the previous fiscal year, except under certain circumstances (e.g., the number of students with disabilities in the LEA decreases). Again, there is no required match to receive these funds. This MOE requirement is enforced by each State's educational agency.

The IDEA Funding "Trigger"

In general, it is safe to say that:

> **Of every dollar the federal government spends on Special Education State Grants that exceeds $4.1 billion, LEAs could use up to 20 cents (i.e., 20 percent) to supplant, not supplement, their own spending on special education.**

The IDEA "trigger" goes into effect when total Part B appropriations exceed $4.1 billion, which happened for the first time in FY 1999. Under the IDEA "trigger," LEAs can treat as local funds up to 20 percent of the increase in Part B funds it received over the amount it received the previous year. But, when determining local level expenditures for purposes of MOE in the next fiscal year, only the actual local funds are counted.

The best way to illustrate how this trigger works is with an example. Let's say an LEA received $1 million in Part B funds in FY 1998 and spent $3 million of its own funds for special education. In FY 1999, the first year in which the trigger is in effect, the LEA receives $1.2 million in Part B funds. Of this total, the trigger applies to 20 percent of the $200,000 increase, or $40,000. So, in FY 1999, in order to meet the local MOE requirement the LEA would only have to spend $2.96 million of its own funds for special education.

In the next year, FY 2000, let's say the LEA receives $1.3 million in Part B funds. Of this total, the trigger applies to 20 percent of the $100,000 increase, or $20,000. But, the relevant local funds from the prior year is only $2.96 million, of which $20,000 can be covered by the LEAs Part B allocation. In FY 2000, in order to meet the local MOE requirement the LEA would only have to spend $2.94 million of its own funds for special education, $20,000 less than the previous year, and $60,000 less than in FY 1998. Thus, the longer the trigger stays in effect and appropriations grow, the lower the MOE and the more money the LEA or State can spend on other, non-IDEA, purposes.

On 12/3/98 Chairman Goodling sent a letter to each school superintendents telling them about the trigger. In this letter, Goodling described the trigger as a provision that provides "direct spending relief for local school districts." "This provision," Goodling wrote, "allows your school district to reduce its level of local expenditures for special education and related services."

40 Percent "Commitment"

The IDEA authorization level for Part B is "such sums as may be necessary." The IDEA statute then states that the "maximum" Part B grant a State is entitled to in any fiscal year is the sum of the number of children with disabilities in the State receiving special education services multiplied by 40 percent of the U.S. average per-pupil expenditure (APPE) in public elementary and secondary schools. This is not in the statute and there never has been an explicit "commitment" to provide States an amount per eligible child equal to 40 percent of the national APPE.

The federal government has never come close to providing 40 percent of the APPE for each disabled child; the highest the federal government has ever provided was 12.5 percent in FY 1979 (the total State Grants appropriation that year was $804 million).

The FY 1999 Part B appropriation covered about 11.7 percent of APPE, the FY 2000 request should cover about 11.2 percent. If the federal government were to provide the 40 percent of APPE maximum in FY 2000, it would have to provide $15.3 billion to Part B Grants, or $11 billion (255 percent) more than the FY 2000 Budget requests.

Note that both the number of children with disabilities and the APPE increases every year. In the past five years, the APPE has increased by an average of 2.5 percent annually, and the number of children with disabilities has increased by an average of 2.7 percent annually. So, in other words, increasing IDEA State Grant spending to $15.3 billion in ten years would not cover 40 percent of the APPE in that 10th year. Using the above five-year averages. if the federal government wanted to cover 40 percent of the APPE for each special education child in 10 years (i.e., in FY 2009), it would have to provide about $24.3 billion in FY 2009.