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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Bethany Little
OA/Box Number: 18526

FOLDER TITLE:

Vice-Presidential Memo on IDEA [Individuals with Disabilities Education Act]

2013-0371-S
ms642

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

MEMORANDUM TO THE VICE PRESIDENT

FROM: Jon Schnur

DATE: October 2, 1999

SUBJECT: Federal Funding for the Individuals With Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) has always been controversial because it imposes prescriptive and costly administrative requirements on states. Because of these statutory requirements, deemed by many to be the equivalent of a civil rights statute for children with disabilities, states want the federal government to pay a larger share of special education costs. While states are not required to accept IDEA funding and its related federal mandates, none have seriously threatened to withdraw from participation.

History and Overview

In 1975, Congress passed the Education for All Handicapped Children Act, which guaranteed a "free appropriate public education" for all students with disabilities in any state which accepts funds under the Act, and outlined the required procedures states and local school districts must follow in implementing their special education programs. The legislation also authorized funding for grants to states to help implement the law. These grants -- now known as the "IDEA Part B -- Grants to States" program (State Grants) -- are allocated based on the total number of students ages 3-21 reported by the states to have received special education and related services. Within a state, State Grant funds are primarily distributed to school districts based on the number of students eligible for special education services. This method allows funds to flow to areas with relatively higher rates of eligible students (and therefore greater need), and creates an incentive to locate and serve those students.

The last reauthorization of IDEA in 1997 was the result of extensive bipartisan negotiation with Congress. The reauthorization retained the civil rights component of the law that requires States to provide all children with disabilities (also referred to as special education students) with a free appropriate public education designed to meet their individual needs. This requirement applies without regard to the cost of the services or the size of the federal appropriation. The 1997 amendments also added a focus on improving teaching and learning, and established high academic expectations for children with disabilities. For instance, they required that an Individual Education Plan (IEP) be developed for each child with disabilities to enhance children's involvement and progress in the general curriculum. They also required States to develop educational achievement goals for children with disabilities, and to include children with disabilities on State and district-wide assessments. Finally, the reauthorization strengthened and clarified provisions dealing with discipline for disabled students. IDEA now allows schools to suspend a child for up to ten days for any violation of school rules as long as the removals do not constitute a pattern, and does not allow a child to be long-term suspended or expelled for behavior that is a manifestation of his or her disability. Educational services must be continued for children with disabilities who are suspended (after the first ten days in a school year) or expelled.

October 2, 1999

MEMORANDUM FOR THE VICE PRESIDENT

FROM: Bethany Little

SUBJECT: Additional background on federal funding for the Individuals With Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) has required participating states and school districts to provide children with disabilities a "free and appropriate public education" (FAEP). FAEP is defined in that act with a fairly prescriptive set of requirements strongly endorsed by the special education community and that -- with some modifications in a bipartisan 1997 reauthorization -- have recently received bipartisan support in Washington. Many states and school districts want the federal government to pay a larger share of special education costs. While states are not required to accept IDEA funding and its related federal mandates, none have seriously threatened to withdraw from participation.

History and Overview

In 1975, Congress passed the Education for All Handicapped Children Act, which guaranteed a free appropriate public education? for all students with disabilities in any state which accepts funds under the Act, and outlined the required procedures states and local school districts must follow in implementing their special education programs. The legislation also authorized funding for grants to states to help implement the law. These grants -- now known as the "IDEA Part B -- Grants to States" program (State Grants) -- are allocated based on the total number of students ages 3-21 reported by the states to have received special education and related services.

The last reauthorization of IDEA in 1997 was the result of extensive bi-partisan negotiation with Congress. The reauthorization retained the civil rights component of the law that requires States to provide all children with disabilities (also referred to as special education students) with a free appropriate public education designed to meet their individual needs. This requirement applies without regard to the cost of the services or the size of the federal appropriation. The 1997 amendments also added a focus on improving teaching and learning, and established high academic expectations for children with disabilities. For instance, they required that an Individual Education Plan (IEP) be developed for each child with disabilities to enhance children's involvement and progress in the general curriculum. They also required states to develop educational achievement goals for children with disabilities, and to include children with disabilities on State and district-wide assessments. Finally, the reauthorization strengthened and clarified provisions dealing with discipline for disabled students. IDEA now allows schools to suspend a child for up to ten days for any violation of school rules as long as the removals do not constitute a pattern, and does not allow a child to be long-term suspended or expelled for behavior that is a manifestation of his or her disability. Educational services must be continued for children with disabilities who are suspended (after the first ten days in a school year) or

expelled. Finally, the reauthorization made it possible for school districts to remove some unnecessary paperwork requirements and burdens while still meeting the needs of children with disabilities.

Current Funding

Over the past three decades, the number of students with disabilities and the cost of providing special education services have become an ever-increasing share of state and local education budgets. There are several reasons why this is the case. First, and probably the most significant reason, is that school enrollment has increased dramatically in recent years -- breaking all previous enrollment records, thus the number of students identified as disabled and provided with special education services has increased accordingly. It is projected that 6.25 million children with disabilities will be served under IDEA in FY2000. Second, while the vast majority of students served through IDEA have mild to moderate disabilities (primarily learning disabilities and speech impairments), a greater number of students with significant and expensive disabilities are entering school as a result of medical advances. Third, because of the legal due process protections afforded only to students with disabilities, many school districts feel parental and legal pressures to provide services to students with disabilities that they do not feel for other populations.

Most Governors and some members of Congress argue that the federal government is failing to live up to its "commitment" to provide states with 40 percent of the average per pupil expenditure for each disabled student. In fact, however, IDEA makes no such commitment. The current IDEA authorization level for State Grants is "such sums as may be necessary, however the maximum grant a state is entitled to in any fiscal year is 40 percent of the U.S. average per-pupil expenditure (APPE) in public elementary and secondary schools, multiplied by the number of children with disabilities in the State receiving special education services.

Although appropriations for State Grants have increased annually, the federal government has never come close to providing 40 percent of the APPE for each disabled child. The highest percentage of funding the federal government has ever provided was 12.5 percent in FY 1979 (the total State Grant appropriation that year was \$804 million).

The FY 1999 State Grants appropriation covered about 11.7 percent of APPE, and the Administration's FY 2000 request would cover about 11.2 percent. If the federal government were to provide the 40 percent of APPE cited in the = statute as the "maximum" in FY 2000, it would have to provide \$15.3 billion, \$11 billion more than the Administration's FY 2000 Budget requests. Moreover, both the number of children with disabilities and the APPE increase every year. 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.

Federal funding for IDEA State Grants has increased by \$2.2 billion (or 110 percent) during this Administration, from \$2.1 billion in FY 1993 to \$4.3 billion in FY 1999. However, these increases are much larger than the increases actually requested by the Administration.

Republicans in Congress have repeatedly tried to secure more federal funds to relieve states and districts of some of the burden of funding special education.

In FY 2000 the Administration requested virtually no increase for State Grants, but the House Appropriations bill passed last week contains a \$500 million increase, and the Senate bill contains a \$700 million increase. Whatever the amount we propose for IDEA, the Republicans have offered more at the expense of other education and training priorities. In response to Republican claims that we are underfunding IDEA, The Administration has argued that many of our other high priority investments substantially aid children with disabilities. These children benefit, for example, from the smaller classes in our Class Size Reduction initiative, from modern school facilities in our School Modernization Bonds proposal, and from our early intervention initiatives such as America Reads and Head Start.

\$4.1 Billion Trigger and Maintenance of Effort (MOE) Provisions

While this gets into a level of detail that you probably want to avoid in today's discussion, technical provisions in the law -- and whether these provisions get changed -- complicate whether and what portion of increased federal funding can be used to reduce the local and state share of this program and what portion must be used to increase special education services.

While the following provides some helpful background information, your proposal does not get into this level of detail and you probably should simply emphasize that your proposal:

- 1) will arrest the cost increases faced by states and school districts,
- 2) begin to help local school districts reduce costs in special education while
- 3) increase funding to ensure that children with disabilities get the services needed and required under IDEA.

The IDEA statute requires that states and districts do not reduce their financial support for special education and related services below the preceding fiscal year's financial support (known as a Maintenance of Effort (MOE) provision), except under certain circumstances (e.g., the number of students with disabilities in the district decreases). However, IDEA also includes a special "trigger" that took effect when the state Grants appropriation exceeded \$4.1 billion, which happened for the first time in FY 1999. As a result of this "trigger," districts are allowed to use up to 20 percent of their annual increase in federal funds to supplant, rather than supplement their own spending on special education. In other words, of every dollar the federal government spends on special education State Grants that exceeds \$4.1 billion, districts can use up to 20 cents for purposes other than special education. Therefore, federal IDEA increases do not increase spending on children with disabilities dollar for dollar.

Rising Costs of Complying with IDEA

States have expressed concern about the burden of educating disabled students since the first IDEA laws were passed in 1975. There is a perception on the part of some states that these costs

have recently risen sharply, and are causing an education "budget crunch". It is true that more and more students disabilities are being identified, and thus they are receiving the additional services they need to get a quality education. Also, like all costs, special education costs rise annually.

Concerns expressed by the states have been exacerbated by a March 3, 1999 Supreme Court ruling in Cedar Rapids Community School District vs. Garrett F. The Court decided (7-2) that the school district was required to provide, and pay for, an in-school nurse for a paralyzed student who needed continuous one-on-one nursing care in order to be educated in a regular classroom. The question in this case was whether the IDEA definition of "related services" for special education required a school district to provide nursing care to a ventilator-dependant student during school hours. In its decision, the Supreme Court concluded that although continuous services to a single student may be costly and require the school to hire additional personnel, these factors themselves do not make a set of services more "medical" than educational, and thus are covered by the statute. The Department of Education released a statement by the Assistant Secretary for Special Education and Rehabilitative Services saying in part. Obviously, we are pleased with the Supreme Court's interpretation of the Individuals with Disabilities Education Act (IDEA)?

According to the National School Boards Association (NSBA), the precedent set by this ruling would require schools to provide nursing care to approximately 17,000 "medically fragile" children (NSBA's term), which would cost about \$500 million a year. According to the Department and OMB, the "cost" of this ruling would be relatively small for a couple reasons. First, there are few students with disabilities comparable to those of the child in the Supreme Court case. The Department estimates that there are less than 2,000 "ventilator dependent" children in the United States (this estimate was actually derived by the former Office of Technology Assessment), however, it is unclear how many of these children attend school and thus receive services under IDEA. Some of these children may be receiving care in hospitals, and others may be infants.

Second, the additional cost of the ruling would be relatively small because many, if not most, school districts are already providing nursing services to disabled students who need them. According to officials in Massachusetts and California, they did not expect this ruling to affect them because they already serve these students. Also, school districts can be reimbursed for providing nursing or other medical services through either Medicaid (for which half of disabled students are eligible) or a parent's private insurance (with parental consent). Schools, in other words, don't have to pick up the tab in most cases. According to the Department of Education, the district named in the Supreme Court case provided nursing services to a Medicaid-eligible student similar to the one in the case, however the district was unwilling to pay for nursing services for a student who was not Medicaid-eligible.

Nonetheless, the ruling has increased pressure on school districts to provide comprehensive services, and has also dramatically raised the profile of high cost/low incidence? students? children whose disabilities are not common, but result in exorbitant education expenses.

It is absolutely essential to the disability community that these children (or any disabled child) not be singled out as burdensome, and all discussions of special education must be in the context of providing all children with an education that meets their needs.

Individuals with Disabilities Education Act (IDEA)

Q: Many people -- including Republicans and Democrats have talked about the importance of the 40% goal. Yet, despite this talk, school districts are facing severe budget crunches and rising costs for special education. What are you saying that is more than rhetoric about reaching this goal.

A: This nation has a moral and legal responsibility to provide every child with a disability a quality education. People with disabilities want a good job, to support themselves and their families, and to contribute to our society and economy. Providing every child with a good education can make that possible. But I also agree that the federal government must be a stronger partner with states and school districts to meet this need. I embrace the goal of the federal government covering 40% of the costs and my first budget as President will include a substantial down payment -- a funding increase that is larger than any increase that has until now ever been enacted. As President, education will be my top domestic priority, and I will back that up with investments in education that will make it possible to invest more in special education while being fiscally responsible and increasing -- not short-changing -- other crucial initiatives to strengthen our public schools. Only a candidate willing to make that kind of national investment in education can back up rhetoric with action.

Q: If elected, would you veto any federal budget that does not include the 40% for special education federal funding that was promised?

A: Let me be very clear on this point: I will veto any budget that shortchanges education for any of our children -- including children with disabilities. I am convinced that the federal government must do more to reach the 40% goal, and I will work aggressively to move us towards that. However, because my commitment to this goal is also coupled with a commitment to a balanced budget and fiscal responsibility, it is not realistic to expect that next year's budget could reach this goal. But I will veto any budget or tax plan that does not get us on track to make the investments in education we need.

Q: If elected, would you request legislation that would change the requirements under special education to reduce its cost by eliminating the loopholes that allow parents to use the law for a babysitting service?

A: When we re-authorized IDEA in 1997 we reformed and improved the law in many ways, however like all laws, it must be used for the purpose, which it was intended. Any abuse of the law ? any law ? is unacceptable, however it would be inappropriate for me to comment on any specific case with which I am unfamiliar.

Q: Many people say that the 1997 reauthorization of IDEA makes it more difficult to discipline children with disabilities. You say that you are for safe and disciplined schools, yet this law makes this more difficult to enforce for students with disabilities. What do you have to say about this?

A: IDEA does appropriately require that students with disabilities have access to an education and limits how long they can be suspended or expelled without providing them with educational services. While this is appropriate, I am proposing funding for alternative or "2nd-chance" schools to provide students that have been expelled or suspended from school with the intensive services they need and deserve. Careful implementation of IDEA and my proposal will help keep our schools disciplined while ensuring that students get educational services rather than simply being placed on the street.

Q: There's so much paperwork and administrative burden in IDEA. What do you intend to do about this?

A: I start with the conviction that we must work together to ensure that every child with a disability gets access to a quality education. The 1997 reauthorization of IDEA takes some important steps to reduce UNNECESSARY paperwork and administrative burdens while still requiring that children with disabilities get the services they need. I want to work closely with states and school districts to make full use of this law to reduce unnecessary paperwork and administrative burdens.

Q: The Administration has recently sent out guidelines that could make it more difficult for school districts to use Medicaid for special education. Do you support these guidelines?

A: I think it is important that school districts be able to access Medicaid resource while ensuring that there isn't any abuse of this funding. The GAO has suggested there are some problems with the way some school districts can use Medicaid, but I am very committed to finding ways that will make it easy for school districts to access Medicaid while ensuring appropriate protections against abuse. I would like to hear your views on this subject and work on this when I get back to Washington.

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For example, identification of reading problems in first grade, followed by intensive help to develop phonemic awareness can help children overcome reading problems, learn to read well, and avoid getting placed unnecessarily in special education.

NOTE: Other pieces of your education agenda, including universally available preschool and smaller classes, will also help children learn to read well at an early age and reduce the number of children unnecessarily referred to special education services for learning disabilities. [NOTE: You announced the Administration's smaller version of this proposal in January, and Congress has zeroed it out in its appropriations bills.]

PARTICIPANTS

Cara Haley. Cara [*pronounced Kara*] is a 7th grader at Three Rivers School.

(b)(6)

(b)(6)

(b)(6)

As part

of her schooling, Cara shares time in a self-contained room with a special education teacher and a regular mainstream classroom in which she interacts with her fellow classmates.

Tom Haley. Tom is the Superintendent of the Pembroke School District and Cara Haley's father.

Kathy Hancock. Kathy is the Principal at Three Rivers School.

Other attendees: There will be mostly local administrators and school officials (most of who are also parents, some of special-education children) at the event. There will be a few children, some who require special-education services as well. *See attached for complete list of those expected to attend.*

ATTACHMENTS

Overview and Background of IDEA
IDEA Q&A
Suggested Questions for discussion.
Remarks

SUGGESTED QUESTIONS FOR EDUCATION DISCUSSION

Does anybody have thoughts or a story to share about how IDEA has really helped them or their child thrive and achieve?

Is there a parent or teacher who can tell us about the advantages of having special needs students in general education classrooms?

Can any of the school administrators or teachers here tell us about the challenge of finding the resources to educate a child or children with = very high-cost needs?

Has anybody seen the results of early identification and intervention in helping a child achieve academically in spite of their disability?

Have any of you found that investing in smaller classes and preschool can help to identify kids with special needs early on, while benefiting all children?



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

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DATE: 1-14-00

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TO: Bethany Little - ASAP
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5581

FROM:

☐ Judith Heumann

☐ Laura Verner

☒ Curtis Richards

☐ Veronica Hogan

☐ Lori Abrams

☐ Lynne Fairfax

☐ Beatriz Mitchell

☐ Amil Limpp

☐ Peggy McLeod

☐ Liz Aybar

☐ Sybrena Bullock

COMMENTS: _____

Intro piece ~ importance of postsecondary education, how IDEA, Rehab Act and ADA
Higher Education Overview (American Rehabilitation article) *Support ACCESS*

Recent estimates from the U. S. Census Bureau indicate that persons with bachelor degrees will earn approximately \$600,000 dollars more in their lifetime than those who did not receive education beyond high school. This estimate was cited by the Secretary of Education, Richard W. Riley, in his statement before Congress during the most recent reauthorization of the Higher Education Act of 1965 (Riley, 1997). Riley further noted that:

"More than ever before, education is the fault line between those who will prosper in the new economy and those who will be left behind. Today's good jobs increasingly require skills and training beyond a high school education, and accessible postsecondary education is critically important to individuals as well as our Nation's economy and democracy" (p.1).

A recent Harris Survey asserted that Americans with disabilities are among those teetering on the edge of this fault line. Some of the survey's most troubling findings included the following:

- Only 29 % of working-age persons with disabilities are employed full or part-time, compared to 79 percent of the non-disabled population;
- Approximately 20 percent of adults with disabilities have not completed high school, compared to 9 percent of adults without disabilities; and
- In terms of economic well being, 34 percent of adults with disabilities live in households with total income of \$15,000 or less, compared to only 12 percent without disabilities (National Organization on Disability, 1998).

If postsecondary education is indeed one of the keys to success in our rapidly changing national and global environment, then there is also some encouraging progress being made by individuals with disabilities in this regard. According to a triennial survey reported by the HEATH Resource Center, the number of college freshman reporting some type of disability has increased substantially during the last two decades (1999). In addition, the number of postsecondary institutions offering education opportunities for persons with disabilities has also increased to meet this greater demand (Stodden, Jessen & Lolotai, 1999). This progress may be due, in part, to a number of key pieces of legislation that are helping to improve educational results of students and adults with disabilities. These include the Individuals with Disabilities Education Act (IDEA), initially the Education for All Handicapped Children Act of 1975; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990 (ADA); and the Higher Education Act of 1965 (HEA). Each will be discussed briefly.

Prior to the enactment of IDEA more than half of America's children with disabilities were not receiving appropriate educational services. Furthermore, one million children with disabilities were being excluded entirely from public education (Committee on Education and the Workforce, 1997). In its twenty-four year history, IDEA has made significant progress to improve the quality of special education and related services and to increase to these services. In addition, the 1997 Amendments to IDEA strengthened the focus of the statute by placing greater emphasis on effective teaching and learning strategies and increasing student access to the general education curriculum. These changes are

intended to help students with disabilities prepare for and meet the academic requirements of postsecondary education settings. In addition, since 1984 the Office of Special Education Programs, through IDEA, has supported approximately 200 model demonstration projects designed to stimulate higher education possibilities for students with disabilities, including opportunities in postsecondary, vocational, technical, continuing, or adult education. Furthermore, IDEA funds have also supported HEATH, the National Clearinghouse on Postsecondary Education for Individuals with Disabilities. Also established in 1984, HEATH provides information on postsecondary educational support services, policies, procedures and opportunities to students with disabilities and their families, higher education faculty, and support services staff.

The Rehabilitation Act of 1973, as amended, benefits postsecondary students with disabilities in a number of ways. First, Section 504 of the Act prohibits any college or university that receives federal financial assistance from discriminating against students with disabilities in its recruitment, admission or treatment practices. In addition, under Section 504, students with documented disabilities may request modifications, accommodations, or auxiliary aids designed to help them participate in and benefit from their postsecondary program and activities. Second, the Rehabilitation Act provides some funds, through state Vocational Rehabilitation agencies, for the purchase of such things as postsecondary education tuition, assistive technology, and auxiliary aids and services to help support qualified students during their postsecondary education. Third, in October, 1998 a Rehabilitation Research and Training Center (RRTC)

for the study of postsecondary educational supports for students with disabilities was funded by the National Institute on Disability and Rehabilitation Research (NIDRR) with program authorization through the Rehabilitation Act. The goal of this RRTC is to improve the access, participation, and performance of students with disabilities in postsecondary programs, and to improve their success in the labor force following graduation. Contact information for this RRTC can be found at the end of this article.

Passage of the Americans with Disabilities Act (ADA) in 1990 brought renewed attention to the rights of students with disabilities in postsecondary education. The law essentially upheld the civil rights guarantees provided to students with disabilities under Section 504 of the Rehabilitation Act, and extends these protections to postsecondary education employment practices, communications, and all policies and procedures that affect the treatment of students with disabilities. As with Section 504 of the Rehabilitation Act, one of the most important aspects of ADA to students with disabilities is its mandate for assuring accessibility of postsecondary examinations and courses, housing, financial assistance, physical education, athletics, and counseling.

The Higher Education Act (HEA) also assists students with disabilities in a number of ways. First and foremost, the Act provides financial aid, in the form of grants, loans, and work-study opportunities to qualified students, including students with disabilities, to help them pay for their postsecondary education. In addition, a series of eight outreach and support programs, collectively known as the TRIO Programs, have been established through the HEA to help low income,

disabled, and disadvantaged students enter and succeed in higher education. Many students with disabilities find assistance each year through TRIO programs such as Upward Bound, Student Support Services, Educational Opportunity Centers, and Talent Search.

The HEA Amendments of 1998 authorized two new programs that have much potential to improve postsecondary outcomes for students with disabilities. The first program, Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), provides grants to states and to partnerships between colleges and high-poverty middle schools and junior high schools to prepare students, including students with disabilities for college. As the program name implies, GEAR UP grants target disadvantaged students early, beginning in the sixth and seventh grades, to ensure that they receive the support and preparation they will need to successfully be accepted to and graduate from postsecondary education programs. The 1998 HEA Amendments also authorized a new program of model demonstration projects designed to provide faculty and administrators in postsecondary institutions with the skills and support they need to teach students with disabilities. The Office of Postsecondary Education Programs (OPE) currently funds twenty-two new projects through this program, at universities and colleges across the country. The purpose of these projects is to develop innovative, effective, and efficient teaching methods to enhance the skills and abilities of postsecondary faculty and administrators.

**OFFICE OF
POSTSECONDARY
EDUCATION**

Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education

Contact:
Ed Crowe

Phone: (202) 502-7762
e-mail: ed_crowe@ed.gov

**For further
information:**
Amie Amiot

Phone: (202) 502-7647
e-mail: amie_amiot@ed.gov

TTY: (202) 205-9277

This program supports technical assistance and professional development activities for faculty and administrators in institutions of higher education to improve their ability to provide a quality postsecondary education for students with disabilities. Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education is authorized under Title VII, Part D of the Higher Education Amendments of 1998.

Grantees in the program will develop innovative, effective, and efficient teaching methods and other strategies to enhance the skills and abilities of postsecondary faculty and administrators in working with disabled students. Activities include, but are not limited to:

- In-service training
- Professional development
- Customized and general technical assistance workshops
- Summer institutes
- Distance learning
- Training in the use of assistive and educational technology
- Synthesizing research related to postsecondary students with disabilities

Grantees will also disseminate information from their grant activities to other institutions of higher education.

<u>Links to Funded Projects</u>	<u>Links to Related Sites and Programs</u>
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Demonstration Program to Ensure Students with Disabilities Receive a Quality Higher Education

Demonstration Projects/ Disabilities CFDA 84.333
Grantees & Training Sites- National Impact



KEY
★ Grantees
◇ Proposed Training Sites

Training will also be available nationwide via
proposed electronic training modules.

Fiscal Year 1999 Grantees:

(Each link below will take you to a synopsis of the funded project at the institution.)

[University of Arkansas at Little Rock](#)

[California State University at Northridge](#)

[University of California at Berkeley](#)

[Northern Illinois University](#)

[University of Kentucky](#)

[Buffalo State College](#)

[University of Southern Mississippi](#)

[Ohio State University](#)

[University of Rhode Island](#)

[Virginia Commonwealth University](#)

[University of Wisconsin - Stout](#)

[University of Arizona](#)

[San Diego State University](#)

[University of Connecticut](#)

[University of Kansas](#)

[Columbia University](#)

[University of Minnesota](#)

[University of New Hampshire](#)

[Oregon Health Sciences University](#)

[Utah State University](#)

[Landmark College](#)

[University of Washington](#)



Links to Related Sites and Programs

Demonstration Program to Ensure Students with Disabilities Receive a Quality Higher Education

Links to Related Sites and Programs

Other Disabilities Related Links

- [HEATH Resource Center](#)
- [National Center for the Study of Postsecondary Educational Supports - Rehabilitation Research and Training Center](#)
- [National Transition Alliance for Youth with Disabilities \(NTA\)](#)

There are a number of new programs in the Office of Postsecondary Education the Web sites for which you may wish to visit. Some of them support projects for students with disabilities. They are listed here.

- [Preparing Tomorrow's Teachers to Use Technology](#)
- [Gaining Early Awareness and Readiness for Undergraduate Programs \(GEAR UP\)](#)
- [Teacher Quality Programs](#)
- [Learning Anytime Anywhere Partnerships](#)

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The RRTC: Four Areas of Research

Study Area I: Zijin Yang

Nature and Range of Supports and Postsecondary Programs

The focus of the area is the nature and range of educational supports for students with disabilities in postsecondary education. The area provides a foundation for the entire RRTC research program by clarifying the history and the current status of supports provision. We will also monitor the provision of educational supports and services over the five years of the RRTC research that contributes directly to policy-making and program planning.

Study Area II: Soon Kim-Rupnow

The Contribution of Technological Advances and Their Impact

Studies in this area have been specifically designed to serve to purposes: (1) to empower persons with disabilities to access and participate in postsecondary education programs and work settings through the knowledge and skills learned directly from participating in these studies or indirectly from disseminated information; and (2) to expand the capacity of postsecondary programs to provide more advanced, appropriate technological devices and supports to students with disabilities. Assistive Technology covers many areas, such as mobility devices, alternate mobility assistance, texts on tape, voice activated computer systems, warning systems for the deaf and sight impaired. It is a constantly changing field, and thus, as we study this field, we need to be investigating the latest changes in it. We therefore encourage persons with disabilities, their families and

Top Frame Template

service providers, and researchers to participate actively in all phases of our research activities and take full advantage of the opportunities to learn and benefit from:

Study Area III: Ron James

Effectiveness of Supports As Measured Against Outcomes

Given limited resources available to support youths, it is essential that we, as a nation, use the resources in ways that will lead to achievement of outcomes that persons with disabilities value. Through this RRTC, we will conduct the sequence of studies that derives from use of a Participant Action Research approach; employees for broad research strategies: a national survey of supports, models of support, and current efforts to measure effectiveness of supports for specific disabilities and settings; a longitudinal, and ethnographics study of youths in transition to / through a variety of postsecondary settings; in-depth case studies of exemplary models postsecondary support for youths with disabilities; and focused, quantitative studies using experimental and quasi-experimental designs that address a variety of intermediate and longer-term outcome criteria; builds upon a synthesis of extant research on effectiveness of supports in relevant other contexts as well as in postsecondary settings; and contributes to continuing definition of the structural model (theory) that informs consumers, researchers, policymakers, and practitioners about important relationships among independent variables and effectiveness.

Study Area IV: David Leake

Educational Supports Carry Over to Employment

Although the needs of students with disabilities and postsecondary educational and training settings are well-documented, their needs for supports when transitioning to employment are less well understood. This study area addresses this knowledge gap by identifying existing models of support for this transition; investigating relationships among important variables in the transition; testing the model of transition support that includes comprehensive career planning; and conducting other research designed to address key issues that arise through the participatory action research process.

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Reauthorization of the Higher Education Act: Highlights of P.L. 105-204

On October 7th, the President signed P.L. 105-204, the Higher Education Amendments of 1998. The reauthorization of the Higher Education Act (HEA) reflects the heart of the Department's mission-- to ensure equal access to education and to promote educational excellence throughout the nation. The HEA challenges colleges, universities, and students to meet the demands of the 21st century. And because postsecondary education is critically important for the future of our nation's workforce and economy, the HEA advances the Department's mission by opening the gates of postsecondary institutions to all students, including those with disabilities, who strive to increase their knowledge and abilities through continuing education.

Highlights of the HEA that will greatly enhance access and excellence in postsecondary education include the following:

- **Support of quality education** – OSERS and OPE have provided important technical assistance that helped shape the new Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education. This \$10 million program will focus on the development of education models for students with disabilities, and at least two awards will target the needs of students with learning disabilities specifically. Activities will include the development of innovative teaching strategies (including distance learning and assistive technology), synthesizing research, professional development and training, evaluation and dissemination. The overall purpose of these demonstrations will be to increase postsecondary faculty awareness and preparedness so that students with disabilities receive the accommodations and support necessary for quality educational experiences.

The reauthorized HEA will also continue to improve educational opportunities via the TRIO and FIPSE programs. The TRIO programs, including Upward Bound and Talent Search, have historically helped improve supports and services for students with disabilities as well as minorities and disadvantaged students. Likewise, the FIPSE programs have improved educational opportunities for all students, and several of these have focused specifically on students with disabilities.

- **Transition from Secondary to Postsecondary Education** – The reauthorized HEA will improve outreach to potential students and strengthen linkages to employment and secondary education programs. High school counselors and teachers must be prepared to provide appropriate guidance to students with disabilities and provide access to resources that will facilitate successful transitions to postsecondary education. The reauthorized HEA will build on the success of TRIO programs such as Upward Bound and Talent Search. In addition, the Gear Up Program will increase early awareness and encourage all students to aspire towards postsecondary education. Further, Leveraging Education Assistance Partnerships will provide

mentoring, career preparation, and financial aid for students interested in pursuing education within the fields of information technology, mathematics, computer science, and engineering.

- **Financial Aid** – Hope Scholarships will provide better access to postsecondary education through \$1500 tax credits during the first two years of college. Also, the Pell Grant program, which over the years has helped many students with limited income to obtain postsecondary opportunities, has been greatly expanded. Importantly, the reauthorized HEA will provide the lowest student loan interest rates in nearly two decades. Together, these provisions will send a clear message to students and their families that postsecondary education is affordable, and attainable, for those who prepare themselves during their middle and secondary education experiences.
- **Access to Information** – P.L. 105-204 also authorized the new Learning Anytime Anywhere Partnerships (LAAP) program. This program will support partnerships that use technology and other innovations to enhance the delivery of postsecondary education. LAAP recognizes that technology and distance learning provide unique opportunities for many students, and individuals with disabilities may particularly benefit from these innovations. Partnerships formed through LAAP would provide greater education options for students with disabilities while assessing the effectiveness and quality of innovative approaches to learning.
- **Teacher Recruitment and Preparation** – Partnership grants included in the reauthorized HEA will encourage the recruitment, preparation, and induction of teachers in underserved areas. Attracting minority teachers and teachers with disabilities is a key emphasis and would help address the increasingly diverse needs of students, enrich the instructional curriculum and school climate, and strengthen connections between schools, parents, and communities.
- **Education of the Deaf Act** – The reauthorized HEA included the Education of the Deaf Act. With P.L. 105-244, the EDA is now more consistent with the IDEA in a number of areas including mediation. The EDA also raises the enrollment cap for international students from 10% to 15%. And importantly, the EDA authorized a National Study on Education of the Deaf which will examine educational performance, career exploration, job performance, career advancement and satisfaction among the deaf population.
- **Research** – No major studies exist that address issues pertaining to college students with disabilities. Although not a part of the HEA, the Office of Special Education and Rehabilitative Services is currently working the National Center for Education Statistics (NCES) to conduct a national survey of over a thousand 2 and 4 year postsecondary education institutions. This survey will provide information on enrollment estimates for persons with disabilities, services provided on campus, and the feasibility of including additional disability variables on NCES longitudinal studies.



IDEA

AN 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



IDEA

QUESTIONS & ANSWERS

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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 childrens' 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.

Under IDEA 97 states will make effective voluntary mediation available to parents and school districts as a far less costly alternative to lawsuits. In the rare instances when it is necessary parents can still choose due process procedures.

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June 11, 1997

GPR

Current Funding

Over the past three decades, the number of students with disabilities and the cost of providing special education services have become an ever-increasing share of state and local education budgets. There are several reasons why this is the case. First, and probably the most significant reason, is that school enrollment has increased dramatically in recent years -- breaking all previous enrollment records -- thus the number of students identified as disabled and provided with special education services has increased accordingly. It is projected that 6.25 million children with disabilities will be served under IDEA in FY2000. Second, while the vast majority of students served through IDEA have mild to moderate disabilities (primarily learning disabilities and speech impairments), a greater number of students with significant disabilities are entering school as a result of medical advances. Third, because of the legal due process protections afforded only to students with disabilities, many school districts feel parental and legal pressures to provide services to students with disabilities that they do not feel for other populations. And fourth, the special education system at the federal, state, district and school-level, has become extremely bureaucratic, creating an expensive, paperwork intensive, fragmented delivery system.

Most Governors and some members of Congress argue that the federal government is failing to live up to its "commitment" to provide states with 40 percent of the average per pupil expenditure for each disabled student. In fact, however, IDEA makes no such commitment. The current IDEA authorization level for State Grants is "such sums as may be necessary", however the maximum grant a state is entitled to in any fiscal year is 40 percent of the U.S. average per-pupil expenditure (APPE) in public elementary and secondary schools, multiplied by the number of children with disabilities in the State receiving special education services.

Although appropriations for State Grants have increased annually, the federal government has never come close to providing 40 percent of the APPE for each disabled child. The highest percentage of funding the federal government has ever provided was 12.5 percent in FY 1979 (the total State Grant appropriation that year was \$804 million).

The FY 1999 State Grants appropriation covered about 11.7 percent of APPE, and the Administration's FY 2000 request would cover about 11.2 percent. If the federal government were to provide the 40 percent of APPE cited in the statute as the "maximum" in FY 2000, it would have to provide \$15.3 billion, \$11 billion more than the Administration's FY 2000 Budget requests. Moreover, both the number of children with disabilities and the APPE increase every year. 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.

Federal funding for IDEA State Grants has increased by \$2.2 billion (or 110 percent) during this Administration, from \$2.1 billion in FY 1993 to \$4.3 billion in FY 1999. However, these increases are much larger than the increases actually requested by the Administration. Because they are generally unhappy with prescriptive federal requirements for educating students with disabilities and feel that these requirements represent an unfunded federal mandate, Republicans in Congress have repeatedly tried to secure more federal funds to relieve states and districts of some of the burden of funding special education.

In FY 2000 the Administration requested virtually no increase for State Grants, but the House

Appropriations bill passed last week contains a \$500 million increase, and the Senate bill contains a \$700 million increase. Whatever the amount we propose for IDEA, the Republicans will offer more, because they are not committed to funding our other education and training priorities at the levels we seek. In response to Republican claims that we are underfunding IDEA, we have argued that many of our other high priority investments substantially aid children with disabilities. These children benefit, for example, from the smaller classes in our Class Size Reduction initiative, from modern school facilities in our School Modernization Bonds proposal, and from our early intervention initiatives such as America Reads and Head Start.

\$4.1 Billion Trigger and Maintenance of Effort (MOE) Provisions

The IDEA statute requires that states and districts do not reduce their financial support for special education and related services below the preceding fiscal year's financial support (known as a Maintenance of Effort (MOE) provision), except under certain circumstances (e.g., the number of students with disabilities in the district decreases). However, IDEA also includes a special "trigger" that took effect when the state Grants appropriation exceeded \$4.1 billion, which happened for the first time in FY 1999. As a result of this "trigger," districts are allowed to use up to 20 percent of their annual increase in federal funds to supplant, rather than supplement their own spending on special education. In other words, of every dollar the federal government spends on special education State Grants that exceeds \$4.1 billion, districts can use up to 20 cents for purposes other than special education. Therefore, federal IDEA increases do not increase spending on children with disabilities dollar for dollar.

Rising Costs of Complying with IDEA

States have expressed concern about the burden of educating disabled students since the first IDEA laws were passed in 1975. There is a perception on the part of some states that these costs have recently risen sharply, and are causing an education "budget crunch". It is true that more and more students' disabilities are being identified, and thus they are receiving the additional services they need to get a quality education. Also, like all costs, special education costs rise annually.

Concerns expressed by the states have been exacerbated by a March 3, 1999 Supreme Court ruling in Cedar Rapids Community School District vs. Garrett F. The Court decided (7-2) that the school district was required to provide, and pay for, an in-school nurse for a paralyzed student who needed continuous one-on-one nursing care in order to be educated in a regular classroom. The question in this case was whether the IDEA definition of "related services" for special education required a school district to provide nursing care to a ventilator-dependant student during school hours. In its decision, the Supreme Court concluded that although continuous services to a single student may be costly and require the school to hire additional personnel, these factors themselves do not make a set of services more "medical" than educational, and thus are covered by the statute. The Department of Education released a statement by the Assistant Secretary for Special Education and Rehabilitative Services saying in part "Obviously, we are pleased with the Supreme Court's interpretation of the Individuals with Disabilities Education Act (IDEA)."

According to the National School Boards Association (NSBA), the precedent set by this ruling

would require schools to provide nursing care to approximately 17,000 "medically fragile" children (NSBA's term), which would cost about \$500 million a year. This is a figure that has been much bandied about in Congress and among interest groups, however the Department of Education and OMB are skeptical of the NSBA estimates, because it is unclear how they were calculated. According to the Department and OMB, the "cost" of this ruling would be relatively small for a couple reasons. First, there are few students with disabilities comparable to those of the child in the Supreme Court case. The Department estimates that there are less than 2,000 "ventilator dependent" children in the United States (this estimate was actually derived by the former Office of Technology Assessment), however, it is unclear how many of these children attend school and thus receive services under IDEA. Some of these children may be receiving care in hospitals, and others may be infants.

Second, the additional cost of the ruling would be relatively small because many, if not most, school districts are already providing nursing services to disabled students who need them. According to officials in Massachusetts and California, they did not expect this ruling to affect them because they already serve these students. Also, school districts can be reimbursed for providing nursing or other medical services through either Medicaid (for which half of disabled students are eligible) or a parent's private insurance (with parental consent). Schools, in other words, don't have to pick up the tab in most cases. According to the Department of Education, the district named in the Supreme Court case provided nursing services to a Medicaid-eligible student similar to the one in the case, however the district was unwilling to pay for nursing services for a student who was not Medicaid-eligible.

Nonetheless, the ruling has increased pressure on school districts to provide comprehensive services, and has also dramatically raised the profile of "high cost/low incidence" students – children whose disabilities are not common, but result in exorbitant education expenses.

It is absolutely essential to the disability community that these children (or any disabled child) not be singled out as burdensome, and all discussions of special education must be in the context of providing all children with an education that meets their needs.

School Visit and Conversation About Special Education

Three Rivers School, Pembroke, NH
Monday, October 4, 1999

Briefing prepared by Brian Reich (202/ 456-6642)

(Information provided by Bethany Little and Jon Schnur).

EVENT

You are leading a conversation about special education with about fifty parents, students, teachers, administrators and school board members from the Pembroke, NH community.

This is an opportunity for **you** to lay out your education agenda (briefly), reiterate your commitment to the nation's moral and legal responsibility to ensure that children with disabilities get access to a quality education and your commitment to the bipartisan Individuals with Disabilities Education Act (IDEA) to uphold this responsibility, and hold a discussion on special education and IDEA.

POLICY ANNOUNCEMENT

In your introduction, you will make announce four policies. You will:

- 1) Embrace the goal of the federal government paying 40% of the costs described in the 1975 IDEA, including a substantial substantial down payment in your first budget -- the largest increase that has (until now) ever been enacted. Your proposal would do this while being fiscally responsible and investing in -- rather than shortchanging on -- other education investments like class size. Your proposal will enable the federal government to be a better partner with states and school districts in meeting the needs of children with disabilities.
- 2) Pledge to work with states to establish or expand special pools of funding to which school districts could apply to help cover the costs of the relatively few children with disabilities requiring extraordinarily expensive special services to attend local public schools. This is particularly important for rural and other small school districts whose finances or regular education budget that can be imperiled by one or a few children with very high-cost special needs.
- 3) Create an early investment and identification fund to help local school districts adopt proven strategies to identify and address reading and behavioral problems in young children. The research is clear --- effective early intervention strategies with well-trained teachers can help children get on the right path and reduce the number of children referred unnecessarily

to special education services because their learning or behavioral problems were not addressed early on. This new fund -- along with other efforts you are fighting for like preschool and class size -- can dramatically reduce the costs of special education over time by dealing with children's needs early on.

4) Support teacher training to help special education teachers AND regular classroom teachers learn how to effectively meet the needs of children with disabilities. A very high percentage of children with disabilities spend much of their day in the regular classroom, and teacher training for all teachers can help address their needs. Note: This event is open press.

LOGISTICS

NOTE: Elaine Kamarck and Jon Scnhur will join you at the event.

NOTE: You will have the option to call Bethany Little if you have any questions about the attached materials. She can be reached through White House Signal.

[Upon arrival at Three Rivers School, you will greet students in the cafeteria, meet with your education advisory board, and visit a classroom with Cara Haley, her mother, and the school's principal, Kathy Hancock (see briefing book for details).]

You will proceed to the library along with Cara, her mother and Three Rivers School principal Kathy Hancock

[NOTE: There is no introduction]

You makes brief opening remarks, including policy announcements, and opens the discussion.

You close the conversation, thank participants, and depart.

PROGRAM NOTES

THREE RIVERS SCHOOL: Three Rivers School is the newest of three elementary schools in Pembroke, NH. It serves 418 students in grades 5-8. The school is administered by an elected school board which is part of School Administrative Unit (SAU) #53. SAU #53 is made up of the towns of Pembroke, Allenstown, Epsom, Chichester and Deerfield and together, they are responsible for providing elementary and junior high facilities.

ADDITIONAL BACKGROUND ON THE POLICY ANNOUNCEMENTS

1) Paying the federal government's fair share of special education.

You will reiterate your belief that the federal government should pay its fair share of the costs to help states and school districts provide a free and appropriate public education to all children with disabilities.

You will embrace the goal of the federal government to pay 40% of the costs outlined in the Individuals with Disabilities Education Act, while maintaining its commitment to a balanced budget and making other investments needed to strengthen our public schools. Currently, the federal government pays about 11.7% of these costs. Because Republicans have long advocated relatively modest increases in special education at the expense of other education initiatives like class size (including in the current budget negotiations) it is important to emphasize your commitment to increase funding for this program without shortchanging our investments in education overall.

You will pledge that your first budget would include the largest increase that has ever been enacted (until now) in this program, and that you would veto any budget that does not include funding to help communities provide a quality public education to all children, including children with disabilities. The largest increase ever enacted until now was in FY 1997 -- \$784 million. While you are not proposing a specific funding level, your proposal will exceed this amount.

It is important for you to call for embracing the goal of the federal government "covering 40% of the costs described in IDEA" rather than suggest that the federal government should cover 40% of the costs of special education. While state and local officials in New Hampshire and nationwide believe that the federal government has committed to spending 40% of the excess costs of special education (i.e., the costs of special education above the average per-pupil expenditure for all children) that 1975 law actually established a cap of 40% of a different and more complicated cost. While covering 40% of the excess costs of special education would be somewhat more expensive than the definition established in the law, you will be fine if you use the vague language above and in your remarks. (The law establishes a cap of the federal government paying 40% of the average per-pupil expenditure multiplied by the the number of children with disabilities.)

It is important for you to couple this proposal with a firm commitment to the nation's moral and legal responsibility to educate children with disabilities. Under IDEA, the doors of public schools have been opened to millions of students with disabilities. The powerful and mobilized community of advocates for special education believe it is important to -- emphasize that people with disabilities, like any Americans can and want to support themselves and their families and contribute to society. Providing children with disabilities a quality education not only reflects this nation's commitments to providing every child with opportunity through education, but it also helps them become contributing members of this society and economy.

- emphasize that educating ALL children means ALL children -- and leaving no child -- behind. If you use this language, advocates for special education would be very pleased.

- avoid suggesting that educating children with disabilities is a "burden" on states or school districts. IDEA requires that they provide children with disabilities a free and appropriate public education regardless of the federal contribution, and special education advocates passionately hate the suggestion that this is a financial "burden". Your remarks provide good language to deal with this issue by emphasizing:
 - a. your commitment to educating all children including those with disabilities (and to the IDEA law)
 - b. the importance of calling for the "federal government to become a better partner to help states and school districts" uphold this important responsibility
 - c. That increased federal funding will help end false divisions between the needs of some students and families vs. others. Defraying local school district expenses to educate students with very high-cost special needs.

You will also pledge to work with states to establish or expand funding pools to which school districts could apply to help defray the costs of educating those few children with disabilities requiring extraordinarily high cost services to attend local public schools.

NOTE: These pools would be funded under the Individuals with Disabilities Education Act and would be managed by states. These funding pools would help school districts -- especially small school districts -- whose regular education budgets or local town budgets could be imperiled by the exorbitant cost of educating one or a few children with very high-cost special needs.

NOTE: While these pools could probably be established under current law (and a few states are doing so), your administration would work with all interested states to establish these pools. Your proposed funding increases will also make it easier for states to do so.

2) Teacher training.

You will also propose providing special education and regular classroom teachers with training to effectively address the needs of children with disabilities. Many children with disabilities spend a good portion of their day in the regular classroom, so training regular classroom teachers is a crucial element in helping these students benefit from the school's regular curriculum.

3) Early identification and intervention.

You will also propose a \$100 million early identification and intervention fund that would reduce the costs of special education and meet the needs of children by helping school districts adopt proven methods of identifying and assisting children with reading or behavioral problems in kindergarten, 1st Grade, or 2nd grade. This will help children get on the right path and reduce the number of children with learning or behavioral problems get referred unnecessarily to special education services.