



# COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION, INC.

A DIVISION OF THE COUNCIL FOR EXCEPTIONAL CHILDREN  
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## Talking Points on the Reauthorization of IDEA July 2003

The Council of Administrators of Special Education, Inc (CASE) is a non-profit professional organization, which provides leadership and support to approximately 5,000 members by influencing policies and practices to improve the quality of education. CASE is a division of the Council for Exceptional Children (CEC), which is the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, giftedness, or both. CASE and CEC have been engaged in a multi-year process of soliciting issues and input. CASE polled its membership on critical issues likely to be a part of the reauthorization process prior to the passage of HR 1350 and committee approval of S1248. Members ranked the following issues as the top six concerns that should be addressed in the new legislation:

- **Mandatory Full Funding**
- **Interagency Agreements**
- **Highly Qualified Personnel**
- **Mediation**
- **Individual Educational Programs**
- **Specific Learning Disabilities**

### MANDATORY FULL FUNDING

In 1975, Congress adopted a full-funding formula that phased in funding increases intending to reach full funding by 1981. That has not happened.

CASE supports the Hagel-Harkin Amendment, and asserts a guaranteed annual funding schedule to achieve mandatory full funding for IDEA in each federal budget will allow schools to plan for and more appropriately meet the educational needs of students with disabilities-as was the original intent of Congress.

### INTERAGENCY AGREEMENTS

A major continuing weakness in the construct of the IDEA is the failure to forcefully mandate the shared fiscal and programmatic participation of other federal and state agencies in the provision of IDEA-required services. This failure is particularly acute in the provision of alternative educational programs and settings for students under the disciplinary provisions of IDEA; and for students in transition from school to work and adult living.

Participation in and support for inter-agency teamwork must be obligatory for mental health, social services, juvenile justice and other state and federal agencies. Respecting transition to adult living, inter-agency teamwork must be obligatory for rehabilitation, labor and employment, social services and other appropriate federal and state agencies. CASE believes the dramatic school dropout rate and the disability unemployment rate would be greatly reduced if these actions were taken by the Congress.

CASE urges Congress to strengthen this important aspect of IDEA by enacting legislation that would mandate participation for other, related federal and state agencies.

### HIGHLY QUALIFIED PERSONNEL

CASE strongly supports the concept presented in the recent reauthorization of ESEA of 1965 (*No Child Left Behind*) legislation that every student, including students with disabilities, should be served by staff appropriately prepared to meet the educational needs of students with disabilities. CASE believes the language contained in Senate Bill 1248 outlining "highly qualified" teacher, paraprofessional and related-service personnel specifically for students with disabilities, strengthens the tenets of the IDEA, and sets forth parameters that are appropriate and achievable. However CASE urges consideration of language that establishes timelines for paraprofessionals and related-service providers parallel to the timelines for teachers, a factor missing in the language of the current Bill. CASE urges careful consideration of and inclusion of this portion of the Senate Bill in the final IDEA reauthorization initiative.

Recognizing the importance of a highly qualified work force to serve students with disabilities, CASE urges Congress to maintain the current structure of and provide additional support for comprehensive systems of personnel development of IDEA.

## **INDIVIDUALIZED EDUCATION PROGRAMS**

While CASE supports the direction of the proposed legislation to make the IEP process less cumbersome, CASE believes there is a direct correlation between the excessive amounts of litigation and the complexity of the IEP, including its length, the complexity of the process and the amount of special education paperwork. CASE urges shortening the IEP document, process and timelines in order to reduce the amount of paperwork and time devoted to non-instructional activities. CASE believes that in doing this, instructional time and effort for students with disabilities would be more focused, and would result in opportunities for increased student learning and programmatic success. CASE supports the option of multi-year IEPs for all age groups.

## **MEDIATION**

CASE supports the expansion of the use of mediation as a method of resolving disputes prior to the filing of a Complaint(s). While CASE supports the Due Process Hearing as a means of resolving serious disagreements that might arise in the attempt to provide educational programming pursuant to the IDEA, CASE agrees with the concept presented in S. 1248 that parents and schools should have the option of attempting to resolve serious issues and concerns in a mediation-type forum. CASE agrees with the fact that any opportunity to resolve disagreements before Due Process would result in a significant saving of precious resources, both human and fiscal.

## **SPECIFIC LEARNING DISABILITY IDENTIFICATION**

CASE recognizes the need for clarification of what constitutes a "learning disability", but urges caution be exercised in introducing changes that could ultimately result in an increased number of students being identified as "specific learning disabled."

CASE believes in retaining the requirement that a comprehensive multidisciplinary evaluation must be conducted prior to the identification of a "specific learning disability". CASE asserts that further scientifically-based research must be conducted before a major change in this definition is considered.

## **OTHER ISSUES RELATED TO THE REAUTHORIZATION OF THE IDEA OF CONCERN TO CASE:**

### **DISCIPLINE:**

CASE supports a single system of dealing with students and discipline issues, and continues to be concerned that the procedural aspects of the current IDEA discipline procedures present a significant drain on time and resources. CASE has historically believed that cessation of educational services should not occur for any student. The importance of requiring interagency collaboration with agencies in this area cannot be emphasized enough.

### **PART C – INFANTS AND TODDLERS WITH DISABILITIES**

CASE requests language be added to permanently authorize Part C Program under IDEA. In addition, CASE believes that Part C activities should be a part of the full-funding initiative.

### **PART D – NATIONAL ACTIVITIES TO IMPROVE THE EDUCATION OF CHILDREN WITH DISABILITIES**

Industry consistently devotes approximately ten percent (10%) of its annual budget to research and development; IDEA must have an equivalent formula if we are to be held accountable to "scientific, research-based interventions". CASE believes academic achievement should not be the sole emphasis of Part D since research is still needed in areas such as early intervention, independent living, social development, transition, and responsibilities for positive adult living. CASE also believes support beyond academic achievement for stakeholders should be continued.

CASE also supports the inclusion of Subpart 4 of Part D, which authorizes "...resources to foster a safe learning environment for all students by improving the quality of interim alternative educational settings, providing more behavioral supports in schools, and supporting whole school interventions."

## **TITLE II: AMENDMENTS TO THE REHABILITATION ACT OF 1973**

CASE supports Title II which strengthens the provisions of transition services for students with disabilities. CASE believes this is an integral step in a fostering a comprehensive federal system of supports across agencies to students with disabilities.

*For additional resource information from the Council of Administrators of Special Education, please contact Dr. Luann L. Purcell, Executive Director at [lpurcell@bellsouth.net](mailto:lpurcell@bellsouth.net) ; [www.casecec.org](http://www.casecec.org) 1-800-585-1753 or Gerald Hime, CASE Policy and Legislative Chair at [hime\\_jerry@laco.edu](mailto:hime_jerry@laco.edu) ; 562-922-6234. You may also contact Dr. Deborah A. Ziegler, Assistant Executive Director for Public Policy, the Council for Exceptional Children, at [debz@cec.sped.org](mailto:debz@cec.sped.org) ; 1-800-224-6830 ext. 406.*