



Council for
Exceptional
Children

*CEC's Update on
IDEA
Reauthorization*

August 2005

Please note that because this document is an evolving chronicle of events related to the development of IDEA reauthorization legislation, some links to certain Web sites and documents may no longer be active.

PRELIMINARY REAUTHORIZATION ACTIVITIES

Fall and Winter, 2001

OSERS. Beginning in mid-October 2001, and ending in mid-December 2001, the Office of Special Education and Rehabilitative Services (OSERS) held a series of public forums across the country to solicit comments on the upcoming reauthorization of IDEA. CEC's Public Policy staff, as well as representatives from CEC's CAN (Children and Youth Action Network), attended these forums and provided comment. Deb Ziegler and David Egnor provided comments at the Washington, D.C. forum. Egnor outlined CEC's five policy issues -- as identified by CEC members -- that the U.S. Department of Education should focus on during next year's reauthorization.

On January 10, 2002, OSERS issued a *Federal Register* request for public comment on the upcoming IDEA reauthorization. Comments were due by February 25, 2002. CEC asked the field for input in preparation for its comments to the OSERS request.

President's Commission. On October 2, 2001, President Bush issued an Executive Order establishing the "President's Commission on Excellence in Special Education." The Commission was made up of 24 members; 19 of them from the public and private sectors, and up to 5 ex officio members from the U.S. Departments of Education and Health and Human Services. During a series of forums held around the country from January through June, the Commission collected information and studied issues related to Federal, State, and local special education programs. The Commission formed six task forces to address different aspects of special education: accountability systems, research, professional development, finance, assessment, and system administration. CEC staff and other CEC members attended these forums as well, providing input as requested.

Spring and Summer, 2002

CEC Convention. On March 18, 2002, CEC issued its *IDEA Reauthorization Recommendations Convention Discussion Draft*. The Public Policy Unit held a series of sessions and other opportunities to discuss the recommendations during the April Convention in New York; we also posted it on the CEC Web site, and distributed it widely to the CEC leadership, the field, other associations and agencies, including the US Department of Education, The US Congress, and other appropriate parties.

Senate: On March 21, the Senate Committee on Health, Education, Labor and Pensions (HELP) held a hearing on IDEA. David Egnor, CEC's Senior Director for Governmental Relations, attended the hearing. Many of the same issues surrounding the reauthorization were raised in the White House Commission hearings, Egnor said, including the necessity of

providing more intervention in the earlier grades to reduce the number of students referred for special education; and the need to hold special education more accountable for results, rather than focusing so much on process.

The Senate held a second hearing on IDEA reauthorization on Thursday, April 25, focusing on the issue of discipline. The Senate HELP Committee subsequently held two additional hearings on Accountability and Eligibility.

House. Beginning on April 18, 2002, House Republican education committee leaders held a series of hearings on improving the Individuals with Disabilities Education Act (IDEA). The hearings will lay the groundwork for reform and reauthorization of IDEA. Among the topics House education leaders expected to cover:

- ❖ Funding
- ❖ Accountability and education quality
- ❖ Reducing the paperwork burden
- ❖ Supporting special education teachers
- ❖ Over identification/misidentification of minority youth
- ❖ Encouraging innovative approaches and parental involvement
- ❖ Discipline

The House Education Reform Subcommittee heard testimony May 2nd and 8th on several special education-related issues, including the paperwork burden that IDEA programs impose on teachers and administrators, whether the IDEA system promotes accountability on behalf of special needs students, and innovative programs that enhance parental choice in special education. The Subcommittee also held a hearing on June 6 on learning disabilities and early intervention strategies.

On June 6, House Education Reform Subcommittee Chairman Mike Castle issued a call for public input on the upcoming IDEA reauthorization, and established a link on the Committee's Web site for that purpose. CEC posted a letter on its Legislative Action Center that summarized its Reauthorization Recommendations, and urged its members to send the letter to Castle.

President's Commission. The Commission held another meeting in Washington, D.C. on May 30 and 31. During the meeting, the Commission's task forces presented preliminary reports of their key findings and recommendations. Although both the Commission's Chairman and Executive Director (Terry Branstad and C. Todd Jones, respectively) had previously indicated that written copies of the draft recommendations were to be made available to the public following the meeting, the recommendations were not distributed. In fact, it was announced that the Commission would not be allowing a public comment period on its recommendations prior to adoption at their final meeting to be held June 13-14.

On July 1, the President's Commission on Excellence in Special Education issued its final report on special education, entitled *A New Era: Revitalizing Special Education for Children and Their Families*.

The House and Senate subsequently held hearings on the Commission's report on July 9 and 10. According to Terry Branstad, Chairman of the Commission, who testified during both hearings, the Commission issued three major recommendations:

- ❖ Focus on results – not on process.
- ❖ Embrace a model of prevention, not a model of failure.
- ❖ Consider children with disabilities as general education children first.

Following the issuance of the Commission's report, OSERS requested public comment on the report by August 19, 2002. OSERS has stated that it used the comments to help write its IDEA reauthorization proposals.

Both the House and Senate were awaiting the report before continuing to work on their legislative proposals for the reauthorization. The House's bill will likely be closely aligned with the Commission's recommendations. Although both the House and Senate had initially indicated that bills to reauthorize the Individuals with Disabilities Education Act (IDEA) would be introduced before Congress recessed last year, no official legislative action took place.

Winter/Spring, 2003

Education Department. On February 25th, U.S. Secretary of Education Rod Paige unveiled a set of principles to guide the Education Department in its work toward seeking reauthorization of the Individuals with Disabilities Education Act (IDEA). The principles seek to align IDEA with the No Child Left Behind Act of 2001 by working toward stronger accountability for results, simplifying paperwork for states and communities and increase flexibility for all, doing what works, and increasing choices and meaningful involvement for parents.

Read the full text of the principles at: <http://www.ed.gov/PressReleases/02-2003/02252003.html>

HOUSE BILL, H.R. 1350

The Republican members of the House Committee on Education and the Workforce introduced a bill to reauthorize IDEA on March 19, 2003. Education Reform Subcommittee Chairman Mike Castle (R-DE) introduced H.R. 1350, entitled "***Improving Education Results for Children with Disabilities Act of 2003.***"

In a press release to announce the bill's introduction, the full House Education and the Workforce Committee said that the bill: "calls for reforms to strengthen accountability and results for students, reduce the IDEA paperwork burden for teachers, provide greater flexibility for local school districts to improve early intervention strategies, reduce the number of children who are wrongly placed in special education classes, reduce litigation and restore trust between parents and school districts, and align IDEA with the bipartisan No Child Left Behind Act signed by President Bush in January 2002. NCLB requires federally-funded schools to be accountable for providing a quality education to all students, including students with special needs."

To access the full text of the bill, go to: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h1350ih.txt.pdf

House Passes H.R. 1350 on April 30th

H.R. 1350 was marked-up (debated and voted on) in subcommittee and passed to the full committee on April 2, 2003. The full committee marked-up the bill and it was passed favorably to the full House on April 10, 2003. Despite the efforts of many in the education and disability fields, including CEC, the full House approved the bill during floor debate on April 30th by a vote of 251 to 171.

At each step along the way, the Chair offered a revised version of the bill (the Chairman's Mark), and amendments were offered by various members of the subcommittee, then full committee. The accepted amendments became part of the bill that became the Chairman's Mark at the next phase.

CEC Opposes Bill. As in the Senate's bill, many of the areas addressed in the House bill were addressed in CEC's *IDEA Reauthorization Recommendation* paper. Although there are several provisions in the House bill that CEC supports -- indeed, that the Council has recommended -- the seriousness of the damaging provisions contained in the bill required CEC to oppose the entire bill as it is written. CEC posted several letters on the Legislative Action Center, requesting that CEC members urge their Representatives to oppose the House's bill and instead support the provisions contained in the Senate's language. Over 2,600 of our members responded to that call.

Following are some provisions in the House's bill that CEC believes are not in the best interest of children with disabilities, their families, and the professionals who work on their behalf:

Provisions Supported by CEC

- Aligning with NCLB in relation to Accountability and Highly Qualified
- Determining which requirements of IDEA result in excessive paperwork
- Deleting benchmarks and short-term objectives in the IEP
- Adding a multi-year IEP (CEC recommends this be a PILOT)
- Requiring a model be developed for the IEP form, procedural safeguards notice, and prior written notice
- Adding emphasis on the practice of mediation

Provisions Not Support by CEC

- No Mandatory Full Funding of IDEA: Full Funding of IDEA is essential to the provision of FAPE for children with disabilities and their families, and it is NOT included in the bill.
- Placement in alternative educational settings.
- The discipline provisions contained in the bill will result in many children being left behind and losing FAPE.
- The restructuring of Part D of IDEA contained in the House's bill does not protect the critical investments in research, technical assistance, and other supports and resources which are fundamental to ensuring the quality and accountability of IDEA.
- Moving the responsibility for administering the IDEA Research Program under Part D from the Office of Special Education Programs to the Institute for Education Sciences.

- The proposed procedural safeguard provisions may jeopardize the civil rights of children and their families and may NOT reduce the paperwork burden; in fact, they may result in more paperwork and litigation.
- The deletion of provisions that would ensure that related services personnel are highly qualified.
- The deletion of the comprehensive system of personnel development that supports preservice and inservice professional development to ensure a highly qualified workforce.
- The addition of the non-scientific research-based response to intervention process as a means for identifying children with learning disabilities.
- The addition to allow 15% of Part B funds for prereferral activities.
- The stripping of provisions related to providing FAPE to children from diverse backgrounds.
- The provision to change the definition of transition services from “outcome-oriented” to a narrow emphasis on “academic” or “developmental” results.

CEC’s Analysis of H.R. 1350

CEC has prepared an analysis of the House-passed bill. You can access this document at http://www.cec.sped.org/pp/HR1350_Summary.pdf. The analysis was sent to members of the House Education and the Workforce Committee.

SENATE BILL, S. 1248

On June 12, 2003, the Senate introduced its bill to reauthorize the Individuals with Disabilities Education Act (IDEA), which officially expired in 2002. Sen. Judd Gregg (R-NH), Chair of the Committee on Health, Education, Labor and Pensions (HELP), and Sen. Ted Kennedy (D-MA), Ranking Member of the Committee, introduced the bill, entitled "*The Individuals with Disabilities Education Improvement Act of 2003.*" To access the full text of the bill, go to: http://health.senate.gov/bills/013_bill.html

Senate Bill is Bipartisan. Senate Education staff have been working to develop a bipartisan bill for months through a process in which both Republican AND Democrats had input on the bill. The Senate bill will then follow a similar course as the House: first, through committee – the Senate Health, Education, Labor and Pensions (HELP) Committee – and then it will be passed to the full Senate for a vote.

Once the full House and Senate have passed their respective bills, a Conference Committee (typically the same House and Senate committee leaders who first developed the bills) will be appointed to hash out the differences between the two bills and report out a final version of the legislation. This final version then goes back to both the House and Senate for a final vote. It is this version of the legislation that, once passed, goes to the President for signature and becomes law.

Senate Committee Passes Substitute Bill

The Senate HELP Committee marked up this legislation in the form of a substitute bill on Wednesday, June 25, 2003, and passed it by a 21-0 voice vote. To read the full text of a release that summarizes the substitute bill, go to: <http://gregg.senate.gov/press/press061203.pdf> Although the mark up was initially intended to be open to the public, it was eventually held in a closed room and considered by the Senate Committee members.

Following is a description of the changes made to the substitute bill prior to the Committee mark up.

- Under the section on discipline, the Committee's bill adds a requirement for schools to provide a behavioral assessment and appropriate behavioral interventions to those children who receive a disciplinary action.
- Under the section on reducing paperwork, although the Committee's bill eliminates benchmarks and short-term objectives in the IEP, a description of how progress is measured, including quarterly reports to parents, must be included.
- Under the section on parental involvement, the Committee's bill encourages PTI's to work in collaboration with the Regional Resource Centers.
- Under the section on misidentification of non-disabled children, the Committee's bill provides funds for training school personnel in effective teaching strategies and interventions to prevent over-identification and misidentification of children.
- Under the section on providing early access to services and supports, the Committee's bill authorizes states to create a seamless system for infants, toddlers and preschoolers with disabilities, giving parents the opportunity to continue services with the provider of their choice.
- Regarding the transfer of Research authority to the Institute of Education Sciences (IES), the substitute bill attempts to provide an orderly transition of research to the new Institute. It inserts a new Title III establishing a new National Center for Special Education Research within IES. These provisions would take effect next year on Oct. 1, 2004, and all current research awards would continue in accordance with the terms of those awards.

CEC's Analysis of S. 1248

Many of the areas addressed in the Senate bill were addressed in CEC's *IDEA Reauthorization Recommendation* paper, which was released by CEC last year and broadly disseminated to the CEC leadership and its members, the field, and other associations and agencies, including the U.S. Department of Education and the U.S. Congress. In addition, CEC put its IDEA Reauthorization Recommendations on its Legislative Action Center, and asked members of the CAN Network to send the Recommendations to their members of Congress. Over 1,500 of our members responded to CEC's call. As a result, many of CEC's positions and recommendations that were discussed in our reauthorization paper were incorporated into the Senate's legislative language.

In fact, staff representing members of the U.S. Congress indicated that CEC's recommendations for IDEA reauthorization helped them to understand the challenges facing special educators and the children and families they serve, such as overwhelming paperwork and shortages of qualified personnel – both of which are leading to a lack of proper instructional time and hampering efforts to improve the quality of services for children and youth with disabilities– as well as aided Congress in developing new proposals and policies to address these challenges.

Once the Senate introduced its bill, CEC conducted an extensive analysis of it, identifying those areas that would constitute a change to existing law, and how those changes would affect the special education field. To read CEC's Preliminary Analysis of S. 1248 prior to committee mark up go to: http://www.cec.sped.org/pp/CECRecommendations_S1248.pdf

CEC posted several letters concerning the Senate bill on the Legislative Action Center, including talking points our members could use when they met with their members of Congress during the summer recess. We activated our CAN network, asking CEC members to contact their Senators in August – over 950 of our members responded to CEC's call.

Senate Talking Points. In our talking points, CEC applauded the bill's focus on improving results and services for children and youth with disabilities. CEC commended Senators Gregg and Kennedy for their leadership in ensuring a bipartisan process, and encouraged other Senators to hold steadfast as the bill moved through the legislative process.

Senate Committee Sends Bill to Full Senate

In early November 2003, the Senate Health, Education, Labor and Pensions (HELP) Committee has sent S. 1248 to the full Senate for its consideration. This substitute version of the bill contains several technical changes from the Committee-passed bill. You can access the bill language by going to Thomas at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d108:s.01248>:

The total bill is 778 pages, although the first 370 pages are simply the old bill with the text stricken out. The new language is located on pages 371-778.

The Committee also issued Report language to detail the technical changes made to the bill since the Committee approved it last summer. You can access the Report language by going to the Thomas Web site at: <http://thomas.loc.gov>, and clicking on "Committee Reports." At the next screen, click on "Senate Reports," and enter "108-185" where it asks for "Report Number." Or, you can get a summary of the technical changes by going to the HELP Committee's Web site at: http://health.senate.gov/calendars/master_technical_list_finals-11-3-03.doc

Senate Passes Consent Agreement

On Friday, November 21, 2003, the U.S. Senate passed a unanimous consent (UC) order permitting S. 1248 to be introduced on the floor. It outlines the terms under which S. 1248, the Senate's IDEA reauthorization bill, will be brought to the Senate floor for consideration.

The UC allows for 4 amendments to be offered by the Republicans and 4 amendments to be offered by the Democrats. The amendments are described in the agreement. Senators will not be allowed to introduce amendments concerning short-term objectives or discipline.

Reportedly, the leadership will now look for a window of 4 or so hours where they can bring the bill to the floor with these conditions.

The unanimous consent language is reprinted below.

UNANIMOUS CONSENT AGREEMENT--S. 1248 -- (Senate - November 21, 2003)

[Page: S15500] [GPO's PDF](#)

Mr. FRIST. I ask unanimous consent that at a time to be determined by the majority leader in consultation with the minority leader, the Senate proceed to consideration of Calendar No. 362, S. 1248, the IDEA Act Reauthorization bill, and that it be considered under the following limitations: That the following amendments be the only first-degree amendments in order, other than the committee-reported substitute amendment, and that any second-degree amendments be relevant to the first-degree amendment to which they are offered: Gregg or his designee, IDEA attorney's fees; Gregg or his designee, IDEA funding; Gregg or his designee, IDEA paperwork reduction; Gregg or his designee, IDEA relevant; Harkin, IDEA funding; Murray, IDEA for the homeless; Clinton, coordinating data on developmental disabilities; Kennedy or his designee, IDEA relevant; Gregg-Kennedy, managers' amendment.

I further ask that upon disposition of all amendments, the committee substitute as amended be agreed to, the bill as amended be read a third time, and the HELP Committee be discharged from further consideration of H.R. 1350, the House companion bill, and the Senate then proceed to its immediate consideration; provided further that all after the enacting clause be stricken, and the text of S. 1248, as amended, be inserted in lieu thereafter, the bill, as amended, be read a third time and the Senate proceed to a vote on passage, without any intervening action or debate, and following the vote the motion to reconsider be laid upon the table. I further ask that after the vote on passage, S. 1248 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Senate Passes IDEA Bill

CEC Disappointed with Full Funding Vote, But Pleased with Overall Bill

After passing a final amendment on paperwork reduction from Senator Rick Santorum, the U.S. Senate on May 13, 2004 overwhelmingly approved S. 1248, its bill to reauthorize the Individuals with Disabilities Education Act (IDEA), following two days of debate.

With only three Senators voting against the bill (Jeffords, Stabenow, and Leahy), the Senate technically passed the House's IDEA bill, H.R. 1350, substituting S. 1248 as an amendment, and then voted 95 to 3 in favor of the bill.

The Santorum paperwork reduction amendment would allow up to 15 states to obtain waivers from the Department of Education to reduce paperwork requirements for dealing with students with disabilities. As CEC has reported many times, most special education teachers say paperwork and reporting requirements can be overwhelming, and are often the reasons they leave the special education profession.

During the Senate's first day of debate on S. 1248, the Senate approved amendments from Senators Clinton; Gregg; and Murray, DeWine, and Feingold; but it failed to pass an amendment that would guarantee IDEA full funding within 6 years.

IDEA Full Funding Amendment. The original full funding amendment, sponsored by Senators Hagel and Harkin and strongly supported by CEC, would have funded IDEA at an additional \$2.2 billion per year for 8 years until full funding was reached. But in last-minute action, the sponsors changed the time parameters in the amendment to reach full funding in 6 years.

The Harkin-Hagel amendment did not carry offsetting cuts for the mandatory funding it would have required. Under Senate rules, the amendment needed 60 votes to waive the Budget Act requirement for such offsets. Just 4 votes shy of approval, the Senate failed to pass the Hagel-Harkin amendment by a vote of 56-41. To see the Roll Call vote on the Hagel-Harkin amendment, go to:

http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=108&session=2&vote=00093

Instead of voting for mandatory full funding, the Senate approved an amendment by Senator Gregg to provide annual authorized funding levels for IDEA that essentially maintains the funding status quo. CEC does not support this amendment. To see the Roll Call vote for the Gregg funding amendment, go to:

http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=108&session=2&vote=00092

These two funding-related amendments were the only ones where a Roll Call vote was taken.

Amendment on the National Children’s Study. Next, the Senate passed by voice vote an amendment sponsored by Senator Clinton – and supported by CEC – that will add the Department of Education as a key partner in the development and execution of the National Children's Study.

The Children’s Health Act of 2000 authorized the National Children’s Study. Currently, all the key federal departments with jurisdiction over children's health and welfare, including the National Institute of Child Health and Human Development (NICHD), the National Institute of Environmental Health Sciences (NIEHS), the Centers for Disease Control and Prevention (CDC), and the Environmental Protection Agency (EPA), are sponsors and partners in the completion of this critical study -- except for the Department of Education.

The National Children's Study will provide the most comprehensive examination to date of the effects of environmental influences on the health and development of children, from birth until age 21, across the United States. The overarching goal of the study is to improve the health and well being of all children, although children with disabilities will be a special focus of the investigation. The National Children's Study will be one of, if not the, richest resources for answering questions related to disabled children's health and development and will form the basis of child health guidance, interventions, and policy for generations to come. Yet schools, where children spend more time than any place other than their homes, are not integrated into this investigation. It is important that the Department of Education participate in this study. CEC supports inclusion in the National Children’s Study, but wants assurances that sufficient resources are in place for the Department of Education to participate in the study.

Amendment on Attorneys’ Fees. The Senate then approved by voice vote another amendment sponsored by Senator Gregg that addresses attorneys’ fees. The Gregg amendment allows state or local education agencies to be awarded attorney's fees where the judge has determined that the case is “frivolous, unreasonable, or without foundation, or the parent continued to litigate even after it became clear that the case was frivolous,” or if the parents’ complaint was “presented for any improper purpose.” Under the Gregg amendment, the definition of a frivolous case is based on legal precedent.

Current law only allows parents who win their cases against schools to collect attorney's fees. The same is not true for a school system that wins its case. It must pay its own attorney’s fees out of its own budget. The Gregg amendment would essentially maintain the status quo in the majority of cases, except in circumstances described above. The Gregg amendment does not cap attorney's fees allowed under IDEA. CEC supports this amendment.

Amendment on Homeless and Foster Children with Disabilities. The Senate then approved by voice vote an amendment sponsored by Senators Murray, DeWine, and Feingold that will provide improved access to a high-quality education for homeless and foster children with disabilities and children with disabilities in military families.

The Murray/DeWine/Feingold amendment would improve special education for homeless and foster children with disabilities and children with disabilities in military families by:

- ❖ Improving special education services when children transfer school districts and coordination between school districts on assessments and evaluations.

- ❖ Clarifying which appropriate adults can advocate for children with regard to their special education services.
- ❖ Improving coordination between McKinney-Vento and IDEA and overall representation of homeless and foster children in IDEA.
- ❖ Strengthening services for infants and toddlers with disabilities who are homeless, in foster care, or in military families.
- ❖ Ensuring that homeless and foster children with disabilities, children with disabilities in military families and their advocates are represented on state policy committees.
- ❖ Improving inclusion of children with disabilities who are homeless, in foster care, and in military families in research and training grants.

To view the full text of all the amendments, go to the Thomas Web site at: <http://thomas.loc.gov> and type in S. 1248 where it asks for “Bill Number”; hit Search; then click on the 2nd bill. Click on “Link to the Bill Summary & Status File,” and you’ll find complete information on the bill.

CEC’s Voice on Capitol Hill

CEC supports S. 1248, the Senate bill to reauthorize IDEA. CEC supports the bill because it includes many provisions that CEC members favor. From the process of drafting S. 1248 until the final votes in May, CEC has been active on Capitol Hill, talking with key lawmakers and staff to ensure that CEC’s goals were included in the reauthorization of IDEA. CEC has also drafted numerous policy documents, conducted briefings, and sent out updates to keep both its members and lawmakers informed about the significant issues surrounding IDEA reauthorization and CEC’s positions on those issues. Indeed, CEC’s impact on Capitol Hill has not gone unnoticed. CEC was recognized during Senate debate on S. 1248 by HELP Committee Chairman Gregg, HELP Committee Ranking Member Kennedy, and by Senator Clinton and Senator Murray when they offered their respective amendments. As the House and Senate move to conference to work out the differences between their IDEA bills, you may be assured that CEC will continue to play an active role in the debate on IDEA reauthorization.

Recap of CEC’s position on S.1248

Because almost 7 months passed between HELP Committee mark-up and full Senate consideration of S. 1248, CEC would like to offer a brief review of what it supports and opposes in S. 1248, and what it recommends for the House-Senate conference committee on IDEA.

In general, CEC praises the bill’s focus on improving results and services for children and youth with disabilities. Specifically, CEC commends the Senate for how it addresses the following provisions in S. 1248:

Increasing accountability and improving education results for children by clarifying methods to measure student progress;

Resolving conflicts and reducing litigation by clarifying that mediation is available at any time and that schools and parents have equal access to the due process system;

Reducing paperwork through:

- ❖ Streamlining state and local requirements to ensure that paperwork focuses on improved educational and functional results for children with disabilities;
- ❖ Clarifying that no information is required in an IEP beyond what federal law requires;
- ❖ Eliminating the requirement that IEPs must include benchmarks and short-term objectives that generate more paperwork but requires quarterly reports to parents on the child's progress;
- ❖ Reducing the number of times that procedural safeguards notices must be sent out to parents to once per year, unless the parent registers a complaint or requests a copy;
- ❖ Ensuring that State regulations are consistent with IDEA and that any State-imposed requirements or paperwork reporting are clearly identified to local educational agencies;
- ❖ Requiring the Secretary to develop model forms, review paperwork requirements and provide Congress with proposals to reduce the paperwork burden on teachers;

Supporting teachers through:

- ❖ Extending the timeframe for special education teachers to be highly qualified to the end of the 2006-07 school year;
- ❖ Designating 100% of state program improvement grants to support preparation and professional development for teachers;
- ❖ Authorizing two grant programs for enhanced support and training for special educators and training to support general educators, principals, and administrators;
- ❖ Authorizing local educational agencies to use a portion of Part B funds for providing professional development to help teachers deliver scientifically based academic instruction and behavioral interventions in order to help children succeed in school;
- ❖ Allowing States to use the increased state activities funds to assist in meeting personnel shortages, and provide technical assistance and professional development to teachers;

Improving transition services through:

- ❖ Simplifying the rules for transition services -- activities that help a student begin planning for life;
- ❖ Promoting the involvement of the State vocational rehabilitation system with disabled students while still in secondary school.

However, CEC has some concerns about S. 1248. As mentioned previously, CEC is greatly disappointed that S. 1248 does not include full mandatory funding of IDEA. We are not only disappointed that the bill itself did not include this language, but that the Senate rejected the Hagel-Harkin full-funding amendment as well. CEC hopes that Congress will address the issue of full funding either in the House-Senate IDEA conference committee or in future stand-alone legislation.

In addition, CEC hopes the following issues are addressed in the IDEA conference committee:

- ❖ The restructuring of Part D of IDEA contained in the bill does not protect the critical investments in research, technical assistance, and other supports and resources that are fundamental to ensuring the quality and accountability of IDEA.
- ❖ The changes in the way states must distribute Part B funds to LEAs and the changes to the supplanting requirements. The states themselves are in the best position to determine what portion of funds needs to be reserved at the state and those that flow through to the LEAs. CEC recommends retaining the current 5 percent for state administration and 25 percent set-aside for administration and other state-level activities.

CEC also has concerns about the definition of a highly qualified teacher. CEC is working to seek a modification of that definition if/when the House and Senate go to conference.

Next Step: Conference Committee

Because both the House and the Senate passed their respective IDEA reauthorization bills, a conference committee has been convened to work out the differences between the two bills and report out a final version of the legislation. If the conference committee can come to an agreed final version of the legislation, this final version will then go back to both the House and Senate for a final vote. It is this version of the legislation that, once passed, will go to the President for signature and become law. On September 21, 2004, the Senate appointed conferees to the IDEA conference committee. Almost three weeks later the House followed suit and on October 8 appointed its conferees to the conference committee.

The Senate conferees comprise the entire membership of the Senate HELP committee. Those HELP Committee members are Senators Gregg, Frist, Enzi, Alexander, Bond, DeWine, Roberts, Sessions, Ensign, Graham of South Carolina, Warner, Kennedy, Dodd, Harkin, Mikulski, Jeffords, Bingaman, Murray, Reed, Edwards, and Clinton. The House appointed conferees from three different committees, depending on which committee had jurisdiction over certain sections of IDEA legislation. The House conferees from the Committee on Education and the Workforce Committee are Boehner, Castle, Ehlert, Keller, Wilson of South Carolina, Miller, Woolsey, and Owens. House conferees from the Energy and Commerce Committee were assigned for consideration of Section 101 and Title V of the Senate bill. Those House conferees are Barton from Texas, Bilirakis, and Dingell. Finally, House members appointed from the Judiciary Committee were assigned to consider Sec. 205 of the House bill, and Section 101 of the Senate bill. Those House conferees are Sensenbrenner, Smith of Texas, and Conyers.

Congress adjourned for a one-month recess on the weekend of October 9, 2004, so that members could return home to campaign for reelection. During this time, conference committee staff worked on resolving as many issues between the House and Senate bills as possible before Congress reconvened on November 16 for a lame duck session. On November 17, the IDEA conference committee held a rare open session, in which members of conference committee made statements commending one another and staff for the long hours of hard work that went into completion of the bill. Most all the issues of major significance were ironed out prior to the meeting. The conference committee voted 30 to 1 to discharge the bill from the committee and to move the bill to each chamber for a final vote. The House and Senate both passed the legislation on Friday, November 19, 2004. The House passed the measure 397-3, while the Senate passed it by voice vote. Just four days later, CEC issued its preliminary summary and analysis of significant issues in the new IDEA legislation. To view this document, go to http://www.cec.sped.org/pp/IDEA_120204.pdf. On December 3, 2004, CEC was present as President Bush signed this landmark legislation into law, which became Public Law 108-446.

On December 29, 2004, the Department of Education (ED) published a notice of request for comments and recommendations on regulation writing for the new IDEA law. The deadline for submitting comments to the ED on IDEA regulations was February 28. CEC and its members

attended several of the public comment meetings held around the country for those interested in providing comments on IDEA regulations. To view CEC comments on the IDEA regulations, go to http://www.cec.sped.org/cec_bn/cec_comments.html . CEC will also be attending future ED meetings to provide comments on the proposed regulations that will be drafted as a result of the first round of public comments.

On June 10, 2005, the ED issued the proposed regulations for IDEA 2004 and scheduled a series of seven meetings around the country where the public could provide input on the proposed regulations. The public was given 75 days in which to comment on proposed regulations. CEC provided comments on the proposed regulations at each of the public meetings and developed a comprehensive set of comments and recommendations before the September 6, 2005 deadline for the comment period. You can read CEC's final comments on the proposed regulations at http://www.cec.sped.org/pp/pdfs/CEC_IDEA_Reg_Comments_Sept6.pdf . You can also read CEC's side-by-side comparison of the proposed regulations and the 1997 regulations at http://www.cec.sped.org/cec_bn/side-by-sides.html .

From the initial drafting of IDEA legislation, through the House-Senate conference committee, to making recommendations on regulations for implementing the new law, CEC has been proactive in disseminating its recommendations for IDEA reauthorization to members of Congress. We authored and distributed to Members of Congress a document prior to the convening of the conference committee. To read CEC's IDEA conference recommendations, go to: <http://www.cec.sped.org/pp/August2004AnalysisforIDEAConferenceCECRecommendations.pdf> .

CEC also wrote recommendations for Congress on those issues that are of concern to our members. They include: Funding, Individualized Education Programs (IEPs), Learning Disabilities, Highly Qualified/CSPD/Personnel Standards, Procedural Safeguards, Discipline, Monitoring, Data Collection, Part C, and Part D. You can review these issues at: http://www.cec.sped.org/pp/CEC_Summary_of_Selected_IDEA_Reauthorization_Issues.pdf

Over the course of the reauthorization process, CEC put together a variety of resources on IDEA reauthorization, including this reauthorization timeline, our summary of selected issues, our preliminary analyses of the House and Senate bills, our IDEA reauthorization recommendations, and more. To read these resources, go to: <http://www.cec.sped.org/pp/resources.html>

We want to thank all of you who actively participated in the reauthorization process, consistently responding to CEC's numerous calls for you to phone or write your members of Congress on reauthorization issues. All of your hard work has paid off, as many of CEC's recommendations were incorporated into the Senate's bill.

OTHER CEC REAUTHORIZATION ACTIVITIES

Prior to the introduction of the House and Senate reauthorization bills, CEC participated in a variety of activities in preparation for the reauthorization process. In addition to issuing the CEC *IDEA Reauthorization Recommendations* paper, CEC has organized and continues to lead an IDEA reauthorization work group, consisting of representatives from disability, general education,

and family associations. Our goal was to create consensus among these groups wherever possible; or at least, create awareness of the various opinions and positions that exist among these groups. CEC staff has also worked closely with key members in the House and Senate Education Committees, providing information and helping to craft legislative language.

Through IDEA reauthorization and other means, CEC's Policy and Communication Services Unit will continue to advocate for improved working conditions for all special educators and improved results for children and youth with disabilities and their families. CEC will provide continuous updates to its members as the IDEA reauthorization process unfolds. Please check CEC's Public Policy Web site (<http://www.cec.sped.org/pp>) for the most up-to-date reauthorization information, as well as CEC's Legislative Action Center (<http://capwiz.com/cek/home/>) to send messages to your members of Congress on IDEA reauthorization issues.

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