



Council for
Exceptional
Children

*CEC's Summary of Selected
IDEA Reauthorization Issues*

July 2004

Council for Exceptional Children

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CEC's Summary of Selected IDEA Reauthorization Issues

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1. Funding

Part B Authorization

The House bill adds specific authorization amounts for Part B to be appropriated for fiscal years 2004-2010 and “such sums as may be necessary” for FY 2011 and subsequent years. The Senate bill authorizes specific funds for FY 2004-2011 and “such sums as may be necessary” for FY 2012 and subsequent years. Neither bill includes mandatory full funding for Part B.

CEC Recommendation: CEC strongly recommends that mandatory full funding be enacted for the Part B program. In order to ensure that Part B is fully funded within eight years, CEC calls on the Congress and the Administration to enact legislation this year that guarantees the following appropriation levels over eight years by adding \$2.3 billion to the previous fiscal year's appropriation:

FY 2005- \$12.37 billion

FY 2006- \$14.67 billion

FY 2007: \$16.97 billion

FY 2008: \$19.27 billion

FY 2009: \$21.57 billion

FY 2010: \$23.87 billion

FY 2011: \$26.17 billion

FY 2012: \$28.47 billion – Full funding

Section 619 of Part B Authorization

The Senate bill changes the authorization level of the program to “such sums as may be necessary.” The House bill changes the authorization level of the program to \$500 million for FY'04 and “such sums as may be necessary for each subsequent fiscal year.”

CEC Recommendation: CEC strongly recommends an authorization level of \$652 million for FY'05 and “such sums as may be necessary for each subsequent fiscal year.”

Part C Authorization

The Senate bill provides an authorization level for Part C of “such sums as may be necessary for 2004-2009, thus requiring reauthorization in five years. The House bill adds an authorization level for Part C of \$447,000,000 for FY'04 and such sums as may be necessary for 2005-2009, thus requiring reauthorization in five years. Neither the House nor the Senate bill includes permanent authorization of the Part C Program.

CEC Recommendation: CEC strongly recommends that language be added to permanently authorize the Part C program under IDEA with an authorization level of \$590 million for FY'05 and “such sums as may be necessary for each subsequent fiscal year.”

Part D Support Programs

Current law provides authorization levels of “such sums as may be necessary” for all programs under Part D. The House and Senate bills continue to authorize Part D programs at “such sums as may be necessary.” However, the House and Senate bills merge authority and move authority for some programs.

CEC Recommendation: CEC strongly recommends that the Congress and the Administration authorize \$1.02 billion for the Part D program for FY’05 to promote personnel preparation, research, and other national activities that will improve educational results for children and youth with disabilities. This amount reflects an investment in infrastructure, research and development derived from industry and is based on a proportion of the amount spent on the IDEA formula program. This includes the total of the Part B Grants to States, Section 619 and Part C allocations multiplied by a 7.5 percent index for infrastructure and R&D. Specifically, CEC calls on Congress and the Administration to enact legislation this year to guarantee the following appropriations levels for FY 2005:

<i>National Activities (Part D)</i>	<i>(in thousands of dollars)</i>
<i>(a) State improvement (Subpart 1).....</i>	<i>\$153,135</i>
<i>(b) Research and innovation (section 672).....</i>	<i>\$234,807</i>
<i>(c) Technical assistance and dissemination (section 685).....</i>	<i>\$158,240</i>
<i>(d) Personnel preparation (section 673).....</i>	<i>\$275,643</i>
<i>(e) Parent information centers (section 682-684).....</i>	<i>\$ 81,672</i>
<i>(f) Technology and media services (section 687).....</i>	<i>\$117,403</i>
<i>Total Part D appropriation.....</i>	<i>\$1,020,900</i>

2. Individualized Education Program (IEP)

Short-Term Objectives

The House bill deletes current requirements for benchmarks or short-term objectives at the beginning of the 2005-2006 school year, except in the case of children with disabilities who take alternate assessments aligned to alternate achievement standards. The Senate bill deletes the terms benchmarks and short-term objectives in the IEP.

CEC Recommendation: CEC supports the Senate recommendation that benchmarks and short-term objectives be deleted.

The IEP Team

Both the House and Senate bills contain provisions for excusing members of the IEP team from attending IEP meetings and disclaimers on the participation of general education teachers.

CEC Recommendation: CEC opposes all changes in the requirements related to IEP team members as they participate in the development, review and revision of IEPs. Such changes are contrary to the requirement related to access to and progress in the general curriculum. In addition, such provisions will increase paperwork.

Reporting Progress to Parents

Both House and Senate bills delete the phrase in current law “the extent to which that progress is sufficient to enable the child to achieve the goal by the end of the year” in the statement on regularly informing parents of their child’s progress. In addition, the Senate bill revises current language on reporting to parents stating that the IEP must include “a description” instead of a “statement” of how the student’s progress toward the annual goals will be measured, and “when periodic reports on the progress the child is making toward meeting the annual goals” (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

CEC Recommendation: CEC supports both changes as stated above.

Transition Age

The Senate bill revises transition in the IEP to require that transition factors be included not later than the first IEP to be in effect when the child is 14; and to include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and to include the transition services (including courses of study) needed by the child, including services to be provided by other agencies.

CEC Recommendation: CEC supports this change.

Multi-year IEP

The Senate bill adds extensive procedures for the development of a 3-year IEP which may be offered to a student with a disability who has reached the age of 18 and which is designed to serve the student during the student’s final 3-year transition period. The House bill adds extensive procedures for the development of a “multi-year” IEP at the option of the parent, including “streamlined” and “comprehensive” reviews at each of a child’s natural transition points.

CEC Recommendation: CEC supports the House concept of a “multi-year” IEP. However, CEC recommends that the Secretary establish a process for piloting development of a 3-year IEP. CEC appreciates the design offered in the Senate bill for a 3-year IEP for students who have reached the age of 18 and which focuses on the student’s transition period. However, CEC recommends that the Secretary be authorized to establish a process for piloting development of a 3-year IEP across the age-range of children and youth with disabilities.

3. Learning Disabilities

Eligibility

Both the House and the Senate bill add language that states LEAs, when determining whether a child has a specific learning disability, are not required to take into consideration whether the child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. In addition, the Senate bill adds a provision that allows LEAs, as part of Part B evaluation procedures, to use a process that

determines if a child responds to scientific, research-based intervention when determining whether a child has a specific learning disability. The House proposes adding a provision that allows LEAs to use a process that determines if a child responds to scientific, research-based intervention when determining whether a child has a specific learning disability.

CEC Recommendation: CEC recognizes that the use of the aptitude-achievement discrepancy model continues to be a controversial component in the identification of LD and shares those concerns. However, there are no research-based alternatives that have been sufficiently validated at this time. CEC recommends that the Secretary establish a priority through the Part D research authority and sufficient funds be allocated to validate psychometric, non-psychometric and “response-to-treatment” methods of identification. Particular attention should be given to the fidelity of the response-to-treatment method on a large scale and its impact on disproportional representation of children from culturally and linguistically diverse backgrounds.

In addition, CEC supports the early identification of children who need special education and related services. However, CEC is concerned that the proposed application of special education eligibility criteria including those for learning disability may unintentionally delay provision of special education and related services for children and youth who require such services. Therefore, CEC recommends provisions be included in the “prereferral services” process that ensures a child’s timely referral.

CEC recommends clarifying language in the ESEA of 1965 to ensure that effective “prereferral services” are in place in general education as an integral part of the total educational process to safeguard against inappropriate referral, unnecessary testing, and misclassification in special education. Such efforts should maximize the involvement of all family, school, and community resources to provide effective intervention strategies early to address students’ learning needs. These efforts should occur prior to referral to special education.

CEC recommends that LEAs be required to keep data on “prereferral services” and the burden for data collection be the responsibility of general education in order not to increase the paperwork burden on the special education system.

4. Highly Qualified/CSPD/Personnel Standards

Highly Qualified

The House proposes that the term “highly qualified” be defined in IDEA the same as it in No Child Left Behind (NCLB). The Senate bill aligns its definition with NCLB but further clarifies the term in relation to special education teachers.

Personnel Standards

Both the House and Senate bills delete the current standard for retraining or hiring of personnel who meet highest requirements in the state. The Senate bill adds a requirement that all personnel have the content knowledge and skills to serve children with disabilities. The House bill adds standard for ensuring that special education teachers who teach in core academic subjects are

highly qualified in those subjects. The Senate bill adds a standard for special education teachers that each special education teacher in the state shall be *highly qualified* not later than the end of the 2006-2007 school year.

CEC Recommendation: *Both House and Senate staff have indicated that provisions related to highly qualified and personnel standards will be considered during the IDEA conference. At this time, CEC does not support either House or Senate language. CEC continues to work with the education and disability community in crafting language related to highly qualified to prepare recommendations for the conference.*

Comprehensive System of Personnel Development (CSPD)

Both the House and Senate bills delete current requirements under CSPD.

CEC Recommendation: *CEC recommends retaining state requirements in Part B similar to the components of the Comprehensive System of Personnel Development that require states to create and implement state systems for comprehensive workforce planning, and that further guarantee the involvement of a wide base of stakeholders.*

5. Procedural Safeguards

Dispute Resolution

The House bill adds extensive procedures for the use of voluntary binding arbitration in lieu of a due process hearing. The Senate bill adds an “opportunity to resolve complaint” prior to an impartial due process hearing. Further, the House bill adds procedures for conducting a “resolution session” prior to a due process hearing.

CEC Recommendation: *CEC does not recommend the addition of any new processes for dispute resolution. Further, CEC does not recommend the addition of any federally required resolution session or procedures prior to the opportunity for an impartial due process hearing or mediation. These could deny or delay both parties right to a due process hearing. Furthermore, there is nothing in current statute that would prohibit an LEA from establishing informal procedures that would accomplish the same purpose as these meetings as long as they were consistent with mediation and due process hearing procedures.*

Procedural Safeguards Notice

The Senate bill clarifies that a parent shall be given a copy of their procedural safeguards only one time a year except that a copy shall also be provided: upon initial referral or parental request for evaluation; upon registration of a complaint; and upon request of a parent. The House revises the times when a parent must be given a copy of the procedural safeguards notice as follows: upon parental request for evaluation; annually, at the beginning of the school year; and upon written request of a parent.

CEC Recommendation: *CEC recommends that the notice be given to parents at initial referral, annual IEP, and upon parent request.*

Attorneys' Fees

The House bill revises the procedures for determining the amount of attorneys' fees by designating that the fee is set by the Governor or other appropriate state official. The Senate passed an amendment that 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 Senate language, 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 Senate language would essentially maintain the status quo in the majority of cases, except in circumstances described above. The Senate language does not cap attorney's fees allowed under IDEA.

CEC Recommendation: CEC supports the Senate language.

6. Discipline

Selected Provisions

Both the House and the Senate bills contain significant revisions to the current discipline provisions under IDEA. Some of these include: The House bill deletes provisions for conducting a "functional behavioral assessment" and developing a "behavioral intervention plan." The Senate retains functional behavioral assessment. Further, the Senate deletes the specific requirement to develop a "Behavioral Intervention Plan" but references receiving behavioral intervention services in accordance with the IEP. The House bill deletes references to manifestation determination. The Senate bill maintains these provisions but deletes two of the determining factors when conducting a review for "manifestation determination" that address a child's ability to understand the impact, consequences of the behavior, and control the behavior. Both bills modify provisions related to the 45 school day timeline as it relates to placement in an interim alternative educational setting.

CEC Recommendation: CEC supports the current IDEA discipline policy; however, CEC recommends further clarification of the current IDEA discipline policy and strategies for improved implementation. Further, CEC strongly supports the emphasis on positive behavioral supports, and placing the planning process for positive behavioral supports within the context of development of the Individualized Educational Plan (Sec. 614(d)(3)(B)(i)). This will ensure that positive behavioral supports are one part of the services that must be continued when students with disabilities are removed to an interim alternative educational placement.

7. Monitoring

Selected Provisions

The Senate bill adds language that the primary focus of Federal and State monitoring shall be on "improving educational results and functional outcomes for all children with disabilities, while ensuring compliance with program requirements, with particular emphasis on those requirements that are most likely related to improving educational results for children with disabilities." The

House bill adds new federal monitoring activities with a particular focus on improving educational results for all children with disabilities, while ensuring compliance with program requirements. In addition, both bills include required indicators that would be used to measure states' progress in improving outcomes for children and youth, but only the House bill mentions Part C indicators. Both bills also contain language supporting national technical assistance to states related to their data collection systems. In addition, both bills contain detailed language on enforcement mechanisms related to states' compliance with IDEA.

CEC Recommendation: *CEC supports the Federal monitoring focus on improving educational and functional results for children with disabilities including the provision of transition services while ensuring compliance with program requirements particularly those that are most likely related to improving those results. CEC notes that under current law and both the House and Senate IDEA proposals, States, local school districts and local Part C agencies continue to be accountable through the due process and administrative compliant systems for all requirements contained in the Part B and Part C regulations. In addition, given the importance of areas such as LRE, the general curriculum, behavior that impedes learning, secondary transition, etc., as addressed in the House bill, CEC recommends that indicators in these areas be a required part of the focused monitoring system in order to ensure accountability. CEC is opposed to the new provisions on compliance and enforcement which outlines Federal procedures to be used when states are found to be out of compliance. Further, CEC recommends that language consistent with Part C be included in the final IDEA language as referenced in the House bill. However, these Part C indicators should not be permissive but should be required.*

8. Data Collection

Selected revisions

Both the House and the Senate bills add additional required data elements. For example, the Senate bill adds data on percentages, gender and Limited English Proficiency (LEP). The House adds data on percentages, prereferral and alternative dispute resolution. In addition, both bills contain a new provision to collect and examine data to determine if significant disproportionality based on race is occurring in the State and LEAs with respect to the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

CEC Recommendation: *CEC supports the additional collection of information annually on “limited English proficiency” in the Senate bill and the addition of race and ethnicity with respect to disciplinary actions in the House and Senate bill. However, CEC is concerned that the amount of additionally required data collection, as included in both bills, will result in a significant paperwork burden which will divert necessary resources from the provision of services. CEC recommends careful consideration of the value to be gained in each of the new proposed data elements.*

9. Part C

Birth To Age Six Option

Both the House and the Senate bills contain provisions creating optional state policies and procedures to allow parents of children eligible for special education preschool services, who previously received services under Part C, to continue in Part C services until kindergarten.

CEC Recommendation: CEC supports Congressional efforts to create an optional state program that would allow parents of Part B eligible preschoolers, who had been served under the Part C program, to stay in Part C until kindergarten. However, CEC cannot, at this time, support either the proposed House or Senate bill language. Neither bill has a funding mechanism that provides any new money for this state option. CEC remains very concerned that current federal fiscal support for the Section 619 Preschool Program and the Part C Program falls far short of the amount necessary to assist states and localities to implement these programs. Without the addition of significant new federal funding, states are not in the position to take on any new initiatives.

Eligibility

The Senate bill adds minimum criteria to the definition of developmental delay, indicating that the State's definition of developmental delay must, "cover, at a minimum, all infants and toddlers with a developmental delay of 35 percent or more in 1 of the developmental areas described in section 632(5)(A)(i); or a developmental delay of 25 percent or more in 2 or more of the developmental areas described in section 632(5)(A)(i)"

CEC recommendation: While CEC remains concerned about the challenges states are facing with such limited resources, we know the value of intervening as early as possible in a child's life. Therefore, we support the inclusion of minimum criteria to the definition of developmental delay. We would ask that Report language strongly state that this is merely a minimum criterion and that the Congress is not suggesting that this is the optimum definition. CEC supports a National Academy of Sciences study to determine the appropriate eligibility for children under the age of five years.

Natural Environments

The Senate bill changes the language related to the natural environment component as follows: **(bolded language is the new language)**- "...To the maximum extent appropriate, early intervention services are provided in natural environments **unless a specific outcome cannot be met satisfactorily for the infant or toddler in a natural environment.**" However, (B) was deleted which in current law reads – "The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment." The House bill adds additional language to the natural environment component as follows: **(bolded language is the new language)**- "The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment **or in a setting that is most appropriate, as determined by the parent and the individualized family service plan team.**"

CEC Recommendation: CEC opposes the House change. CEC appreciates the new Senate language but is concerned the language may result in an unanticipated increase in the

provision of services outside natural environments. CEC is working with other organizations in the early childhood community to develop recommended conference language for this important requirement. In addition, CEC recommends that Sec. 635(a)(16)(B) be retained from current law.

Authorization

Neither the House nor the Senate bills include permanent authorization of Part C.

CEC Recommendation: CEC strongly recommends that language be added to permanently authorize the Part C program under IDEA.

10. Part D

State Program Improvement Grants

Both HR 1350 and S. 1248 would rename and refocus the purpose of this program on personnel related needs. In general, these proposals would continue to authorize competitive grants to State education agencies in partnership with other agencies to improve results for children with disabilities. These proposed grants would support activities that assist these agencies in reforming and improving their systems of professional development (and personnel preparation in S. 1248) in early intervention, educational and transition services. While the House and Senate bills share many of the same or similar provisions, there are several differences as well.

CEC Recommendation: In general, CEC supports the majority of provisions contained in the Senate bill, many of which are based on or similar to provisions in the House bill. In general, CEC favors the Senate proposals contained in Sec. 652 related to eligibility for grants and requirements for collaborative process. In general, CEC recommends revising language to include "...highly qualified teachers, related services personnel, and other highly qualified personnel..." in order to make explicit that State efforts must address the recruitment, retention and training needs associated not only with teachers but with related services personnel serving children with disabilities.

Research

Both the House and Senate bills propose significant changes in current law. HR 1350 would retain an authority to carry out research activities under IDEA, but would transfer the responsibility for administering these activities from the Office of Special Education Programs to the Institute of Education Sciences. It would establish a new administrative unit in the Institute to carry out the IDEA research authority, a National Center for Special Education Research, which would be headed by a Commissioner to be named by the Institute Director. In contrast, S. 1248 would eliminate the research authority in IDEA and, instead, would establish a new research authority concerned with the education of children with disabilities in a new Part E of the Education Sciences Reform Act of 2002 (ESRA). Like HR 1350, the Senate bill would transfer responsibility for administering this research to a new National Center for Special Education Research to be located in the Institute of Education Sciences and headed by a Commissioner to be named by the IES Director. Further, in Sec. 662, the Senate bill would amend IDEA to authorize the Secretary of Education to coordinate research carried out under Subpart 2 of IDEA with research carried out under Part E of the ESRA. The House bill but not

the Senate bill requires the Center for Special Education Research to include ‘field-initiated studies’ in the research it carries out.

CEC Recommendations: *After careful review, CEC recommends, in most cases, that the Senate proposal for this subpart be adopted by the conference. Throughout the last several years, CEC, along with many other associations, has attempted to ensure that authority for research activities remains within OSEP. CEC continues to believe this would serve the best interests of the field. CEC favors the proposals in S. 1248 over those in HR 1350 that would govern administrative responsibilities of the new National Center as well as activities to be conducted there. CEC recommends adoption of the House provision that directs the Center for Special Education Research to include support for field-initiated research within its research plan and funded activities.*

Technical Assistance and Dissemination

Both the House and Senate bills propose significant revisions in the Technical Assistance authority. In contrast to current law, which requires the Department of Education to support technical assistance and dissemination activities in specific areas of need in order to increase system capacity to improve outcomes and services to children with disabilities from birth through age 21, these bills would make most such activities permissive rather than required. Activities these bills would require focus on inappropriate behavior and prevention of serious emotional disturbance, improving assessment methods related to state and local testing, providing information to teachers on children’s different learning styles and disabilities, disseminating information on effective approaches for supporting children’s transitions, and demonstrating scientifically based findings to facilitate systematic changes in the provision of services. Both bills permit but would not require the Department to fund activities on a wider range of issues and problems in the development and education of children with disabilities. Of particular concern, especially in the House bill, is the almost exclusive emphasis placed on improving accountability and student academic achievement as measured by state and district testing and the relatively limited attention given to developmental, social, transition, and other outcomes of critical importance in the education of children and youth with disabilities.

CEC Recommendation: *CEC appreciates the efforts in both the House and Senate to place increased emphasis in IDEA on effort to improve the academic achievement of children with disabilities. However, we are concerned that system capacity to provide information and technical assistance which has been developed and supported by IDEA historically in such areas as early intervention and early childhood special education, and the education of children with low incidence disabilities and other special populations, may be in jeopardy. In general, CEC favors the proposed revisions contained in the Senate bill over those in the House bill, especially those that place priority on system level and interagency coordination and accountability for serving children with disabilities, and on functional, social, transitional and developmental outcomes. CEC recommends the conference include among the required activities TA and dissemination activities that address needs related to early intervention and early childhood special education for infants, toddlers and preschool age children with disabilities.*

Personnel Preparation

Both the House and Senate bills retain the general authority to support personnel preparation activities to improve early intervention, educational, and transitional results for children with disabilities. In addition, both bills retain current authorities to support personnel preparation for individuals who will serve children with low-incidence disabilities and for those preparing for leadership positions in schools, colleges and universities, and other settings concerned with the education of children with disabilities. However, both bills eliminate the specific provisions to support (1) preservice preparation for individuals who will work with children who have High-Incidence Disabilities, and (2) Projects of National Significance that fund activities, such as model development, evaluation and dissemination in personnel preparation, that will have broad applicability. The Senate bill creates two new authorities. One would support personnel preparation activities to provide enhanced support and training for beginning special educators, and the other to support general educator professional development. Finally, both bills retain the provision in current law for a Service Obligation, which requires students who receive financial assistance from personnel preparation grants to work in the field for a period of time after completing their training programs. The Senate but not the House bill changes the length of the service obligation from two years (in current law) to one year of service for each year an individual receives IDEA support.

CEC Recommendations: CEC recommends restoration of the specific authorities for preparing personnel to work with children who have High Incidence Disabilities and for Projects of National Significance. CEC is very concerned that important investments in these areas, the first targeted on the vast majority of children with disabilities and the second, which supports improvements in approaches to preparing personnel, may not be continued without the special authority. CEC endorses the Senate proposal to authorize support for beginning special educators because of its potential to improve the skills and competence of personnel in their initial years of service, and to help to retain new personnel in the field for longer periods of time through programs of mentoring and other supports. CEC agrees that there is a critical need for general educators to be better prepared to meet the needs of children with disabilities who they serve. However, with funding limited for personnel preparation under IDEA, CEC cannot endorse diverting significant funds from the training of early intervention, special education and related services personnel to training regular education personnel. CEC recommends that a limit be placed on the amount of personnel preparation funds that can be used to implement grants for general education personnel. We recommend that no more than 10% of funds appropriated for personnel preparation activities, or up to 25% of any funds appropriated above \$100 million, be spent for general educator professional development activities. Finally, CEC strongly endorses the Senate proposal to reduce the length of the service obligation from two years to one year of work for every year a student receives scholarship support. This change will align the length of the IDEA service obligation with the service obligation requirements in the federal Indian Education, English language acquisition, and Teacher Quality Enhancement professional development programs which all carry a one to one obligation.

Studies and Evaluations

Both the House and Senate bills continue the Studies and Evaluations program, retaining most of the current authority and expanding the topics to be addressed in the National Assessment and

the content of the Annual Report to Congress. The Senate bill, but not the House bill, would require that a new national study or studies be undertaken on ensuring accountability for students with significant disabilities. Of special significance in both bills is the proposal that the Secretary of Education delegate the authority for carrying out some (Senate bill) or all (House bill) activities under this section to Director of the Institute of Education Sciences. However, neither bill requires substantive collaboration between IES and OSEP in the conduct of national studies or evaluations of IDEA implementation.

CEC Recommendations: *In general, CEC is opposed to moving the responsibility for administering this authority from OSEP and to the IES because the studies and evaluation activities are directly related to efforts to improve implementation of Parts B and C of IDEA. However, given agreement of the two bills for this move in administrative responsibility, CEC strongly favors the Senate's proposals, and recommends that the authority be delegated to the proposed National Center for Special Education Research within IES, rather than to the IES Director, so that it can serve as a central administrative unit for work related to IDEA. As appropriate, other IES units can be involved in carrying out evaluation activities, but under the authority of the National Center and its Commissioner. CEC strongly recommends that a provision be added to the final bill requiring the Secretary to ensure there is substantive involvement of the Office of Special Education Programs in identifying needs for information and in planning for the studies and evaluations to be carried out under this section.*

Accessibility of Instructional Materials

The Senate bill proposes that the Secretary develop a technical Instructional Materials Accessibility Standard to be used by publishers for the preparation of electronic files for States under proposed Sec. 612(a)(22) in the education of blind and other persons with print disabilities in elementary and secondary school instruction. This section also proposes establishment of a National Instructional Materials Access Center to coordinate the acquisition and distribution of print instructional materials prepared under the new standard and facilitate the timely delivery of such materials to states. No similar provisions are contained in the House bill.

CEC Recommendation: *CEC endorses the Senate proposal as an important means of addressing the instructional material needs of children who are blind or who have other disabilities.*

The reader should note that this is only a selected list of proposed changes to IDEA.

Further information can also be obtained from Deborah Ziegler, Associate Executive Director for Policy and Communication Services at debz@cec.sped.org; 1-800-224-6830 ext. 406 or Dan Blair, Senior Director for Public Policy at danb@cec.sped.org; 1-800-224-6830 ext. 403.

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