

# CEC Congressional Recess Packet

*August 2013*



Special/gifted educators dedicated to improving educational opportunities for children and youth with disabilities and/or gifts and talents.

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August 5, 2013

Dear CEC Member,

This week kicks off Congress' August recess which runs until September 9<sup>th</sup>. During this time, your Representative and Senators will be at home meeting with constituents, making this an excellent opportunity to personally share information about special/gifted education with your elected officials!

Over the last few months, Congress has been debating key issues impacting children and youth with exceptionalities and the professionals who work on their behalf. CEC's Public Policy Agenda, which can be found on page 2, outlines our legislative priorities. While all of these issues are critical, during the August recess CEC is focusing on two issues: increasing education funding levels for next year and rewriting the Elementary and Secondary Education Act (No Child Left Behind).

Our message is simple:

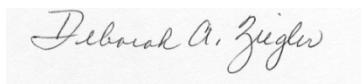
- ✓ An increased federal investment in special and gifted education funding is critical to supporting positive educational outcomes for children and youth with exceptionalities; sequestration endangers student success.
- ✓ The Elementary and Secondary Education Act must support high expectations and accountability for students with disabilities; and must reinforce collaboration between special and general education.

First, as you know, sequestration cut over \$2 billion from the U.S. Department of Education including over \$600 million from special education programs. With many news outlets reporting that the impact of sequestration has been overblown, we urge you to share with your elected officials the importance of investing in special/gifted education; and the impact budget cuts have on children, their families, and educators. Read *CEC's Issue Brief Investing in Children and Youth with Disabilities and/or Gifts and Talents* for specific recommendations for members of Congress, on page 4.

Second, this summer both the House of Representatives and Senate took steps to rewrite ESEA. In July, you may have seen CEC's Action Alert in opposition to the Student Success Act (HR 5), the House version of ESEA reauthorization which CEC and many in the disability and education communities opposed due to major accountability loopholes for students with disabilities, among other issues. Read *CEC's Issue Brief: ESEA Reauthorization: Addressing the Needs of Students with Exceptionalities*, on page 7.

**When Congress returns to Washington, DC in September we expect that they will consider education funding levels and ESEA reauthorization. The time to speak to your members of Congress is NOW!**

Join CEC in making children with exceptionalities a Federal priority!



Deborah Ziegler, Ed.D  
Associate Executive Director, Policy & Advocacy



Kim Hymes  
Senior Director, Policy & Advocacy



The Council for Exceptional Children is an international community of educators who are the voice and vision of special and gifted education. Our mission is to improve the education and quality of life for children and youth with exceptionalities and their families through professional excellence and advocacy.

CEC represents over 30,000 professionals who work on behalf of children and youth with exceptionalities, is the national voice for special educators and children and youth with disabilities and/or gifts and talents. CEC members serve on the frontline, educating children and youth today for integral participation in the workforce and society tomorrow.

As a national leader in special and gifted education policy, CEC – in close collaboration with its Children and Youth Action Network (CAN) – has created its Public Policy Agenda for the 113th United States Congress. At a time when numerous policy challenges and opportunities are confronting special and gifted education, CEC stands ready to collaborate with policymakers to craft solutions that will positively impact children and youth with exceptionalities and the professionals who work on their behalf.

CEC's advocacy priorities emerge from one essential conviction: every child deserves access to a challenging, motivating, and rigorous education. A high quality education requires superior leadership, full financial support, effective instruction, skilled staff, appropriate programs, suitable facilities, and family and community involvement.

CEC is committed to ensuring that the voice of special education is heard in public policy forums in which decisions are made or influenced. While there are many areas of concern to CEC members, CEC's U.S Public Policy Agenda represents priority issues and is not intended to be an exclusive list, but rather to serve as a blueprint for the Council's policy and advocacy work.

***HIGH PRIORITY: Identified as needing immediate federal legislative or regulatory attention by CEC members.***

**Advocate for federal policies that recognize and support the unique role of special educators as integral to achieving positive academic, developmental, and functional outcomes for children and youth with disabilities** by strengthening the rigor of preparation, induction, and mentoring programs; improving working conditions; increasing job -embedded professional development; and other strategies that address the recruitment and retention of well-prepared, special educators through the reauthorization and implementation of laws such as the Elementary and Secondary Education Act/No Child Left Behind, including the ESEA state waivers; the Higher Education Opportunity Act; and the Individuals with Disabilities Education Act.

**Advocate for federal policies that will spur stronger collaboration and coordination between special and general education** through the reauthorization and implementation of laws such as the Elementary and Secondary Education Act/No Child Left Behind, including the ESEA state waivers; the Higher Education Opportunity Act; and the Individuals with Disabilities Education Act.

**Advocate for federal policies that fully fund special and general education, early intervention and special/gifted education research and development programs**, through mandatory full funding for the Individuals with Disabilities Education Act (IDEA) Part B Grants to States Program; full funding of the IDEA Part C Infants and Toddlers with Disabilities Program, IDEA Part B Section 619 Preschool Program, IDEA Part D Support Programs; full funding of the Elementary and Secondary Education Act/ No Child Left Behind; and substantial increases for research in special education and the Jacob K. Javits Gifted and Talented Students Education Act.

**Advocate for federal policies that promote the expansion of research opportunities in special education and bridge the research-to-practice gap** through the reauthorization of the Education Sciences Reform Act and by strengthening the

National Center on Special Education Research and better integrating special education into all education research initiatives.

**Advocate for federal policies that ensure a free appropriate public education for children and youth with disabilities and comprehensive early intervention services for infants and toddlers with disabilities** through the reauthorization, regulatory provisions and continued full implementation of the Individuals with Disabilities Education Act and by addressing issues such as ensuring access to the general education curriculum; developing a well prepared, diverse special education workforce; reducing paperwork burden; least restrictive environment; identification and eligibility procedures; disproportionality; mental health; transition initiatives; family involvement; procedural safeguards; monitoring and enforcement; and reexamining maintenance of effort requirements.

**Advocate for federal policies that result in the development and implementation of evidence-based, best practices for children and youth with disabilities and/or gifts and talents**, including school-wide initiatives such as Response to Intervention (RTI), Universal Design for Learning (UDL), and Positive Behavioral Interventions and Supports (PBIS) and policies that reduce restraint and seclusion practices and support and promote positive school climates.

**Advocate for federal policies that support accountability and assessment systems that better address the needs of students with disabilities and/or gifts and talents** through assessment systems that are designed to address diverse learners using multiple indicators of student performance; and accountability systems that measure student growth over time through the reauthorization of the Elementary and Secondary Education Act/No Child Left Behind.

**Advocate for federal policies that ensure the meaningful participation of children and youth with disabilities and the professionals who work on their behalf in school reform initiatives**, such as charter schools, performance-based compensation systems, and high school reform through the reauthorization and implementation of laws such as the Elementary and Secondary Education Act/No Child Left Behind, including the ESEA state waivers; the Higher Education Opportunity Act; and the Individuals with Disabilities Education Act.

**Advocate for federal policies that address the unique educational needs of students with gifts and talents** by increasing the federal role to support states in building the capacity to equitably and appropriately identify and serve students with gifts and talents by advocating for provisions in relevant legislation and policies, including in the Elementary and Secondary Education Act /No Child Left Behind, Individuals with Disabilities Education Act, appropriations legislation and other pertinent legislation.

**Advocate for international policies that reaffirm the human rights of persons with disabilities** through ratification of the UN Convention on the Rights of Persons with Disabilities by the United States.

***PRIORITY: Identified as needing increasing federal legislative or regulatory attention by CEC members and will be acted on in concert with the legislative calendar.***

**Advocate for federal policies that improve transition systems between school and work for youth with disabilities** through the reauthorization of the Workforce Investment Act addressing issues such as enhancing community outreach and professional development, creating of and funding for research priorities designed to address individuals with disabilities and clarifying and restructuring WIA's performance measures to incentivize providers to work with individuals with disabilities.

**Advocate for federal policies that supports career and technical education** through the reauthorization and implementation of the Perkins Career and Technical Education Act.

***MONITOR: Identified as relevant by CEC members and will be acted on only when specific opportunities arise or conditions change members' needs and priorities.***

**Monitor policies** impacting students with disabilities and/or gifts and talents, such as the implementation of college and career ready standards.

**Advocate for other legislation/policy opportunities** as they arise through a variety of legislative vehicles.

## Investing in Children and Youth with Disabilities and/or Gifts & Talents

### CONGRESSIONAL ACTION NEEDED

CEC urges Congress to increase the investment in programs that support the academic and developmental outcomes for America's over 10 million children and youth with disabilities and/or gifts and talents through fully funding programs authorized by the Individuals with Disabilities Education Act (IDEA); special education research; and the Javits Gifted and Talented Students Education Act:

- IDEA Grants to States for School Aged Students: **\$13.644 Billion**  
*This funding provides grants to every state to help provide special education supports to six million students with disabilities.*
- IDEA Grants to States for Preschool Children with Disabilities: **\$1.102 Billion**  
*This funding provides grants to every state to help provide special education supports to over 700,000 preschool children with disabilities.*
- IDEA Grants to States for Infants and Toddlers with Disabilities: **\$984.427 Million**  
*This funding provides grants to every state to help provide early intervention services to over 340,000 infants and toddlers with disabilities and their families.*
- IDEA Support Programs: **\$979.264 Million**  
*This funding provides grants to support the delivery of special education services, such as professional development, technical assistance, and parent information and resource centers.*
- National Center for Special Education Research: **\$200.572 Million**  
*This funding provides for research that supports the development of evidence-based best practices that contribute to improved outcomes for children and youth with disabilities.*
- Jacob K. Javits Gifted and Talented Students Education Act: **\$20 Million**  
*This funding supports research and development of best practices to identify and serve students with gifts and talents, with a focus on students from low income or minority backgrounds, students with disabilities.*

### CEC RECOMMENDATIONS IN DETAIL

#### **IDEA Part B: Grants to States for School Aged Students**

- CEC Recommendation: **\$13.644 Billion**

The requirement for full funding for IDEA originates from *The Education for All Handicapped Children Act* (P.L. 94-142), signed into law in 1975, which authorized the federal government to pay 40 percent of each state's "excess cost" of educating children with disabilities. That amount – commonly referred to as the "IDEA full funding" amount – is calculated by taking 40 percent of the national average per pupil expenditure (APPE) multiplied by the number of children with disabilities served under IDEA in each state.

To ensure implementing IDEA was not burdensome for states and local entities and to assure that full funding was reached in a fiscally responsible manner, Congress adopted a full funding formula that phased-in funding increases for IDEA Part B over a period of 5 years -- intending to reach full funding by fiscal year 1981. During the phase-in

time, Congress expected local communities and states to provide the balance of funding. Over the years, however, while the law itself continues to work and children with disabilities are being educated and served, the intended federal/state/local cost-sharing partnership has not been realized because Congress never fulfilled its financial obligation.

**This year, the President has again requested level funding. If that is enacted IDEA will drop to 14.9% of full funding – not including the impact of sequestration, which drops to around 11%.** As a result, states and local communities will have to pay an ever higher proportion of the special education costs.

For states and local communities, maintaining this commitment, especially in the face of the current fiscal crisis, has become very difficult. Especially, as costs for providing special education have risen and it is now commonly asserted that the actual cost of educating a student with a disability is more than twice the national average per pupil amount.

To help address this problem, CEC, as a founding member of the *IDEA Guaranteed Full Funding Campaign*, has advocated that funding for IDEA Part B be moved from the discretionary budget – which is subject to the annual appropriations process – into mandatory spending which would guarantee increased federal funding.

#### ***IDEA Part B Section 619: Grants to States for Preschool Programs***

- **CEC Recommendation: \$1.102 Billion**

The IDEA Preschool Grant Program assists states in ensuring that all preschool-aged children with disabilities receive special education and related services. In 1986, only half of the states ensured services to preschoolers with disabilities. Since 1987, when this program expanded, the number of children served has increased from 265,000 to over 700,000 in 2011. Despite this 60% growth, federal funding has only increased by 25%, without taking into account inflation, resulting in cuts to services and increasing local taxes.

#### ***IDEA Part C: Grants to States for Infants and Toddlers With Disabilities Program***

- **CEC Recommendation: \$984.427 Million**

The IDEA Infants and Toddlers With Disabilities Program provides grants to states to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services to over 340,000 infants and toddlers with disabilities, and their families. Due to increasing financial pressures and a lack of federal commitment, over the last decade, 20% of states have narrowed their eligibility criteria and 75% have enacted systems that charge families for services.

#### ***IDEA Part D: Support Programs***

- **CEC Recommendation: \$979.264 Million**

The IDEA Part D Support Programs provide the critical infrastructure, training, research, and development functions necessary to drive improvements in all aspects of special education/early intervention practice. These competitive grant programs provide professional development, technical assistance, and dissemination of knowledge about promising practices for children and youth with disabilities. They have also created several promising practices which research has proven work for all children in schools. These include positive behavioral supports and response to intervention. Yet, while these programs serve a critical function in the delivery of special



education services, the total investment in them in recent years has been a paltry 1% of the entire IDEA federal funding budget. Notably, they did not receive any ARRA monies and they don't reflect similar levels of investment in research in other professions. Indeed, this 1% figure is way below the industry standard for research and development (R&D), which – in business settings - is typically 10 percent.

### ***Restore and Increase funding for Special Education and Early Intervention Research***

- **CEC Recommendation : \$200.572 Million**

The National Center for Special Education Research (NCSEER), one of four research centers within the Institute for Education Sciences, the research arm of the U.S. Department of Education, received a 30% -- \$20 million – funding cut in FY 2011. As a result, NCSEER has reduced the amount of new special education research initiatives by 70%. Continuing to fund NCSEER at its current level of \$49.9 million will deprive students with disabilities from the benefit of receiving evidence-based instructional strategies and interventions. In FY 2012, the Senate recommended increasing funding for NCSEER to \$59.9 million but because Congress never passed a 2012 budget, this increase was never realized. The President's FY 2014 request also proposes an increase to \$59.9 million, a step in the right direction.

### ***Restore and Increase Funding for the Jacob K. Javits Gifted and Talented Students Education Act***

- **CEC Recommendation: \$20 Million**

In FY 2011, Congress and the Administration eliminated all funding for the Javits program, the only federal initiative focused on addressing the needs of high-ability students from disadvantaged backgrounds. At a minimum, Congress should restore the funding for this program at its FY2010 level of \$7.5 million but to truly reflect the needs of the field, CEC urges Congress to increasing the appropriation to \$20 million. For over twenty years, the Javits Act, supported the National Research Center on the Gifted and Talented, as well as demonstration grants throughout the nation, which helped develop and scale up best practices. Additionally, the Act allows for capacity building grants at the state level to support the infrastructure needed to provide gifted education, which have been unavailable due to lack of funding.

### **A SPECIAL NOTE ABOUT SEQUESTRATION**

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Sequestration cut over \$600 million from all special education/early intervention IDEA programs. As a result, it is becoming increasingly difficult to ensure that children and youth with disabilities are able to access the services and supports the need to thrive academically and developmentally. When the federal government cuts funding for special education services, states and local school districts bear a greater share of the cost to fulfill IDEA's requirements, thereby constricting other areas of the education budget. CEC urges Congress to reject continuing sequestration and the draconian funding cuts it mandates and instead invest in IDEA's programs that benefit over 6 million children and youth with disabilities.



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Reauthorization of Elementary & Secondary Education Act/  
No Child Left Behind: Addressing the Needs of Students with Exceptionalities

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## CONGRESSIONAL ACTION NEEDED

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As Congress reauthorizes the Elementary and Secondary Education Act/No Child Left Behind (ESEA/NCLB), CEC supports provisions that foster high quality teaching and learning, equality of educational opportunity to learn, and improved achievement for children with disabilities and/or gifts and talents through:

- Supporting a well prepared successful educational workforce;
- Meaningful systems that encourage collaborative and supportive measurement, evaluation and reward of professional performance;
- Strengthening assessment and accountability for all children;
- Meeting the unique needs of gifted learners;
- Improving outcomes for all children through the collaboration of all educators;
- Developing improved strategies that create positive school reform;
- Providing full funding to execute the goals and provisions of ESEA; and
- Systems that are carefully coordinated and balanced between ESEA and IDEA.

For the past 30 years, children with disabilities, their families, and the professionals who work on their behalf have revolutionized the educational and workplace opportunities available to America's 6 million children and youth with disabilities, through the implementation of Individuals with Disabilities Education Act (IDEA). Now, most students with disabilities spend the majority of their school day in the general education classroom, learning alongside their non-disabled peers. Reauthorization of ESEA/NCLB is an opportunity to ensure that federal education policies foster the academic and developmental growth of students with disabilities and/or gifts and talents.

## RECENT ACTION TAKEN BY CONGRESS & THE ADMINISTRATION

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In June 2013, both education committees in the U.S. Senate and U.S. House of Representatives passed bills to reauthorize the Elementary and Secondary Education Act, neither of which CEC fully endorsed.

CEC supported numerous provisions in the *Strengthening America's Schools Act of 2013*, passed by the Senate Health, Education, Labor, Pensions (HELP) Committee, such as:

- Increased inclusion and protection of students with disabilities throughout the legislation;
- Transparent reporting of academic achievement of students with disabilities in accountability systems;
- Assessments that appropriately include all students and limiting the use of alternate assessments to 1% of students with the most significant cognitive disabilities;
- Alignment with IDEA provide early intervening services to struggling students using Title I resources;
- Increased attention to equitable distribution of teachers;
- Increased focus on gifted and talented education and research;
- Inclusion of the LEARN Act, emphasis on evidence-based interventions, student non-discrimination provisions, school discipline provisions, emphasis on early childhood, and school climate.

Unfortunately, the *Strengthening America's Schools Act of 2013* also included provisions of concern to CEC including an overemphasis on teacher evaluation systems which CEC believes should be locally designed; reinforcing the use of overly prescriptive turnaround models that mandate staff firings which CEC believes would further exacerbate the shortage of special educators; and the allowance of individuals who have not completed an

# ISSUE BRIEF

alternate route to certification program to be deemed *highly qualified*, a designation CEC believes should be reserved for individuals who have completed their preparation program, among other qualifications.

Additionally, CEC had significant concerns regarding the *Students Success Act* (H.R. 5) passed by the House Education and the Workforce Committee. Specifically, CEC opposed provisions which:

- Weaken accountability systems for students with disabilities;
- Mandate overly prescriptive teacher evaluation systems;
- Eliminate highly qualified provisions which establish a minimum bar to entry to the teaching profession;
- Establish funding levels for all programs that keep sequestration in place;
- Increase use of public funding for private schools, such as through voucher programs;
- Deemphasize investment and role of professional development;
- Fail to include the Keeping Students Safe Act, legislation that addresses the use of restraint and seclusion;
- Neglect the needs of students with gifts and talents.
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While CEC opposes much of H.R. 5, there were provisions which CEC supported such as the elimination of Adequate Yearly Progress and the continued focus on disaggregating student achievement data to allow the public to know how students with disabilities are performing.

CEC encourages Congress to move forward through the legislative process as ESEA is long overdue for reauthorization. As a result of Congress's delay in reauthorizing ESEA, the U.S. Department of Education has issued thirty-seven states and the District of Columbia waivers to states to provide relief from some of NCLB's most stringent requirements such as: waiving the 2014 AYP proficiency timeline; waiving portions of the highly qualified teacher plans; allows for flexibility implementing school improvement requirements and allows for transferring funds between some federal programs. In exchange for this flexibility, states must adopt college and career ready standards; guidelines for new teacher and principal evaluation systems; and differentiated accountability systems. Additionally, states will must identify *Priority Schools* which are the lowest 5% of all Title I schools and *Focus Schools* which are the next lowest 10% of all Title I schools. Waiver applications are currently under review in eight states.

The ESEA waivers represent a band-aid approach to addressing the challenges that have arisen from NCLB. CEC is closely monitoring key waiver provisions impacting students with disabilities such as the impact of creating "super subgroups", differentiated achievement targets for subgroups, and creation of teacher evaluation systems that include student achievement data. Overhauling ESEA/NCLB – rather than a piecemeal approach – is critical to better preparing all students for a lifetime of success.

# 4 Step Action Plan

## *Tips to Keep Informed & Become an Effective Advocate*

Ready to reach out to your Congressional delegation? Here's a quick checklist and some additional tools to help you in having a great meeting with your members of Congress!

### □ **Get the Basics**

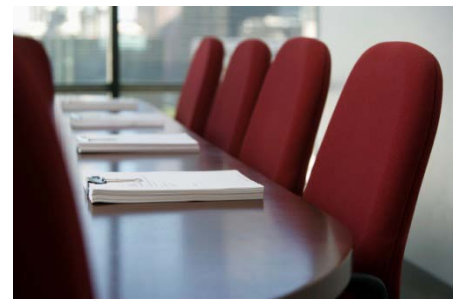
*CEC resources to keep you up-to-date about special/gifted education advocacy throughout the year.*

- ✓ Visit CEC's website for a wealth of special/gifted education policy information:  
<http://www.cec.sped.org/Policy-and-Advocacy>
- ✓ Read CEC's Policy Insider Blog or subscribe to the weekly digest: [www.policyinsider.org](http://www.policyinsider.org)
- ✓ Check out CEC's Legislative Action Center to email or learn more about your elected officials:  
<http://capwiz.com/cek/home/>
- ✓ Follow the CEC Policy Team on Twitter @CECAdvocacy

### □ **Schedule a Meeting with Your Congressional Delegation**

*Practical tips to help you in setting up and carrying out your meeting.*

- ✓ CEC's Legislative Action Center provides you with contact information for your entire Congressional delegation, all you need is your zip code! Visit:  
<http://capwiz.com/cek/dbq/officials/>
- ✓ Read [CEC's Tips for Organizing a Successful Advocacy Visit](#) before you go!



### □ **What to Talk About**

*A unified message is critical: focus on ESEA reauthorization and/or education funding. But most importantly, share a personal story about a child/family with whom you have worked!*

- ✓ Use CEC's Issue Briefs for talking points and background (see previous pages)
- ✓ Always share a personal story about a child/family with whom you have worked.
- ✓ More information on Special/Gifted Education Funding: <http://www.cec.sped.org/Policy-and-Advocacy/Current-Sped-Gifted-Issues/Funding>
- ✓ More information on ESEA <http://www.cec.sped.org/Policy-and-Advocacy/Current-Sped-Gifted-Issues/Elementary-and-Secondary-Education-Act>
- ✓ Never hesitate to contact CEC's Policy Team with questions!

### □ **Follow Up**

*Relationships, relationships, relationships! Continue to build your relationship by communicating regularly about relevant topics.*

- ✓ Send a "thank you" email after the meeting to and reiterate your requests.
- ✓ Continue to communicate with the staff person you met with via email and phone calls. Share policy developments and relevant news from your hometown.

Share feedback with CEC's Policy Staff! Email: [kimh@cec.sped.org](mailto:kimh@cec.sped.org)



Thank You for All You Do on Behalf of Children and  
Youth with Exceptionalities and their Families



### CEC Policy Contacts

Deborah Ziegler, Ed.D  
Associate Executive Director, Policy & Advocacy  
[debz@cec.sped.org](mailto:debz@cec.sped.org)  
(703)264-9406

Kim Hymes  
Senior Director, Policy & Advocacy  
[kimh@cec.sped.org](mailto:kimh@cec.sped.org)  
(703) 264-9441

<http://www.cec.sped.org/>