# TABLE OF CONTENTS

CEC Introduction..............................................................................................................................................5  
CEC Public Policy Convention Sessions............................................................................................................7  
CEC’s Policy Victories at a Glance..........................................................................................................................9  
CEC’s Public Policy Agenda 2011-2013................................................................................................................11  

**POSITIONS & POLICIES**  
CEC’s Position on Response to Intervention....................................................................................................13  
CEC’s Policy on the Appropriate Use of Restraint & Seclusion....................................................................15  
CEC’s Policy on Children with Exceptionalities in Charter Schools..............................................................19  
CEC’s Position on Vouchers................................................................................................................................21  

**LEGISLATIVE ISSUE BRIEFS & LEGISLATIVE ACTION CENTER LETTERS**  
Reauthorization of the Elementary and Secondary Education Act/No Child Left Behind........................................23  
CEC’s Legislative Action Center Letter: Urge Congress to Ensure Proper Inclusion of Students with Disabilities and/or Gifts and Talents in ESEA Reauthorization..................................................................................25  
CEC: Leading the Charge for IDEA Full Funding............................................................................................27  
CEC’s Budget Chart...........................................................................................................................................29  
CEC’s Legislative Action Center Letter: Urge Your Senators to Support IDEA Full Funding............................31  
Special Education Research Funding..................................................................................................................33  
CEC’s Legislative Action Center Letter: Urge Your Members of Congress to Increase Funding for Special Education Research........................................................................................................35  
Appropriate Use of Restraint & Seclusion...........................................................................................................37  
Vouchers...............................................................................................................................................................41  
Workforce Investment Reauthorization Act.........................................................................................................43  
Improving Special Education in Charter Schools.............................................................................................47  
Expanding the Federal Role in Gifted Education.................................................................................................49  
The TALENT Act (H.R. 1674/S. 857)..................................................................................................................51  
CEC’s Legislative Action Center Letter: Urge Your Senators to Co-Sponsor the TALENT Act CEC Endorsed Legislation Charts New Course for Gifted, High-Ability Students........................................................................53  

**CEC POLICY RESOURCES**  
CEC’s Policy Insider..........................................................................................................................................55  
CEC’s Legislative Action Center............................................................................................................................57  
CEC’s Congressional Liaison Program..................................................................................................................59  
CEC SmartBrief.....................................................................................................................................................61  
CEC Policy Team Contact Information................................................................................................................63
The Council for Exceptional Children (CEC) works to improve the educational success of children with disabilities and/or gifts and talents and supports the professionals who work on their behalf.

CEC Ensures Education Legislation and Policy Support All Children
CEC’s vision that all children and youth, particularly those with special needs, receive a high quality education is reflected in its critical legislative work. As an advocate for special education, CEC makes sure the needs of children with exceptionalities, and those of special educators, are heard—and heeded—at the local, state/provincial, and federal level. Among others, CEC’s legislative initiatives include:

Individuals with Disabilities Education Act (IDEA)
One of CEC’s milestones was the passage of Public Law 94-142, now known as IDEA, which established the right to a free, appropriate public education for children with disabilities. Recently, CEC worked to ensure IDEA includes provisions to:

- Improve academic results
- Reduce special education paperwork
- Decrease special education litigation
- Increase special education funding
- Reduce the misidentification of students from diverse cultures for special education

No Child Left Behind Act (NCLB)
CEC’s advocacy has ensured NCLB takes into account the needs and abilities of children with exceptionalities. CEC has advocated that:

- Children with disabilities are fairly and appropriately assessed
- Special education teachers are well-prepared
- Special education teachers should be able to straightforwardly demonstrate their knowledge of core content
- Children with gifts and talents are included in NCLB provisions
- Low performing schools receive assistance
- NCLB be fully funded

An equally important facet of CEC’s work is enhancing educational services for students with gifts and talents. CEC is a staunch supporter of the Javits Gifted Program and funding for gifted programs.

CEC Gives Special Educators the Tools to Help Their Students Succeed
An essential element in CEC’s vision for special education is having well-prepared special education teachers working with all students with special needs. To achieve that goal, CEC provides special educators with the latest information on effective instructional strategies through professional development, publications, and journals. Some of CEC’s most popular programs and services are:

- Cutting-edge information through CEC’s member publications—TEACHING Exceptional Children (award-winning, practice-based journal), Exceptional Children (research journal), and CEC Today (electronic newsletter)
- CEC SmartBrief—CEC’s electronic news service providing critical information about special education three times each week
- CEC Annual Convention & Expo—the world’s leading special education conference
- Resources, products, and instructional strategies educators can use in their classrooms
- Networking—Electronic and face-to-face opportunities that help special educators collaborate and implement effective teaching practices
CEC Advances the Special Education Profession
CEC’s respected and vital voice has been instrumental in improving special education practice. Our initiatives include:

**Professional Standards for Special Education**
CEC developed the first certification standards for new special educators and the advanced role content standards for experienced special educators. These standards represent a vital step toward developing consistent quality in special education and provide the groundwork for reciprocal certification from state to state. CEC has also spearheaded the:

- Development of innovative and model policies for special education practice
- Campaign to improve special education teaching
- National accreditation of university special education programs

**New Developments in Special Education**
CEC provides guidance on new developments affecting special education practice. CEC is the leading authority on current initiatives affecting the field, such as:

- Response to Intervention
- Evidence-based practice
- Effective assessment of students with exceptionalities

**CEC Promotes International Special Education Services**
CEC has developed relationships with special educators throughout the world. In addition to CEC’s International Outreach Program, CEC has joined the Open Society Institute to include children with disabilities in Step by Step Programs. Step by Step promotes equal access to quality education for children from birth through age 10 in 29 countries.

**CEC’s 17 Special Interest Divisions**
CEC’s 17 special interest divisions focus on particular aspects of special education. Each division publishes journals and newsletters, sponsors conferences and other professional development activities, facilitates political action on issues that affect special education practice, and provides networking opportunities. CEC’s divisions are:

- Council of Administrators of Special Education (CASE)
- Council for Children with Behavioral Disorders (CCBD)
- Division for Research (CEC-DR)
- CEC Pioneers Division (CEC-PD)
- Council for Educational Diagnostic Services (CEDS)
- Division for Communicative Disabilities and Deafness (DCDD)
- Division on Career Development and Transition (DCDT)
- Division on Developmental Disabilities (DDD)
- Division for Culturally and Linguistically Diverse Exceptional Learners (DDEL)
- Division for Early Childhood (DEEL)
- Division of International Special Education and Services (DISES)
- Division for Learning Disabilities (DLD)
- Division for Physical and Health Disabilities (DPHD)
- Division on Visual Impairments (DVI)
- The Association for the Gifted (TAG)
- Technology and Media Division (TAM)
- Teacher Education Division (TED)
Wednesday, April 11
♦ 9am – 12 pm: Preconvention Workshop - Education Priorities of the President and the Congress: Implications for Policy and Special Educators
Participants will hear analysis of education policies supported by Congress and the Obama Administration and the impact on special and gifted education. CEC’s Policy and Advocacy Team will highlight the most controversial policies under discussion including: teacher evaluation systems and cuts to education funding.

Thursday, April 12
♦ 1:00 – 2:00 pm: Innovation and Improvement Tools, Training, and Resources: Instant Access Free of Charge—Office of Special Education and Rehabilitative Services Strand
Participants will hear from Larry Wexler of the Office of Special Education Programs from the U.S. Department of Education. He will be demonstrating tools, training modules and OSEP-supported projects, all of which are available free online. This session is part of Strand F.

♦ 3:45 – 4:45 pm: Update from the National Center for Special Education Research
This session will provide information on the investments NCSER has made since it began awarding grants in 2006, elaborate on the goals Commissioner Speece has set and enumerate the activities in which NCSER has engaged to meet those goals and describe new funding opportunities for research and research training. Time will be reserved for questions at the end.

Friday, April 13
♦ 8:00 – 11:00 am: What’s Happening in Washington?
This three hour session will be divided into three sessions titled ‘Reforming Education: Impact on Special/Gifted Education, ‘CEC’s Perspective on Washington Policy Initiatives’ and ‘Education Policy Discussion with Congressman Jared Polis (D-CO)’. Colorado State Senator Michael Johnston will discuss Colorado’s teacher evaluation law, which he championed. Additional presenters will discuss teacher evaluation policies for special educators across the nation, the impact of ESEA waivers on special/gifted education and other reforms in education.

Saturday, April 14
♦ 8:00 – 9:00 am: Teacher Evaluation: CEC’s Town Hall
CEC President Margaret J. McLaughlin will host this town hall forum to receive input from participants as CEC crafts its Position on Teacher Evaluation. Please join us for this Town Hall and tell us what is happening in your area, what is working well and share your concerns.
♦ 9:15 AM – 10:15 am: **Update from the Office of Special Education Programs, U.S. Department of Education: Getting to Results**

Office of Special Education Programs Director Melody Musgrove will provide an update on initiatives of the Department of Education and OSEP. Also, on March 2nd, ED announced that OSEP is moving to an accountability system that will be driven by results, and Dr. Musgrove will share OSEP’s plan for redesigning special education accountability.

♦ 10:30 -11:30 am: **IDEA Reauthorization: CEC’s Town Hall**

Participate in this town hall forum and provide input to CEC as it crafts recommendations for the upcoming reauthorization of IDEA. Tell us what is working well and the implementation challenges you face.
CEC’s Policy Victories at a Glance
2011-2012

CEC, together with its members and its Children and Youth Action Network, achieved significant policy victories and pursued significant policy initiatives over the last year, including:

Celebrated 25 Years of IDEA’s Early Childhood Programs
October 2011 marked the 25th anniversary of the expansion of the Individuals with Disabilities Education Act (IDEA) to include infants, toddlers, and young children with disabilities. Through the 1986 reauthorization of IDEA, the federal government demonstrated its commitment to this vulnerable population by adopting policies that supported the initiation and implementation of services for children from birth through age five. Instrumental in its passage and integral to its implementation, CEC celebrated this event by sharing success stories and highlighting the program’s achievements. Additionally, CEC – together with its Division on Early Childhood and the IDEA Infant and Toddler Coordinators Association – developed a side-by-side comparison of the new 2011 Part C regulations with those previously in place to assist special educators and early interventionists in their monumental task of implementing the new regulations.

Successfully Advocated for Increased Funding for Special Education/Early Intervention
Building upon successes within the American Recovery and Reinvestment Act of 2009 which doubled funding for IDEA programs serving infants, toddlers, preschoolers, and school aged students with disabilities to historic highs, and combating efforts to slash education funding, CEC and its members continued to lead advocacy efforts to fully fund all IDEA programs. In fact, CEC’s advocacy efforts led to preventing a 1.5% cut to IDEA Part B and increasing funding by $78 million, securing a $5 million increase for IDEA Part C, preventing deep cuts to IDEA’s preschool (Part B sec. 619) and IDEA’s support programs (Part D).

Led General/Special Education Coalition Advocating for IDEA Full Funding
As a leader of the IDEA Full Funding Coalition – a group of over 10 of the largest national general education and special education organizations – CEC successfully advocated for the introduction of the IDEA Full Funding Act which would institute a new glidepath to put IDEA funding on solid ground.

Continuing Advocacy for Increased Funding for Research in Special Education
As one of the only national organizations advocating for funding for special education research, CEC has continually urged Congress to increase its investment in the Institute for Education Sciences, the research arm of the U.S. Department of Education.

Continued Advocacy for Overhaul of the Elementary and Secondary Education Act/
No Child Left Behind (ESEA/NCLB)
CEC continues to advocate for inclusion of its recommendations in the reauthorization of the Elementary Secondary Education Act/No Child Left Behind (ESEA/NCLB), such as: 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; systems that are carefully coordinated and balanced between ESEA and IDEA. Additionally, CEC’s ESEA recommendations tackle controversial issues such as differential compensation systems, teacher evaluations and charter schools.

Prevented Federally Prescribed Teacher Evaluation Systems in Senate ESEA/NCLB Reauthorization Legislation
Successfully advocated for the removal of provisions in draft legislation that would have mandated rigid teacher evaluation requirements and redirected funding for professional development to the creation of such systems. Instead, the Elementary and Secondary Education Reauthorization Act passed out of the Senate Health, Education, Labor, Pensions Committee maintains an emphasis on professional development and leaves the development of teacher evaluation systems up to state and local officials.

Prevented Senate Amendment Targeting Special Education Teachers
CEC led the advocacy effort to defeat an amendment offered during the Senate Education Committee’s ESEA reauthorization debate which would have resulted in lowering the qualifications expected for special education teachers.
CEC Invited to White House Discussion on Students with Disabilities

In February 2012, CEC members attended an exclusive White House meeting with top officials within the Obama Administration to discuss critical issues confronting special education across the nation such as the importance of investing in special education, supporting teacher evaluation policies that consider special educators, and needing more collaboration and resources to train general and special educators to work with children and youth with disabilities.

U.S. Department of Education Hosts Research Roundtable with CEC Members

Leaders from the U.S. Department of Education convened a roundtable discussion in February 2012 with CEC members to hear directly from special education teachers about the research needed to inform evidence-based practices.

Advanced Federal Legislation to Focus on Students with Gifts and Talents

CEC together with the National Association for Gifted Children actively advocated for the introduction of the To Aid Gifted and High-Ability Learners by Empowering the Nation’s Teachers (TALENT) Act, bi-partisan, bi-cameral legislation to expand the nation’s focus on gifted, high-ability students, particularly those from low-income or minority backgrounds, who have been overshadowed in the U.S. education system. CEC and NAGC hosted two Congressional briefings with nationally recognized gifted education experts in the U.S. House of Representatives and U.S. Senate.

CEC-Backed Provisions Included in Charter School Legislation

CEC secured three, long-time policy recommendations in the Empowering Parents Through Quality Charter Schools Act, bi-partisan legislation which was approved by the U.S. House of Representatives Education and the Workforce Committee, focused on increased access, services, and accountability.

Defeated Law Seeking to Promote Vouchers for Students with Disabilities in Military Families

CEC led the effort to defeat legislation that would have allowed for federal funding to support the private school education of students with disabilities in military families. CEC continues to oppose such voucher programs and encourages greater resources and tools to be directed to public schools.

Ensured Special Education Expertise on NCLB Waiver Panels

CEC urged the U.S. Department of Education to include individuals with special education expertise on its No Child Left Behind review panels overseeing the waiver process to ensure that the needs of students with disabilities and the professionals who work on their behalf were considered and understood. CEC’s President Margaret McLaughlin and other CEC members were selected to review NCLB waiver packages submitted by over 20 states.

Outreach to President Obama, U.S. Secretary of Education Duncan and Key Administration Staff

Throughout the year, CEC informed President Obama, U.S. Secretary of Education, Arne Duncan, and key staff within the Obama administration about significant policy issues impacting its members, such as, increased funding for special/gifted education; needed changes in the Elementary and Secondary Education Act/No Child Left Behind; systemic changes needed to address gifted education; the important role of early intervention; need for investment in special education research; changing IDEA’s monitoring and compliance requirements; and critical personnel shortages in special education.

Advocating for Legislation that Supports CEC’s Core Values

Throughout the year, CEC supported several pieces of legislation which would bolster the work of special education professionals and assist families raising children and youth with disabilities.

Thank You CEC Members: together, we are the voice and vision of Special and Gifted Education, and together we are making a difference.
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 quality of life for individuals with exceptionalities and their families through professional excellence and advocacy.

CEC represents over 35,000 professionals who work on behalf of children 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 112th 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 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 by CEC members as needing immediate federal legislative or regulatory attention.**

**Policy Objectives**

• 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 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 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 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 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; reexamining maintenance of effort requirements; and the release of the final IDEA Part C regulations.

• Advocate for federal policies that result in the 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 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, differentiated 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 and the Individuals with Disabilities 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 addressing issues such as strengthening the National Center on Special Education Research and the process for establishing research priorities for the U.S. Department of Education.

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

Policy Objectives

• 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 by CEC members as relevant but will be acted on only when specific opportunities arise or conditions change members’ needs and priorities.

• Advocate for other legislation/policy opportunities as they arise through a variety of legislative vehicles.
The Council for Exceptional Children (CEC) recognizes the impact that Response to Intervention (RTI) can have on the education of all children, roles of special educators, and the special education system. The RTI process is designed to identify struggling learners early, to provide access to needed interventions, and to help identify children with disabilities. RTI is a process intended to assist in identifying children with disabilities by providing data about how a child responds to scientifically based intervention as part of the comprehensive evaluation required for identification of any disability. Special educators play an integral role and have a strong and clear identity in the RTI process. To that end, CEC believes that any RTI process must include nonnegotiable guarantees related to special education and the key role of special educators.

**It is the position of CEC that an RTI process:**

- Must be viewed as a schoolwide initiative, with special education as an explicit part of the framework, spanning both general and special education in collaboration with families. The RTI process represents an inclusive partnership between all school personnel and families to identify and address the academic and behavioral needs of learners beginning as early as the preschool years.

- Shall not delay the referral of a child who is suspected of having a disability for a comprehensive evaluation. Children with identified disabilities may not be required to go through an RTI process in order to receive special education and related services.

**Interventions**

- Shall consist of a multi-tiered problem-solving process with at least three tiers (three tiers being the most common approach). As evidence shows the increasing intensity of a child’s needs, the response to these needs also increases through research-based interventions. Any child, including those with disabilities, may simultaneously be provided interventions from more than one tier. Tiers provide services and are not placement options. Services at each tier supplement rather than supplant each other.

- Shall in the first tier provide instruction through a universal core program. If the evidence shows that the child needs additional support for success, then more intensive interventions must be provided. At the second tier, interventions are more intensive and supplement the universal core program. The highest tier includes specially designed instruction and related services provided to children identified as having a disability. This tier also provides other intensive services designed to meet the individual needs of children not identified as having a disability.

- Shall include universal screening, high quality research-based instruction, and progress monitoring to determine the quality of student responses to intervention as well as inform decisions about the student’s movement between tiers. Tiers should differ in the intensity (i.e., duration, frequency, and time) of the research-based interventions, the level of individualization delivered, the size of student groupings, and the skill level of the educator.

- Shall include a universal screening process (generally early in tier one) that incorporates short-term progress monitoring in response to general education for determining which children require a change of tier.

- Shall use a formative evaluation process, such as progress monitoring measures, to inform instructional decision making about adjusting instruction, changing curricula or materials, and/or determining movement among tiers.

**Referral to Special Education**

- Shall include provisions for referral for a comprehensive evaluation in any tier, which includes measures of cognitive ability, to determine if a child has a disability and is eligible for special education and related services and due process protections. Data from responsiveness to instruction in tiers one and two shall not be a substitute for a comprehensive evaluation. RTI data does not provide sufficient data to rule out or identify a disability. A comprehensive evaluation shall provide additional data to exclude other potential primary causative factors and inform individualized special instruction, including any accommodations, modifications, assistive technology, and behavioral/learning supports needed.

- May reduce the number of students referred for special education, promote effective early intervention, provide diagnostic information to consider in the identification of a disability, and/or may reduce the impact of a disability on a child’s academic progress.
**Team Roles**

- Shall recognize general educators as the primary interveners and special educators as members of the problem-solving teams in tiers one and two. Special education teachers, related service personnel and specialized general educators (e.g. teachers of English language learners, reading specialists, mental health specialists, etc.) are the primary interveners for the highest tier services. Team collaboration occurs in each tier and may involve educators, related service providers, administrators, and families. These new and expanded roles in team collaboration will ensure that the needs of all learners are met.

- Shall include families as partners in the process and, at a minimum, inform parents in writing of their rights when a student is first identified as not meeting expected intervention response rates.

**Children Who Are Twice Exceptional**

- Shall consider the educational needs of children with gifts and talents and their families, particularly related to the identification of children considered to be twice exceptional because they have gifts and talents as well as a disability. These advanced learners shall be provided access to a challenging and accelerated curriculum, while also addressing the unique needs of their disability.

**Professional Knowledge and Skills**

- Shall recognize that the knowledge and skill level of educators needed in each of the three tiers is very different, thereby supporting requirements that educators possess the appropriate level of knowledge and skills in such areas as: (1) identifying and implementing evidence-based intervention strategies; (2) monitoring academic and behavioral progress; (3) selecting, implementing, and evaluating instructional and programmatic elements; (4) participating meaningfully and actively in the multidisciplinary comprehensive evaluation process; and (5) designing, implementing, and evaluating problem-solving models that ensure fidelity and integrity.

**Research and Development**

- Shall make a firm commitment to continuing program improvement through the process of structured monitoring, intensive ongoing evaluation, and systemic professional training based on evolving research and practice.

- Shall consider the intended and unintended consequences of moving toward more wide-scale implementation without more extensive research and development efforts that clearly demonstrate effectiveness in improving the achievement of students with exceptionalities over time.

- Shall engage in research and development to inform practice, particularly in the areas of implementation across all academic and/or behavioral areas and age levels; movement back and forth from tiers and data needed to understand this movement; the use of tiers one and two data to help inform the identification of a disability; the problem-solving and standard treatment protocol approaches to instruction; and the conceptual issues associated with nonresponsiveness; and measuring and defining nonresponsiveness.

**Resources**

- Shall ensure that sufficient resources are available to cover a substantial percentage of the costs that state, provincial, and local jurisdictions will incur to implement and institutionalize this initiative without reducing expenditures for other education programs.
The Council for Exceptional Children (CEC) recognizes access to the most effective educational strategies as the basic educational right of each child or youth with a disability. CEC believes that the least restrictive positive educational strategies should be always used to respect the child’s or youth’s dignity and that this especially pertains to the use of physical restraint and seclusion.

A physical restraint is defined as any method of one or more persons restricting another person’s freedom of movement, physical activity, or normal access to his or her body. It is a means for controlling that person’s movement, reconstituting behavioral control, and establishing and maintaining safety for the out-of-control individual, other individuals, and school staff.

Physical restraints have been in widespread use across most human service, medical, juvenile justice, and education programs for a long period of time. While some have proposed physical restraint as a therapeutic procedure for some children and youth, this view has no scientific basis and is generally discredited. Today most schools or programs that employ physical restraint view it as an emergency procedure to prevent injury to the child or youth or others when a child or youth is in crisis.

Seclusion is the involuntary confinement of a child or youth alone in a room or area from which the child or youth is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by staff. Any time a child or youth is involuntarily alone in a room and prevented from leaving should be considered seclusion, regardless of the intended purpose or the names applied to this procedure and the place where the child or youth is secluded. Seclusion is often associated with physical restraint in that physical restraint is regularly used to transport a child or youth to a seclusion environment. However, seclusion may occur without employing physical restraint.

In addition, schools may employ a variety of environments that may not meet the definition of seclusion (confinement alone without immediate ability to leave), but which have at least some of the elements of seclusion. These might include detention rooms and in-school suspension rooms where children and youth may not be alone or where they are not technically prevented from leaving, although they may perceive that they are prevented from leaving.

CEC supports the following principles related to the use of physical restraint and seclusion procedures in school settings:

- Behavioral interventions for children and youth must promote the right of all children and youth to be treated with dignity.
- All children and youth should receive necessary educational and mental health supports and programming in a safe and least-restrictive environment.
- Positive and appropriate educational interventions, as well as mental health supports, should be provided routinely to all children and youth who need them.
- Behavioral interventions should emphasize prevention and positive behavioral supports.
- Schools should have adequate staffing levels to effectively provide positive supports to children and youth and should be staffed with appropriately trained personnel.
- All staff in schools should have mandatory conflict de-escalation training, and conflict de-escalation techniques should be employed by all school staff to avoid and defuse crisis and conflict situations.
- All children and youth whose pattern of behavior impedes their learning or the learning of others should receive appropriate educational assessment, including Functional Behavioral Assessments. These should be followed by Behavioral Intervention Plans that incorporate appropriate positive behavioral interventions, including instruction in appropriate behavior and strategies to de-escalate their own behavior.
It is the policy of the Council for Exceptional Children that:

- Physical restraint or seclusion procedures should be used in school settings only when the physical safety of the child or youth or others is in immediate danger. Prone restraints (with the student face down on his/her stomach) or supine restraints (with the student face up on the back) or any maneuver that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat should never be used. No restraint should be administered in such a manner that prevents a student from breathing or speaking.

- Mechanical or chemical restraint should never be used in school settings when their purpose is simply to manage or address a child's or youth's behavior. Prescribed assistive devices such as standing tables and chairs with restraints are not considered mechanical restraints for purposes of this document. Their use should be supervised by qualified and trained individuals in accord with professional standards. Vehicle restraints and those restraints used by law enforcement officers are not considered mechanical restraints for purposes of this document.

- Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.

- All seclusion environments should be safe and humane and should be inspected at least annually, not only by fire or safety inspectors, but for programmatic implementation of guidelines and data related to its use.

- Any child or youth in seclusion must be continuously observed by an adult both visually and aurally for the entire period of the seclusion. Occasional checks are not acceptable.

- Guidelines or technical assistance documents are generally not adequate to regulate the use of these procedures, since abuses continue to occur in states or provinces where guidelines are in place and these guidelines have few mechanisms for providing oversight or correction of abuses. Policy is needed in the form of legislation or regulation.

- Federal, state, and provincial legislation or regulations should:
  - Recognize that restraint and seclusion procedures are emergency, not treatment, procedures.
  - Require that preventive measures such as conflict de-escalation procedures be in place in schools where restraint or seclusion will be employed.
  - Require that individualized emergency or safety plans are created for children or youth whose behavior could reasonably be predicted to pose a danger. If an emergency or safety plan is deemed necessary for a child or youth with a disability, that document should be created by the IEP team and may be appended to the child's or youth's IEP.
  - Require that comprehensive debriefings occur after each use of restraint or seclusion and that reports of the incident are created including parental notification.
  - Require that data on restraint and seclusion are reported to an outside agency such as the state or provincial department of education.

- Any school that employs physical restraint or seclusion procedures should have a written positive behavior support plan specific to that program, pre-established emergency procedures, specific procedures and training related to the use of restraint and seclusion, and data to support the implementation of positive behavior supports and specific uses of restraint and seclusion in that environment.

- Additional research should be conducted regarding the use of physical restraint and seclusion with children or youth across all settings.
This policy is adopted from a position summary published by the Council for Children with Behavior Disorders, a division of the Council for Exceptional Children: *Physical Restraint and Seclusion Procedures in School Settings*, VA, Author.

More detailed information is available in the following white papers:


To access CEC’s Policy on Physical Restraint and Seclusion Procedures in School Settings online, go to www.cec.sped.org>Policy & Advocacy>CEC Professional Policies. For further information, contact Deborah A. Ziegler, Associate Executive Director, Policy and Advocacy Services, Council for Exceptional Children, 703-264-9406 (P), 703-243-0410 (F), 800-224-6830 (Toll free), 866-915-5000 (TTY), debz@cec.sped.org.

**Reference**

Council for Exceptional Children 2009 Policy Manual; Section Three, Part 1, Paragraph 17

**Date Adopted**

Approved by the Council for Exceptional Children Board of Directors September 2009
The Council for Exceptional Children (CEC) vigorously supports educational reforms within the public schools which promote rigorous learning standards, strong educational outcomes, shared decision making, diverse educational offerings, and the removal of unnecessary administrative requirements. Charter schools, including virtual charter schools, are a form of public schools, and, as such, they are one approach many believe can be effective in achieving these objectives. However, such schools must reflect a commitment to free and universal public education, with equality of educational opportunity for all.

Regardless of who takes responsibility for the delivery of educational services for children and youth with exceptionalities - children and youth with disabilities and those who are gifted and talented - who attend a charter school, the chartering agency and authorizer, and, ultimately, the highest governmental authority, must ensure that the rights of children and youth with exceptionalities are upheld.

It is the policy of CEC that the following criteria with respect to children and youth with exceptionalities be adhered to when parents, professionals, school authorities, policymakers, and authorizers consider the development of charter school policy, the content of contracts or agreements establishing individual charter schools, the operation of charter schools, and the renewal of a charter:

### Student Access
- Charter schools must be required to abide by the same nondiscrimination and equal education opportunity laws that apply to other public schools. Charter schools must not discriminate in their admissions policies, nor should they charge tuition or other mandatory fees. Exceptionality status cannot be used as a criterion for excluding a child or youth with an exceptionality from attending a charter school, and policies governing admissions and participation in the school program should not exclude children and youth with exceptionalities. Charter school authorizers must require applicants to provide detailed plans that include strategies to identify and serve children and youth with exceptionalities and address recruitment and retention of well prepared, successful special and gifted education teachers and related service personnel.

### Provision of Free, Appropriate, Public Education Provided in the Least Restrictive Environment
- As public schools, charter schools must be required to provide a free, appropriate, public education provided in the least restrictive environment to students with disabilities, and to ensure all of the other basic fundamental procedural rights in accordance with applicable laws, such as the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act in the United States, including children’s and youth’s physical access to the education program offered. Enrollment in a charter school cannot be used to deny a student with a disability the free, appropriate, public education provided in the least restrictive environment to which they have a right. Charter schools operating as their own local educational agency must comply with least restrictive environment requirements in the same manner as traditional local educational agencies.

### Financing the Education of Children With Exceptionalities
- Educational and other services required by children with exceptionalities, including special and gifted education and related services, can be provided directly by the charter school, or through alternative arrangements with other public schools, with local school programs or the highest governmental authority. Policies for charter schools and, when appropriate, charter agreements themselves, should explicitly identify responsibility for providing and paying for any special services associated with educating children and youth with exceptionalities in charter schools, including the cost of building renovations and the provision of special and gifted education and related services. This information must be considered by authorizers during the initial chartering process and in the charter renewal process.

### Accountability
- Charter schools must be held accountable by the highest governmental authority and, when appropriate, local school programs, for providing special and gifted education and related services to children with
exceptionalities, consistent with the laws applicable to public schools. These accountability measures include participation in assessment and accountability systems and adherence to personnel qualification requirements. The standards that apply to educating children and youth with exceptionalities in charter schools must be the same as those that apply to other public schools, and enforcement of these standards must be conducted in a manner that is consistent with enforcement activities and penalties that apply in determining compliance of other public schools.

To access CEC’s Policy on Children with Exceptionalities in Charter Schools online, go to www.cec.sped.org>Policy & Advocacy>CEC Professional Policies. For further information, contact Deborah A. Ziegler, Associate Executive Director, Policy and Advocacy Services, Council for Exceptional Children at 703-264-9406 or debz@cec.sped.org. To contact the CEC offices: (P) 703-620-3660; (Toll free) 866-915-5000; (TTY) 866-915-5000; (F) 703-243-0410.

Reference
Council for Exceptional Children Policy Manual; Section Three, Part 1; Chapter 2

Date Adopted
Approved by the Council for Exceptional Children Board of Directors April 2011
CEC’s Position on School Vouchers

The Council for Exceptional Children (CEC) recognizes that children and youth with disabilities are entitled to equal access to the public education system and to all rights guaranteed by law. CEC advocates to ensure that children and youth with disabilities receive the equal access and opportunity that they deserve. By definition, vouchers provide for the distribution of public education funds in the form of monetary vouchers to parents of school-age children to be used toward the cost of tuition at private schools, both sectarian and nonsectarian. Ever since the current debate about education vouchers was sparked in the 1950s, legislators at every level of government have proposed and enacted school voucher and voucher type initiatives for children and youth, and those with disabilities.

It is the position of CEC that:

- CEC opposes school vouchers for children and youth and those with disabilities as being contrary to the best interests of children and youth and their families, the public school system, local communities, and taxpayers. Further, CEC believes that vouchers both contradict and undermine central purposes of civil rights laws designed to protect children and youth with disabilities.

- CEC considers vouchers inappropriate for children and youth and those with disabilities for at least the following reasons:

  **Absence of Necessary Accountability**
  - Public accountability is notably lacking for private schools, whereas local education agencies are held accountable by federal and state laws and regulations. Public schools must adhere to requirements for highly qualified staff, but private schools typically are not held to these requirements. Private schools are not obligated to participate in the regular assessments toward measuring student achievement, nor are they even bound to the requirement of an individualized education program (IEP). Further, no on-going general supervision of the educational program is conducted by the state and local education agency, thus providing no assurance that special education and related services are being fully provided. Lastly, the regular reporting on individual student progress is not required.

  **No Guarantee of FAPE**
  - A central guarantee of the Individuals with Disabilities Education Act (IDEA) is the right to a free appropriate public education (FAPE). Evidence indicates that vouchers fail to guarantee an education at no cost to a student’s family. Beyond the initial voucher payment, private schools are charging parents additional amounts. This reality ultimately makes vouchers quite appealing to middle-income and upper middle-income families, but at the same time effectively eliminates lower-income families.

  **Families Opt Out of Procedural Protections**
  - Though they may not at first realize it and may in fact be told otherwise, parents in effect discard their due process and other rights by accepting vouchers. Several civil rights laws, including, IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA), guarantee a host of long-standing protections for families that can be invoked on any and all aspects of educational programming, including mediation, due process hearings, state-level appeal, “stay put” guarantee, discipline timelines, on-going evaluations, and assurance of alternative placements when required. Though private schools receiving voucher payments may simply be declared in compliance with the procedural guarantees of IDEA and related civil rights laws, the absence of public accountability, public supervision, and public oversight effectively negates such an assertion.

  **Segregation Within the Private School**
  - A fundamental tenet of IDEA is the requirement of education within the least restrictive environment (LRE), starting with the absolute presumption of the general education classroom and proceeding to a continuum of service options only when demonstrated to be necessary. Since private schools are not subject to this tenet, the potential for in-school segregation of children and youth with special learning needs predictably accelerates.

  **No Guarantee of Equal Access**
  - A hallmark of public education is its availability to all children, regardless of their individual learning needs. Despite some initial efforts to provide full accessibility to all children, private schools receiving vouchers are now allowed to pick and choose whom they will enroll, and which children they will retain even after initial enrollment. For example, evidence indicates that
children and youth with more severe disabilities, or those with higher cost needs or behavioral challenges, are typically not enrolled, and, if enrolled, not retained.

**Promotes Re-Segregation Rather Than Diversity**

- Public education is a great unifier of an ever more diverse student population. But research indicates that vouchers could point us in the other direction by in fact facilitating racial, ethnic, economic, religious, gender, and disability segregation.

**Use of Public Education Funds For Private Schools**

- Public education funds should fund public education, not private education. There is a lack of fiscal protections to guarantee that public education funds are not diverted to vouchers at the expense of the children and youth remaining in the public schools.

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Reference

Council for Exceptional Children Policy Manual; Section Four, Part 3

Date Adopted

Approved by the Council for Exceptional Children Board of Directors June 2011
Reauthorization of Elementary & Secondary Education Act/
No Child Left Behind: Addressing the Needs of Students with
Exceptionalities

Background
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 with disabilities. Led by landmark legislation, now known as the Individuals with Disabilities Education Act (IDEA), children with disabilities have had access to an education system that builds upon their strengths and addresses their individual needs. Over the years, as the implementation of IDEA has strengthened throughout schools across our country, children with disabilities have gained access to the general education curriculum; in many cases, they learn side-by-side with their non-disabled peers; and they have realized improved outcomes. This progress has been unprecedented due to dedicated children, families, special educators, and policymakers. By building on the theme of IDEA, that an educational system must address the individual needs of every child, CEC believes ESEA can achieve its noble goals of providing a high-quality education to all children taught by well prepared, diverse, and successful educators; closing the achievement gap; and ensuring that all children reach a high level of achievement.

Recent Action Taken By the Obama Administration and Congress
In an effort to fulfill a campaign promise to overhaul the nation’s education system, in March 2010 President Obama released A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act, a document which outlines the Administration’s priorities for the rewrite of ESEA, recently known as No Child Left Behind. The ‘blueprint’ provides a re-envisioned federal role for education based on the following priorities: producing college and career ready students; having great teachers and leaders in every school; promoting equity and opportunity for all students; raising the bar and reward excellence; promoting innovation and continuous improvement.

While the ‘blueprint’ provides many generalities and few details, it does address students with disabilities in key areas such as preparing for college and career, maintaining inclusion within the accountability system, creating assessments that accurately and appropriately measure student performance, and preparing teachers to meet the needs of diverse learners. Furthermore, after decades of exclusion from major federal education policy initiatives, the ‘blueprint’ highlights the need to increase access to gifted and talented education programs. However, the ‘blueprint’ also contains highly controversial initiatives such requiring states to define ‘effective/highly effective teacher/principal’ based in significant part on student growth, as well as other measures. Additionally, the ‘blueprint’ seeks to condense 38 existing programs into eleven new programs and funding streams, including folding the Jacob K. Javits Gifted and Talented Students Education Act into a newly proposed College Pathways and Accelerated Learning program, a concern of CEC.

Over the last year, the U.S. House of Representatives and U.S. Senate have taken steps toward reauthorizing ESEA. The House Education and the Workforce Committee has passed five individual bills focused on teacher and principal quality, accountability, charter schools, and state and local funding flexibility. Of the five bills, CEC supported only the Empowering Parents Through Quality Charter Schools Act, due to its strengthened provisions regarding students with disabilities. CEC opposed the Student Success Act; Encouraging Innovation and Effective Teachers Act, and State and Local Funding Flexibility Act, and the Setting New Priorities in Education Spending Act, as these bills seek to:

• Weaken Accountability Provisions for Students with Disabilities;
• Mandate Teacher Evaluation Systems with Specific Components Without Identifying How Educators Who Work With Students with Disabilities Will Fit into Such Systems;
• Consolidate 38 Programs into 11 Funding Streams Thereby Eliminating the Only Dedicated Program for Students with Gifts and Talents;
Questions Subgroup Accountability
Provide No Relief from Annual Testing

In contrast, in October 2011, the Senate Health, Education, Labor Pensions (HELP) Committee has passed one comprehensive ESEA reauthorization bill – Elementary and Secondary Education Amendments Act -- which addresses a variety of issues including Title I, teacher and principal quality, English learners, Race to the Top, and charter schools. CEC supported many provisions in this bill, including:

- Overhauling the Accountability System to Eliminate AYP
- Maintaining Students with Disabilities as a Disaggregated Subgroup; and
- Codifying the Alternate Assessments Based on Alternate Achievement Standards for the 1% of Students with the Most Significant Disabilities.

However, CEC also had concerns with provisions that would (1) allow individuals to be considered highly qualified teachers without having completed any preparation program; (2) eliminate highly qualified requirements allowing states to develop their own requirements, (3) authorize Race to the Top, and (4) require specific, punitive interventions – including the firing of staff – for the lowest performing schools.

While the House and Senate Education Committees have made progress in rewriting ESEA/NCLB, the full House and Senate have to consider and pass the bills so that the two chambers can iron out the differences between the two legislative packages. Due to a shortened legislative calendar and divisive political climate, it seems unlikely that a reauthorized ESEA will reach President Obama’s desk for his signature.

As a result, the U.S. Department of Education is issuing 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 have to adopt college and career ready standards; guidelines for new teacher and principal evaluation systems; and differentiated accountability systems. Additionally, states will have to 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. Eleven states have received waivers and an additional 27 (including Washington, DC) have requested waivers.

CEC’s Recommended Congressional Action

CEC believes that building upon the strengths of both IDEA and ESEA will result in policies that directly address the challenges confronting the education community. By realizing that our education system should address the individual needs of children, the unique needs of America’s 3 million children with gifts and talents must also be addressed at a time when they have largely gone ignored in federal legislation. In addition, as education policy shifts to focus on all children, CEC hopes to attract attention to those children who have both a disability and are gifted, a population known as twice-exceptional.

- As Congress reauthorizes ESEA, CEC believes that the reauthorization must support requirements for high standards and learner performance that are intended to 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.
ACTION ALERT:
URGE CONGRESS TO REAUTHORIZE ESEA AND ENSURE PROPER INCLUSION SPECIAL/GIFTED EDUCATION

Use CEC’s Legislative Action Center to contact Congress in minutes! Drop by the Policy and Advocacy Booth at CEC Central during CEC convention or CEC’s website after and make your voice heard. Special/gifted education in the reauthorization of ESEA will only become a priority if Members of Congress hear from their constituents.

Action Alert

As Congress undertakes the reauthorization of the Elementary and Secondary Education Act/No Child Left Behind, CEC encourages its entire membership to urge Congress to support appropriate inclusion for special/gifted education students and the professionals who serve them in this important legislation.

Sample Letter

Dear Member of Congress:

As your constituent and a member of the Council for Exceptional Children (CEC), the largest professional organization addressing the needs of students with disabilities and/or gifts and talents, I am writing to request that you incorporate provisions that will embrace the following important principles into legislation reauthorizing the Elementary and Secondary Education Act (ESEA).

In general, the reauthorization must hold all students to high standards and foster high quality teaching and learning, equality of educational opportunity to learn, and improved achievement for children with disabilities and/or gifts and talents. To accomplish this, I believe that ESEA must:

- support a well prepared successful educational workforce;
- include meaningful systems that encourage collaborative and supportive measurement, evaluation and reward of professional performance;
- strengthen assessment and accountability for all children;
- meet the unique needs of gifted learners;
- improve outcomes for all children through the collaboration of all educators;
- develop improved strategies that create positive school reform;
- provide full funding to execute the goals and provisions of ESEA; and
- provide systems that are carefully coordinated and balanced between ESEA and IDEA.

CEC has developed extensive recommendations for Congress to consider. I encourage you to examine them. CEC’s ESEA Reauthorization Recommendations may be found by visiting: www.cec.sped.org>>policy and advocacy.

Thank you for your consideration of my request. I look forward to hearing from you.

Sincerely,
Overview

For over three decades, CEC and its members have been steadfast advocates for increased funding for all IDEA programs, strategically conveying to Congress the importance of investing in special education and early intervention. This year, CEC continues its campaign to convince Congress and the Administration to fully fund all programs authorized by the Individuals with Disabilities Education Act (IDEA). This includes full funding for all of the following: grants to states for school aged students (Part B), preschool children (Part B Section 619), infants and toddlers (Part C) and the support programs which undergird the delivery of special education services (Part D).

Background

IDEA Part B: Grants to States for School Aged Students

- **CEC Recommendation:** $13,644,222

Full funding for IDEA originates from the authorizing legislation itself. When Congress enacted P.L. 94-142, *The Education for All Handicapped Children Act* in 1975, it 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 IDEA was not a burden on states and local entities and assure that full funding was reached in a fiscally responsible manner, Congress also 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 (FY) 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 requested level funding. If that is enacted IDEA will drop to 15.8% of full funding, the lowest level since 2001. As a result, local communities and states continue to 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:** $1,102,500

The IDEA Preschool Grant Program is intended to assist 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 2007. Despite this 60% growth, however, 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

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 infants and toddlers with disabilities, and their families. Here again, 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

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.

CEC Recommended Congressional Action

As Congress moves forward with its fiscal year 2013 budget, CEC urges Congress to pursue full funding for all IDEA programs in the amounts stated above, including shifting IDEA Part B from discretionary to mandatory spending and making a real and meaningful investment in IDEA Part D.
## FY 2013 Appropriation Recommendations for Federal Programs for the Education of Exceptional Children

**Dollars (in thousands)**

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Use CEC’s Legislative Action Center or its website to contact Congress in minutes! Drop by the Legislative Action Center in CEC Central during CEC convention and make your voice heard. Special/gifted education funding will only become a priority if Members of Congress hear from their constituents.

**ALERT:**
Senators Harkin (D-IA), Durbin (D-IL), Lautenberg (D-NJ), Blumenthal (D-CT), Murray (D-WA), Whitehouse (D-RI), Leahy (D-VT), Bennet (D-CO), Franken (D-MN), Mikulski (D-MD), Reed (D-RI), Shaheen (D-NH), Johnson (D-SD), Begich (D-AK) have introduced important legislation that would honor Congress’s commitment to fully fund the *Individuals with Disabilities Education Act* (IDEA) and help address the fiscal crisis in schools across the country. The IDEA Full Funding Act (S. 1403) puts IDEA on a solid and sustainable path to full funding. As budget cuts continue to negatively impact our schools and students, we need your voice now!

Send this letter to your Senators and ask them to co-sponsor the IDEA Full Funding Act to make IDEA funding a priority!

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**Sample Letter**
As your constituent, and a member of the Council for Exceptional Children (CEC), the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, gifts and talents, or both, I urge you to COSPONSOR the IDEA Full Funding Act (S. 1403). If enacted, this important legislation would put IDEA on a solid and sustainable path to full funding.

This bill is a responsible offering to the discussions about funding IDEA. It would gradually increase the funding for IDEA over 10 years, reaching full funding in 2021. It is also entirely paid for by an increase in tobacco taxes, meaning it would not deplete the general fund. I urge you to co-sponsor this legislation and make IDEA funding a priority.

Since originally enacted in 1975, IDEA has consistently strengthened schools across the nation and, most importantly, allowed children and youth with disabilities to access the general curriculum—in many cases learning side-by-side with their peers. It has also allowed more children and youth with disabilities to graduate from high school and transition to bright futures. Overall, IDEA has improved outcomes for millions of students.

While positive outcomes for students with disabilities remain the top priority for special educators, recent cuts to state and local education budgets are making it increasingly difficult to provide special education services. Moreover, due to the fact that Congress has not lived up to its commitment to share in the cost of educating students with disabilities, states and localities bear a disproportionate burden of the cost of educating students with disabilities.

When IDEA originally passed in 1975, Congress agreed to pay 40 percent of the excess cost of educating a child with a disability. However, in its 37-year history, the federal contribution has always fallen far short of this commitment. Therefore, I urge you to support IDEA full funding legislation. Funding education is necessary to ensure our economy and our nation continue to grow. In this vulnerable economy, this bill would responsibly place IDEA funding on solid ground.

Please Co-Sponsor the IDEA Full Funding Act (S. 1403). Thank you for considering my request, and I look forward to your response.
Special Education Research Funding

Background
The federal government carries out education research, pre-K through postsecondary, through the Institute of Education Sciences (IES), the research arm of the U.S. Department of Education. Since its creation in 2002, IES has consisted of the National Center for Education Research, National Center for Education Statistics, and the National Center for Education Evaluation and Regional Assistance. The 2004 reauthorization of the Individuals with Disabilities Education Act amended the Education Sciences Reform Act to officially establish the National Center for Special Education Research (NCSER) within IES, moving the special education research function away from the Office of Special Education Programs (OSEP) and into the Institute for Education Sciences.

This controversial shift of responsibility was met with resistance from the special education community as many – including CEC – feared that inclusion in IES might mean a dwindling of resources, uncertainty regarding the future of field-initiated research, lack of emphasis on small sub-populations, and a possible disconnect between implementation of IDEA programs and the research that would reinforce implementation. While some of these issues have not come to bear, CEC continues to be vigilant to ensure that special education research maintains its unique identity while integrating it into the larger research agenda of the U.S. Department of Education.

The mission of NCSER, under the direction of a Commissioner, is to:
• Sponsor research to expand knowledge and understanding of the needs of infants, toddlers, and children with disabilities in order to improve their developmental, educational and transitional outcomes;
• Sponsor research to improve services provided under IDEA;
• Evaluate the implementation and effectiveness of IDEA.

Since 2005, funding for NCSER has shrunk from $83.1 million to $49.9 million, a reduction of more than 30%. In fact, in fiscal year 2011, Congress cut funding for special education research by $20 million. In his fiscal year 2013 budget proposal, President Obama has sought to maintain this cut and keep funding at $49.9 million.

Since its inception, NCSER has funded over 200 research projects that have been invaluable to the special education field. Special education research provides the foundation of evidence on which effective policies, practices, personnel training, and systems are based. Indeed, many strategies used by both special and general educators – such as positive behavioral interventions and supports – were developed through NCSER grants.

CEC Recommended Congressional Action
At a minimum, CEC calls on Congress to restore funding for the National Center for Special Education Research to its fiscal year 2010 level of $71.1 million. To fully address the research needs of the special education field, a much greater investment is essential. Currently, special education research and development comprises only 2% of the total Individuals with Disabilities with Education Act budget, a fraction of the industry standard for R&D.

Educational outcomes for students with disabilities continue to be far below expectations. In fact, the dropout rate for students with disabilities is 23%, more than twice that of students without disabilities. Moreover, only 11% of students with disabilities scored "proficient" or above in 4th grade reading and only 16% scored "proficient" in 4th grade math on the National Assessment of Educational Progress.

To meet the challenges our nation currently faces, children must achieve at their highest possible level and enter the workforce ready to succeed. The research activities funded by NCSER are one essential way the special education field and research work to meet these goals.
Use CEC’s Legislative Action Center or its website to contact Congress in minutes! Drop by the Legislative Action Center in CEC Central during CEC convention and make your voice heard. Special/gifted education funding will only become a priority if Members of Congress hear from their constituents.

ALERT:

In FY 2011, Congress and the Administration cut funding for Special Education Research by a staggering amount - $20 million dollars – or 28%. This cut has impacted every state and greatly hamstrung the ability of our nation to have the robust research agenda it needs on behalf of children and youth with disabilities. Join CEC and tell your legislators to restore funding for the National Center for Special Education Research’s budget to its FY 2010 level of $71 million dollars.

Sample Letter

As your constituent and a member of the Council for Exceptional Children (CEC), the largest professional organization of educators interested in children and youth with disabilities and those with gifts and talents. In FY 2012, I urge you to restore funding for the National Center for Special Education Research (NCSER) to $71 million dollars – its FY2010 level.

Since its inception in 2004, NCSER has funded over 200 new research projects in areas that improve the educational outcomes of children and youth with disabilities. These include student assessment, autism, literacy, and mathematics and science instruction for children and youth with disabilities.

Importantly, these research activities directly respond to needs identified by state departments of education and local communities. Many projects begin when local school districts approach researchers at their local universities looking for ways to improve student performance and outcomes. Indeed, most of the funded projects involve local schools and universities working together to develop better ways to support and instruct children and youth with disabilities. Additionally, they have a direct and lasting impact on the local communities and schools that participate and lay the groundwork for improvements in practice and policy that will be used by states and communities nationwide.

We must restore funding to these important activities because despite all of the good work being done there is an ever growing need to ensure that children and youth with disabilities excel and contribute to society. As you know, the current statistics are alarming:

- The dropout rate for students with disabilities is 26.2%, nearly twice that of students without disabilities;
- Only 10% of students with disabilities receive a “proficient” score in reading and only 6% in math, in 2009 on National Assessment of Education Progress (NAEP).

To meet the challenges our nation currently faces, children must achieve at their highest possible level and enter the workforce ready to succeed. The research activities funded by NCSER are one essential way the field of special education and research work to meet these goals.

Therefore, in the FY 2013 appropriations process, I urge you to restore funding for NCSER to the FY 2010 amount of $71 million. If you have any specific questions about how much funding for NCSER is currently in your area, please contact me or Kim Hymes, Director of Policy at CEC at kimh@cec.sped.org or 703.264.9441. Thank you for your consideration of my request and I look forward to hearing from you.
Appropriate Use of Restraint and Seclusion

Background

Over the past 3 years, CEC has actively worked with its division, the Council for Children with Behavioral Disorders (CCBD), Congress, the Administration and other advocacy organizations to promote the inclusion of CEC and CCBD’s recommendations on the appropriate use of restraint and seclusion in federal legislation. The focus on the inappropriate use of restraint and seclusion techniques in the public schools came to the forefront of the national agenda in January, 2009, when the National Disability Rights Network released a report that highlighted the use of physical restraint and seclusion in public schools. This report chronicled several cases of abuse and death and pointed out the inconsistency in state policies. It also moved Congress to act.

Congressional Investigation & Hearing

Shortly after the report’s release, then House Education and Labor Committee Chairman George Miller (D-CA), asked the Government Accountability Office (GAO) to investigate the use of restraint and seclusion in public schools. The GAO’s report, issued in May of 2009, presented some alarming statistics and information. Following this, Chairman Miller convened a congressional hearing, Examining the Abuse and Deadly Use of Restraints and Seclusion in the Schools, to further consider the scope of the situation and possible solutions. Dr. Reece Peterson, a long-time CEC and CCBD member, testified at the hearing and presented many of CEC and CCBD’s recommendations. In July 2009, shortly after this hearing, CCBD released two white papers on proper use of restraint and seclusion and the challenges facing the field. After a discussion by CEC’s Representative Assembly, the CEC Board approved a new CEC policy on physical restraint and seclusion.

Legislation

In December of 2009, Representative Miller and then Senator Chris Dodd introduced the Preventing Harmful Restraint and Seclusion Act H.R. 4247 and S. 2860. The House passed its bill, renaming it the Keeping All Students Safe Act, but it failed to garner support in the Senate. CEC supported this legislation and was pleased it passed the full House. Unfortunately, even though in the next session of congress, on April 6, 2011, Representative Miller re-introduced the Keeping All Students Safe Act, now numbered H.R. 1831, many of the Representatives who voted for it the first time around have failed to support it. This is the exact same bill which passed the House during the last congress. Unfortunately, for now, it has not even been heard by the education committee. CEC continues to support this legislation and continues to work for its passage.

On December 16, 2011, Senator Harkin (D-IA) introduced his own version of the Keeping All Students Safe Act, S. 2020. Importantly, like the House bill, this legislation would provide training for educators, ensure policies exist and that data is reported. It would also prohibit addressing the use of restraint and seclusion in a student’s Individual Education Plan (IEP) as an educational intervention. But the legislation is also very different from the version in the House in some areas which cause CEC concern. For example, it would require that any violation of the act would be an automatic denial of FAPE. Although CEC supports the legislation in principle, and applauds Senator Harkin for keeping this important issue at the forefront of the national debate, we have real concerns about some of the provisions and believe there is more work to be done.

Recent Data

In March 2012, the Office of Civil Rights released the results from its most recent civil rights data collection and they demonstrated that although students with disabilities (under IDEA and Section 504) represented only 12% of the students in the national sample, they were nearly 70% of all students who were physically restrained by adults in their schools. Even more disturbing, African American students and Hispanic students were restrained...
and secluded at much higher levels than their white peers. This disturbing evidence indicates our nation needs to do more on this important issue.

**CEC’s Commitment**

CEC will continue working with Congress and the Administration to ensure that the federal government sets appropriate minimum standards for the use of restraint and seclusion and helps to provide the training and resources all educators need.

**Fundamental Principles**

CEC and CCBD support the following principles as related to the use of restraint or seclusion procedures:

- Behavioral interventions for children must promote the right of all children to be treated with dignity.
- All children should receive necessary educational and mental health supports and programming in a safe and least-restrictive environment.
- Positive and appropriate educational interventions, as well as mental health supports, should be provided routinely to all children who need them.
- Behavioral interventions should emphasize prevention and creating positive behavioral supports.
- Schools should have adequate staffing levels to effectively provide positive supports to student and should be staffed with appropriately trained personnel.
- All staff in schools should have mandatory conflict de-escalation training, and conflict de-escalation techniques should be employed by all school staff to avoid and defuse crisis and conflict situations.
- All children whose pattern of behavior impedes their learning or the learning of others should receive appropriate educational assessment.

**Specific Recommendations**

**Restraint and Seclusion are for Emergency Use Only**

- Physical restraint or seclusion procedures should be used in school settings only when the physical safety of the student or others is in immediate danger – neither should ever be used as a punishment, to force compliance or as a substitute for appropriate educational support.

- Mechanical or chemical restraints should never be used in school settings when their purpose is simply to manage or address student behavior (other than their use by law enforcement or when students are in travel restraints in vehicles). Their use for other instructional related purposes should be supervised by qualified and trained individuals and in accord with professional standards for their use.

**Written Procedures, Training and Better Data Collection are Necessary**

- Any school which employs physical restraint or seclusion procedures must have a written positive behavior support plan specific to that program, pre-established emergency procedures, specific procedures and training related to the use of restraint and seclusion, and data to support the implementation of the principles of positive behavior supports in that environment as well as data regarding the specific uses of restraint and seclusion.

- “Guidelines” and “technical assistance documents” are not adequate to regulate the use of these procedures since abuses continue to occur in states or provinces where guidelines are in place and these guidelines have few mechanisms for providing oversight or correction of abuses.
Therefore, CEC calls for federal and/or state legislation or regulation which would require the implementation of:

- Recognition that restraint and seclusion procedures are emergency, not treatment, procedures.
- Requirement that preventive measures such as conflict de-escalation procedures be in place in schools where restraints or seclusion will be employed.
- Requirements that individualized safety plans are created for students whose behavior could reasonably be predicted to pose a danger.
- Requirements that comprehensive debriefings occur after each use of restraint or seclusion and that reports of the incident are created.
- Requirement that data on restraints and seclusion are reported to an outside agency such as the state or provincial department/ministry of education.

Seclusion Environments Must Meet Certain Non-negotiable Standards

- All seclusion environments should be safe and humane and should be inspected at least annually not only by fire or safety inspectors but for programmatic implementation of guidelines and data related to its use.
- Any student in seclusion must be continuously observed by an adult both visually and aurally for the entire period of the seclusion. Occasional checks are not acceptable.

Additional Research is Necessary and Must Be Funded

- Additional research is needed regarding the use of physical restraint and seclusion with students across all settings.
Vouchers

Background

By basic definition, vouchers programs allow the distribution of public education dollars in the form of monetary vouchers to parents of school-age children to be used toward the cost of tuition at private schools, both sectarian and nonsectarian. While CEC acknowledges the historic and continuing contribution of private schools as part of the tapestry of American culture, CEC considers voucher proposals ill-conceived when applied to students with disabilities.

CEC Recommends Congress Take the Following Actions:

Oppose Vouchers

CEC strongly opposes any federally authorized voucher program for students with disabilities as contrary to the best interests of children and their families, the nation’s public school systems, states and their local communities and taxpayers. Further, CEC believes that vouchers contradict and undermine central purposes of the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act (NCLB). Voucher programs should be rejected for at least the following reasons:

Absence of necessary accountability: Public accountability is notably lacking for private schools, whereas local education agencies are held accountable by federal and state laws and regulations. For example, public schools must adhere to requirements for highly qualified staff, but private schools typically are not held to these requirements. Private schools are not obligated to participate in the regular assessments toward measuring student achievement, nor are they required to provide individualized education programs (IEP). Further, there is on-going general supervision of private educational programs by the state and local education agency, thus there is no assurance that special education and related services are appropriate or even provided. Lastly, the regular reporting on individual student progress required by both IDEA and NCLB are also not required.

No guarantee of FAPE: A central guarantee of IDEA is the right to a free appropriate public education. Evidence indicates that the voucher approach fails to guarantee free education. Beyond the initial voucher payment, private schools often charge parents additional amounts to cover services. This reality might still be appealing to middle and upper-middle income families, but effectively eliminates lower income families and single-parent families from using the service.
Families opt out of procedural protections: Though they may not at first realize it and may be told otherwise, parents and their children are no longer entitled to due process and other rights guaranteed under IDEA when they accept vouchers. Indeed, IDEA, Section 504, and the ADA guarantee a host of long-standing protections for families that can be invoked on any and all aspects of educational programming, including mediation, due process hearings, state-level appeal, “stay put” guarantee, discipline timelines, on-going evaluations, and assurance of alternative placements when required. Though private schools receiving voucher payments may simply be declared in compliance with the procedural guarantees of IDEA and related laws, the absence of public accountability, public supervision, and public oversight effectively negates such an assertion.

Segregation within the private school: A fundamental tenet of IDEA is the requirement of education within the least restrictive environment (LRE), starting with the general education classroom and proceeding to a continuum of service options only when demonstrated to be necessary. Since private schools are not subject to this tenet, the potential for in-school segregation of students with special learning needs predictably accelerates.

No guarantee of equal access: A hallmark of public education is its availability to all children, regardless of their individual learning needs. Yet, private schools receiving vouchers can legally pick and choose whom they will enroll, and which children they will retain even after initial enrollment. Evidence indicates that students with more severe disabilities, or those with higher cost needs or behavioral challenges are typically not enrolled, and if enrolled, not retained.

Promotes re-segregation rather than diversity: Public education is a great unifier of an ever more diverse student population, and it has been throughout the 20th Century. But, research indicates that voucher programs tend to reverse this by facilitating racial, ethnic, economic, religious, gender, and disability segregation.

IDEA already allows for private school placements but under very strict conditions: If a school district is unable to provide a special education and related services under the terms of a particular child’s individualized education program (IEP), then it may place that child in a private school or facility, at no cost to the parents and paid for with public education funds. The decision is made collectively, thus involving representatives of the school district, the child’s parents, and the other members of the required IEP team. The particular receiving school must meet all of the standards that apply to the state and local educational agencies, and the child and the child’s family must be guaranteed all the rights and protections of the IDEA. Full authority, responsibility, and public accountability rest with the public school district, thus requiring on-going supervision and monitoring of the private placement. This congressionally authorized option for private placements has worked effectively as a component of the IDEA for over a quarter of a century.
Reauthorization of the Workforce Investment Act (WIA): Priorities & Concerns for Students with Disabilities

Background
Congress created the Workforce Investment Act (WIA) in 1998 to replace the Job Training Partnership Act (JTPA) in an effort to streamline and strengthen America’s job training system. WIA took effect on July 1, 2000, and created a universal local “One-Stop” delivery system where multiple employment services, job training, and education programs are integrated and accessible to all job seekers. WIA is designed to meet local industry demands in communities across the county, and it mandates the participation of partner agencies that provide job-training services.

Recent Action Taken By the Obama Administration and Congress
WIA is long overdue for reauthorization. The House and Senate both passed their own versions of WIA Reauthorization in 2007, but failed to merge the two and send a bill to the President. The current Administration has renewed efforts to reauthorize WIA. In the summer of 2011, Senate Democrats introduced reauthorization legislation, which stalled. In March of 2012, Democrats in the House of Representatives again introduced a bill reauthorizing WIA but again no action has been taken. Based on this renewed interest, CEC urges the Administration and Congress to consider the needs of students with disabilities and strengthen WIA’s programs for these students.

CEC’s Recommended Congressional Action
Supporting youth and adults with disabilities is a core purpose of WIA. To accomplish this goal, the reauthorization must address both the critical transition of students with disabilities from secondary to post-secondary education, and their meaningful participation in the workforce. Addressing these needs early on will create a solid foundation for building lifelong skills, finding and maintaining employment.

Individuals with disabilities face many challenges as they transition from school to work. Indeed, they drop out of high school at twice the rate of students without disabilities. This further complicates their ability to find meaningful employment or education opportunities over their lifetime. A recent national study on transition found that only 30% of individuals with disabilities, who exited public school, enrolled in post-secondary education as compared with 41% of their peers without disabilities. Additionally, the Bureau of Labor Statistics indicates that only 1 in 5 individuals with disabilities are employed. Moreover, those who are employed disproportionately work in part-time positions. Thus, it is not surprising that unemployment for people with disabilities as a whole and over the lifespan is substantially higher than for the population in general.

To address these concerns, WIA must strengthen coordination with IDEA, removing barriers in the workforce system, and maintaining high expectations for individuals with disabilities abilities to achieve fulfilling careers

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2 Wagner, et. al. 2010. Comparisons Across Time of the Outcomes of Youth with Disabilities up to 4 Years After High School, A Report on the Findings From the National Longitudinal Transition Study (NLTS) and the National Longitudinal Transition Study-2 (NLTS2).
2900 Crystal Drive, Arlington, VA 22202 • (P) 800.224.6830 • (F) 703.243.3961• www.cec.sped.org
April 2012
throughout their lifetimes. Indeed, a 2002 GAO survey found that building comprehensive youth development systems, required, “strong working relationships between the workforce development and education systems at all levels of government.”\(^6\) Efforts to create and strengthen this coordination must be addressed in the reauthorization.

To that end, CEC believes that as a bedrock principle, transition planning must start as soon as possible, but no later than age 14. Moreover, CEC’s recommendations are designed to ensure that WIA reflects an underlying belief in high expectations for all youth, and reinforces self-determination, equality of opportunity, inclusion and integration.

**CEC recommends that Congress**

- **Improve Transition Systems between School and Work**
  - Require providers of youth services to coordinate their activities with the local educational authority and work collaboratively with local schools to incorporate WIA youth services into Individual Education Plans (IEP), with the school as a participating agency in the transition process.
  - Incentivize school districts to place students with disabilities into work experiences both inside and external to the traditional school and vocational rehabilitation settings.
  - Require and fund technical assistance for school districts with low placement rates for students with disabilities.

- **Enhance Outreach to the Community and Professional Development**
  - Authorize programs and funds for increased training and outreach on SSI work incentives and transition planning for families and youth.
  - Enhance programs that provide access to high quality evidence-based job coaching and mentoring.
  - Make the “One-Stops” more youth friendly. Require them to have - on staff - trained youth service professionals dedicated to providing high quality developmentally appropriate services to youth.
  - Create and fund state level positions to serve as liaisons to LEAs to assist individuals with disabilities in finding pathways to higher skilled and higher paying employment.
  - Create a dedicated funding stream to support professional development for individuals in One-Stops to achieve better collaboration across the school to work spectrum.

- **Require Representation of Disability Interests on State Workforce Investment Boards**
  - Require state Workforce Investment Boards to include experts and stakeholders in activities related to the employment of persons with disabilities, and who have an understanding of the education system.
  - Require states to create a special advisory councils dedicated to inclusion of and assistance to individuals with disabilities in state workforce projects, and include representation from the education community.

- **Create and Fund Research Priorities Designed to Address Individuals with Disabilities**
  - Authorize and fund additional federal research on transition-age youth who have disabilities and receive SSI.
  - Fund research about effective outreach strategies, partnership strategies and techniques for job acquisition for individuals with disabilities.

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• **Clarify and Restructure WIA’s Performance Measures to Incentivize Providers to Work with Individuals with Disabilities**
  o Require performance criteria that evaluate performance based on a number of factors, including the differentiation of degrees of difficulty and effort required, and other more flexible measures which can track and account for progress – and interim gains - over a longer period of time.
  o Design the performance investment system to acknowledge and reward providers who invest in the most challenging cases, while maintaining an emphasis on the number and rate of placements.

• **Include and Emphasize Universal Design for Learning (UDL)**
  o Incorporate UDL throughout WIA – in the design of products, communication practices, training programs, services, and activities.
  o Include the definition of UDL currently used in the Higher Education Opportunity Act.

• **Fully Fund WIA**
  o Fully fund WIA to ensure that 100% of all eligible individuals are served.
  o Fund the costs of operating “One-Stops” with a supplemental dedicated stream of funding in combination with the current cost allocation model.
Improving Special Education in Charter Schools

Background
Since the early 1990s, charter schools have sought to provide a public school choice option for parents and students in communities across the country. Although still a publicly funded school, charter schools have distinct characteristics which differ from traditional public schools, namely exemption from certain state/local rules and regulations in exchange for increased accountability requirements. Charter schools vary dramatically in their approach to educating all students with highly qualified educators.

Over the last two decades, 40 states and the District of Columbia have passed charter school laws. While the requirements of each law vary between states, as publicly funded schools, charter schools must comply with all federal education laws, including the Individuals with Disabilities Education Act (IDEA) and the Elementary and Secondary Education Act (ESEA). Charter schools are now serving 2 million students in 5,500 schools nationwide.

Currently, the federal government administers the Charter Schools Program (CSP), a competitive grant program which provides financial assistance for the planning, design and initial implementation of charter schools. In fiscal year 2012, this program received $255 million. Expanding high-quality charter schools has been a cornerstone of the Obama Administration’s school reform agenda, as seen in the Race to the Top requirements and the Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act.

In September 2011, the U.S. House of Representatives passed the Empowering Parents Through Quality Charter Schools Act, legislation CEC supported as it contained many longtime CEC recommendations, such as: requiring that State entities describe how they will ensure charters can meet the educational needs of students with disabilities; assuring that authorizing agencies ensure charter schools are meeting the obligations of IDEA and section 504; and assuring that State entities will adequately monitor and help charter schools to recruit, enroll, and meet the needs of all students with disabilities. This legislation is now pending in the Senate.

Charter Schools Serving Students with Disabilities
Over the last two decades, as charter schools have grown to serve more students, studies have exposed two trends of concern to CEC, first an underrepresentation of students with disabilities in charter schools, and second the growing number of disability-only charter schools.

Studies have shown that students with disabilities have been – and continue to be – underrepresented in charter schools. Furthermore, students with low incidence disabilities (disabilities which are less frequent) are further under-represented within the population of charter school students with disabilities. While there is little data available to explain this trend, one alarming explanation is that students with disabilities are being “counseled out” of enrolling in charter schools. In fact, a U.S. Department of Education study indicated administrators at one-fourth of charter schools reported having advised parents of children with disabilities that the school was not a “good fit” for their child. Such action is illegal and must be enforced by federal and state law. Charter schools must be ready, willing, and able to provide students with disabilities with the full range of supports and services necessary to succeed.

While CEC supports the full LRE continuum and maximum access to the general education curriculum, CEC is concerned by the growing number of charter schools which seek to serve only students with disabilities. As public schools, charter schools must comply with the Individuals with Disabilities Education Act by promoting a free appropriate public education provided in the least restrictive environment for students with disabilities. IDEA was enacted, in part, because of a history of exclusion. One of its great successes has been increasing access to the general education curriculum for students with disabilities. The vast majority of students with disabilities, when given the appropriate accommodations, supports and specialized instruction, can succeed in a general education setting. Currently, thirteen states and the District of Columbia have charter schools which cater to this limited population. Florida has the most number with 34.

**CEC Recommended Congressional Action**

As Congress considers the reauthorization of the Elementary and Secondary Education Act, CEC recommends that Congress only support charter school policies that ensure:

- Access for all students by abiding by the same federal nondiscrimination and equal education opportunity laws that apply to traditional public schools; supporting policies that prevent discrimination based on disability status; supporting policies that do not inadvertently exclude children with disabilities.

- Students with disabilities receive a free appropriate public education provided in the least restrictive environment, pursuant to IDEA.

- Students with disabilities receive appropriate services and supports by supporting charter school policies that explicitly identify responsibility for providing and paying for services associated with educating students with disabilities, including building renovations and the provision of education and related services.

- Charter schools participate in the accountability system in the same way as traditional public schools.

- Charter schools and authorizers appropriately plan for identifying and serving students with disabilities by requiring charter school authorizers and applicants to provide detailed plans that include strategies to identify and serve students with disabilities and address recruitment and retention of highly qualified special education teachers and specialized instructional support personnel.

- Equitable participation of students with disabilities by monitoring charter schools to ensure their enrollment of students with disabilities is comparable with the local population. Charter schools must report data on the overall number of students with disabilities enrolled and disaggregate the data by IDEA eligibility criteria.

- Availability of research and technical assistance to promote high quality programs by authorizing and funding research on identifying and serving students with disabilities in the unique setting of charter schools; establishing a national technical center to assist charter schools in addressing the needs of students with disabilities through the dissemination of evidence-based practices, model authorizing documents, and other charter-specific information and resources.

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Expanding the Federal Role in Gifted and Talented Education

Background
Federal education policy has historically neglected its high-ability students, which has resulted in our nation scoring well below other industrialized countries in international assessments. According to analysis of 2010 PISA scores by Harvard University, not one state scored well in international comparisons, in fact results for many states are at the level of developing countries. Moreover, this underachievement is particularly acute in underserved and disadvantaged communities which not only impacts our global standing but perpetuates cycles of poverty. If our nation’s ability to compete globally rests on the shoulders of our students, significant changes must be made to ESEA to grow future our leaders, innovators, and a highly skilled workforce.

Indeed the statistics for America’s students with gifts and talents from disadvantaged backgrounds are staggering:

- High-achieving students from disadvantaged backgrounds, when compared to their more advantaged peers, are twice as likely to drop out of school; more likely to lose ground as they move forward in their schooling; and are less likely to attend or graduate from college.

- There is a growing “excellence gap” in achievement at the top levels of academic performance on state and NAEP assessments between African American, Hispanic, and students from low-income backgrounds and their Caucasian and more advantaged peers that will take decades to close.

- 9.4% of Caucasian students scored at the advanced level on the 8th grade NAEP in 2007, yet only 1.8% of Hispanic, 1% of African American, and 1.7% of students eligible for free or reduced lunch scored at the advanced level.

- 44% of children from low socioeconomic backgrounds who are considered high achieving when they enter school are no longer high achieving by 5th grade.

- African American and Hispanic students are underrepresented in gifted education programs: African American students represent 17% of the total student population, while their enrollment in gifted programs is 9%; Hispanic students represent 20% of the total student population while their enrollment in gifted programs is 12%.

- 90% of teachers surveyed would like more professional development to better educate high-ability students.

Recently, funding for the Jacob K. Javits Gifted and Talented Students Education Program – the only federal program designed to address the needs of gifted and talented students – was eliminated. State support of gifted and talented education is uneven and largely insufficient, leaving local school districts to bear the burden of supporting gifted and talented programs. The students who are hurt the most by this unequal access to gifted education services are the high-potential students from underserved and disadvantaged communities, who may go through their entire educational experience without being identified as gifted or having access to quality gifted and talented programs or to teachers trained to meet their needs.

Failure to recognize this national problem will only result in a failure to best prepare our future leaders.

**CEC’s Recommended Administrative/Congressional Action**

CEC urges Congress support legislation that comprehensively addresses the needs of students with gifts and talents through:

1. **Restoring Funding for the Javits Act**

2. **Co-Sponsoring the TALENT Act (S. 857/H.R. 1674) which proposes to:**
   - **Change Assessment & Accountability Systems:** Revisions to the assessment and accountability system to ensure that assessments more accurately measure the knowledge and skills of high-ability students and changes to the accountability system to emphasize the highest performance levels.
   - **Increase in Professional Development:** Recognizes the critical role of teachers as the catalyst for learning and academic growth and as such expand professional development opportunities in gifted education pedagogy for teachers nationwide.
   - **Focus on Underserved Populations:** Address research demonstrating a growing “excellence gap” at the top achievement levels between students from low-income backgrounds and their more advantaged peers by directly addressing this population of students: students who are economically disadvantaged, English language learners, individuals with disabilities, and individuals from rural geographic areas.
   - **Emphasize Research and Dissemination:** Recognize the expansion of research in gifted education as the foundation on which the success of our nation’s high-ability students depends by expanding research grant opportunities, developing best practices and expanding the mission of the National Research Center for the Gifted and Talented.
The TALENT Act (H.R. 1674/S. 857): To Aid Gifted and High-Ability Learners by Empowering the Nation’s Teachers Act

Overview

There is a clear national need to develop the talent of the more than 3 million high-ability learners in the U.S., whose performance is falling behind that of students in other industrialized nations. It is well documented that gifted and talented students have special learning needs requiring specialized educational services if they are to reach their potential. Unfortunately, a lack of federal investment in this population means that access to these services depends solely on state and local funds, which is highly variable and unpredictable.

The students hurt most through this dynamic are those high-potential students in underserved urban and rural districts who go unidentified and unserved. This underinvestment in excellence has resulted in a new and widening achievement gap – the gap between minority and economically disadvantaged students who are gifted and talented and their more advantaged, high-ability peers. Researchers have documented a growing gap on both statewide assessments and on the National Assessment of Educational Progress (NAEP) that, at current achievement rates, will take decades to close.\(^1\)

Limited federal leadership, coupled with a singular focus on grade-level proficiency, has resulted in an educational system that too often fails to address the unique learning needs of gifted students and those who could become high achieving with appropriate supports.

TALENT Act: Key Provisions

The TALENT Act meets the needs of gifted and high-ability students in four key areas:

1. **Focus on Underserved Students:** The TALENT Act responds directly to recent research demonstrating a growing “excellence gap” at the top achievement levels between students from low-income backgrounds and their more advantaged peers by:
   - Requiring Title I schools to describe how they will identify and serve students with gifts and talents, including high-ability students who have not been identified as gifted.
   - Requiring states to include in their Title I plans the steps the state will take to assist local school districts in supporting students with gifts and talents, including high-ability students who previously have not been identified.
   - Expanding the Small Rural School Achievement Program to better address students with gifts and talents who live in rural communities, through activities such as professional development for teachers.
   - Priority in Research Grants that seek to develop instructional practices, assessment tools used for gifted identification, materials, and gifted education programs through the Professional Development and Best Practices Grant Program and the National Research and Dissemination Center for the Education of the Gifted and Talented.
2. **Increase in Professional Development**: The TALENT Act recognizes the critical role of teachers as the catalyst for learning and academic growth and as such seeks to expand professional development opportunities in gifted education pedagogy for teachers nationwide by:

- Requiring states to include in their application for funds under Title II, Part A Grants a description of the comprehensive strategy that a state will use to improve the knowledge and skills of school personnel, including teachers, principals and counselors, in identifying specific learning needs of gifted students and tailoring instruction to meet such needs.

- Authorizing the *Professional Development and Best Practices Grant Program*, a targeted, competitive grant program that will conduct school-wide and classroom-based research to develop innovative instructional practices and provide high quality professional development for teachers, principals and other school personnel on strategies known to be successful with this special-needs population.

3. **Changes to Assessment and Accountability Systems**: The TALENT Act would ensure that assessments more accurately measure the knowledge and skills of high-ability students and proposes changes to the accountability system to emphasize the highest performance levels by:

- Requiring that state assessments are vertically aligned and able to measure student knowledge of standards above their grade level.

- Establishing a requirement that states, districts, and schools report learning growth for their most advanced students on state report cards.

4. **Emphasis on Research and Dissemination**: The TALENT Act recognizes that expanding research in gifted education is the foundation for the success of our nation’s students with gifts and talents through provisions such as:

- Establishing a *Professional Development and Best Practices Competitive Grant Program* as described above.

- Continuing the *National Research and Dissemination Center for the Education of the Gifted and Talented* focused on conducting evidence-based research on methods and techniques for identifying and teaching students with gifts and talents, developing resources for teacher training and professional development systems and parents in supporting their child’s education, as well as disseminating its findings broadly, including to the technical assistance centers already established by the ESEA, the Education Technical Assistance Act, and the Individuals with Disabilities Education Act.

CEC – together with the National Association for Gifted Children -- urges support of the TALENT Act to systematically ensure that all high-ability students, regardless of their zip code, are able to maximize their potential. The nation cannot afford to delay.

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Use CEC’s Legislative Action Center or its website to contact Congress in minutes! Drop by the Legislative Action Center in CEC Central during CEC convention and make your voice heard. Special/gifted education funding will only become a priority if Members of Congress hear from their constituents.

ALERT:

Senator Casey (D-PA) and Senator Grassley (R-IA); and Representative Gallegly (R-CA) and Payne (D-NJ) introduced the To Aid Gifted and High-Ability Learners by Empowering the Nation’s Teachers Act, better known as the TALENT Act (H.R. 1674/S. 857).

The TALENT Act expands the education debate by focusing on gifted, high-ability students—particularly those from low-income or minority backgrounds—who have been overshadowed in a U.S. educational system that focuses on its struggling, low-achieving students.

The TALENT Act meets the needs of gifted and high-ability students in four key areas:

1. Changes to Assessment & Accountability Systems
2. Increase in Professional Development
3. Focus on Underserved Populations
4. Emphasis on Research and Dissemination

Urge your Congressional delegation to co-sponsor this CEC-endorsed legislation today!

Sample Letter

As your constituent and a member of the Council for Exceptional Children – the largest international organization concerned with the education of children and youth who have disabilities and/or gifts and talents – I urge you to co-sponsor the To Aid Gifted and High-Ability Learners by Empowering the Nation’s Teachers or (TALENT) Act, H.R. 1674/S. 857.

The TALENT Act, bipartisan legislation introduced by Senator Casey (PA) and Grassley (IA), and Representatives Gallegly (R-CA) and Payne (D-NJ) expands the education debate by focusing on gifted, high-ability students—particularly those from low-income or minority backgrounds—who have been overshadowed in a U.S. educational system that focuses on its struggling, low-achieving students.

The TALENT Act meets the needs of gifted and high-ability students in four key areas:

1. **Changes to Assessment & Accountability Systems**: The TALENT Act would ensure that assessments more accurately measure the knowledge and skills of high-ability students and proposes changes to the accountability system to emphasize the highest performance levels.
2. **Increase in Professional Development**: The TALENT Act recognizes the critical role of teachers as the catalyst for learning and academic growth and as such seeks to expand professional development opportunities in gifted education pedagogy for teachers nationwide.
3. **Focus on Underserved Populations**: The TALENT Act responds directly to recent research demonstrating a growing “excellence gap” at the top achievement levels.
between students from low-income backgrounds and their more advantaged peers by emphasizing opportunities for students who are economically disadvantaged, English language learners, individuals with disabilities, and individuals from rural areas throughout the bill.

4. **Emphasis on Research and Dissemination**: The TALENT Act recognizes that expanding research in gifted education is the foundation for the success of our nation’s students with gifts and talents.

Our nation must correct course and recognize that students with gifts and talents require a learning environment that is challenging and engaging. Our nation’s future prosperity depends on it. Therefore, I urge you to co-sponsor H.R. 1674/S. 857.

Sincerely,
Now there are TWO easy ways to get the latest federal special and gifted education policy news—as it happens!


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NEW ACTION ALERT!

Tell Congress to Oppose Bill which Cuts Half a Billion Dollars in Special Education Funding

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TELL YOUR LEGISLATORS WHAT ISSUES ARE IMPORTANT TO YOU!

• Use the tabs to find out who your elected officials are, e-mail Congress and much more.

• Take action on the latest legislation concerning students with disabilities and/or gifts and talents.

• Enter your zip code and the Legislative Action Center will automatically select your members of Congress.

• Write your local media! Just enter your zip code to access local newspaper, TV and radio.

Don’t forget to to visit the Legislative Action Center at CEC Central, located in the Expo Hall.

Take Action! Visit: www.cec.sped.org/LAC
CEC Congressional Liaison Program

Join CEC’s Advocacy Team!

Do You...

✓ Have a good relationship with your member of Congress or their staff?

✓ Want to advocate for students with disabilities and/or gifts and talents on Capitol Hill?

✓ Want to be part of CEC’s grassroots advocacy team?

If you answered “Yes”, sign up to become a CEC Congressional Liaison today!

The goal of the CEC’s Congressional Liaison program is to foster relationships between CEC members and all 535 members of Congress. Occasionally, Congressional Liaisons are called upon to alert their members of Congress to important legislative issues concerning students with disabilities and/or gifts and talents.

☐ Yes! Sign me up to become a CEC Congressional Liaison:

Name

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Phone      Fax      Email

Please list the member of Congress you have an existing relationship with and any details that you think would be helpful for CEC to know.

Please send completed form to: CEC, Public Policy, 2900 Crystal Drive, Suite 1000, Arlington, VA 22202 Or Fax: (703)243-0410 Or Email: pubpol@cec.sped.org
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