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Thomas Irvin
Office of Special Education and Rehabilitative Services
U.S. Department of Education

The undersigned organizations representing millions of parents, educators, administrators, other pupil services personnel, and other child and education advocates are committed to educating children and youth to their highest academic ability. We are submitting this document as a joint response to the July 18, 2002 *Federal Register* announcement requesting public comment on the President's Commission on Excellence in Special Education final report, "A New Era: Revitalizing Special Education for Children and their Families." We believe it is important to clarify some of the issues raised in the Report. Many of the undersigned organizations have also submitted individual comments under separate letterhead and have addressed many of the same issues as well as additional issues not addressed in this document.

Special Education Finance

Commission Report: *The commission recommends keeping federal funding for this program as discretionary rather than shifting this program to the mandatory portion of the budget. Additionally, the commission seeks to revise the calculation of "excess costs," establish a definable federal commitment, and link any further federal funding to improved education outcomes. Further, the commission recommends changes in the data collection process and the establishment of safety net programs and risk management pools to help pay the cost of high-needs children and deal with other anticipated costs of providing special education services.*

Our Response: We believe these recommendations shift long accepted federal financial responsibility for special education services to states and local governments and fail to recognize the critical fact that current federal funding is vastly insufficient to meet the needs of local school districts. We acknowledge the reluctance of the commission to recommend that the Congress accept responsibility for its longtime financial commitment to special education, but the reality is that the local school districts need to be reassured that the federal government will provide the federal resources needed to meet the federal mandates and desired education outcomes.

When Congress passed the Education for All Handicapped Act in 1975, it made a commitment to provide 40 percent of the excess cost for the education of children with disabilities. When Congress last reauthorized the Individuals with Disabilities Education Act, it made a commitment to fund 40 percent of the average per-pupil expenditures for the education of children with disabilities. Currently, the federal share is roughly \$18 billion, and the actual federal contribution is \$7.5 billion (17 percent). This means that Congress is passing its responsibility to the states and local taxpayers – some \$10.5 billion this year alone.

For 27 years, Congress has required schools and local taxpayers to pay for the unfunded federal share. Since 1975, the Congress has never come close to fulfilling its share of this

program. This means that local schools and states have provided an additional \$311 billion that should have been paid by the federal government. IDEA is a federal mandate. Accordingly, the federal contribution should be made mandatory, like the requirements placed on local school districts. By making the program mandatory, local resources that have been used to meet the unmet federal share for IDEA would be available to provide additional educational resources for all children.

Accountability is a two-way street. Schools can not improve the performance of children with disabilities merely because Congress is telling them to do so. Congress must provide the resources that it committed 27 years ago.

In order to provide a tax base that can support an even more costly and wider scope of services as well as to remove unnecessary costs that hurt all children, we recommend:

1. Requiring other applicable federal, state and local agencies to contribute to the cost of related services that are associated with their area of service responsibility;
2. Enabling school districts to more effectively access the Medicaid system and other public systems as intended and identify the appropriate areas for services to be supported by health insurance plans.

Coordination of ESEA and IDEA Accountability Provisions

Commission Report: *The Commission report notes the recent changes made to the Elementary and Secondary Education Act (ESEA) as reauthorized by the No Child Left Behind Act, and proposes applying the same principles – accountability for results; flexibility; local solutions for local challenges; scientifically based programs and teaching methods; and full information and options for parents – to the IDEA reauthorization.*

The report notes that current federal requirements from a variety of programs at the U.S. Department of Education, especially those related to accountability and reporting, are unrelated to student achievement and are often unnecessarily burdensome. It also suggests that funding increases be linked to improvement in student achievement and that IDEA should include specific measures such as graduation rates, post-graduation outcomes and parent satisfaction surveys.

With regard to IDEA, a suggestion is made that more emphasis be placed on results as opposed to merely focusing on funding of the law. The Commission proposes linking future funding increases for IDEA to student achievement results based on states' improvement plans.

Our Response: We agree that IDEA and ESEA law should work in concert. School improvement efforts must extend to special education and, in fact, NCLB includes reporting requirements to ensure special education students will not be left behind as schools seek to reduce the achievement gaps between high- and low-performing students. Legislators working on a reauthorized IDEA should seriously consider the implications that new NCLB requirements (e.g., Annual Yearly Progress) have for IDEA; however, we caution against providing further reporting requirements via IDEA.

New ESEA regulations and guidelines are currently being finalized and, once in effect, will only have had a short time to be implemented in schools by the time Congress passes a newly reauthorized IDEA. Layering on additional new requirements without having time to establish the success of those implemented in NCLB will be confusing and duplicative. A more productive course of action would be to work with states and localities as NCLB requirements are fine-tuned and implemented. The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) should be actively supporting and advising states and school districts concerning design of assessment systems that accurately measure the progress of special education students. Such systems may include measures such as graduation rates, post-graduation outcomes and parent satisfaction surveys.

We oppose linking future funding increases for IDEA to student achievement results. As noted earlier, we support mandatory full funding of the law. In addition, funding should be linked to the technical assistance needs of schools and the learning needs of students.

Special Education Vouchers

Commission Report: *The commission offers recommendations aimed at giving parents tax dollars to place their children with disabilities in non-public schools. More specifically, the commission recommends that in designing optional choice programs, states allow all available revenues to which the student would have otherwise been entitled-not just IDEA funds-to follow students to the schools their family chooses.*

Our Response: There is no guarantee that the civil rights and the federal and state rights under IDEA rights would follow the students to the non-public schools chosen by the parent. Additionally, there would be neither academic accountability nor public accountability on how the public dollars would be spent, and it would reduce the funds available for public schools to educate children with disabilities. Public schools already support private placements when public schools are unable to provide the appropriate education services. However, eliminating the public school from this critical decision-making process while still holding the public school accountable for student results is inconsistent with public governance principles.

Post-Secondary Results for Students with Disabilities and Effective Transition Services

Commission Report: *The Commission's report has four broad recommendations related to transition services:*

1. *Simplify federal transition requirements in IDEA;*
2. *Mandate Federal Interagency Coordination;*
3. *Create a Rehabilitation Act Reauthorization Advisory Committee; and*
4. *Support higher education faculty, administrators and auxiliary services providers to more effectively provide and help students with disabilities to complete a high quality post-secondary education.*

Our Response: For the most part, we agree with recommendations made in this section. We support simplifying the transition process, however, in the conclusion of the report, the Commission states, “federal regulations must provide greater clarity.” The current regulations state what is required and we believe that states should have flexibility to implement transition services as appropriate. It may be helpful for the Department to issue policy guidance.

An area that we have considerable concern with is the Commission’s recommendation that “it is *always* appropriate for students with disabilities to be invited and present at IEP meetings.” We believe that students should be strongly encouraged to be a part of transition planning; however participation at every IEP meeting could prove to be detrimental, for a small number of students, to their emotional well being.

We are very supportive of redefining transition services to a results-oriented process focusing on post-school and in-school results. However, the recommendation to replace the 14- and 16-year old distinctions with a “uniform standard at an appropriate age” seems vague and ambiguous. We believe that the transition process should begin at 14 and be continuous focusing on skills such as self-determination, self-advocacy, social skills, organizational skills, community and peer connection, communication, conflict-resolution, career skill building and career development and computer/technological competency.

Finally, we are very supportive on strengthening interagency collaboration. The formation of an advisory committee to assist in preparation of the reauthorization of the Rehabilitation Act would be key to develop and define how RSA, OSERS, CMS and OVAE could work together to create a smooth transition from secondary school to adult life and excellence in transition planning and service delivery. We suggest that the advisory committee also look at ways that other legislation may complement these transition services, i.e., the Workforce Investment Act. Additionally, we also believe that the need for data collection and related, scientifically based research is critical to help develop policy to support children to enable them to succeed in transitioning to either post-secondary education or employment.

Teacher and Administrator Preparation, Training, and Retention

Commission Report: *The Commission recommends recruiting and training highly qualified general and special education teachers. State licenses and endorsements for all teachers should require specific training related to meeting the needs of student with disabilities, and integrating parents into special education services. States must develop collaborative career-long professional development systems that conform to professional standards.*

Our Response: We believe that, in order to guarantee that state licensure systems ensure a sufficient supply of quality personnel who demonstrate mastery of essential knowledge and skills, federal policy must focus on *program accreditation* as an essential guarantor of quality and improved results for students. In addition, we recommend amending the service obligation provision under IDEA Part D – Personnel Preparation to be consistent with the provision under the Higher Education Act – Title II. In addition, we recommend expanding programs under the Higher Education Act to recruit new special education

teachers and related services personnel by forgiving their college loans or providing scholarships, and expanding scholarships available under Part D of IDEA, in exchange for commitments to serve children and youth with disabilities.

We also recommend that the Secretary establish a new priority under Part D to provide funds to colleges and departments of education and departments of special education to pursue systemic reform activities related to capacity building and program improvement for pre-service and ongoing professional development. We also support expansion of current efforts to prepare, recruit, and retain qualified professionals from culturally and linguistically diverse groups, and efforts to provide effective preservice and inservice training, to ensure that all personnel are prepared and competent to assess and teach all children from culturally and linguistically diverse backgrounds.

Finally, we recommend significantly increasing the federal authorization and appropriation of funds under IDEA Part D for personnel preparation activities in order to address critical shortages in qualified special education and related services personnel, and requiring the Secretary to equitably distribute such funds to eligible recipients.

Commission Report: *The Commission recommends creating research and data-driven systems for training teachers of special education. SEAs and institutions that train teachers and administrators should implement data-driven feedback systems to improve how well educators educate children with disabilities.*

Our Response: We generally agree with this recommendation in terms of ensuring that teacher education is based on sound research tied to student results. However, we find that some of the Commission's statements regarding IHE programs are unsubstantiated and hyperbolic. Moreover, we are unaware of any significant body of scientifically based research supporting the Commission's claim that integrated special education and general education teacher education programs are more effective than traditional programs. Absent such evidence, we cannot take a formal position on the Commission's finding and recommendation in this regard.

Commission Report: *The Commission recommends instituting ongoing field experiences. Postsecondary institutions and state and private organizations that train teachers should require all students to complete supervised practicum experiences in each year of their training.*

Our Response: We agree with this recommendation. We also recommend aligning a state's approval of preservice and inservice training programs with its state licensure requirements.

Commission Report: *The Commission recommends requiring rigorous training in reading. States and school districts must implement more rigorous requirements for training educators in scientifically based assessment and intervention in reading. General and special education teachers must implement research-based practices that include explicit and systematic instruction in phonemic awareness, decoding, fluency, vocabulary, and comprehension.*

Our Response: We agree that all elementary educators, particularly in the early grades (i.e., K-3) should receive sufficient and quality pre-service coursework in reading. We support expanded teacher education in effective early intervention assessment practices and intervention strategies in reading as well as other critical areas of need. To help fund these efforts, we recommend that those Part B funds which the LEA may treat as local funds in any given fiscal year (Sec.613 (a)(2)(C)) should remain as a part of the school district budget, and that the 20 percent (consistent with current law) first be used for activities supporting effective instructional interventions and progress monitoring in general education designed to assist students who are not progressing as expected in the early grades and beyond in order to prevent inappropriate referrals and reduce the number of children and youth in the school district ultimately requiring designation for special education.

Commission Report: *The Commission recommends increased special education and related services faculty. IHEs should recruit and train more fully qualified professors of special education to address the shortage of special education and related services doctorate holders who are qualified to teach our nation's future educators and prepare them to achieve results for diverse learners.*

Our Response: We note that colleges and universities are experiencing shortages of special education and related services faculty. Every year 30% of faculty vacancies go unfilled. For this reason, we fully support this recommendation. In addition, we recommend that the Secretary establish through Part D priority setting effective strategies for faculty training, including distance learning, to ensure that teacher educators demonstrate cultural and linguistically diverse competence.

Commission Report: *The Commission recommends conducting research. The Department of Education, in collaboration with other federal agencies, should conduct research to identify the critical factors in personnel preparation that improve student learning and achievement in schools. More high quality research is needed on instructional variables that improve achievement by students with disabilities.*

Our Response: We agree with this recommendation; however we recommend expanding research on instructional variables beyond the scope what the Commission recommended in its report. Specifically, we recommend that, under the Comprehensive Plan for activities carried out under subpart 2 of part D, the Secretary should be required to establish a workgroup/task force to advise the Secretary on (1) a cohesive long-term research agenda to improve the knowledge base regarding the preparation and continuing professional growth of special education teachers, related services providers, early intervention teachers, and general and special education administrators; and (2) a cohesive long-term research agenda to identify teaching and learning conditions that enhance the achievement of children and youth with disabilities.

Special Education Research and Dissemination of Information

Commission Report: *The Commission recommends a list of 15 areas in which the federal government should support research. This list is provided on page 72 of the Commission Report.*

Our Response: The Commission appears to assume that other federal agency agenda rather than IDEA stakeholders should, at least in part, drive OSEP research priorities. While collaboration between agencies certainly has value, it should not be the starting point for developing a research agenda.

The recommended research agenda needs to provide the public a projection of the number, type and size of awards that are needed to build and sustain a national performing community of researchers that has the capacity to effectively engage in the research to practice continuum of activities associated with the model presented on p.71 of the Report. The recommended research agenda is a beginning of a list of potential areas for shaping Part D research initiatives, but is not sufficiently developed within a comprehensive framework of research goals and desired impacts to be useful for guiding Part D legislative amendments. Most importantly, this agenda was not developed through any specifically designed public process.

We recommend:

- The perspectives of the Commission, identified as areas in which special education research is needed, should be included in a more comprehensive planning process to be sponsored by OSEP/OSERS;
- The IDEA statute should not contain specific priorities but rather goals/objectives and authorized types of research and related activities (e.g., research, model demonstration, IDEA implementation studies, technical assistance, policy studies, dissemination and synthesis) for Part D funding. Statutory language should be broader than specific priorities which potentially hampers the ability of the administering agency to respond to emerging issues in the field, and does not permit it to involve stakeholders in the process of program planning; and
- In the formulation of a research agenda, consideration should be given to anchoring it to a set of agreed upon goals, desired impact for each goal/objective and indicators of success. The new era research agenda should be used to revisit and revise current GPRA indicators.

- **Model for Research to Dissemination**

The Commission recommends that OSERS collect and analyze data, which can inform the Department of education and the public about the relationship between factors relevant to the implementation of IDEA and student outcomes and results.

Our Response: The assertion of this report that dissemination is the cause of the gap between what is known and what is being used by practitioners and policy makers is not scientifically established in the report or in witness testimony. The linear model depicted on p. 71 appears to presume that adoption, diffusion, use, change, sustainability and continuous improvement will be driven by synthesis and dissemination activities. This presumption is not supported in the literature. In fact, the literature as well as OSEP experience has demonstrated the complexity associated with these different processes used to bridge the gap between research and practice. A more comprehensive and complex model will be required to improve and reform the education and development of infants, toddlers, children and youth with disabilities. We recommend that a work group of experts knowledgeable about the current research and literature on knowledge creation and use, innovation dilemmas, action science, and learning organizations be established to develop a conceptual framework for supporting IDEA research and related activities to support IDEA implementation. The purpose of such a framework should be to guide OSEP's relationships, structure, processes, and investments. The framework should contribute to helping modify current GPRA indicators.

- **Invest in Long-Term Research Priorities**

The Commission recommends the support of long-term research priorities. Inevitably, OSEP is faced with converging constituencies and a finite level of resources. A focus on priorities resulting in research activities with a potential for large-scale implementation and sustainability will more effectively combine resources for the maximum result.

Our Response: While we agree with the need articulated by the Commission, we caution that this can easily lead to a focus on those children not benefiting from their current general educational opportunities. Thus, drawing attention and resources away from addressing the needs of the most “challenged” individuals with disabilities (e.g., those with low incidence, severe or multiple disabilities). Without a greater investment in IDEA research activities, research on large-scale implementation and sustainability will only be conducted at the cost of other research priorities. Funding for the programs authorized under Subpart 2 of Part D of IDEA, including the research program, need to be secured and relatively stable in order to support the implementation efforts of states and school districts – a priority identified by the Commission. We recommend that IDEA be amended to automatically provide each year an amount of funding equal to a minimum of 7.5% of the combined appropriations in that year for Parts B and C to support Part D.

- **Improve Development and Dissemination of Research Findings**

The Commission found little value in continued support for the Educational Resources Information Center (ERIC) Clearinghouse, which is jointly sponsored by OSEP and OERI given the wide availability of other library-based databases and search engines. The material is largely redundant.

Our Response: Surprisingly, the Commission calls for the federal government to cease funding for the Educational Resources Information Center Clearinghouse on Disabilities

and Gifted Education (ERIC EC). It does so outside of any context or discussion related to the role of this clearinghouse or its relationship to OSEP's comprehensive research synthesis, dissemination and strengthening the community of research performance and impact. We have reviewed the testimony provided to the Commission as well as the hearing transcripts and find no reference or recommendation to ERIC EC or to the elimination of funding for either the OERI funded ERIC EC clearinghouse or for the OSEP funded special project, and no public discussion by the Commission on this issue. Further, we disagree with the Commission's rationale for eliminating funding in which it states that ERIC EC is redundant due to the availability of other library-based databases and search engines. We know of no other entity that acquires, processes, synthesizes, and disseminates information about special education and disabilities. In fact, other library-based databases and search engines retrieve their information from the source of these records, the ERIC database.

We recommend continued federal funding of ERIC EC, and for the activities carried out through the OSEP special project should be continued.

- **Grant Review Process: Peer Review of IDEA Research Grant Applications**

The Commission recommends that the current grant review process be changed to create scientific rigor.

Our Response: The Presidential Commission on Excellence in Special Education made a number of recommendations with which we are in agreement. We believe these would be positive changes to the current OSEP review system. We note that these steps were recommended by the OSEP Work Group on Peer Review in their Issues and Recommendations published on April 9, 2001.

The Commission also recommended that OSEP develop a peer review system with a "two-tiered level of review" comprising (a) peers from the research community to address the technical quality, significance, and innovation represented in the proposals and (b) the Assistant Secretary to "address relevance to OSEP priorities." In addition, the Commission recommended a national advisory committee that would, as part of their responsibilities, review research recommended for funding "to ensure its relevance to people with disabilities." In effect, this committee would be a third tier of review.

The Commission's recommendations reflect an urgency to change OSEP's review process to be more like other review systems in other federal agencies(i.e., NICHD, NIDRR). However, these agencies fund basic science, primarily, whereas OSEP funds research on implementation of IDEA's Part B and C programs. This unique characteristic of OSEP funded research implies that while a standing panel may be appropriate for field-initiated research, some directed research priorities may be more effectively reviewed by a panel of reviewers with expertise in the specific priority area(s). The three-tier system of review proposed by the Commission will be more problematic than the system that is currently in place rather than less.

The strengthening of the OSEP peer review system should retain the current essential premise that proposals should be reviewed and recommended for funding by an independent expert panel of researchers. Panel ratings and the rank order of the applications in the funding slate should not be adjusted by the agency except in a case where the peer review system has been found not to have been implemented with integrity (e.g., if a panel or individual reviewer did not adhere to the established selection criteria in rating an application). The peer review system must provide an independent process for making judgments about each application submitted, and not be subject to the inevitable changes in Executive Branch administrations or the beliefs and preferences of agency personnel.

We support the recommendation that OSEP establish a national advisory committee. However, we believe that this committee would best serve individuals with disabilities if it were responsible for “helping to establish priorities and agendas,” as proposed by the Commission, and also to review the relevance of OSEP’s research priorities, but only in advance of holding grant competitions.

We recommend that OSEP establish a system of review that:

- ❑ Relies on qualified reviewers to make recommendations for funding;
- ❑ Defines a qualified reviewer, establishes processes for broadening the pool of qualified reviewers, and increases the criteria for being a qualified reviewer while enhancing the value associated with being a reviewer;
- ❑ Consists of both a standing review panel for field-initiated research and allows for selection of “expert panels” for special competitions;
- ❑ Focuses on the development of written reviews that reflect the strongest research but also assists researchers to revise and resubmit their unfunded proposals;
- ❑ Identifies resubmitted proposals and takes into account recommendations from former reviewers;
- ❑ Establishes and maintains a national advisory committee to assist OSEP in setting priorities for research; and
- ❑ Streamlines the review process by making proposals available in advance to reviewers and decreases the time needed for panel discussions and decision making.

Pre-Referral Interventions

Commission Report: *The Commission recommends providing interventions for learning and behavioral difficulties at an earlier age, within the general education classroom, and prior to referral to special education, as part of a response-to-intervention model (Page 20). It further recommends (page 22) that states have the flexibility to use IDEA funds to support early intervention programs and to combine IDEA funds with other sources of federal support for these programs.*

Our Response: While we support the effort to address early intervention and prevention of academic or behavioral problems through a pre-referral model, this should in no way limit children who are struggling in the classroom from receiving effective instructional interventions, services, and progress monitoring, including evaluation and assessment.

Consistent with current law, we recommend that those Part B funds which the LEA may treat as local funds in any given fiscal year (Sec.613 (a)(2)(C)) should remain as a part of the school district budget, and that the 20 percent first be used for direct service activities supporting such pre-referral interventions within the general education classroom.

We reinforce the notion that special education is a service, not a place. As such, these services may be offered in a variety of settings and coordinated among a variety of providers. We recommend that this coordination be strengthened through the use of interagency agreements and improved collaboration between general and special education and other child-serving agencies and programs.

Early Childhood

Commission Report: *The Commission recommends that IDEA ensure a seamless system for infants, toddlers, children and youth with disabilities, birth through 21 drawing the most effective aspects of Part C (infants and toddlers), section 619 pre-school) and Part B (school-age). This revision in the legislation would clarify that States could choose lead agencies for different programs but the state's educational agency would monitor and enforce compliance for services as a part of the overall monitoring for IDEA. Further IDEA should allow states and local districts to pool existing Part C infant and toddler program funds and section 619 preschool funds with Part B funds to create seamless systems of early intervention services.*

Our Response: We have significant concerns with the recommendations related to a seamless birth to five system. Evidence supporting the need for a change is not identified in the Commission report and data supporting the proposed change and what it would accomplish are also not included. Neither the assumed problem nor the assumed solution is clearly defined.

We believe that states are best equipped to understand the variables that affect the provision of quality early intervention services in their state and therefore, should maintain the authority to choose a lead agency. Accountability and funding should rest with the agency selected.

Thank you for considering our views. We look forward to working with OSERS as the IDEA reauthorization process unfolds.

Sincerely,

American Federation of Teachers

American Occupational Therapy Association

American Speech-Language-Hearing Association

Council for Exceptional Children

Division for Early Childhood of the Council for Exceptional Children

Learning Disabilities Association of America

National Association of School Psychologists
National Education Association