

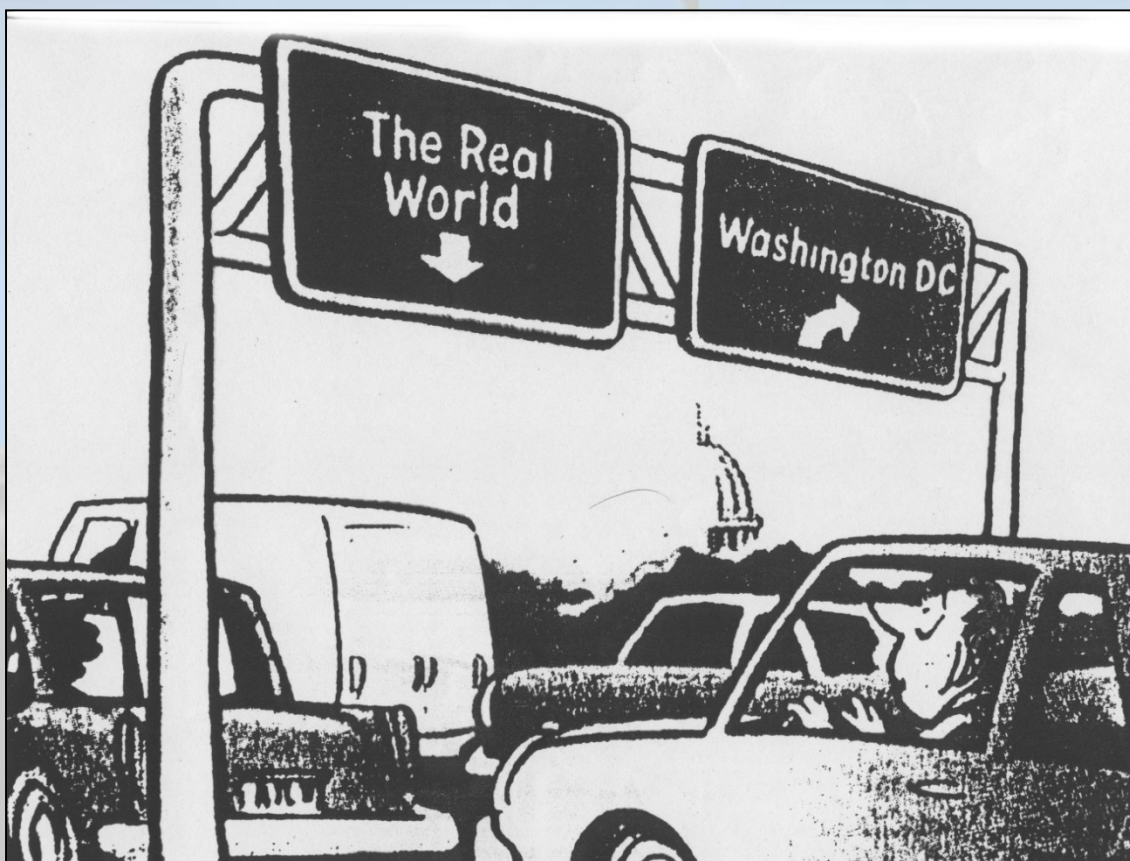
What's Happening in Washington: Federal Special Education Policy

Deborah A. Ziegler
Director of Policy and Advocacy
Council for Exceptional Children

Agenda



- Who's In!
- Confirmation of U.S. Secretary of Education
- Key Education Regulations Rescinded
- Administration's Regulatory Reform Agenda
- Office of Civil Rights
- Supreme Court of the United States (SCOTUS)
- Federal Budget
- CEC's Position on School Vouchers
- CEC's Position on Charter Schools
- What's OVERDUE?
 - ESSA Implementation
 - IDEA
 - Education Sciences Reform Act
 - Higher Education Act
 - Perkins Act
- Repeal and Replace ACA
- CEC's High Leverage Practices
- Policy Insider
- Legislative Action Center
- Twitter and Facebook





Politics

Policy



Who's In!



Donald J. Trump
President of the United States

Who's In!



Betsy DeVos
Secretary, U.S. Department of Education

Who's In!



U.S. Senate
52 Republicans
46 Democrats
2 Independents



U.S. House of Representatives
240 Republicans
194 Democrats

Who's In!

Senate



Sen. Mitch
McConnell
Majority Leader,
Republican



Sen. Chuck
Schumer,
Minority Leader,
Democrat

House



Rep. Paul Ryan
Speaker of the
House

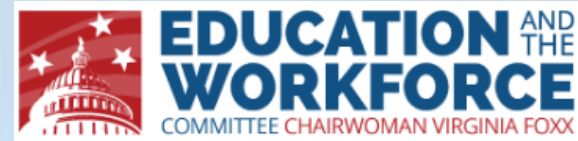


Rep. Nancy Pelosi
Minority Leader,
Democrat

Who's In!



U.S. SENATE COMMITTEE ON
Health, Education
Labor & Pensions



Sen. Lamar Alexander
Chairman, Republican



Rep. Virginia Foxx,
Chair, Republican

Sen. Patty Murray
Ranking Member,
Democrat



Rep. Bobby Scott
Ranking Member,
Democrat



Who's In!

U.S. Supreme Court The Justices



Who's In!

- April 7, 2017 - Senate confirmed Gorsuch to Supreme Court, 54-45
- Confirmation 24 hours after Democrats filibustered and Republicans unilaterally changed Senate rules to eliminate to 60-vote threshold for the high court nominees
- 3 Democrats joined all Republicans to confirm Gorsuch
 - Sen. Joe Donnelly (D-IN), Sen. Heidi Heitkamp (D-ND) and Sen. Joe Manchin (D-WV)
- April 10, 2017 - Sworn in at the Supreme Court (Chief Justice John Roberts), ceremonial swearing in at the White House (Justice Anthony Kennedy).



Neil Gorsuch

Who's In!

Office of Special Education and Rehabilitative Services (OSERS)

Kimberly Richey
Deputy Assistant Secretary
Delegated the duties of the Assistant
Secretary for OSERS



Who's Not Yet In?

Key Presidential Appointments:

Approximately 550 positions in the Trump Administration to be confirmed by Senate

To date, less than 10% appointed and confirmed by Senate

Approximately 4,000 positions can be filled by presidential appointment

Who's In!



Confirmation of U.S. Secretary of Education



Senate Hearing



- January 17, 2017
- CEC Letter to Senate HELP Committee urging clarification of key issues by nominee during hearing
- Scheduled at 5 PM, 3 + hours in duration
- One round of 5 minute questions per Senator
- CEC Was on the Hill for the hearing

Confirmation of U.S. Secretary of Education



Senate Hearing



Policy Insider

January 18, 2017

Last night, Mrs. DeVos failed to answer basic questions about education and indicated that it should be optional for schools receiving federal money to comply with federal civil rights laws. Specifically, DeVos would not commit to enforcing federal special education law (IDEA) and seemed to be confused that states have to follow the federal law. Senator Kaine (D-VA) asked her whether all schools that receive taxpayer funding should meet the requirements of IDEA. "I think this is a matter better left to that states." When questioned later in the hearing by Senator Hassan (D-NH) on the implementation IDEA, "Were you unaware that it is federal law?" DeVos answered: "I may have confused it." DeVos also suggested that billions of dollars in federal IDEA funding could follow a child with a disability raising the issue of portability. It is unclear as to the position of DeVos on implementation of IDEA.



Confirmation of U.S. Secretary of Education



Senate Hearing



Toward the end of the hearing after some tough questions on IDEA from Senator Hassan Mrs. DeVos said “Senator, I assure you that if confirmed I will be very sensitive to the needs of special needs students and the policies surrounding that.” Senator Hassan quickly retorted, “With all due respect it’s not about sensitivity, although that helps, it’s about being willing to enforce the law to make sure that my child and every child has the same access to public education, high quality public education, and the reality is that the way the voucher systems that you have supported work don’t always come out that way. And that’s why it’s something we need to continue to explore. Thank you.”



Confirmation of U.S. Secretary of Education



Confirmation of U.S. Secretary of Education



- February 7, 2017 U.S. Senate confirmed Betsy DeVos – 11th education secretary
- 50-50 tie vote – Vice President (VP) Mike Pence cast the 51st “yea” vote
- Votes were along party lines with 2 exceptions – Senators Lisa Murkowski (R-AK) and Susan Collins (R-ME)
- Sworn in by VP Mike Pence at 5:30 PM the same day as confirmed

Confirmation of U.S. Secretary of Education



CEC Advocacy

CEC members asked their Senators to ensure the nominee would:

- Uphold the basic tenets of IDEA
- Uphold and enforce IDEA
- Not divert the use of public IDEA dollars to support private education
- Guarantee the civil rights of all children and youth with disabilities and their families



CEC President
Mikki Garcia

“Now is not the time to turn back the clock on over 6.7 million children and youth with disabilities. CEC will hold the U.S. Department of Education accountable to ensure that all children and youth are guaranteed a free appropriate public education.”

Key Education Regulations Rescinded



Congress Overturns ESSA Regulations



- President Trump priority to reduce the federal footprint through the rescinding of Obama Administration regulations
- Accomplished through a process known as the Congressional Review Act (CRA) – CRA used only one other time
- Resolution 57 passed both House and Senate along party lines
- ESSA regulations regarding the core requirement that schools be held accountable for the performance of historically marginalized students, including students with disabilities
- Thousands of letters were sent to the Hill by CEC advocates opposing overturning the regulations. Thank you CEC Advocates!

Key Education Regulations Rescinded



Congress Overturns ESSA Regulations



- Department of Education (DOE) prohibited from writing “substantially similar” rules until a new law is passed
- DOE can provide guidance
- DOE issued ESSA guidance on March 13, 2017 only a few days after regulations were rescinded
- Guidance letter to state chiefs on ESSA’s updated consolidated state plan template

Key Education Regulations Rescinded



Congress Overturns ESSA Regulations



- *“The updated template ensures greater flexibility for state and local education leaders to do what they know is best for children, while also maintaining important protections for economically disadvantaged students, students with disabilities and English learners,” Secretary DeVos*
- *CEC, and others are very concerned “that the statutory requirement for stakeholder’s engagement was not included as a priority in the new ESSA template.”*
- *CEC stated, “This omission of parents, educators, and others as stakeholders by Secretary DeVos is NOT what is best for children with disabilities!”*

Key Education Regulations Rescinded



Troublesome Teacher Preparation Rules



- Resolution 58 passed both House and Senate to rescind the U.S. Department of Education teacher preparation regulations
- CEC member concern over requirement of a state – based rating system for preparation programs
- CEC believes any changes in the Higher Education Act (HEA) need to occur through a reauthorization process
- CEC HEA recommendations:
 - Well-prepared supported educators
 - Address chronic shortages in special education through well-funded student forgiveness and scholarship programs

U.S. Department of ED Regulatory Reform



FEDERAL REGISTER

The Daily Journal of the United States Government

- In accordance with Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” the U.S. Department of Education posted a Federal Register Notice: To provide the public the opportunity to submit comments concerning regulations and policy guidance they recommend the agency review, modify, or repeal.
- Comments were due on September 20, 2017.

U.S. Department of ED Regulatory Reform



FEDERAL REGISTER

The Daily Journal of the United States Government

- CEC responded.
- Gathered input: CEC Members, State Units, Divisions, Disability and Education Organizations, Associations, and Coalitions.
- CEC's historical practice is not to advocate for regulatory changes outside of a reauthorization/regulatory process.
- CEC supports the process promulgated by the Administrative Procedure Act (APA) of 1946.
- Concerns: Deregulate current provisions and safeguards in IDEA, abolish the U.S. Department of Education, open IDEA and other education programs to privatization.
- CEC strongly opposed any attempt by the Administration to repeal, replace or modify regulations and/or guidance for the Individuals with Disabilities Education Act.



U.S. Department of ED Regulatory Reform



FEDERAL REGISTER

The Daily Journal of the United States Government

- ED's Regulatory Reform Task Force Second Status Report:
 - ED identifies guidance it intends to withdraw or archive:
 - Office of Postsecondary Education – 398 guidance documents – out of date
 - Office of Career, Technical, and Adult Education – 9 guidance documents – withdraw
 - Office of Elementary and Secondary Education – 97 guidance documents – unnecessary
 - Office of Innovation and Improvement – 2 guidance documents – rescind
 - Offices of Special Education and Rehabilitative Services – 72 guidance documents – withdraw
 - Office of the Chief Financial Officer – 5 guidance documents - withdraw

U.S. Department of ED Regulatory Reform



FEDERAL REGISTER

The Daily Journal of the United States Government

- Offices of Special Education and Rehabilitative Services – 72 guidance documents – withdraw
 - Outdated or unnecessary – as subsequent policy established either through Reauthorization of IDEA, including the promulgation of regulations and guidance that supersedes the outdated policies.
 - Phase Two – review and analysis of approximately 16,000 comments received by ED on repeal, replacement or modification.
 - CEC urges ED to be transparent throughout this process and abide by the Administrative Procedure Act.

U.S. Department of ED Regulatory Reform



FEDERAL REGISTER

The Daily Journal of the United States Government

Breaking News!

Federal Rule on Significant Disproportionality

- ED may hit the pause button:
 - Rule has been in the works for 3 years – final rule published December 2016 – implementation 2018-2019 school year
 - DeVos considering (via Federal Register draft notice)
 - Delay of Rule until 2020 (young children 2022)???
 - Rule eventually modified, replaced, removed or left unchanged???

U.S. Department of Civil Rights



- Administration rescinded Obama-era (2011) school sexual assault guidance (9-22-17).
- Issued a question-and-answer document (“interim guidance”) while a formal review is undertaken.
- Administration did not consider thousands of comments imploring them to leave the Title IX guidance in place.
- New guidance permits schools to allow appeals for accused rapists and harassers while denying survivors the same opportunity.

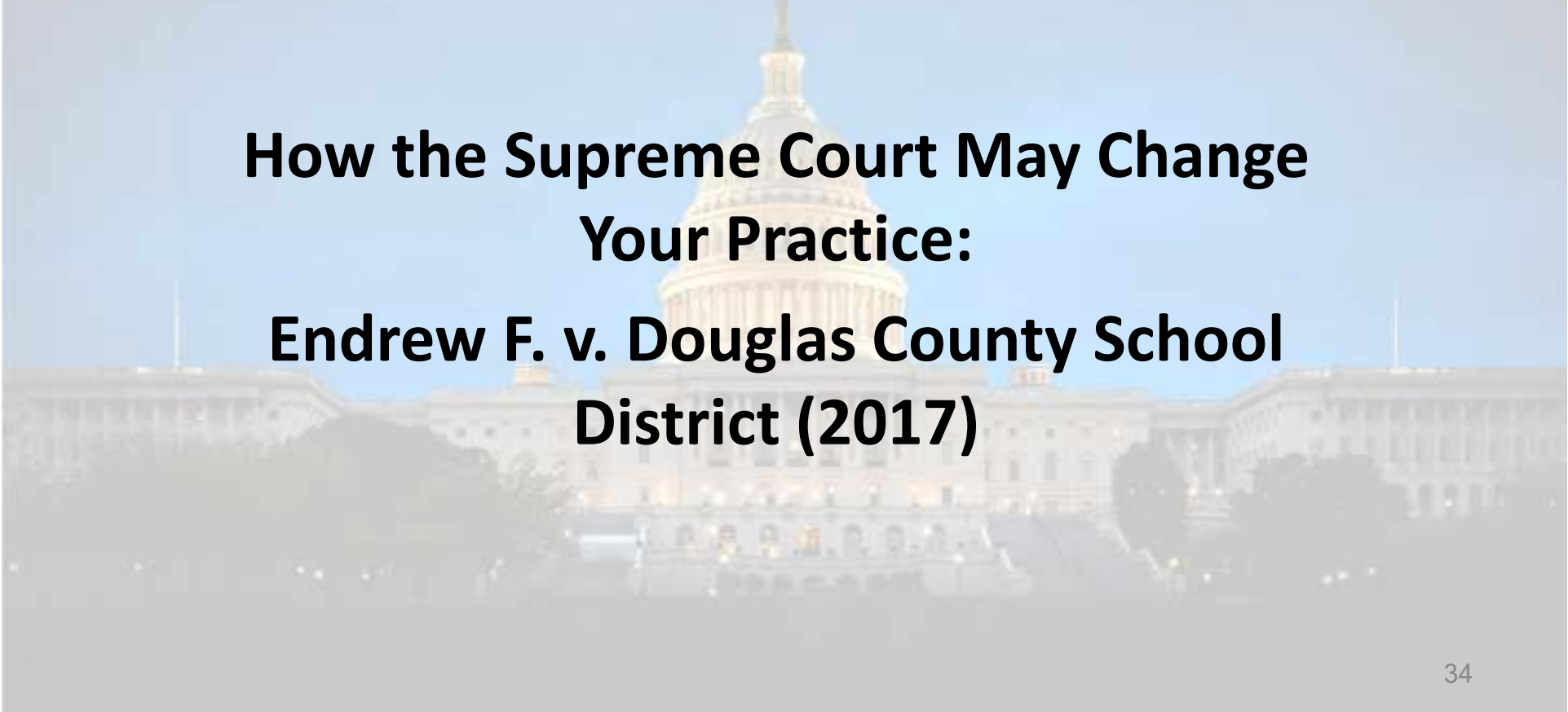


U.S. Department of Civil Rights



- Education Secretary Betsy DeVos has said a new direction is needed to balance the rights of the victims and the accused, “As I said earlier this month, the era of rule by letter is over.”
- Affects all the nation’s colleges, universities and K-12 schools.
- Is this the beginning of the erosion of other OCR guidance?





**How the Supreme Court May Change
Your Practice:
Endrew F. v. Douglas County School
District (2017)**

The Essence of Special Education:

To provide eligible students special education and related services that confer a **Free Appropriate Public Education (FAPE)**

Board of Education v. Rowley (1982)



The Rowley Two-Part Test

- Has the state complied with the procedures set forth in IDEA?
- Is the IEP reasonably calculated to enable the student to receive educational benefits?

Appeal to the U.S. Supreme Court

- On December 22, 2015 the parents appealed to the U.S. Supreme Court
- **Question Presented:** What is the level of educational benefit school districts must confer on children with disabilities to provide them with the free appropriate public education guaranteed by the Individuals with Disabilities Education Act?

Supreme Court of the United States (SCOTUS)



Oral Arguments: January 11, 2017



Supreme Court of the United States (SCOTUS)



Oral Arguments: January 11, 2017



(L to R) Dr. Deb Ziegler, CEC's Director of Policy & Advocacy; Katie Grady, CEC's Policy & Advocacy Coordinator; Dr. Mitchell Yell & Dr. David Bateman attend oral arguments for *Endrew F. v. Douglas County School District* at the United States Supreme Court

Supreme Court of the United States (SCOTUS)

“Standard with a Bite!”



Supreme Court of the United States (SCOTUS)

“Some Benefit,” or “Some Benefit?”



Supreme Court of the United States (SCOTUS)



“IDEA provides a clear standard. The problem is coming up with the right words.”





BREAKING NEWS!

- The high court rejected the “merely more than *de minimis*” standard of the 10th Circuit Court, ruling in favor of the parents.
- Chief Justice John Roberts wrote the unanimous opinion on behalf of all eight justices.

The Rowley/Endrew F.

- Has the state complied with the procedures set forth in IDEA?
- Is the IEP reasonably calculated to enable the student to make progress appropriate in light of the student's circumstances?

Supreme Court of the United States (SCOTUS)



Read More About
the Case

The screenshot shows the SCOTUSblog website interface. At the top, the URL is www.scotusblog.com/case-files/cases/andrew-f-v-douglas-county-school-district. The page features a navigation bar with icons for Home, What's New, Petitions, Events, Special Features, Plain English, Video, Resources, and Administration. Below the navigation bar is a search bar and a subscription form. The main content area displays the case title "Andrew F. v. Douglas County School District" with a table of docket numbers, dates, and authors. A "SCOTUSblog Coverage" section lists key articles and updates. A table at the bottom lists "Proceedings and Orders" with dates and descriptions. The right sidebar contains "Featured Posts" and "More Case Page 2011 archive" sections.

Docket No.	Op. Below	Argument	Opinion	Vote	Author	Item
12-102	with file	Jan 15, 2013	7-2	7-2	7-2	12-102

SCOTUSblog Coverage

- Argument Analysis: Justice reveals what proper standard for assessing educational benefits for children with disabilities (Amy Howe)
- Argument preview: What level of educational benefit is 'necessary' for children with disabilities? (Amy Howe)
- Justice will risk recession by taking for opposing view (Amy Howe)
- Today's orders: One new grant, one COG, two summary reversals (Amy Howe)

Date	Proceedings and Orders
Dec 21 2012	Petition for a writ of certiorari filed. (Recesses due January 20, 2013)
Jan 24 2013	Re: Central matter of Action Weeks and The Public Interest Law Center filed.
Feb 12 2013	DISTRIBUTED for Conference of February 26, 2013.
Feb 22 2013	Recesses Resumed. (12th March 21, 2013)

Table Talk: Supreme Court Ruling Endrew F.

Pros:

-
-
-
-



Cons:

-
-
-
-

Should CEC develop an IDEA reauthorization recommendation to redefine FAPE?:

- Yes
- No
- Not Sure?

If yes, suggestions for definition:

-
-
-

If no, why not?:

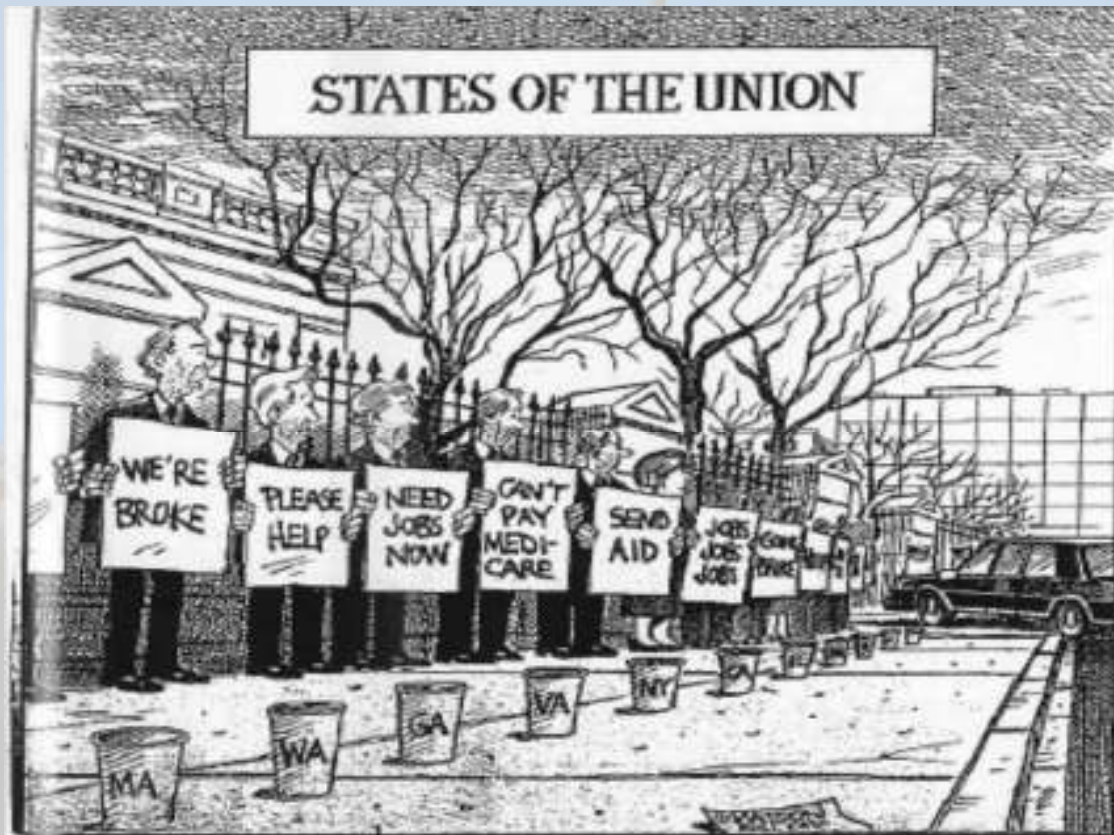
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Education Matters

Investing in
America's Future

Federal Budget



Federal Budget

Budget Battles



- Since January 2011, Republicans and Democrats have had multiple battles over the budget and deficit
- Republicans are opposed to revenue increases
- Liberal Democrats are opposed to entitlement cuts
- Education and other nondefense programs have borne the brunt of the cuts
- Outlook not good for breaking the stalemate

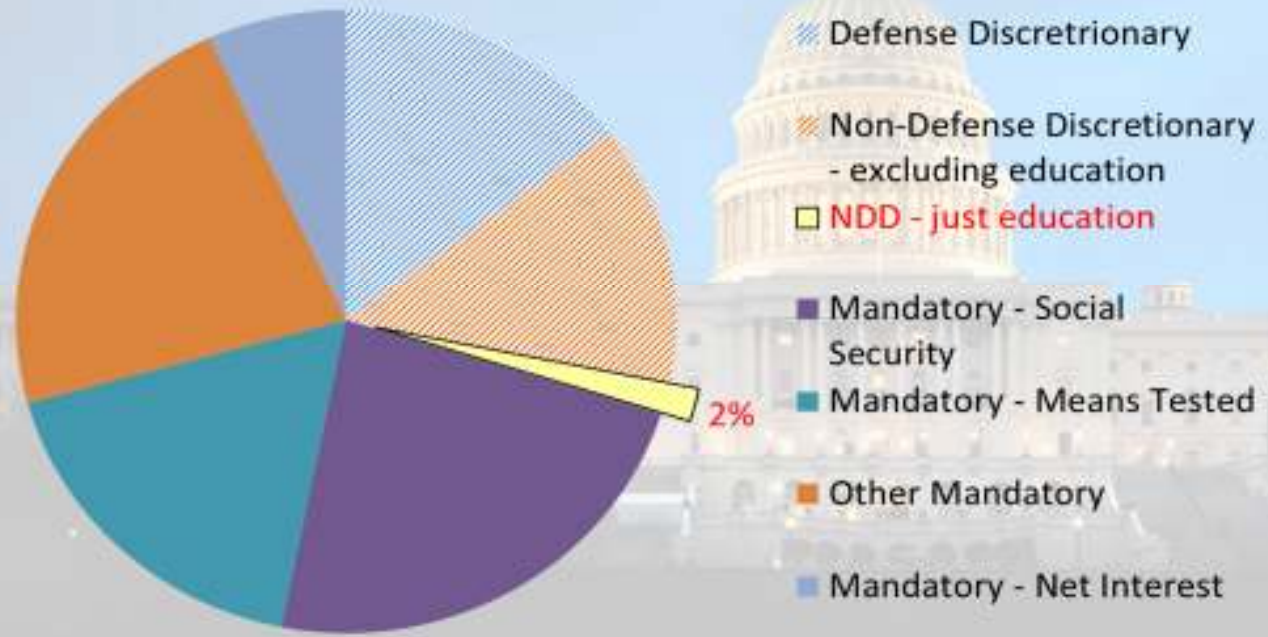
Federal Budget



The Federal Budget and Education

Education Accounts for just 2% of all Federal Spending

2017 Outlays by category



Fiscal Year 2016 Outlays

Source: FY2018 OMB Budget

Federal Budget



FY 2018 Budget

- President Trump released his budget on May 23, 2017
- **2017** – \$68.2 B **2018** – \$59.0 B
- Slashes \$9 billion – 13% of DOE’s funding
- Invests \$1.4 billion of new money in school choice, including private school vouchers, ramping up to an annual total of \$20 billion
 - \$250 million to private schools
 - \$168 million to charter schools
 - \$1 billion increase for Title I – Portability Provision
- Maintains \$13 billion – IDEA
- Eliminates \$2.4 billion – Supporting Effective Instruction State Grants
- Eliminates \$1.2 billion – 21st Century Community Learning Centers
- Eliminates or reduces over 20 categorical programs
 - Jacob K. Javits Gifted and Talented
 - Striving Readers
 - Teacher Quality Partnerships
 - Impact Aid Support Payments for Federal Property
 - International Education Programs
- Other reductions and eliminations

**STARVE THE PUBLIC SCHOOL SYSTEM AND PRIVATIZE EDUCATION
DRACONIAN PROPOSAL – SHORT ON DETAILS!**

President's 2018 Education Budget Far Below 2010 Level Excluding Pell Grants

(Department of Education Discretionary Funds in Billions)



2018 Education Funding Far Below 2010 Level Excluding Pell Grants

(Department of Education discretionary funds in billions)



Constraints On Federal Education Investments

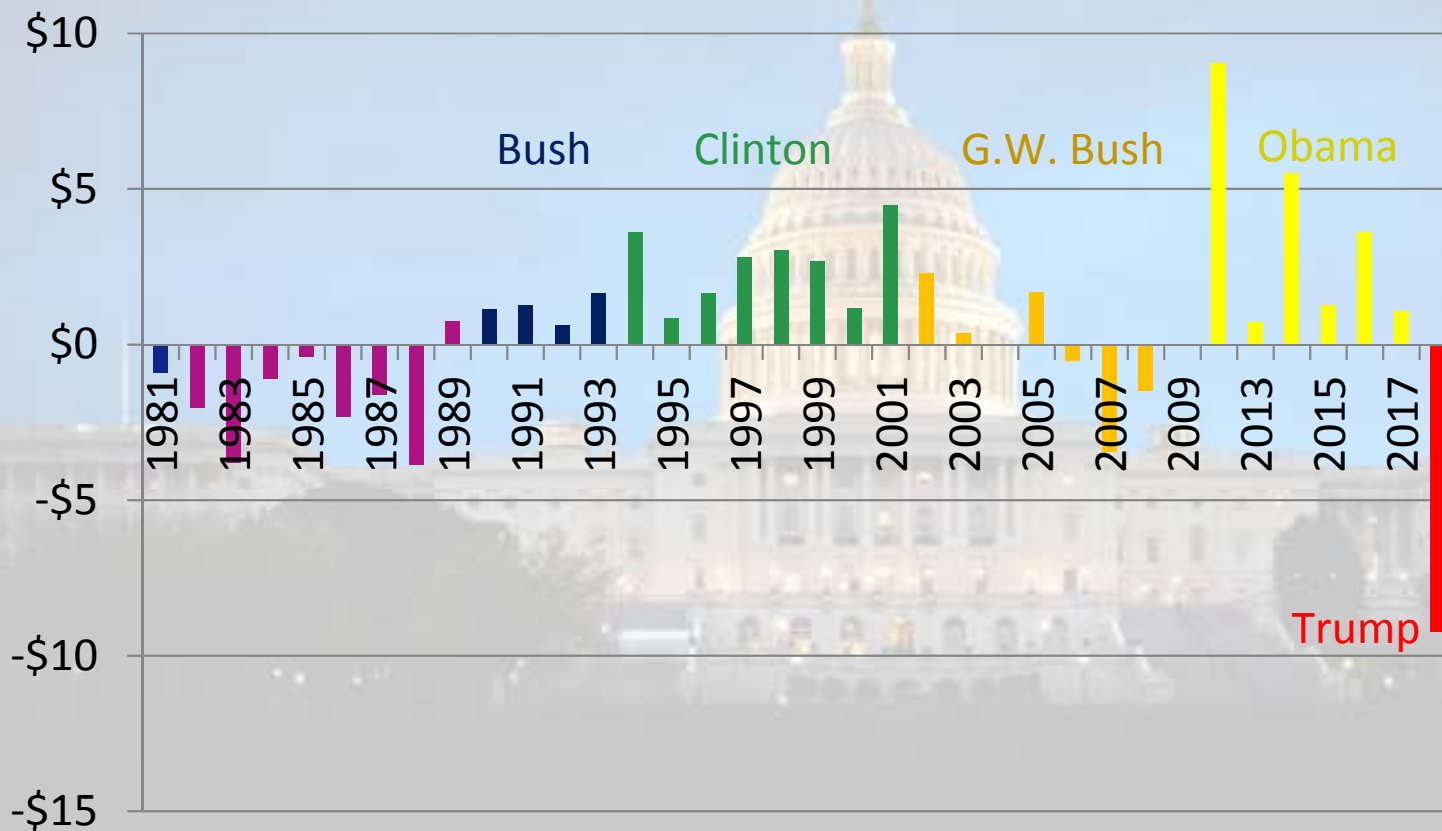


- Budget Control Act discretionary caps
- Sequester-level caps
- Education bill has been shortchanged
- Republican plan for even deeper NDD cuts next year

President Trump's FY 2018 Budget Makes Largest Education Cut

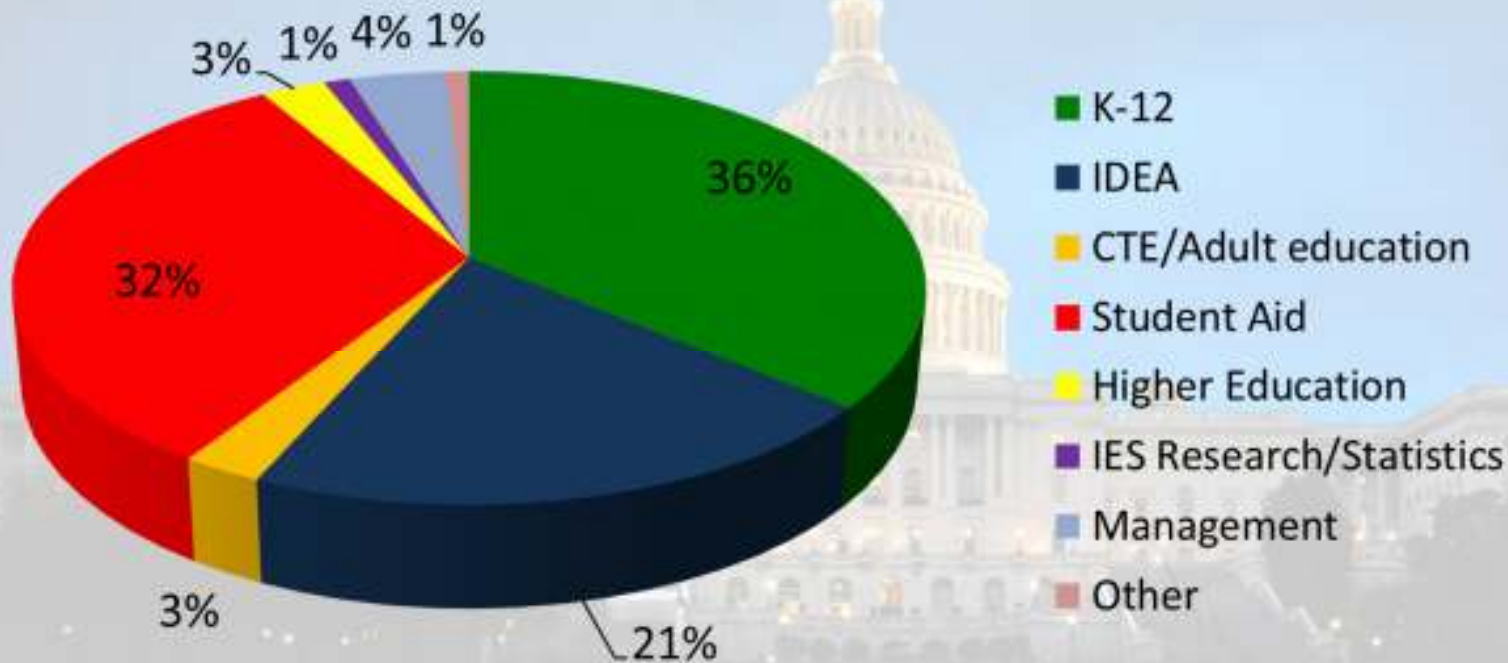


Requested Change in Dept. of Education Discretionary Funding vs. Prior Year, in Billions



Source: Department of Education [FY 2018 request](#) and [budget history tables](#)

President's FY 2018 Department of Education Discretionary Funding



Source: CEF based on Education Department data

Federal Budget



FY 2017 and 2018 Appropriations

Programs	FY 2017 Enacted	FY 2018 President's Budget	FY 2018 House Appropriations Committee	FY 2018 Senate Appropriations Committee
IDEA State grants	\$12,003 billion	\$11,890 billion	\$12,202 billion	\$12,003 billion
IDEA Preschool grants	\$368 million	\$368 million	\$368 million	\$368 million
IDEA Grants for infants and families	\$459 million	\$458 million	\$459 million	\$459 million
IDEA State personnel development	\$39 million	\$42 million	\$39 million	\$39 million
IDEA Technical assistance and dissemination	\$44 million	\$44 million	\$44 million	\$44 million
IDEA Personnel preparation	\$84 million	\$84 million	\$84 million	\$84 million
IDEA Parent information centers	\$27 million	\$27 million	\$27 million	\$27 million
IDEA Technology and media services	\$28 million	\$30 million	\$28 million	\$28 million
Research in special education	\$54 million	\$54 million	\$54 million	\$54 million
Javits Gifted and Talented	\$12 million	\$0	\$12 million	\$12 million

Federal Budget

Federal Share of IDEA Funding



*Full Funding: represents the federal commitment to provide 40 percent of the excess cost (as measured by the national average per pupil expenditure) of educating children, ages 3 through 21, with disabilities.

IDEA Full Funding Act Introduced



- Representative Jared Huffman (D-CA) introduced the IDEA Full Funding Act – June 16, 2017.
- Senators Jon Tester (D-MT) and Chris Van Hollen (D-MD) will introduce a companion bill in the near future.
- Provides mandatory funding that puts federal government on a 7-year glide path to reach the 40% of the additional costs associated with educating students with disabilities.
- Currently, the federal government funding is at 15% of those additional costs.
- Supports Part B 611 increases only – Part B 619 – Preschool and Part C are not included in the bill.

Congress Passes FY 2017 Funding Package



- In early September – U.S. House of Representatives (316-90) and the U.S. Senate (80-17) passed a funding bill:

- Provided additional emergency assistance to respond to Hurricanes Harvey and Irma.
- Raised the debt ceiling to allow the U.S. to meet its financial obligations.
- Authorized a FY2017 Continuing Resolution (CR) to allow for the continuation of government programs and services until December 8, 2017.
 - CR covers all 12 appropriations bills, maintains current FY 2017 funding levels without “poison pill” policy riders or funding for any new activities including a border wall.



Federal Budget



Education Appropriations



Recommendations for FY 2018

CEC urges Congress to:

- \$12.9 billion to fully fund IDEA's Part B Program
- \$1.12 billion for IDEA's Part C Preschool Program and \$1.02 billion for IDEA's Part C Early Intervention Program
- \$853.9 million for IDEA's Part D Program
- \$70 million in the National Center for Special Education Research Center in the U.S. Department of Education Institute of Education Sciences
- \$20 million for the Jacob K. Javits Gifted and Talented Students Education Act

Federal Budget



CEC President Mikki Garcia Speaks Out!



- IDEA underfunded since 1975 – currently at 16% of Congressionally promised 40% of excess cost
- Jeopardizes FAPE
- Reduces access to quality PUBLIC schools that provide opportunities for ALL children
- Opposes private school vouchers
- Trump budget neglects an opportunity to answer the calls for greater federal support in key public education programs
- CEC turns to Congress to correct the course!

Tell Congress – Invest in PUBLIC Education! Visit CEC’s Legislative Action Center!

CEC's Position on School Vouchers



**Trump Administration Proposal –
CHOICE – FOR SOME!**

- CEC opposes private school vouchers:
 - Contrary to best interests of children and youth and their families, the public school system, local communities and taxpayers
 - Contradict and undermine central purposes of civil rights laws (IDEA)
- CEC opposes private school vouchers for these specific reasons:
 - Absence of necessary accountability
 - No guarantee of FAPE
 - Families opt out of procedural protections
 - Segregation within the private school
 - No guarantee of equal access
 - Promotes re-segregation rather than diversity
 - Use of public education funds for private schools

CEC's Policy on Charter Schools



Charter Schools must reflect a commitment to free and universal public education, with equality of educational opportunity for all.

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:

CEC's Position on Charter Schools



Student Access:

- Charter schools must be required to abide by the same nondiscrimination and equal education opportunity laws that apply to other public schools.

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.

Financing the Education of Children With Exceptionalities:

- 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.

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.

Senator Bennet (D-CO) on Parent's Choice



“ I support parents' choices on high-quality schools and charter schools, and I think it plays a critical role in education. The goal for me has never been in school choice for its own end. The goal is high-quality public schools for every kid in every neighborhood to receive a great education. ”

Senator Michael Bennet (D-CO)
Nomination Hearing for Betsy DeVos
January 17, 2017

CEC - Vouchers and Charter Schools



CEC's Policy on Children With Exceptionalities in Charter Schools

The Council for Exceptional Children (CEC) vigorously supports educational reform within the public schools which promote rigorous learning objectives, strong curricular standards, strong teacher training, diverse educational settings, 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 full 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 disabilities (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 disabilities are upheld.

It is the policy of CEC that the following criteria with respect to children and youth with disabilities be followed by school parents, professional staff, school authorities, policymakers, and authorizers in considering 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 obtain by the same non-discriminatory and equal educational 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. Extracurricular activities cannot be used as a vehicle 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 disabilities. Charter school admissions must require applicants to provide detailed data that include strategies to identify and serve children and youth with disabilities and address non-academic and extracurricular activities, successful transfer and gifted education teachers and related service personnel.
- As public schools, charter schools must be required to provide a free, appropriate, public education program in the least restrictive environment to students with disabilities, and to ensure all of the other basic fundamental rights and rights to association with available peers, such as for individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and for Americans with Disabilities Act in the United States, including children and youth's physical access to the education program offered. Consideration in a charter school contract for access to a student with a disability for free, appropriate, public education provided in the least restrictive environment to which they have a right. Charter schools operating as full and local educational agencies must comply with local, state and federal enrollment requirements in the same manner as a traditional local educational agency.

Ensuring the Education of Children With Disabilities

- Educational and other services required by children with disabilities, 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 in the highest governmental authority. Policies for charter schools that, when appropriate, their agreements associated with educating children and youth with disabilities in charter schools, including the need of building technologies and the provision of special and gifted education and related services. The information must be consistent by authorizer during the initial chartering process and in the charter renewal process.

Accountability

- Charter schools must be held accountable by the highest governmental authority and, where appropriate, local school programs, for providing special and gifted education and related services to children with disabilities for free, appropriate, public education provided in the least restrictive environment to which they have a right.

CEC's Policy on Children With Exceptionalities in Charter Schools April 2011.1

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 3-point debate about education vouchers was qualified in the 1980s, legislators at every level of government have proposed and enacted school vouchers 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 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 current purposes of civil rights laws designed to protect children and youth with disabilities.
- CEC opposes vouchers inappropriate for children and youth with disabilities for at least the following reasons:
 - Absence of Necessary Accountability**
 - Public accountability is essential to public 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 based on measuring student achievement, nor are they ever bound by the requirement of an individualized education program (IEP). Further, no ongoing general supervision of the educational program is conducted by the state and local education agency, that oversight mechanism 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 of no cost to a student's family. Beyond the initial capital payment, private schools are charging parents additional amounts. The reality ultimately makes vouchers unaffordable to middle-income and upper middle-income families, but at the same time financially attractive to upper-income families.
 - Families Opt Out of Procedural Protections**
 - Though they may not at first realize it, all may in fact be left without parents in effect abandon their role 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 level of transparency, including mediation, due process hearings, individual appeal, "stay-put" guarantees, dispute resolution, ongoing evaluation, and assurance of alternative placements when required. Though private schools normally require parents may consent to placement 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 oversight.
- Integration Within the Private School**
 - A fundamental goal of IDEA is the requirement of education within the least restrictive environment (LRE). Since private schools are not subject to the laws, the potential for racial/ethnic segregation of children and youth with special learning needs is probably significant.
- 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 make room after initial enrollment. For example, evidence indicates that children and youth with more severe disabilities, as those with higher care needs or behavioral challenges, are typically not enrolled, and if enrolled, not retained.

CEC's Position on School Vouchers June 2011.1

What's OVERDUE?



- ESSA Implementation
- IDEA
- Education Sciences Reform Act
- Higher Education Act
- Perkins Act

What's OVERDUE?

What's Next for ESSA?

- State Plans!!!**
- 16 states and D.C. – April 13
 - All other states – September 18

Stakeholder
Engagement???



Regulations???

Guidance???

What's OVERDUE?



IDEA...2017-2018???

What's OVERDUE?

IDEA Reauthorization

- When?
- CEC proactive vs reactive!
- CEC not recommending reauthorization now!
- CEC IDEA Reauthorization work group developed draft IDEA Principles and Recommendations
- CEC's Representative Assembly discussed and provided input to CEC Board –April 2017



What's OVERDUE?

IDEA Reauthorization

1. Well –Qualified and Supported Workforce
2. Identification and Eligibility Process Aligned With Educational Outcomes
3. Equal Access to General education Opportunities
4. Access and Instructional Supports for Improved Student Outcomes
5. Accountability
6. Promoting Children and Youth's Social, Emotional, and Behavioral Well-Being
7. Postsecondary and Career-Ready Alignment
8. Protection of Children and Family Rights
9. Early Intervention and Early Childhood
10. Federal and State Resources
11. National Activities to Improve Education of Children with Disabilities

What's OVERDUE?



Higher Education Act

What's OVERDUE?

Two Major Initiatives in Higher Education

Reforms to College Affordability

Reforms to Teacher Preparation Programs

- Teacher preparation programs to train ALL to address the needs of children and youth with disabilities and gifts and talents
- Emphasize high-quality clinical experiences for teacher candidates that are practiced-based
- Address the chronic shortages in special education – student loan forgiveness and scholarship programs (teacher turnover costs \$4 billion per year)
- Increase postsecondary education opportunities for students with disabilities

What's OVERDUE?



Education Sciences Reform Act

What's OVERDUE?

CEC's ESRA Recommendations



Strengthen
National Center for
Special Education
Research



Bridge Research-
to-Practice Gap



Recognize
Special/Gifted Ed
in Institute for
Education Sciences



Support, Strong
Consistent
Leadership



What's OVERDUE?

Perkins Act

Reauthorization of the Carl D. Perkins
Career and Technical Education Act

What's OVERDUE?

The Strengthening Career and Technical Education for the 21st Century Act

- Introduced into the House on June 28, 2016
- Would reauthorize through FY 2022

Co-sponsors were:



Rep. Glenn Thompson (R-PA)



Rep. Katherine Clark (D-MA)

What's OVERDUE?

Proposed Changes under The Strengthening Career and Technical Education for the 21st Century Acts

Proposed focus is on four key areas:

- Empowering State and Local Community Leaders
- Improving Alignment with In-Demand Jobs
- Increasing Transparency and Accountability
- Ensuring a Limited Federal Role

House Repeal and Replace - Affordable Care Act (ACA) - May 2017



- U.S. House Bill To Repeal and Replace Affordable Care Act (ACA)
- Major Nationwide Advocacy and Resistance Effort
- Bill Included Medicaid Block Grant and Per Capita Caps
- Passed by U.S. House on May 4, 2017



Attempt #1 - Senate Repeal and Replace- Affordable Care Act (ACA) - July 2017



- Better Care Reconciliation Act (BCRA) passage failed in July due to overwhelming public opposition and “NO” votes from Rs and Dems.
- Multiple attempts at repeal and repeal and replace failed.
- Senate is moving on to other legislation. Health care reform is over for now. (July 2017).
- CEC advocacy campaigns opposed BCRA and repeal and replace schemes due to cuts and caps to Medicaid for schools and early intervention programs.
- Thank you CEC members for your advocacy!

Attempt #2 - Senate Repeal and Replace-Affordable Care Act (ACA) - September 2017



- Graham-Cassidy ACA Repeal and Replace Bill
- Bill provisions:
 - Cap and block grant Medicaid (the equivalent of Medicaid cuts)
 - Cut funding for Medicaid expansion
 - Allow insurers to charge individuals with pre-existing conditions more money for health coverage
- A group of bipartisan governors asked Congress to oppose the Graham-Cassidy bill and renew support for bipartisan efforts to make health care more available and affordable for all Americans.
- Never made it to Senate floor for a vote due to public opposition and not enough votes from Senate Republicans!
- Again, thanks to CEC advocates – your voice was heard!

FY2015 Medicaid Expenditures for School Based Services



	Total	State	Federal
Kansas	\$67,095,810	\$30,136,375	\$36,959,435
Iowa	\$102,106,503	\$45,397,671	\$56,708,832
Nebraska	\$26,207,529	\$12,903,713	\$13,303,816

What Happens Now?



' Who knows? '

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Red

The Senate's ACA Debate is Far From Over!

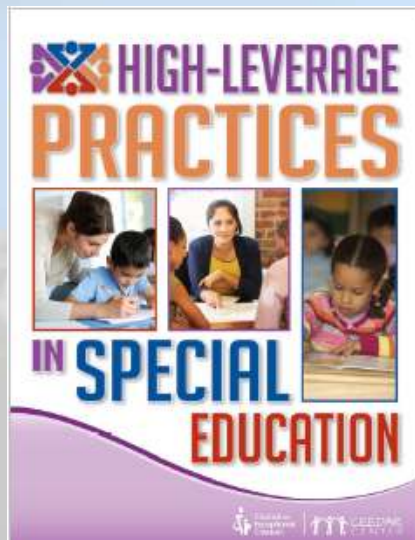


CEC's High Leverage Practices (HLPs)



It's Revolutionary!

They're here – 22 High-Leverage Practices (HLPs) for special educators!



- What every special educator needs to know on Day 1!
- Used frequently and improve student outcomes
- 22 HLPs
 - Collaboration
 - Assessment
 - Social/emotional/behavioral
 - Instruction
- Why? Teacher training, professional development and current practice
- Who? CEC/CEEDAR/TED

CEC's High Leverage Practices (HLPs)



High Leverage Practices in Special Education (HLPs)

What are HLPs?

"A set of practices that are fundamental to support... student learning, and that can be taught, learned and implemented by those entering the profession."

Wentworth, M., Thompson, J., Bracken, M., & Strouse, D. (2012). Preparing a core set of instructional practices and tools for teachers of students with disabilities. *Journal of Special Education, 46*(5), 679-903.

What were Criteria for HLP Development?

- ◆ Focus directly on instructional practice.
- ◆ Occur with high frequency in teaching.
- ◆ Research based and known to foster student engagement and learning.
- ◆ Broadly applicable and usable in any content area or approach to teaching.
- ◆ Skillful execution is fundamental to effective teaching.

What are the HLPs for Special Education?

Collaboration

1. Collaborate with professionals to increase student success.
2. Organize and facilitate effective meetings with professionals and families.
3. Collaborate with families to support student learning and secure needed services.

Assessment

4. Use multiple sources of information to develop a comprehensive understanding of a student's strengths and needs.
5. Interpret and communicate assessment information with stakeholders to collaboratively design and implement educational programs.
6. Use student assessment data, analyze instructional practices, and make necessary adjustments that improve student outcomes.

Social/Emotional/Behavioral

7. Establish a consistent, organized, and respectful learning environment.
8. Provide positive and constructive feedback to guide students' learning and behavior.
9. Teach social behaviors.
10. Conduct functional behavioral assessments to develop individual student behavior support plans.

Instruction

11. Identify and prioritize long- and short-term learning goals.
12. Systematically design instruction toward specific learning goals.
13. Adapt curriculum books and materials for specific learning goals.
14. Teach cognitive and metacognitive strategies to support learning and independence.
15. Provide scaffolded supports.
16. Use explicit instruction.
17. Use flexible grouping.
18. Use strategies to promote active student engagement.
19. Use assistive and instructional technologies.
20. Provide intensive instruction.
21. Teach students to maintain and generalize new learning across time and settings.
22. Provide positive and constructive feedback to guide students' learning and behavior.

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Stay Connected: CEC's *Policy Insider* Blog



The screenshot shows the homepage of the Council for Exceptional Children's Policy Insider blog. The header includes the CEC logo and the title "Policy Insider" with the tagline "The voice and vision of special education." Below the header, there are navigation links for Home, About, Subscribe to Weekly Digest, and Council for Exceptional Children. The main content area features two articles: "Policy on Dual Language Learners in Early Childhood Education" and "Mental Health and Wellness in Head Start". A sidebar on the right contains a search bar, a "CEC RESOURCES" section with links to various CEC pages, and an "ARCHIVES" section with a list of dates from June 2016 to January 2016. A blue circle highlights the link "Subscribe to this blog's feed" in the sidebar.

www.policyinsider.org
Sign up for the weekly digest!

The registration form is titled "Registration for CEC's Policy Insider". It includes the CEC logo and a brief introduction: "Thank you for joining the Council for Exceptional Children's Policy Insider. The Insider is a complimentary weekly email containing the latest policy news concerning students with disabilities and to gifts and talents and the professionals who work on their behalf. We look forward to keeping you informed. Welcome, CEC's Policy and Advocacy Team!". The form contains fields for "Email Address" and "First Name". Below these is a "Security Check" section with a CAPTCHA and a "Captcha" field. A large orange "Sign Up" button is at the bottom. A small disclaimer at the very bottom reads: "This is an adult website. Please do not provide a link or information on this page unless you are 18 years of age or older. If you are under 18, please do not provide your name or any other personal information." The page number "89" is in the bottom right corner.

CEC's Legislative Action Center



TELL YOUR LEGISLATORS WHAT ISSUES ARE IMPORTANT TO YOU!

- Check out our newly designed website featuring CEC's engagement alerts.
- Take action on the latest legislation concerning children and youth with exceptionalities and the professionals who work on their behalf.
- Lookup your elected officials and candidates by simply typing in your zip code.
- Learn more about special education policy on the "Issues" pages.
- Send a letter to Congress on key policy issues: Register for email alerts!

<http://cqrcengage.com/cek/home>

Twitter & Facebook



@CECAdvocacy



www.facebook.com/cechq/

Follow us on Twitter and Facebook for up-to-the-minute policy updates!



*We need men who can
dream of things that never
were and ask why not.*

President John F. Kennedy
*Address to the Irish National Parliament,
June 1963*





**“A small group of
thoughtful people could
change the world.
Indeed, it's the only
thing that ever has.”**

Margaret Mead

Kid President - For the Heroes!



Questions?



THANK YOU!



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