

# The Education Report

*A weekly report of public policy issues in American Education from*

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**July 12<sup>th</sup>, 2002**

## **House and Senate Hold Hearings on Presidential Commission Report on Special Education**

On July 9, the Senate Committee on Health Education Labor and Pensions held a hearing on the final report of the President's Commission on Excellence in Special Education, "A New Era: Revitalizing Special Education for Children and Their Families." Sen. Edward M. Kennedy (D-MA) chaired the hearing which was attended by Democratic Senators Murray (WA), Harkin (IA), Reed (RI) and Clinton (NY), as well as Republican Senators Gregg (NH), DeWine (OH), Roberts (KS), and Sessions (AL).

Testifying at the hearing were former Governor of Iowa, Terry Branstad, who chaired the Commission and fellow Commissioners Doug Huntt of Ohio and Doug Gill of Washington state.

Mr. Branstad's testimony focused on the three key recommendations of the report: to focus on results rather than process; to embrace a model of prevention rather than failure; and to consider children with disabilities as general education children first. Mr. Huntt outlined the transition recommendations in the report while Mr. Gill addressed the financing recommendations.

Senator Harkin and Senator Roberts raised concerns about the Commission's recommendation against mandatory full funding for IDEA Part B, noting that the federal government's failure to live up to its promise of funding 40% of the excess cost of educating students with disabilities has resulted in much divisiveness in communities. Sen. Roberts noted that in its call for increased accountability, the Commission seems to be adding new mandates to the current ones when there is not enough money to implement the existing mandates. Sen. Sessions noted his disappointment that the Commission did not address discipline issues related to students with disabilities. He cited a recent Washington Education Association study that indicated that a significant number of special education teachers have problems with disciplining students with disabilities and two thirds of the teachers plan to leave the field of special education.

Sen. Kennedy questioned the panel as to why they did not address the issue of Medicaid reimbursement to schools for services provided to eligible special education students. The panel said the Commission did not have time to delve into this issue. Sen. Kennedy asked that they revisit it and provide the Committee with recommendations.

The House Committee on Education and the Workforce, chaired by Rep. Boehner (R-OH), held a hearing on the Commission report on July 10. Gov. Branstad and Todd Jones, Executive Director of the Commission, testified at the hearing. Over 20 members of the Committee attended and questioned the panel.

Rep. Boehner praised the Commission for rejecting mandatory full funding. Rep. George Miller (D-CA), ranking member of the Committee, noted that he was concerned that Republicans were playing a “bait and switch” game. Last year they asked for reform first in No Child Left Behind, promising that additional funds would follow reform. While the reform was accomplished, the new money has not been forthcoming. The notion of “reform first and money later” seems to be a “bait and switch” activity that is beginning again with IDEA, he noted. Mr. Roemer (D-IN) said that he was disappointed that the report did not tackle the core question of how to ensure that children served under IDEA actually receive the free appropriate public education that they are entitled to. He said this is like “having a Commission on terrorism that does not address al Qaeda.”

Mr. Miller rejected the Commission’s recommendation for vouchers and Mr. Tierney (D-MA) asked if the IDEA due process protections would follow an individual child who used IDEA funds as a voucher to go to a private school. After some back and forth, Mr. Jones indicated that it would depend on the particular type of voucher program.

A copy of the Commission report can be found at:

<http://www.ed.gov/inits/commissionboard/whspecialeducation/reports.html>

Recommendations for IDEA reauthorization can be submitted to the House Subcommittee on Education Reform at:

<http://edworkforce.house.gov/issues/107th/education/idea/ideacomments/index.htm>

Opinions on the report can be viewed at:

“Panel Supports Special Ed. Vouchers”

Michael Fletcher, Washington Post, 07/06/02

<http://www.washingtonpost.com/wp-dyn/articles/A30493-2002Jul5.html>

“Kennedy Takes on Special Ed. Report”

Amy Fagan, Washington Times, 07/09/02

<http://www.washtimes.com/national/20020709-75784347.htm>

### **FY03 Appropriations Update**

The FY03 Labor, Health and Human Services and Education Appropriations bill is scheduled for markup in the Senate subcommittee on Tuesday, July 16<sup>th</sup> at 5:30 pm. The full Committee will meet two days later. No schedule has been set in the House as of yet, but speculation remains that they will wait until sometime in September before taking action.

## **Congressman Boehner and Gregg Release Study on Record Educational Spending**

On July 9<sup>th</sup>, Chairman of the House Education and Workforce Committee John Boehner (R-OH) and Ranking Republican on the Senate Health, Education, Labor and Pensions Committee Judd Gregg (R-NH) released a Congressional Research Service report entitled “Resources for Reform: New Hope for America’s Most Disadvantaged Public Schools.” The report examines the funding levels of 125 of the “most disadvantaged” urban schools and 50 rural schools. The report finds that of the urban schools, all will receive increased Title I funding from the No Child Left Behind Act (NCLB). The average increase is 26.4 percent. The school districts most likely to receive the greatest increase in funds are those who are now legally obligated to provide parents with school choice options and supplemental services.

The school districts receiving the greatest increases are: New York City Schools, the Los Angeles Unified School District, Philadelphia school district, the city of Chicago district, the Houston Independent school district and the Dade County, Florida school district.

The report also finds that the NCLB legislation represents the single largest increase in education spending at 27 percent and the largest increase in Title I funds at \$1.5 billion. An additional \$1 billion increase in Title I funds is expected next year. Under NCLB, programs increasing teacher quality received a 35 percent increase in funds; reading programs (Reading First) had their funding triple to \$900 million; and English literacy programs received increased funding to \$665 million.

In the report, Rep. Boehner and Sen. Gregg state, “Along with these new resources will come new expectations. Every child – rich, poor, black, white, urban, suburban – must be given a chance to learn.”

Despite increases in funding, Richard Rothstein argued in a recent *New York Times* article that many states will be unable to meet the new educational standards set in the No Child Left Behind Act. With many states facing budget crisis, educational programs, specifically after school, preschool and early childhood development programs, either have or are about to undergo severe budget cuts. Without these programs, it will be difficult to help children achieve the new academic standards. Superintendent of Michigan schools Thomas D. Watkins said that the cuts in state educational funding “raise the odds of not meeting the standards.” Rothstein questions the importance of the new academic standards if schools and students are not given the tools to reach those standards.

The report can be downloaded at:

<http://edworkforce.house.gov/issues/107th/education/nclb/boehnergreggreport.pdf>

Richard Rothstein’s article can be viewed at:

<http://www.nytimes.com/2002/07/10/education/10LESS.html>

## **Secretary Paige Visits Kentucky and Orlando as Part of No Child Left Behind Tour**

On July 8<sup>th</sup>, Secretary of Education Rod Paige spoke at the national meeting of the National Federation of the Blind in Louisville, Kentucky as part of his No Child Left Behind nationwide tour. In his remarks, the Secretary emphasized the administration's goal to "aggressively [lead] the effort to remove barriers preventing people with disabilities from finding meaningful work. The barriers could be anything from getting into the building to having the proper equipment and support to do their jobs. Our job is to tear them down."

Secretary Paige also commented on the Bush administration's desire to appropriate \$30 million in FY 03 for incentive grants in the Vocational Rehabilitation program. These grants will work in conjunction with \$20 million in Rehabilitation Services Administration grants to allow disabled individuals to "telework." The administration is also in support of a proposed \$1 billion increase in funding for the Individuals with Disabilities Education Act (IDEA). In order to accomplish the administration's goals of creating more opportunities for people with disabilities in the workplace, Secretary Paige stated that the Department needs to ensure that there are sufficient "highly qualified" teachers to teach disabled children.

On July 9<sup>th</sup>, Secretary Paige visited Orlando, Florida where he and Florida Governor Jeb Bush emphasized the importance of child literacy. During the visit, Secretary Bush and Governor Bush took part in "Phone Line Story Time" at an Orange County Public Library. Florida was one of the first three states to receive grants under the Reading First program under the No Child Left Behind Act. Florida will receive \$45.6 million in Reading First grants this year and a total of \$300 million over the next six years. In Orlando, Secretary Paige said, "Reading is the foundation of all learning. Our children must learn to read well if they're to excel in life and achieve their dreams."

### **Department of Education Releases Final Regulations on Testing and Standards**

On July 5<sup>th</sup>, the Department of Education released the final interpretation of regulations on assessment and standards provisions in the No Child Left Behind Act. The new regulations go into effect August 5<sup>th</sup>. The regulations include the following changes:

- States may develop standards that encompass more than one grade level, as long as there are guidelines concerning what should be taught at what grade level and what the specific achievement levels are at each grade level.
- State assessment systems should be broad enough so that students with disabilities and/or a limited understanding of English can be included in the results.
- Starting in the 2002-2003 academic year, states must make assessment data available to schools.

- If states develop assessment systems beyond those required in the No Child Left Behind Act, then those systems must include all students who take No Child Left Behind assessments.

One important issue was not changed in the new guidance. States and local educational systems do not have to similarly standardize their assessment mechanisms. While this makes comparing student achievement levels between states and individual school districts difficult, it saves states a great deal of money.

For more information, visit: <http://www.ed.gov/legislation/FedRegister/finrule/2002-2/070502a.html>

### **Survey of Parents of Special Education Students Released**

On July 10<sup>th</sup>, Public Agenda released a new study, “When It’s Your Own Child: A Report On Special Education from the Families Who Use It” cosponsored by the Progressive Policy Institute, the Thomas B. Fordham Foundation, and the Annie E. Casey Foundation. The report provides survey results of telephone interviews with a random sample of 510 parents of special-needs students attending public schools in grades K-12. Some of the key findings from this survey include:

- 70% said too many children with special needs are losing out because parents are unaware of available services
- 84% said that my child’s teachers really care about him/her as a person
- 69% said my child’s teachers know a lot about his/her specific disability and how to work with it
- 69% said many students wouldn’t need to be in special education if they had gotten extra help in school earlier on
- 42% feel that the best way to improve special education is to give it more funding
- 50% think that their special needs children should be required to pass the same test as their peers, but be granted some special accommodations related to their disability.

This study is available online until July 19<sup>th</sup> on the Public Agenda website located at <http://www.publicagenda.org/>. This site requires free registration.

### **National Council on Disability Releases Recommendations for IDEA Reauthorization**

On July 5<sup>th</sup>, the National Council on Disability (NCD) released its recommendations for the Individuals with Disabilities Education Act (IDEA) reauthorization. The recommendations include:

- Including disabled students in standardized assessments and state accountability reports.

- Expanding the Department of Justice’s role in investigation and litigating IDEA related cases.
- Federally funding 40 percent of the per-pupil cost of special education.
- Having the Department of Education and the Department of Justice create “compliance standards, improvement measures and enforcement sanctions” related to IDEA
- Expanding the initiatives offered by the Office of Special Education and Rehabilitative Services in the Department of Education to individuals with no or limited English proficiency.
- Reducing the paperwork involved with IDEA on the state level.
- Retaining current protections for students with disabilities in discipline procedures.

The report can be downloaded at:

<http://www.ncd.gov/newsroom/publications/02publications.html>

### **Recent Report Finds that Summer School Programs Remain an Untapped Resource**

A recent report published by the Southern Regional Education Board (SREB) found that many states are ending social promotion programs, meaning promoting students to the next grade even if they have failed the previous grade, but are not using summer school programs to aid failing students in remaining on pace with their peers. In many areas, ending social promotion has not increased student achievement, but simply has held back more students.

Of the 16 states in SREB’s jurisdiction, only Louisiana and Delaware require school districts to provide summer school to academically failing students, but eligibility for these programs is restricted to students who fail state proficiency exams.

The report advocates requiring summer school programs for struggling students, creating standards for summer school education and recruiting teachers who have a track record of helping struggling students to be summer school teachers.

The report can be viewed at: [http://www.sreb.org/programs/srr/pubs/Summer\\_School.pdf](http://www.sreb.org/programs/srr/pubs/Summer_School.pdf)

### **NEIRTEC Publishes Technology Briefs for No Child Left Behind Implementation**

The Northeast and Islands Regional Technology Consortium (NEIRTEC) has made available policy briefs for state and local technology planners implementing the No Child Left Behind Act. The briefings cover fourteen specific issues and are designed to “provide effective strategies, key questions, and selected resources” on technology issues.

The briefings can be downloaded at:

<http://www.neirtec.org/products/techbriefs/default.asp>

### **Department Of Education to Give \$25 Million in Grants for Voluntary Public School Choice Programs**

The Department of Education announced that it will provide ten grants totaling \$25 million to Voluntary Public School Choice programs. The grants can be used to fund planning for choice programs, to fund tuition transfer payments, to increase school capacity for “in-demand” schools, inform parents and students about choice programs and to pay for other “reasonable” costs incurred by the choice program. Grant applications will be evaluated on the manner in which they promote equity and excellence, the expected impact of the program and the overall quality of the applicant’s school system.

For more information on the grants, visit:

<http://www.ed.gov/offices/OESE/SIP/programs/vps.html>

### **New Guidance Clarifies “Highly Qualified” for Vocational Teachers**

New guidance released by the Department of Education clarifies how “highly qualified” teacher regulations will apply to vocational teachers. Previously the “highly qualified” regulation seemed to require vocational teachers to have a postsecondary school degree in the field that they teach. This would end the teaching careers of vocational teachers who have extensive private sector experience, but lack specialized college degrees (or degrees in general) in their specialties. The new guidance holds that “only vocational teachers who teach in core academic courses are required to meet the definition of a highly qualified teacher.” “Core academic courses” are defined as courses in English, reading, language arts, math, science, foreign languages, civic, government, economics, art, history and geography.

Department of Education officials plan on accepting public comments on the guidance and issuing final guidance in the coming months.

A copy of the guidance can be found at:

<http://www.ed.gov/offices/OESE/SIP/TitleIIguidance2002.doc>

### **Department of Education Releases Updated State Allocation Tables**

On July 10<sup>th</sup>, the Department of Education released updated state allocation tables for FY 02. The tables detail budget request allocations for formula-allocated and select student aid programs for FY01-03. The tables have been updated to reflect final FY02

allocations. The tables can be downloaded at:  
<http://www.ed.gov/offices/OUS/Budget03/03StateTables/index.html>

**107th CONGRESS, 2nd SESSION**

TENTATIVE SENATE CALENDAR 2002/ NON-LEGISLATIVE PERIODS  
Tom Daschle, Majority Leader

**August 5 - September 2** *Senate not in session (August Recess)*

**September 2** *Labor Day*

**September 3 (Tues.)** *Senate reconvenes*

**September 16 (Mon.)** *Yom Kippur (NO VOTES)*

**October 4** *Target adjournment*