

# Congress updates special-ed law

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States and school systems should get more money from the federal government to pay for new technologies and other services for students with disabilities, under the final terms of a bill to reauthorize the landmark Individuals With Disabilities Education Act (IDEA) that now serves some 6.7 million children.

The bill, which Congress passed Nov. 19, aims to boost discipline in class, better identify children with disabilities, get help to students earlier, and reduce lawsuits by parents. It also reaffirms the federal government's commitment to pay its share of expenses--though it doesn't lock in mandatory spending as many had hoped. President Bush is expected to sign the bill into law soon.

Getting this far has been a chore. The House passed its version of the bill 19 months ago, and the Senate passed its version in May. House and Senate negotiators have met almost daily for seven weeks in an effort to come to an agreement. Both sides were eager to finish during last week's lame duck session, knowing they would have to start over in a new Congress.

Key areas of agreement in the new legislation include:

- Giving schools more flexibility to discipline students with disabilities just like other students, once it is clear that a child's bad behavior is not caused by a disability.
- Offering some flexibility to new special-education teachers who handle multiple subjects and must prove they are "highly qualified" to teach all of them.
- Requiring states to come up with plans for how they will comply with the law. They can get extra help if they don't meet the targets but could lose money if the problems persist.

"The final agreement will be an across-the-board win for teachers, parents, and students with special needs," said Rep. John Boehner, R-Ohio, chairman of the conference committee.

Yet parent and education groups are expected to take issue with parts of the bill, from the requirements on teachers to funding levels to data collection.

IDEA, getting its first update since 1997, guarantees a free, appropriate education for all special-needs students.

The final bill meets four goals, said Sen. Judd Gregg, R-N.H., chairman of the Senate Education Committee: Ensure that all students learn, free teachers from bureaucracy, help parents and schools work together better, and create safer classrooms.

Under the deal, Congress will renew its long-unfulfilled promise to pay for up to 40 percent of the additional costs of educating children with special needs. Citing the original legislation, lawmakers and educators say the 40-percent mark was supposed to have been reached years ago; instead, the federal contribution currently stands at 18.6 percent.

The bill calls for Congress to reach the 40 percent federal share by 2011, but the yearly spending increases the bill would establish to get there would be optional, not mandatory as Democrats wanted. Federal spending on special education has increased from \$2.1 billion in 1994 to \$10.1 billion in 2004.

Overall, the bill strives to improve the early identification of children with special needs, reducing the number of students who are improperly labeled as disabled. The bill also aims to reduce paperwork for teachers, encourage mediation in disputes between parents and schools, and give the education secretary more power to hold states accountable.

The National Governors Association (NGA) praised Congress for its bipartisan passage of the IDEA reauthorization--one of the top legislative priorities for governors across the country, the group said.

"NGA commends leaders on both sides of the aisle for coming together and working to reauthorize this important legislation in the 108th Congress," said NGA Executive Director Ray Scheppach. "This bill is largely responsive to governors' concerns. It reduces costly adversarial litigation, lessens the bureaucratic burden of paperwork on teachers and states, and--most importantly--helps states and localities embrace innovation to improve academic achievement and services for students with disabilities."

But Mary Kusler, a legislative specialist for the American Association of School Administrators, called the final reauthorization--and particularly lawmakers' failure to provide benchmarks for year-over-year increases to the program--proof that "Congress does not take fully funding IDEA seriously."

She said the feds are already \$1.8 billion below what their target funding originally was for IDEA this year--and the burden will be on the states to make up the difference.

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