

Federal Scene Heats Up!

I.D.E.A. Reauthorization ALERT

YOUR CALLS NEEDED NOW!!

Possible Action on House and Senate Bills
November 18th or 19th

Highlights from House & Senate Bills

Analysis of Changes in Senate H.E.L.P. Committee Report Bill
WSSEC Positions and Talking Points

Dear Friends of Special Education:

We are concerned about possible action in Congress, to quickly move proposed legislation for I.D.E.A. Reauthorization, without opportunity for debate, possibly as early as tomorrow, November 18th. This means that we must also move quickly and ask you to call your congressional representatives.

We are forwarding some information from Heather Hebdon, that includes a list of proposed changes to current law (U.S. House and Senate bills), and an attachment with analysis of the latest proposed changes to the Senate bill from Kathy Boundy/Center for Law and Education.

A list of the U.S. Senate H.E.L.P. (Health, Education, Labor, Pensions) committee members, follows a note from Heather, and a review of proposed changes to the I.D.E.A.

Here, we list our top concerns about proposed changes to I.D.E.A. and talking points for your consideration, when you contact your representatives in the 'other Washington'.

WSSEC Position:

WSSEC opposes removing the requirement for annual IEP's with short-term objectives, to proposed three-year IEP's with no short-term objectives.

Talking Point:

Tell them how Three-year IEP's and elimination of annual IEP's and short-term objectives would affect services to student(s), and their progress in school.

WSSEC Position:

WSSEC opposes elimination of manifestation determination. Keeping manifestation determination, means that schools must decide if the student's disability affected their behavior and focus on the child's education and program needs.

Talking Point:

Tell them how you think elimination of manifestation determination will affect your student(s).

WSSEC Position:

WSSEC opposes using special ed funds for general ed purposes and for students not qualified to receive special services. Both the House and Senate bills, would divert special ed funds for what they describe as pre-referral or intervention services, to students not yet eligible or qualified for special ed. WSSEC never supports taking from one needy group to help another. General ed interventions are important, but should be paid out of general ed funding systems. The WSSEC would support moving a percentage of special ed funding to a Risk Pool or Safety Net, similar to Washington's Safety Net.

Talking Point:

Please let them know what you think about moving special ed funding to general ed programs.

We suggest contacting the H.E.L.P committee members, in addition to our own congressional delegation. This is because we have heard that in addition to an attempt to move on the Senate bill soon and without debate, there may also be a movement to quickly add the House bill to an Omnibus Act, and pass it into law.

Find your congressional representatives across the state of Washington by visiting www.senate.gov (it will ask you to choose a state & then follow the directions) and www.house.gov (enter your zip code).

Donna Obermeyer
Washington State Special Education Coalition
<http://www.wssec.org>

Note: Don't give up trying to contact your decision-makers, even if it is past November 18th or 19th. Keep trying, so that your voice will be heard!

A note from Heather...

I just received the attached information from Kathy Boundy with the Center for Law and Education. Kathy is a noted disability advocate and attorney who has worked in the Beltway for some time. Here (attached) is Kathy's analysis of changes made in the Senate HELP Committee Report bill. The latest rumor is that the bill may go to Senate floor on 11/18 or 11/19 and efforts will be

made to limit debate.

Heather

Highlights from House & Senate Bills:

U.S. House of Representatives proposed legislation for I.D.E.A.
Reauthorization:

HR 1350

Improving Education Results for Children with Disabilities Act of 2003

Requires a free appropriate public education to be reasonably calculated to provide educational benefit and access the general curriculum

Provides that the term highly qualified, as it relates to teachers, has the same meaning as under the No Child Left Behind Act of 2001 (NCLBA).

Allows LEAs to use up to 15 percent of a part B funds for pre-referral educational services for students who have not been identified for special education

Allows LEA not to provide services, hold an IEP meeting, or prepare and IEP if the parent does not provide consent for IDEA services or fails to respond to an LEA request for such consent

Revise requirements for IEPs to eliminate development of benchmarks and short-term objectives.

Allows regular education teachers to be excused from attendance at IEP team meetings

Authorizes LEAs to offer parents the option of developing a comprehensive three-year IEP to cover natural transitions

Expresses that Congressional intent is that students who have not been diagnosed by a physician or other medically qualified person as having a disability should not be classified as children with disabilities for purposes of receiving services under IDEA

Also that students with behavioral problems who have not been diagnosed by a physician as having a disability should be subject to the regular school disciplinary code.

Establishes a statute of limitations on complaints to only violations that occurred within one year of the complaint

Directs the State Governor to annually set and publish, the attorneys' fees that may be awarded in actions under IDEA

Authorizes school personnel to change the placement of a child with a disability who violates a code of student conduct to an appropriate interim alternative educational setting

Authorizes the Secretary to carry out a demonstration program of granting waivers of IDEA paperwork requirements for up to four years for up to ten States

Expresses the sense of Congress that safe and drug-free schools are essential for the learning and development of children with disabilities.

Directs the Secretary to study and report to Congress on costs to States to comply with the requirements of IDEA

U.S.Senate proposed legislation for I.D.E.A. Reauthorization:

SB1248

Individuals with Disabilities Education Improvement Act of 2003

Authorizes the Secretary of Education to make grants related to interim educational settings, behavioral supports, and whole school intervention, as a new component of IDEA national activities

Revises evaluation and individualized education program requirements to reduce certain meeting and paperwork burdens under IDEA.

Allows school personnel to remove students with disabilities from school for behavior related to disability

Allows students with disabilities *alleged* to have violated school codes (e.g., cutting class, being tardy) to lose "**stay put**" in their current school placements during the period of an appeal

Eliminates required benchmarks or short-term objectives from a student's IEP

Allows 3 year IEPs instead of requiring annual IEPs for students in their last years of entitlement

Aligns requirements for teachers qualifications with NCLB

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