

Special Education Legislative Summit



July 9-12, 2023



IDEA

On November 29, 1975, President Gerald R. Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142), paving the way for improved outcomes for children and youth with disabilities. The Council for Exceptional Children (CEC) was a proud leader of the advocacy effort—alongside many families, individuals with disabilities, and organizations—to secure passage of this landmark legislation, which marked a pivotal shift in how our nation perceived individuals with disabilities.

The law, now known as the Individuals with Disabilities Education Act (IDEA), was most recently reauthorized in 2004. It includes state formula grant programs for infants, toddlers, children and youth with disabilities along with national programs that support and train personnel and provide technical assistance to schools and families for the delivery of evidence-based special education services in early childhood centers and schools across the country. Through the appropriations process, Congress provides funding for IDEA to the U.S. Department of Education which then issues grants to state education agencies.

As stated in IDEA, the core purposes of this legislation are:

- ▶ To ensure all eligible children with disabilities receive a free appropriate public education (FAPE)—special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- ▶ To ensure the rights of children with disabilities and their families are protected;
- ▶ To assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities;
- ▶ To assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- ▶ To ensure educators and families have the necessary tools to improve educational results for children with disabilities by supporting systemic improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and
- ▶ To assess, and ensure the effectiveness of, efforts to educate children with disabilities.

As required by IDEA, special education and early intervention services are collaboratively developed by teams of parents, families, educators, and other service providers. Some meet in homes and others meet in schools. All of them have the interest of supporting students with disabilities and ensuring that infants, toddlers, children, and youth with disabilities receive an appropriate public education in the least restrictive environment.

IDEA has Four Parts:

- 1. Part A** – General Provisions, the general provisions of the Act including Findings, Purposes, and Definitions;
- 2. Part B** – Assistance for Education of All Children with Disabilities, which includes (among other things) Authorization, Use of Funds, State and Local Eligibility, Evaluation, Individualized Education Programs (IEPs), Procedural Safeguards, Monitoring, and Preschool Grants
- 3. Part C** – Infants and Toddlers with Disabilities, which includes (among other things) Findings, Definitions, Eligibility, Requirements for Statewide System, Individualized Family Service Plans (IFSPs), State Application and Assurances, Use of Funds, Procedural Safeguards, and Authorization; and
- 4. Part D** – National Activities to Improve Education of Children with Disabilities, which includes State Personnel Development Grants; Personnel Preparation, Technical Assistance, Model Demonstration Projects and Dissemination of Information; Supports to Improve Results for Children with Disabilities; and General Provisions.

As we work to build upon the successes of the past and improve services for the future, the continued collaborative efforts of families, early intervention providers, and school teams will be imperative. High expectations, evidence-based approaches, and well-funded programs are necessary to change the trajectory for children and youth with disabilities across the country. From birth to college and career, IDEA is providing pathways toward better outcomes.

IDEA FAST FACTS

- ▶ In 2020, the most recent year for which there are data, there were 750,313 children ages 3 through 5 and a total of 6,464,088 students ages 6 through 21 served under Part B in the 49 States for which data were available, the District of Columbia, Bureau of Indian Education schools, Puerto Rico, the four outlying areas, and the three freely associated states.
- ▶ In 2020, there were 363,387 infants and toddlers birth through age 2 served under Part C.
- ▶ Each year, the Department of Education issues a report to Congress on the number of children served in special education and early intervention programs across the country. The most recent version is available at <https://sites.ed.gov/idea/files/44th-arc-for-idea.pdf>
- ▶ In 2020, the most prevalent disability category of students ages 5 through 21 served under Part B was specific learning disability (specifically, 2,319,699, or 34.9 percent, of the 6,464,000 students ages 5 (school age) through 21 served under Part B). The next most common disability category was speech or language impairment (17.8 percent), followed by health impairment (16.5 percent), autism (11.6 percent), intellectual disability (6.1 percent), and emotional disturbance (5.2 percent).

ISSUE BRIEF: APPROPRIATIONS

Overview

Infants, toddlers, children, and youth with disabilities and/or gifts and talents participate in and benefit from all federal public education and early childhood programs. A strong federal investment in programs that provide targeted support is critical to ensuring success in the early years, in school, and beyond, as well as increasing opportunities for all. Unfortunately, these programs are consistently and woefully underfunded, straining the entire education system.

The Individuals with Disabilities Education Act (IDEA) is the preeminent federal law for providing services to infants, toddlers, children, and youth with disabilities. Fully funding the IDEA would significantly improve outcomes by ensuring access to early intervention services, special educators trained to provide specially designed instruction, specialized instructional support services, curricula, and devices, as well as family supports. Fully funding IDEA would also support learning in an environment that respects the dignity, culture, language, and background of children and youth with disabilities.

As many states know, redirecting any public education funding to support vouchers, tax credits, or other funding mechanisms promoting the privatization of education is harmful to public schools and all students. Strengthening and investing in public education is the means to ensure all children and youth, regardless of background or disability, can access a high-quality education.

Consistently well-funded programs will result in a better future for infants, toddlers, children, and youth with disabilities. We call on Congress to provide appropriate funding levels in Fiscal Year (FY) 2024 for all of public education, and specifically the programs listed to the right.

Members of Congress are Urged to:

- ▶ Invest no less than \$16.2 billion in IDEA Part B State Grants (Sec. 611).
- ▶ Invest \$932 million in IDEA Part C.
- ▶ Invest \$503 million in IDEA Part B Section 619.
- ▶ Invest \$300 million in IDEA Part D personnel preparation (Sec. 662).
- ▶ Invest \$1 billion in School-Based Health Professionals.
- ▶ Invest \$70 million National Center for Special Education Research.
- ▶ Invest \$32 million in the Jacob K. Javits Gifted and Talented Grants.

Supporting Special Education in Schools

Approximately 7.5 million school-aged children and youth in the United States benefit from the individualized special education and specialized instructional support services provided by the IDEA. These services—provided by special and general education teachers and specialized instructional support personnel—are tailored to meet the specific needs of each child or youth. The IDEA includes a commitment from the federal government to cover 40% of the “excess costs” of serving children and youth with disabilities, referred to as “full funding.” Unfortunately, the federal share is currently only about 12%, leaving states and school districts to pay the balance and increasing the burden on local taxpayers. Congress must put the IDEA on the first step of a 10-year glidepath to full funding in FY 2024 to enable districts to better support children and youth with disabilities and hire more fully prepared special education personnel.



Supporting the Needs of Young Children with Disabilities and their Families

IDEA’s early childhood programs serve approximately 1.2 million children with disabilities and their families annually through the Part C program for infants and toddlers and Part B, Section 619 (Preschool Special Education). Over the last 30 years, the number of children served by these programs has increased by approximately 50%. Despite this growth in enrollment and documented positive outcomes, federal funding has failed to keep pace. In fact, the federal investment per child has decreased by over 40% during this time. Significant increases are needed to support infants, toddlers, and preschool children with disabilities and their families.

Ensuring a High-Quality Special Educator Pipeline

IDEA Part D, Section 662 (Personnel Preparation), focuses on preparing special educators, early interventionists, and specialized instructional support personnel to help ensure an adequate number of providers with the skills and knowledge necessary to support infants, toddlers, children, and youth with disabilities—with an emphasis on incorporating research into training programs and practice. This program is increasingly critical to addressing pervasive personnel shortages across the nation. Congress must provide a significant increase for this program.

Supporting School Mental Health Services

There is a significant mental health crisis in this country—an estimated 1 in 6 children and youth experience a mental health disorder each year. This challenge, further exacerbated by the pandemic, hampers success inside and outside the classroom. In the FY 2024 budget proposal for the

U.S. Department of Education, the Biden Administration recommends \$1 billion through two competitive grants for school health professionals, including school counselors, school nurses, school social workers, and school psychologists.

Delivering the Research that Guides Best Practices

The National Center on Special Education Research (NCSE) is the primary driver of special education and early intervention research in the nation and identifies evidence-based practices for classroom teachers and early intervention practitioners. NCSE continues to be seriously underfunded, significantly hampering support for ongoing research and the ability to undertake new projects. Restoring funding to NCSE is critical to researching pressing questions in special education, including learning loss and other impacts resulting from the pandemic.

Meeting the Needs of Learners with Gifts and Talents

A significant “excellence gap” exists at the top achievement levels between students of color and white students, and between low-income students and their more advantaged peers. The Javits Act—the sole federal initiative supporting students with gifts and talents—seeks to address this gap by promoting research and programs to better identify and serve high-ability students from underserved backgrounds, including students with disabilities. Javits funding remained static for a number of years, finally receiving an increase in 2020 and small increases each year since.

FUNDING FAST FACTS

- ▶ Two thirds of voters believe the U.S. spends too little on education,
- ▶ The number of students receiving services under IDEA continues to rise, with an increase just between 2020 and 2021 of 1.9% in ages 3-21, and 2.5% in school-aged students (ages 5-21).
- ▶ Even with the significant increase requested for IDEA for FY 2024, the federal share will be just at one third of full funding.
- ▶ Approximately 6% of public school students are enrolled in gifted and talented programs, but no federal funds are provided directly to local school districts for services to these students.
- ▶ 98% of school districts report special educator shortages.
- ▶ Only half of youth with mental health conditions received treatment last year.

ISSUE BRIEF: MENTAL HEALTH

Building Positive Climates for Learning

Overview

To ensure that all children can learn, schools must provide safe and healthy environments that enhance students' learning skills that are essential for school readiness and academic success. To accomplish this goal, every school must have dedicated, highly qualified school mental health professionals who serve as essential members of the school team available to work with all children. Evidence-based positive school climate programs and mental health services and supports are critical and necessary to ensuring all students can learn and thrive from infancy through to adulthood, including in early intervention programs for infants, toddlers, and preschoolers, as well as K-12 schools. Professionals in schools and early childhood programs who provide evidence-based mental health services and interventions are adept at creating positive environments that support learning and a sense of belonging. Without those professionals, academic and nonacademic outcomes suffer.

The Centers for Disease Control and Prevention's most recent Youth Risk Behavior Survey (YRBS) demonstrates the urgency of mental health challenges in schools. According to the YRBS, more than 4 in 10 students experienced symptoms of depression in the past year and 10% attempted suicide during that same period. One in three high school students reported poor mental health in the past month. Now more than ever—with residual impacts from pandemic disruptions and the persistence of violent incidents in schools—children, youth, and staff need access to mental health services provided by well-trained school mental health professionals.

Behavioral and mental health interventions are critical to addressing the impact of traumatic experiences on child development and must be integrated into a comprehensive and cohesive system of care, delivered in schools, early childhood programs, transition programs, and community health and mental health systems.

Members of Congress are Urged to:

- **Provide \$428 million within Safe Schools National Activities** for the School-Based Mental Health Services Professional Demonstration Grant program and the School-Based Mental Health Services Grant program to address severe shortages of school-based mental health professionals (school psychologists, school social workers, and school counselors).

Investment in recruiting and retaining school mental health professionals and identifying and implementing evidence-based mental health interventions in all tiers is essential to achieving successful outcomes for all children and youth.

School Mental Health Services

As we look toward the new school year, students and staff will continue to face the residual impacts of the pandemic and heightened concerns related to school safety. Schools and early intervention programs will need to hire additional mental health providers, collaborate with community mental health services, and train teachers, early interventionists, and administrators to identify children and youth who need short- and long-term services. Targeted federal investments are necessary to improving mental health among students and school communities, as good mental health is critical to academic achievement.

Recruiting and Retaining High-Quality Professionals

Building a positive climate in schools and early childhood programs requires highly skilled school social workers, psychologists, and counselors. Collectively, these individuals make a difference in the lives of children and youth, resulting in positive developmental, academic, and social outcomes. The National Association of School Psychologists recommends a minimum ratio of one school psychologist for every 500 students. The American School Counselor Association and School Social Work Association of America each recommend a ratio of one professional for every 250 students. Unfortunately, national ratios for all school mental health professionals are more than double those recommendations. Persistent shortages of school mental health professionals result in a dearth of mental health promotion, prevention, and early intervention services that are vital lifelines for students. These shortages can be particularly devastating in underserved areas such as rural communities, where schools may be the only source of mental health services. Federal investments will help ensure sufficient numbers of mental health professionals specifically trained to meet the needs of all children and youth in schools and early intervention settings.

Addressing Mental Health Needs of Children and Families

Positive school outcomes are a result of caring communities of adults, children, and youth learning together. This outcome also requires implementing multi-tiered systems of support (MTSS), including evidence-based curriculum and intervention within a trauma-informed environment. Access to mental health services—screening, providing direct services, engaging with and supporting families, and connecting to community-based interventions—is also vital to the well-being of children and youth. Policies to fund mental health services through private health insurance, Medicaid, and programmatic mental health resources (e.g., evidence-based training, curriculum, and best practices) are needed to create a comprehensive system of supports to ensure children and families are mentally healthy.

Mental health and community providers should be trained in trauma-informed, culturally responsive interventions and should collaborate, as appropriate, to address the mental health needs of children and youth and their families. Such collaborations should include attention to the stigma of mental health challenges and ensuring an adequate number of professionals trained to address children's complex social, emotional, and mental health needs.

FAST FACTS ON CHILDREN'S MENTAL HEALTH

- ▶ One in six children have a mental health condition, but only half receive any mental health services.
- ▶ From 2019 to 2020, children with behavior or conduct problems increased by 21%.
- ▶ 4.4% of children aged 3-17 (approximately 2.7 million) have diagnosed depression.
- ▶ 9.4% of children aged 3-17 (approximately 5.8 million) have diagnosed anxiety.
- ▶ 8.9% of children aged 3-17 (approximately 5.5 million) have a diagnosed behavior problem.
- ▶ Suicide attempts among 10- to 12-year-olds increased fivefold between 2010 and 2020.

ISSUE BRIEF: EDUCATOR SHORTAGES

Overview

As the nation continues to face a critical shortage of special educators, early interventionists, and specialized instructional support personnel (SISP), we have made a longstanding commitment to ensuring special educators have the knowledge, skills, and abilities to meet the unique needs of our infants, toddlers, children, and youth with disabilities. Now more than ever, we need to develop a workforce pipeline to attract diverse personnel into all areas of special education; effectively prepare personnel to provide opportunities for positive outcomes and post-school success; and retain special educators for long-term overall impact. To ensure an effective workforce, we need an effective pipeline.

We continue to experience a unique set of inequities and challenges such as higher attrition rates, accelerated retirements, decreased enrollment in preservice programs, and increased stress—all of which exacerbated pre-pandemic issues. It's imperative that we collectively develop and utilize a multi-pronged approach, as attracting, preparing, and retaining educators must all be considered and addressed to yield a significant systemic improvement.

We must support comprehensive strategies, funding options, professional learning opportunities, and needed resources. Although persistent shortages exist among all the professional disciplines, this brief's focus is on special educators, early interventionists, and SISP.

Decline in Special Education Higher Education Faculty and State-Approved Programs

Special education higher education faculty are critical to training future generations of special educators. However, the number of special education faculty in higher education programs is declining. In 2020-2021, there was a 5% decline in adjunct faculty and a 13% decline in full-time faculty. To support the faculty pipeline, institutes of higher education need to develop and implement strategies that focus on diversity, equity, and inclusion to support a sustainable change in the future.

Members of Congress are Urged to:

- ▶ **Invest \$300 million in IDEA Part D personnel preparation (Sec. 662)**, the federal program dedicated to improving the special educator pipeline by comprehensively preparing specialized instructional support personnel, special educators, early interventionists, and the higher education faculty and researchers that support their preparation.
- ▶ **Invest \$300 million to the Augustus F Hawkins Center for Excellence Program**, the federal grant program dedicated to diversifying the educator workforce by supporting comprehensive teacher preparation programs at Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and minority-serving institutions (MSIs) of higher education including Alaska Native-serving or Native Hawaiian-serving institutions (ANNH), Asian American and Native American Pacific Islander-serving institutions (AANAPISI), Hispanic-Serving Institutions (HSIs), Native American-serving nontribal institution (NASNTI), and Predominantly Black Institutions (PBIs).
- ▶ **Invest \$1 billion for Teacher Quality Partnerships**, the federal grant program dedicated to improving the quality of educators by funding comprehensive educator preparation programs at institutions of higher education that pair intensive student teaching under the supervision of an expert mentor teacher with coursework in children's learning and development, as well as curriculum and teaching methods.

Loan Burden and Salary Deficit

Salaries in the education field lag behind those of other occupations and educator candidates often accrue significant debt to prepare for these professions. More than two thirds of those entering the education and early intervention field borrow money to pay for higher education, and college loans represent a significant debt burden for many prospective teachers and providers. Prospective educators must also pay for numerous certification exams and state licensure. These factors provide a barrier for many potential educators—particularly people of color—and a financial disincentive for all wishing to enter the profession. When the financial benefit meaningfully offsets the cost of professional preparation, it is more likely that educator preparation programs will successfully recruit and prepare high-quality professionals who remain in the fields and communities where they are most needed.

Recruitment, Preparation, and Retention

The recruitment, preparation, and retention of special educators, early interventionists, and SISIP requires a systemic approach that is multifaceted and long-term. By underwriting the cost of completing high-quality preparation programs and addressing other barriers to completing preparation, policymakers can ensure personnel are better prepared for successful, long-term careers. Fully prepared educators are more effective and are more likely to remain in the field than those who enter through abbreviated or fast-track routes. Educators who are fully prepared, including through access to opportunities for extensive field work, can provide high-quality instruction—which results in greater achievement gains for infants, toddlers, children, and youth with disabilities.

FAST FACTS ON EDUCATOR SHORTAGES

- ▶ 48 states and the District of Columbia reported a shortage of special education teachers in the 2020-2021 school year—with this area being the most severe shortage for most states. 98 percent of districts report shortages in special education.
- ▶ Annual need for 37,600 special educators between 2021 and 2031 and without intervention by 2025-26, a projected shortfall of roughly 200,00 public school teachers.
- ▶ Special education teachers leave the teaching profession at nearly twice the rate of their general education colleagues.
- ▶ Just 18% of special education teachers and 10% of special education professors are people of color, while more than half of students with disabilities are from minority backgrounds.
- ▶ 42 states report a shortage of early intervention providers, including special educators and specialized instructional support personnel.
- ▶ Enrollment in teacher preparation programs has dropped 38% to over 340,000 fewer students in the last five years, foreshadowing an insufficient pipeline of special education teachers.