

# Special Education Legislative Summit



July 29 - August 1, 2024





## IDEA

On November 29, 1975, President Gerald R. Ford signed 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 to deliver 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 individuals 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 an interest in 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 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 provides pathways toward better outcomes.

## IDEA FAST FACTS

- ▶ 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/2022-individuals-with-disabilities-education-act-annual-report-to-congress/>
- ▶ In 2022, the most recent year for which there are data, there were more than 7.6 million children ages 3 through 21 served under IDEA Part B across the United States, including the District of Columbia, Bureau of Indian Education schools, Puerto Rico, the four outlying areas, and the three freely associated states. (Annual IDEA Section 618 data submitted by states to the U.S. Department of Education)
  - The number of preschool students ages 3-5 increased by 13.6% (535,392 children served)
  - The number of school-age students ages 5 (in kindergarten) to 21 increased by 3%, surpassing 7 million for the first time (7,095,053 children and youth served)
- ▶ In 2022, there were 441,515 infants and toddlers ages birth through age 2 served under Part C, an increase of 8.7% (Annual IDEA Section 618 data submitted by states to the U.S. Department of Education)
- ▶ In 2022, the most prevalent disability category of students ages 5 through 21 served under Part B was specific learning disability (34.2 percent), followed by speech or language impairment (18 percent), other health impairment (16.5 percent), autism (12.9 percent), intellectual disability (6 percent), and emotional disturbance (4.6 percent). (Annual IDEA Section 618 data submitted by states to the U.S. Department of Education)

## 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, devices, and family supports. Fully funding IDEA would also support learning in an environment that respects the needs, dignity, culture, language, and background of children and youth with disabilities.

According to the U.S. Department of Education, the number of children with disabilities served under IDEA continues to grow, reaching an estimated high of 7.75 million during the 2023- 2024 school year. That number is estimated to reach 7.94 million children with disabilities by the 2024-2025 school year. Stagnant federal funding, a rise in the number of eligible children, a growing shortage of personnel, and an increase in the price of services create significant budgetary challenges.

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) 2025 for all public education and early childhood programs, 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 (Sec. 619)
- ▶ Invest \$300 million in IDEA Part D personnel preparation (Sec. 662)
- ▶ Invest \$70 million in the National Center for Special Education Research
- ▶ Invest \$32 million in the Jacob K. Javits Gifted and Talented Grants
- ▶ Invest \$250 million in School-Based Mental Health Professionals

### Supporting Special Education in Schools

Approximately 7.75 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 with a disability. 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 10.7%, leaving states and school districts to pay the balance and increasing the burden on local taxpayers. The U.S. Department of Education estimates that fully funding IDEA could support 400,000 additional special educators and specialized instructional support personnel. Congress must put the IDEA on the first step of a 10-year glidepath to full funding in FY 2025 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 1.4 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). That figure is expected to rise considerably for FY 2025 as pandemic-related enrollment continues to increase. Part C programs are designed to provide early intervention services that improve outcomes, support the transition to preschool, and mitigate the need for future IDEA services. A national longitudinal study found that more than 40 percent of Part C recipients did not need IDEA services in kindergarten because of early interventions. Despite this growth in enrollment and documented positive outcomes, federal funding has failed to keep pace. According to the U.S. Department of Education, the federal investment per child has decreased by over 40% during the last 30 years. 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 and supports building a diverse pipeline into the profession. Congress must provide a significant increase for this program.

## Delivering the Research that Guides Best Practices

The National Center on Special Education Research (NCSEER) 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. Recent studies include examining optimal personnel dynamics to support inclusion for children with emotional and behavioral disorders and methods for solving math word problems for third graders with or at risk of math disabilities. Despite the practical solutions developed through NCSEER funding that improve outcomes for infants, toddlers, children, and youth with disabilities, NCSEER continues to be seriously underfunded, significantly hampering support for ongoing research and the ability to undertake new projects. Restoring funding to NCSEER, which peaked in FY 2010 at \$70 million, is critical to researching today's pressing questions in special education and early intervention.

## 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, according to the U.S. Department of Education's Civil Rights Data Collection. 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 individuals with disabilities. Despite being the sole program to support gifted and talented learners, the scale of the Javits program remains shockingly low, at \$16.5 million annually.

## Supporting School Mental Health Services

As people develop from infancy, experiences, and relationships shape their mental well-being throughout their lives. Unfortunately, young people nationwide are facing an acute mental health crisis. The Centers for Disease Control and Prevention cautions about a rise in the number of adolescents reporting poor mental health and stresses the important role schools play in mitigating the issue. According to the School Pulse Panel (National Center for Education Statistics, March 2024), 58% of public schools reported an increase in students seeking school-based mental health services over the previous school year. However, there is a significant shortage of school mental health personnel. The School-Based Mental Health Services Professional Demonstration Grant program and the School-Based Mental Health Services Grant program address severe shortages of school psychologists, social workers, and counselors. These programs are designed to shore up the mental health workforce to meet the current mental health needs of our young people in school.

# FUNDING FAST FACTS

- ▶ Two-thirds of voters support increased funding for education (Navigator Research poll, November 2023)
- ▶ Without a significant increase for the IDEA grants to states program in FY 2025, the federal share will be 10.3% or one-quarter of “full funding” (U.S. Department of Education)
- ▶ Filling the \$31 billion gap between current funding and “full funding” could support more than 400,000 special education jobs (U.S. Department of Education)
- ▶ Students of color, multilingual learners, and students with disabilities show persistent underrepresentation in gifted and talented education programs or other advanced or accelerated learning opportunities (U.S. Department of Education Civil Rights Data Collection)
- ▶ For the 2023-24 school year, 43 States, Puerto Rico, and the District of Columbia projected a shortage of qualified teachers in special education, more than for any other teacher shortage area by an eight-state margin (U.S. Department of Education)
- ▶ An estimated 50 percent of young people with treatable mental health disorders do not receive treatment (University of Michigan)

## ISSUE BRIEF: MENTAL HEALTH

### Building Positive Climates for Learning

#### Overview

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

According to the School Pulse Panel (National Center for Education Statistics, March 2024), 58% of public schools reported an increase in students seeking school-based mental health services over the previous school year. 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.

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.

#### Members of Congress are Urged to:

- ▶ **Support the CARE for Student Mental Health Act in the Senate (S. 4041)** to authorize the two mental health grants originally funded under the Bipartisan Safer Communities Act to address the pipeline for and shortages of school-based mental health professionals.
- ▶ **Provide \$250 million within Safe Schools National Activities** divided between 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).

#### School Mental Health Services

As we look toward the new school year, students and staff will continue facing heightened concerns about 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 improve 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 these professionals result in a dearth of mental health promotion, prevention, and early intervention services—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 system of support (MTSS), including an 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 crucial for 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 (Centers for Disease Control & Prevention, 2023)
- ▶ Nearly 20% of children aged 3-17 have a mental, emotional, developmental, or behavioral disorder (2022 National Healthcare Quality & Disparities Report)
- ▶ 9.4% of children aged 3-17 (approximately 5.8 million) have been diagnosed with anxiety. (Centers for Disease Control and Prevention)
- ▶ 8.9% of children aged 3-17 (approximately 5.5 million) have a diagnosed behavior problem. (Centers for Disease Control and Prevention)
- ▶ In 2021, suicide was the second most common cause of death among youth aged 10-14. (Centers for Disease Control and Prevention)



## ISSUE BRIEF: EDUCATOR SHORTAGES

### Overview

The nation continues to face a critical shortage of special educators, which includes teachers, early interventionists, specialized instructional support personnel (SISP), administrators, faculty in higher education, and paraeducators. A renewed commitment to ensuring special educators have the knowledge, skills, and abilities to meet the unique needs of infants, toddlers, children, and youth with disabilities in urban, suburban, and rural areas is essential to addressing these shortages. Now more than ever, a comprehensive workforce pipeline must be developed 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.

A unique set of inequities and challenges perpetuate special educator shortages, such as declining interest in the profession, higher attrition rates, larger caseloads, a decline in comprehensive training programs, decreased enrollment in preservice programs, and the emotional demands of the job. It is imperative to collectively develop and utilize a multi-faceted approach that includes better recruitment strategies, improved working conditions, enhanced training, and robust policy support, as attracting, preparing, and retaining educators must be considered and addressed to yield a significant systemic improvement. Investing in these areas can ensure that all individuals with disabilities receive the services they need to thrive and are delivered by appropriately credentialed staff.

Through targeted recruitment, enhanced support and training, increased funding, and policy reform, the impact of the special education personnel shortage can be mitigated, creating a more equitable, inclusive educator system for all students. Elevating the profession and changing the perception of a special educator is essential. Collaborative and actionable strategies from policymakers, educational institutions, and communities are imperative to resolve this ongoing challenge.

### Members of Congress are Urged to:

- **Cosponsor S. 1341/H.R. 2992, the *EDUCATORS for America Act*.** A comprehensive approach to expanding the educator pipeline is essential to address educator shortages nationwide. This bill, sponsored by Senator Jack Reed (D-RI) and Representative Alma Adams (D-NC), would strengthen the educator pipeline by attracting, preparing, and retaining effective educators. The bill would target workforce development in educator shortage areas and support comprehensive preparation; provide funding for states to create plans to meet their specific personnel needs; expand the Teacher Quality Partnership program to include school leaders and specialized instructional support personnel; improve diversity of the workforce; and make educator preparation more affordable through an expansion of the federal TEACH grant program and the Teacher Loan Forgiveness program.
- **Cosponsor S. 3681/H.R. 4550, the *Preparing and Retaining All (PARA) Educators Act*.** Paraeducators provide essential supports that enable individuals with disabilities to participate in inclusive settings. Paraeducators are typically hired from within the communities they serve and are the most diverse category of school personnel. Unfortunately, they are often underpaid and not afforded the professional development necessary to support their attraction and retention, leading to significant shortages. The PARA Educators Act, sponsored by Senator Ed Markey (D-MA) and Representative Ann Kuster (D-NH), would support state and local grants to attract and retain paraeducators in preschool and K-12 settings and provide the professional development necessary to best serve students.
- **Cosponsor S. 2605, the *Supporting Teaching and Learning through Better Data Act*.** While schools, districts, and states experience the daily challenges of educator shortages, data is lagging, incomplete, and hard to compare across states, failing to reflect the nationwide urgency of the issue. This bill, authored by Senator Tim Kaine (D-VA), would instruct the National Center for Education Statistics to conduct a study on current data collection related to personnel shortages and make recommendations for improving data collection, analysis, and dissemination to yield timely information about how to rebuild the supply of diverse, well-prepared educators. The bill would also provide technical assistance to states to attract, prepare, and retain a well-prepared and diverse workforce.

**Attract, Prepare, Retain:**

Strengthening the special educator pipeline requires a comprehensive approach that includes attracting, preparing, and retaining personnel.

**Attract**

According to the U.S. Department of Education, enrollment in teacher preparation programs declined by 16 percent in the decade spanning the 2009-10 school year to the 2019-20 school year. Intentionally targeting teacher candidates in preparation programs is the essential first step to addressing personnel shortages. Strategies such as targeted marketing campaigns, including through social media, job fairs, and community events, can pique the interest of potential educators. Partnerships with universities and colleges to create a pipeline of well-prepared special education teachers, including offering internships, student teaching opportunities, and collaborative research projects, can incentivize entry into preparation programs.

**Prepare**

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 fieldwork, can provide high-quality instruction, resulting in greater achievement gains for infants, toddlers, children, and youth with disabilities. 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. A longstanding shortage of special education faculty in higher education contributes to the special educator personnel shortage and further limits the capacity of higher education to address this significant problem. Thus, when considering preparation programs, supporting doctoral-level special education programs must be a priority.

**Retain**

Retention is a pressing challenge that exacerbates pipeline issues- special education teachers are approximately 2.5 times more likely to leave the profession than teachers in general education (Smith & Ingersoll, 2004). From unmanageable caseloads to inadequate preparation and support for novice teachers, many stressors of the job contribute to attrition and impact teaching and learning for infants, toddlers, children, and youth with disabilities. Offering robust professional development opportunities helps teachers stay updated with the latest special education practices and techniques. Establishing mentorship programs for new teachers can provide valuable support and guidance, helping them to acclimate and grow in their roles. Ensuring manageable caseloads and class sizes can reduce burnout and make the job more attractive.

**FAST FACTS  
ON EDUCATOR  
SHORTAGES**

- ▶ According to the U.S. Department of Education, 7.7 million (roughly 15%) of individuals with disabilities were served under IDEA during the 2023-2024 school year.
- ▶ 53% of public schools reported feeling their school was understaffed entering the 2022-23 school year. Of these schools, 65% reported being understaffed in special education teachers. (National Center for Education Statistics)
- ▶ Total enrollment in teacher preparation programs fell 16% between 2009 and 2020. (U.S. Department of Education) Similarly, 85,000 fewer teacher candidates were enrolled in teacher preparation programs in 2020-21 than in 2012-13. (Learning Policy Institute)
- ▶ Approximately 50 percent of special education teachers leave the teaching profession within their first five years. (U.S. Department of Education)
- ▶ For the 2023-24 school year, 43 States, Puerto Rico, and the District of Columbia projected a shortage of qualified teachers in special education, more than for any other teacher shortage area by an eight-state margin (U.S. Department of Education)