

Individuals Disabilities Education Act Resolution

Did you know that an online for-profit school company was the corporate co-chair in 2011?

WHEREAS, Congress enacted the Individuals with Disabilities Education Act, originally in 1975 to bring meaningful educational opportunities for children with disabilities, and

WHEREAS, Congress passed on the implementation of this law to the state and local governments and promised to fund the additional cost that IDEA burdened the local schools, and

WHEREAS, school districts estimate IDEA expenditures nationally at \$50 billion, of which the federal government only pays approximately 18%. According to the act, the Federal Government promised to pay 40% of the bill. This promise has not been kept, and

more rhetoric....

WHEREAS, President George W. Bush and Congressional leaders enacted "No Child Left Behind" to bring education opportunities to all children. Especially to offer choice to those children under IDEA that need the most help, and

WHEREAS, under the current system IDEA is an adversarial process, pitting parent against educator, that encourages litigation, not mediation. This situation results in a system focused on compliance with burdensome regulations, rather than the academic achievement it was intended to improve, and

WHEREAS, many special education teachers are more focused on process than education and many spend more time filling out the "individual education plane" or IEP and paperwork than teaching, and

WHEREAS, the barrage of compliance driven paperwork and the rigidity of the IEP have served to remove and marginalize the parent from the process of education, and

WHEREAS, the current system employs an antiquated method to identify children with disabilities which waits for a child to fail, instead of focusing on prevention and intervention, and

WHEREAS, the parents are encouraged to seek special education identification due to the additional funding that a school district can receive for a that child, instead of solving simple educational or discipline problems, such as reading development or acting out. Additionally parents are discouraged from seeking transition out of special education when they feel their child does not benefit from IDEA because of the potential loss of revenue to the school, and

WHEREAS, currently, schools are not allowed to seek private school partnerships and therefore school choice options are not offered in a vast number of states. School choice is extremely important for those children with disabilities because it allowed multiple options for parents and enables them to seek out the best program regardless of location or operation. In the state of Florida, where school choice scholarships are offered, achievement is up and the cost of services is down, and

THEREFORE, BE IT RESOLVED that the members of the Educational Task Force of the American Legislative Exchange Council recommends that Congress appropriate the 40% funding of IDEA as originally intended, and

FURTHER RESOLVES, that Congress should direct funds specifically to implementation of parental choice for those IDEA students that might be better served by the private schools or other public schools, and

FURTHER RESOLVES, that Congress and the administration develop a process that removes the adversarial process that

encourages litigation and not mediation, and

FURTHER RESOLVES, Congress and the Administration should enact legislation that reduces the burden on the teacher with respects to paperwork, process and cumbersome administrative meetings, and

FURTHER RESOLVES, that Congress and the administration should develop a process that encourages parents to transition their child out of IDEA if services are not needed, and

FURTHER RESOLVES, that each member of the task force encourages the Department of Education to implement the legislation as written and to seek the guidance from Congress when the legislative language is not clear.

Adopted by the Education Task Force at the Spring Task Force Summit, March 29, 2003. Approved by the ALEC Board of Directors, April 28, 2003.

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ALEC EXPOSED

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From CMD: This resolution essentially supports using the Individuals with Disabilities Education Act (IDEA) to fund private school placement through vouchers for eligible students. These special education vouchers can be used to push separate private schools that serve only students with particular disabilities, such as autism. IDEA and its precursor legislation is based on the premise that educating students with special needs with non-disabled students is better than educating students in segregated schools. Further, students enrolled in private schools leave the regulatory protections of IDEA behind them. Some disability organizations are strongly opposed to special education vouchers.