

August 19, 2002

Thomas Irvin
Office of Special Education and Rehabilitative Services
U. S. Department of Education
400 Maryland Avenue, S.W.
Mary E, Switzer Building, Room 4607
Washington, D. C. 20202-2570

Dear Mr. Irvin:

The Council of Administrators of Special Education, Inc. (CASE) is a non-profit professional organization, which provides leadership and support to approximately 5,000 members by influencing policies and practices to improve the quality of education. CASE is a division of the Council for Exceptional Children (CEC) which is the largest professional organization of teachers, administrators, parents and others concerned with the education of children with disabilities, giftedness, or both.

This letter is being submitted on behalf of CASE members to provide comments on "*A New Era: Revitalizing Special Education for Children and Their Families*," the final report of the President's Commission of Excellence in Special Education. Public comment was requested in the July 18, 2002, *Federal Register*. CEC has also submitted a written response which addresses the full report. CASE supports the positions CEC has taken and their recommendations. However, the following comments are intended to be specific to the primary concerns of the members of CASE and will concentrate on four areas of the report:

- Paperwork Reduction and Increased Flexibility
- Assessment and Identification;
- Special Education Finance;
- Teacher and Administrator Preparation, Training, and Retention.

CASE applauds the Commission on its diligence in conducting meetings across the nation to gather public input about the status of special education. The final report reflects the concerns of professionals in the field of special education, parents, and others who are interested in the education and well being of individuals with

exceptional needs. The report will undoubtedly provide direction for Congress as it undertakes the task of reauthorizing the Individuals with Disabilities Education Act (IDEA) in the coming legislative term.

Paperwork Reduction and Increased Flexibility

CASE is in agreement with the report's recommendation to "...focus on results instead of process." In order to do this the Department of Education should identify, develop, and disseminate simplified and streamlined sample IEPs, procedural safeguard notices, and prior written notice reporting requirements incorporating all relevant federal statutory and regulatory requirements. The Department should pilot a streamlined IEP review process to provide a model for states to follow. Additionally, short-term objectives and benchmarks should be eliminated under the current IEP requirements. IDEA's performance reporting requirements should replace short-term objectives as performance accountability measures with the IEP, as such measure better relate to the general education curriculum content standards.

Assessment and Identification

CASE has concerns about the number of students who are inappropriately identified for special education programs and services, i.e. Specific Learning Disabilities (LD), Other Health Impaired (OHI), specifically Attention Deficit Disorders (ADD/ADHD) as well as minority students and English-language learners. Early intervention strategies need to be identified and implemented within regular education to avoid inappropriate and unnecessary referrals and assessments. It is recommended that funds be provided for training staff in proper techniques of appropriately and accurately identifying students with disabilities.

Special Education Finance

CASE commends the Commission for recognizing the need to increase funding for Part B, Part C, and Section 619, and recommends the following:

- Mandatory full funding of Part B by FY 2008 (\$22.23 billion);
- Full funding for the Preschool Grants Program by FY 2008 (\$1500 per child allocation);
- Permanent authorization of Part C, with full funding (\$725 million) by FY 2008;
- Total Part D appropriations indexed to the total IDEA annual appropriation, equal to private industry research and development standards.

CASE members met with legislators in July and shared these recommendations with them.

Teacher and Administrator Preparation, Training and Retention

The "*No Child Left Behind Act*" requires local education agencies to ensure that teachers are "highly qualified." This has been interpreted to mean Title I teachers only, but with the continuing movement to greater inclusion of special education students in regular education it might be assumed that special education teachers will eventually fall under this mandate. Therefore it is imperative that Part D funds be provided to colleges and departments of education/special education to establish program improvement for pre-service and ongoing professional development for both teachers and administrators. Part B Comprehensive System of Professional Development (CSPD) and Part D State Improvement Grants (SIG) should provide outreach to individuals from culturally and linguistically diverse backgrounds and high school students to encourage them to pursue a career in special education.

CASE concurs with the Commission's recommendation that research should be conducted to "...identify the critical factors in personnel preparation that improve student learning and achievement in schools." Additionally factors need to be identified that will ensure that administrators are knowledgeable of the laws, regulations, and practices to effectively provide programs and services for special education students.

In conclusion, CASE takes this opportunity to acknowledge the work of the Commission and hopes these comments will assist OSERS in any further recommendations that will ensure the success of children and youth with disabilities. CASE members recognize that special education teachers are the key to that success and support efforts to recruit and retain qualified teachers and service providers. There must be a continued effort to ensure that these individuals are provided the resources and the incentives necessary to "Revitalize Special Education for Children and Their Families."

During the hearings the Commission heard the concerns of teachers. On August 18, 2002, Christine Martin, a special education teacher, expressed her frustrations in a letter to the editor of the *Orange County (California) Register*. A copy of her letter is attached to illustrate some of the obstacles that must be overcome in this "revitalization" process.

For more information please feel free to contact Luann L. Purcell, Ed.D., Executive Director at 478-825-7667; lpurcell@casecec.org; or Gerald J. Hime, Chair, Policy and Legislation at 562-922-6234; hime_jerry@lacoedu.edu.

Special Education Teaching Is An Impossible Job

The following letter appeared in the August 18, 2002, edition of The Orange County Register.

Imagine a classified employment ad with the following description:

"Wanted: Intelligent, sensitive, individual with a master's degree. Top of the class preferred. Below average wages. Ability to maintain a smile and positive attitude while being belittled, criticized, and yelled at. Must be able to maintain order and discipline without hurting anyone's self-esteem and pass out mandatory awards to underdeserving clients.

"Unpaid overtime including week-ends, five-hour meetings after hours and unscheduled conferences are mandatory. Writing several 10- to 50- page reports on your own unpaid time is mandatory.

"Experience in disarming clients of weapons and a clean HIV record for when you are bitten are desirable. Respond to subpoenas without legal representation. Maintain composure during seven-hour questioning sessions by an attorney, in which you will not be allowed your own legal representation.

"Continue to live on frozen wages and no cost of living adjustments for two to three years.

"A minor in paralegal studies is required to complete excessive paperwork without getting sued. If time allows, perform duties you originally trained for in your master's degree."

This describes my duties as a special education teacher in a local school district. Our department averages a 25 percent turnover each year.

Many do not make it after the first few months. These are bright people with talent for teaching kids who find out that in our society, kids have become a low priority.

The teacher deficit recently reported was not surprising in the least and will continue if teaching maintains its current conditions.

Why am I going back after 11 years? I could not find a job this summer in this tight economy, and I have to pay my bills.

But I too am planning on leaving the profession as soon as I am able to find another suitable position.

Christine Martin

Lake Forest, CA