

Introduction to a New Era

The Report of the President's Commission on Excellence in Special Education
July 10, 2002

Executive Summary

“The education of all children, regardless of background or disability...must always be a national priority. One of the most important goals of my Administration is to support states and local communities in creating and maintaining a system of public education where no child is left behind. Unfortunately, among those at greatest risk of being left behind are children with disabilities.”

—President George W. Bush, Executive Order 13227

Summary of Findings

Finding 1: IDEA is generally providing basic legal safeguards and access for children with disabilities. However, the current system often places process above results, and bureaucratic compliance above student achievement, excellence, and outcomes. The system is driven by complex regulations, excessive paperwork, and ever-increasing administrative demands at all levels—for the child, the parent, the local education agency, and the state education agency. Too often, simply qualifying for special education becomes an end-point—not a gateway to more effective instruction and strong intervention.

Finding 2: The current system uses an antiquated model that waits for a child to fail, instead of a model based on prevention and intervention. Too little emphasis is put on prevention, early and accurate identification of learning and behavior problems, and aggressive intervention using research-based approaches. This means students with disabilities don't get help early when that help can be most effective. Special education should be for those who do not respond to strong and appropriate instruction and methods provided in general education.

Finding 3: Children placed in special education are general education children first. Despite this basic fact, educators and policy-makers think about the two systems as separate and tally *the cost* of special education as a separate program, not as additional services with resultant add-on expense. In such a system, children with disabilities are often treated, not as children who are members of general education and whose special instructional needs can be met with scientifically based approaches, they are considered separately with unique costs—creating incentives for misidentification and academic isolation—preventing the pooling of all available resources to aid learning. General

education and special education share responsibilities for children with disabilities. They are not separable at any level—cost, instruction, or even identification.

Finding 4: When a child fails to make progress in special education, parents don't have adequate options and little recourse. Parents have their child's best interests in mind, but they often do not feel they are empowered when the system fails them.

Finding 5: The culture of compliance has often developed from the pressures of litigation, diverting much energy of the public schools' first mission: educating every child.

Finding 6: Many of the current methods of identifying children with disabilities lack validity. As a result, thousands of children are misidentified every year, while many others are not identified early enough or at all.

Finding 7: Children with disabilities require highly qualified teachers. Teachers, parents, and education officials desire better preparation, support, and professional development related to the needs of serving these children. Many educators wish they had better preparation before entering the classroom as well as better tools for identifying needs early and accurately.

Finding 8: Research on special education needs enhanced rigor and the long-term coordination necessary to support the needs of children, educators and parents. In addition, the current system does not always embrace or implement evidence-based practices once established.

Finding 9: The focus on compliance and bureaucratic imperatives in the current system, instead of academic achievement and social outcomes, fails too many children with disabilities. Too few successfully graduate from high school or transition to full employment and post-secondary opportunities, despite provisions in IDEA providing for transition services. Parents want an education system that is results oriented and focused on the child's needs—in school and beyond.

Summary of Major Recommendations

In response to these findings, the Commission has produced *A New Era: Revitalizing Special Education for Children and Their Families*. This report contains dozens of recommendations addressing each of the Commission's nine major findings and their ramifications.

Overall, federal, state, and local education reform efforts *must* extend to special education classrooms. What we discovered was that the central themes of the *No Child Left Behind Act of 2001* must become the driving force behind IDEA reauthorization. In short, we must insist on high academic standards and excellence, press for accountability for results

at all levels, ensure yearly progress, empower and trust parents, support and enhance teacher quality, and encourage educational reforms based on scientifically rigorous research. In addition, we must emphasize identification and assessment methods that prevent disabilities and identify needs early and accurately, as well as implement scientifically based instructional practices.

Three broad recommendations form the foundation of the report.

Major Recommendation 1: *Focus on results—not on process.*

IDEA must return to its educational mission: serving the needs of every child. While the law must retain the legal and procedural safeguards necessary to guarantee a “free appropriate public education” to children with disabilities, IDEA will only fulfill its intended purpose if it raises its expectations for students and becomes results-oriented—not driven by process, litigation, regulation, and confrontation. In short, the system must be judged by the opportunities it gives and the outcomes achieved by each child.

Major Recommendation 2: *Embrace a model of prevention not a model of failure.*

The current model guiding special education focuses on waiting for a child to fail, not on early intervention to prevent failure. Reforms must move the system toward early identification and swift intervention, using scientifically based instruction and teaching methods. This will require changes in the nation’s elementary and secondary schools as well as reforms in teacher preparation, recruitment, and support.

Major Recommendation 3: *Consider children with disabilities as general education children first.*

Special education and general education are treated as separate systems, but in fact *share* responsibility for the child with disabilities. In instruction, the systems must work together to provide effective teaching and ensure that those with additional needs benefit from strong teaching and instructional methods that should be offered to a child through general education. Special education should not be treated as a separate cost system, and evaluations of spending must be based on all of the expenditures for the child, including the funds from general education. Funding arrangements should not create an incentive for special education identification or become an option for isolating children with learning and behavior problems. Each special education need must be met using a school’s comprehensive resources, not by relegating students to a separately funded program. Flexibility in the use of all educational funds, including those provided through IDEA, is essential.

A Final Challenge

Before signing the *Education for All Handicapped Children Act* of 1975 (since reauthorized as the *Individuals with Disabilities Education Act*), President Ford expressed some concerns about the effect of the law. He worried that it would create new

complexities and administrative challenges for public education. But ultimately it was hope and compassion that inspired him to sign the bill into law.

More than a quarter century later, we know that many of President Ford's concerns were realized. But we also know that IDEA has exceeded President Ford's greatest hopes. Children with disabilities are now being served in public schools. And new opportunities abound. This Commission is optimistic that our nation can build on the successes of the past and do even better in meeting the needs of special education children and their families. But we will do so only through a focus on educational achievement and excellence, teacher quality and support, and rigorous research. We will succeed if we work to create a culture of high expectations, accountability, and results that meets the unique needs of every child. Only then can the promise of no child left behind truly be fulfilled.

Federal Regulations and Monitoring, Paperwork Reduction and Increased Flexibility

RECOMMENDATION—REPLACE FEDERAL MONITORING PRACTICES WITH A FOCUSED APPROACH: The U.S. Department of Education should seek to radically change how it conducts technical assistance and monitoring activities to focus on results instead of process. The Department should monitor and provide effective technical assistance on a much smaller number of substantive measures guided by broad federal standards that focus on performance and results.

RECOMMENDATION—REDUCE REGULATORY BURDEN AND INCREASE FLEXIBILITY: The Individuals with Disabilities Education Act should emphasize flexibility to achieve results for children with disabilities, including a unified system of services from birth through 21, and simplify the Individualized Education Program to focus on substantive outcomes. The IDEA federal regulatory and administrative requirements imposed on state and local education agencies are burdensome and should be dramatically simplified to be more understandable for parents, educators and administrators. Up to 10 states shall be allowed to propose paperwork reduction strategies under IDEA to the Secretary of Education.

RECOMMENDATION—UTILIZE FEDERAL SPECIAL EDUCATION STAFF MORE EFFECTIVELY. The U.S. Department's of Education's Office of Special Education and Rehabilitative Services (OSERS) has not been able to meet its obligations and appropriately implement its responsibility under federal law. Within three months of the issuance of this report, the Secretary of Education should provide recommendations to Congress on how OSERS can better utilize its staff and resources to implement federal special education law.

RECOMMENDATION—EXPEDITED RESULTS FROM EXPEDITED IMPLEMENTATION: Consistent with the *No Child Left Behind* Act, IDEA should provide for expedited implementation of the new IDEA authorization in 12 months. Further, reauthorization should establish a timetable for each section of reauthorization.

Assessment and Identification

RECOMMENDATION—IDENTIFY AND INTERVENE EARLY: Implement research-based, early identification and intervention programs to better serve children with learning and behavioral difficulties at an earlier age. Include early screening, prevention and intervention practices to identify academic and behavioral problems in young children.

RECOMMENDATION—SIMPLIFY THE IDENTIFICATION PROCESS: Simplify the IDEA identification and eligibility determination process, and clarify the criteria used to determine the existence of a disability, particularly high-incidence disorders.

RECOMMENDATION—INCORPORATE RESPONSE TO INTERVENTION: Implement models during the identification and assessment process that are based on response to intervention and progress monitoring. Use data from these processes to assess progress in children who receive special education services.

RECOMMENDATION—INCORPORATE UNIVERSAL DESIGN IN ACCOUNTABILITY TOOLS: Ensure all tools used to assess students for accountability and the assessment of progress are designed to include any accommodations and modifications for students with disabilities.

Special Education Finance

RECOMMENDATION—INCREASE DISCRETIONARY PART B FEDERAL FUNDING AND ESTABLISH A DEFINABLE THRESHOLD PERCENT OF EXCESS COSTS: Discretionary federal funding for special education has significantly increased during the past seven years. This trend has compensated for historical under-funding of special education at the federal level. The Commission believes that the trend of increased federal funding for special education should continue up to a specified threshold expressed as a percent of the estimated “excess cost” of special education borne by local education agencies.

RECOMMENDATION—LINK FUTURE FUNDING INCREASES ABOVE THE THRESHOLD PERCENT TO STATE PLANS TO IMPROVE ACCOUNTABILITY FOR RESULTS: Cost accountability is fundamental to program accountability. IDEA should increase federal funding to a state for special education above the established threshold percent only if the state has submitted a state improvement plan, consistent with *No Child Left Behind*, for implementing a new accountability system that encompasses a broad range of measures of results for students with disabilities. Funding in future years should be contingent on achievement of results in that plan.

RECOMMENDATION—TARGET FUNDS FOR DIRECT SERVICES: IDEA should direct that 90 percent of Part B funds should flow-through to local education agencies, and prioritize remaining Part B funds, retained at the state level, consistent with a set of national priorities and additional recommendations contained in this report.

RECOMMENDATION—FUNDING SHOULD BE INCREASED FOR PART C AND SECTION 619.

RECOMMENDATION—INCREASE STATE AND LOCAL FLEXIBILITY: IDEA should eliminate or revise any financial structures in IDEA that hamper state and local education agencies’ ability to focus on results for eligible students with disabilities. Year-end unexpended local education agency federal funds and a fixed percent of Part B flow-through funds should be used to establish and maintain risk management pools to serve high-cost students such as those who have significant disabilities.

RECOMMENDATION—FOCUS ON HIGH-NEED CHILDREN: IDEA should allow and encourage states to address the impact of students with significant disabilities on state and local districts through the use of safety net funding.

Accountability, Flexibility and Parental Empowerment

RECOMMENDATION—SET HIGH EXPECTATIONS FOR SPECIAL EDUCATION: The *No Child Left Behind Act* (NCLB) requires states to establish high expectations for students with disabilities on state reading and mathematics assessments. The Individuals with Disabilities Education Act should require each state to establish additional ambitious and conforming goals for students with disabilities by using measures such as graduation rates, post-graduation outcomes and parent satisfaction surveys. States should also be required to define “adequate yearly progress” under IDEA for students with disabilities in local education agencies (LEAs) toward these goals. In addition, while measurements of “least restrictive environment” are not necessarily outcomes per se, they are important and should be measured and reported at state, local and school levels.

RECOMMENDATION—HOLD LEAs ACCOUNTABLE FOR RESULTS: State and local accountability systems should include *all* children, and each system must be consistent with the *No Child Left Behind Act*. IDEA should require states to report annually on the success of each school and LEA in achieving IDEA goals for students with disabilities. IDEA should provide for technical assistance for LEAs that fail to make adequate yearly progress under IDEA, and it should require States take more intensive corrective actions—including state direction of IDEA funds for LEAs that do not demonstrate adequate yearly progress under IDEA for three consecutive years. To the maximum extent feasible, states should disaggregate data, and if not possible, states must work quickly to establish a system that can do so. These requirements would, to the maximum extent possible, replace existing process-based accountability systems, while fully retaining the civil rights protections of IDEA.

RECOMMENDATION—INCREASE PARENTAL EMPOWERMENT AND SCHOOL CHOICE: Parents should be provided with meaningful information about their children’s progress, based on objective assessment results, and with educational options. The majority of special education students will continue to be in the regular public school system. In that context, IDEA should allow state use of federal special education funds to enable students with disabilities to attend schools or to access services of their family’s choosing, provided states measure and report outcomes for all students benefiting from IDEA funds. IDEA should increase informed opportunities for parents to make choices about their children’s education. Consistent with the *No Child Left Behind Act*, IDEA funds should be available for parents to choose services or schools, particularly for parents whose children are in schools that have not made adequate yearly progress under IDEA for three consecutive years.

RECOMMENDATION—PREVENT DISPUTES AND IMPROVE DISPUTE RESOLUTION: IDEA should empower parents as key players and decision-makers in

their children's education. IDEA should require states to develop early processes that avoid conflict and promote individualized education program (IEP) agreements, such as IEP facilitators. Require states to make mediation available anytime it is requested and not only when a request for a hearing has been made. Permit parents and schools to enter binding arbitration and ensure that mediators, arbitrators and hearing officers are trained in conflict resolution and negotiation.

Post-Secondary Results for Students with Disabilities and Effective Transition Services

RECOMMENDATION—SIMPLIFY FEDERAL TRANSITION REQUIREMENTS IN THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT: These provisions should provide clear steps for integrating school and non-school transition services, and closely link transition services to the goals in each student's individualized education plan.

RECOMMENDATION—MANDATE FEDERAL INTERAGENCY COORDINATION OF RESOURCES: Multiple federal policies and programs must be required to work together to improve competitive employment outcomes and increase access to higher education for students with disabilities. An Executive Order mandating existing agency coordination and pooling of existing funds will improve transition services. Further, the bridge between federal special education policy and rehabilitation policy must be strengthened.

RECOMMENDATION—CREATE A REHABILITATION ACT REAUTHORIZATION ADVISORY COMMITTEE: The Secretary of Education should create an advisory committee to examine the reauthorization of the Rehabilitation Act.

RECOMMENDATION—SUPPORT HIGHER EDUCATION FACULTY, ADMINISTRATORS AND AUXILIARY SERVICE PROVIDERS TO MORE EFFECTIVELY PROVIDE AND HELP STUDENTS WITH DISABILITIES TO COMPLETE A HIGH QUALITY POST-SECONDARY EDUCATION: Support and hold accountable all post-secondary institutions receiving federal funding for using evidence-based, best-practice programs and practices. Fund programs to educate post-secondary education personnel about modifications and accommodations for students with disabilities that have been proven to increase graduation rates and entry into the workforce.

Teacher and Administrator Preparation, Training and Retention

RECOMMENDATION—RECRUIT AND TRAIN HIGHLY QUALIFIED GENERAL AND SPECIAL EDUCATION TEACHERS: States and districts must devise new strategies to recruit more personnel who are highly qualified to educate students with

disabilities. State licenses and endorsements for all teachers should require specific training related to meeting the needs of students with disabilities, and integrating parents into special education services. States must develop collaborative career-long professional development systems that conform to professional standards.

RECOMMENDATION—CREATE RESEARCH AND DATA-DRIVEN SYSTEMS FOR TRAINING TEACHERS OF SPECIAL EDUCATION: Formal teacher training should also be based upon solid research about how students learn and what teacher characteristics are most likely to produce student achievement. State Education Agencies (SEAs) and institutions that train teachers and administrators should implement data-driven feedback systems to improve how well educators educate children with disabilities.

RECOMMENDATION—INSTITUTE ONGOING FIELD EXPERIENCES: Post-secondary institutions and state and private organizations that train teachers should require all students to complete supervised practicum experiences in each year of their training. These practices provides them with a comprehensive view of the full range of general education, special education and inclusive settings or service delivery models for students with disabilities.

RECOMMENDATION—REQUIRE RIGOROUS TRAINING IN READING: States and school districts must implement more rigorous requirements for training educators in scientifically based assessment and intervention in reading. General and special education teachers must implement research-based practices that include explicit and systematic instruction in phonemic awareness, decoding, fluency, vocabulary and comprehension.

RECOMMENDATION—REQUIRE PUBLIC REPORTING: Title II of the Higher Education Act should require programs for teacher education, administrative personnel and related services personnel to publicly report the performance of general education and special education program graduates relative to educating students with disabilities.

RECOMMENDATION—INCREASE SPECIAL EDUCATION AND RELATED SERVICES FACULTY: Institutions of higher education should recruit and train more fully qualified professors of special education to address the shortage of special education and related services doctorate holders who are qualified to teach our nation’s future educators and prepare them to achieve results for diverse learners.

RECOMMENDATION—CONDUCT RESEARCH: The Department of Education in collaboration with other federal agencies should conduct research to identify the critical factors in personnel preparation that improve student learning and achievement in schools. While recent research has begun to determine critical factors in instruction, more high-quality research is needed on instructional variables that improve achievement by students with disabilities.

Special Education Research and Dissemination of Information

RECOMMENDATION—CHANGE THE CURRENT GRANT REVIEW PROCESS TO CREATE SCIENTIFIC RIGOR: Improve the Office of Special Education Programs (OSEP) to make participation in review activities an honor, obligation and a sign of accomplishment among researchers and practitioners. Create a culture of scientific rigor in OSEP emphasizing the quality of special education research activities.

RECOMMENDATION—IMPROVE THE COORDINATION OF SPECIAL EDUCATION RESEARCH: Integrate and improve the coordination of all research activities within the U.S. Department of Education’s Office of Special Education and Rehabilitative Services. The three offices within OSERS—the Rehabilitation Services Administration, the National Institute on Disability and Rehabilitation Research and the Office of Special Education Programs—must collaborate more effectively with each other and with other federal efforts to improve research related to individuals with disabilities.

RECOMMENDATION—SUPPORT LONG-TERM RESEARCH PRIORITIES: Focus research investments on a narrower range of priorities to promote the development of more powerful and reliable discoveries that will benefit people with disabilities.

RECOMMENDATION—IMPROVE THE IMPACT OF RESEARCH FINDINGS: Support demonstration and dissemination programs in OSERS that focus on the adoption of scientifically based practices in the preparation of and continuing education for teachers. Focus on proven, effective practices that can be implemented, scaled and sustained nationwide.