



EDUCATION PRIORITIES

JANUARY 2013

California School Boards Association

IDEA

In 2011-12, the latest year for which numbers are available, special education services were provided to 686,352 individuals in California, newborn through twenty-two years of age. Individuals are provided with specially designed instruction to meet their unique needs. This instruction is provided in a variety of settings that allow infants and their families, preschoolers, students, and young adults to be educated with their peers as much as possible. Special education services are available in a variety of settings, including day-care settings, preschool, regular classrooms, classrooms that emphasize specially designed instruction, the community, and the work environment.

Individuals with Disabilities Education Act (IDEA) and the Elementary and Secondary Education Act (ESEA)

In addition to the urgent need to appropriately fund federally-mandated special education programs, there are several IDEA/ESEA issues that also need attention as Congress and the Administration work to reauthorize both education acts over the next few years.

As California's education community has reviewed ESEA and its impact on students over the last eleven years, we have come to agreement on a number of principles that have had an undesirable impact on special education students, programs and services.

To address these impacts, CSBA recommends the following:

- **When conflicts arise between IDEA and ESEA in any or all areas, IDEA must take precedence.**
- **The individualized education plan (IEP) that is enacted for each special education student details their educational program. This IEP must take precedence for student testing, including parents' ability to opt-out students, the need for out-of-level assessments, and the variety of accommodations and modifications that a student may need.**
- **Since the US Department of Education determined that parents may unilaterally withdraw their students from special education services that are required for the provision of a free and appropriate public education, and since parents have the right in California to remove their children from testing, the federal government should not penalize districts under ESEA when their participation rate is less than 95 percent.**

Funding

Now more than ever, the promise to fund 40 percent of the average per-pupil costs for special education services needs to be met. **In the FY 2012 appropriations bill, special education received approximately \$11.57 billion which was an increase of \$78 million over FY 2011 funding. While we appreciated the funding increase, the federal money only funds about 17 percent of the national average per-pupil cost.** Since Congress has not passed a 2013 Budget Act funding for the current year is flat funded as we wait for congressional action.

To address this problem, CSBA strongly supports increased federal funding, which, at a minimum, meets the needs for funding growth and cost of living with a schedule to eventually meet the 40 percent funding promise.

Autism

Autism Spectrum Disorder (ASD) is the fastest growing special education category in California and the nation. Between 1998 and 2002, the number of students receiving special education services to address issues associated with autism in California almost doubled, from 10,360 to 20,377. As of December 2011, that number has grown to approximately 72,000 students.

The educational and financial impact on school districts for students diagnosed with ASD is staggering. Research and best practices (National Research Council - “Educating Children with Autism,” 2001) show that a successful educational program for a student with autism requires a comprehensive assessment followed by intensive services by highly trained personnel. If this expertise is not available in a district, it must be contracted at a significant cost. Even when district staff is available, the cost of educating a child with autism is staggering in comparison to children with less severe disabilities.

CSBA recommends increased federal funding to address the specific and increasingly expensive service needs of students diagnosed with ASD.