



A Union of Professionals

Special Education Network September 2004

IDEA Reauthorization

On May 13, 2004, the U. S. Senate approved S. 1248, its version of the bill to reauthorize the Individuals with Disabilities Education Act (IDEA). There were only three Senators voting against the bill (Jeffords, Stabenow, and Leahy). The Senate version must now go to Conference Committee to reconcile differences with the House version, H. R. 1350. Differences between the Senate and House versions include:

- Paperwork Amendment – the Santorum paperwork reduction amendment would allow up to 15 states to obtain waivers from the Department of Education to reduce paperwork requirements for students with disabilities.
- Full Funding Amendment – the Senate approved an amendment by Senator Gregg to provide annual authorized funding levels for IDEA that essentially maintains the funding as is.
- National Children’s Study Amendment – the Senate passed by voice vote an amendment sponsored by Senator Clinton, that would essentially add the Department of Education as a key partner in the development and implementation of the National Children’s Study. The National Children’s Study’s primary goal is to improve the health and well being of all children, although children with disabilities will be a special focus of the investigation. In addition, it will provide the most comprehensive examination to date of the effects of environmental influences on the health and development of children from birth to 21.
- Attorney’s Fees Amendment – the Senate approved the Gregg amendment which allows state or local education agencies to be awarded attorney’s fees where the judge has determined that the case is “frivolous, unreasonable, or without foundation, or the parent continued to litigate even after it became clear that the case was frivolous,” or if the parents’ complaint was “presented for any improper purpose.” Current law only allows parents who win their case against schools to collect attorney’s fees; this is not true for school systems that win their case. The Gregg amendment does not cap attorney’s fees allowed under IDEA.
- Homeless and Foster Children with Disabilities – the Senate approved by voice vote an amendment sponsored by Senators Murray, DeWine and Feingold that will provide improved access to a high-quality education for homeless and foster children with disabilities and children with disabilities in military families.

On September 22, a four-month impasse was ended and the Senate named the entire Health, Education, Labor and Pensions (HELP) Committee to the conference committee where the difference between the Senate and House versions will be resolved.. The HELP Committee is made up of 11 Republicans, 10 Democrats and one independent, Sen. Jim Jeffords. A date has not been set for the conferees to meet. Staff could begin meeting as early as next week with negotiations stretching over a month.

Attorney's fees, student discipline, highly qualified special educators, enforcement and compliance remain the most volatile issues to be resolved. Reconciliation between House and Senate versions of IDEA must be complied into a bill, which will be sent back to the full House and Senate for final approval. Upon approval, the final bill is passed on to the president to be signed into law.

Resources

Opportunity to Comment on IDEA to OSERS

The U.S. Department of Education's Office of Special Education and Rehabilitative Services [OSERS] recently published in the Federal Register a Comment Request – Part B of the Individuals with Disabilities Education Act Annual Performance Report. Interested persons are invited to submit comments on or before October 4, 2004.

For complete information go to

<http://www.ed.gov/legislation/FedRegister/other/2004-3/090204a.html>

Announcing: The Third National Symposium on Dispute Resolution in Special Education – Save the Dates!!

The Consortium for Appropriate Dispute Resolution in Special Education (CADRE) will convene the Third National Symposium on Dispute Resolution in Special Education at the Academy for Educational Development in Washington, D.C. from **December 2-4, 2004**.

For some limited additional information, click here:

http://www.directionservice.org/cadre/2004_conference.cfm

Las Familias y las Escuelas: Resolviendo las Disputas através de la Mediación Families and Schools: Resolving Disputes through Mediation

This is the Spanish-language version of the publication, Families and Schools: Resolving Disputes through Mediation published by CADRE and its partner, the National Information Center for Children and Youth with Disabilities (NICHCY). The document includes real case studies and responds to some of the questions that so many parents, teachers, administrators, and others have about mediation.

To read the Spanish-language version, click here:

http://www.directionservice.org/cadre/Las_Famili7638.cfm

To read the English-language version, click here:

<http://www.directionservice.org/cadre/casestudies.cfm>

**Internet Chat “What to Do When Children Say No!”
September 29, 8PM- 9PM EST**

In this chat, hosted by Dr. Lise Fox, there will be discussions about why children may be noncompliant and strategies that educators and families may use to help the child with cooperation and engagement.

Crossing the Digital Divide

The ADA and IT Technical Assistance Centers (funded by grants from the U.S. Department of Education) announced the release of an information kit – **Breaking Down Barriers: K-12 and Beyond**. The kit, **available free of charge to schools**, includes a printed information booklet, a CD with video materials and resource links, and a poster depicting examples of accessible information technology. The CD has information for teachers, school technology coordinators, administrators, and students

The kit provides guidance about making videos accessible, ensuring that students with disabilities can navigate Web sites and electronic textbooks, and offering accessible distance education courses. The CD has an accessibility checklist to help schools plan for technology needs of all students. **Schools can order the kit by calling 800-949-4232 (voice/TTY) or visiting www.AccessibleIT.org**. Parents and others interested in information on making technology in schools accessible can also call the 800 number or visit the web site.

Reading Rockets

How to Adapt Your Teaching Strategies to Student Needs

<http://www.readingrockets.org/article.php?ID=446>

Research

Panel on Students with Disabilities

"Students with Disabilities and Accountability: The Promise and The Realities — Should There be Alternatives?"

*By Margaret J. McLaughlin with Sandra Emblar and Katherine Nagle
University of Maryland*

Paper [MS Word: 85KB](#) | [PDF: 41KB](#)

"Clash of the Titans: No Child Left Behind and Students with Disabilities"

*By Dr. Alexa (Pochowski) Posny
Kansas Department of Education*

Paper [MS Word: 130KB](#) | [PDF: 49KB](#)

Solving the Grading Puzzle for Students with Disabilities

Dennis D. Munk

Outlines a research-based system for demonstrating the academic gains made by students with disabilities. Navigates the philosophical, ethical, and practical complexities associated with designing equitable, effective, and meaningful grading systems. Numerous real-life case studies and reproducible grading adaptation tools facilitate research-to-practice implementation efforts.

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