

Eastern Shore Superintendents

Position Paper #3: **Individuals with Disabilities Education Act (IDEA 2004)**

The Eastern Shore Superintendents applaud the intent of IDEA as our mission is for ALL students to be successful with State education standards. There are multiple areas of the amended IDEA that the Eastern Shore Superintendents find favorable in ensuring resources are available for instruction. They include:

- the ability for special education staff and parents to meet to make amendments to a current IEP without a full IEP meeting;
- the provision of parental due process rights and procedural safeguards once a year with some exceptions;
- the continuation of the re-evaluation procedures for students in the program;
- changes to the regulations in regards to discipline and manifestation determinations, and;
- a two year statute of limitations for litigation/due process.

The above changes will allow a reduction of paperwork and enable all instructors of students with disabilities to have more time available for instruction of students.

The recent proposed changes to COMAR for in- school suspension are also supported by the Eastern Shore Superintendents. This option will allow schools to respond to inappropriate behaviors with significant consequences without removing students from the school setting or their special education and related services.

Additionally, the Eastern Shore Superintendents embrace the relationship of IDEA with No Child Left Behind. High academic standards and accountability for progress are essential conditions for all students' optimal achievement.

Areas of IDEA 2004 that cause concern for Superintendents include services for students in private schools when placed by their parents and Child Find procedures. Under IDEA 2004, each jurisdiction must provide direct services to students with disabilities as per the county's Private School Agreement. The amount of funding for those services is determined by a funding formula of the percentage of students in private schools with disabilities in relationship to the school systems' total population and available federal funds. Services to students with disabilities in private schools must be provided to all children in a private school in a county's jurisdiction even if the student's family is not a resident of the jurisdiction.

In addition, a county's Child Find Program, intended to locate and identify students through evaluations, now includes a mandate that school districts provide services to all children referred for a suspected disability, even if the child resides outside the school district and attends a private school in the district. The cost of those evaluations averages one thousand dollars per student. The cost of Child Find services cannot be included in the amount of federal dollars required to be expended on students with disabilities who attend private schools. The cost of these evaluations reduces local funding available to students in public schools.

The Individuals with Disabilities Education Act continues to be funded far below the initial commitment by Congress in 1975. The additional cost of evaluations to students that are not residents of the funding county is a further burden. Therefore, the Superintendents' recommendation is for the State to reconsider the services of Child Find to be the responsibility of the student's resident county and/or to include the cost of evaluations through Child Find as a portion of those dollars that each county is required to expend on students who are parentally placed in private schools.

The Eastern Shore Superintendents support the process of continuous monitoring through the annual self-assessment of progress towards targeted goals for the State Performance Plan. We agree that improvements can be made which will benefit students through a data driven plan. We would recommend that MSDE provide more of the current data to each system. In small rural systems, there are typically only one or two positions that are administrative in nature at the central office level. The gathering of data for the annual reporting on 20 indicators is time intensive for our special education department. The data is collected by MSDE and, therefore, we recommend that MSDE provide more of the current data to each system on the required MSDE forms. This will allow our staff to have more time to develop appropriate plans of improvement.