

# Special Education Legislative Summit 2021



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## LEGISLATIVE RECOMMENDATIONS

The Council for Exceptional Children, (CEC) founded in 1922, is an international nonprofit organization dedicated to improving the educational success of individuals with disabilities and/or gifts and talents. CEC supports children and youth with exceptionalities by advocating for appropriate governmental policies, setting professional standards, providing professional development, and supporting the professionals who work on behalf of children and youth with exceptionalities. CEC represents all disciplines in the field, including teachers, early interventionists, administrators, researchers, and higher education faculty who are teaching the next generation of special educators.

**CEC works to ensure that needs of children and youth with exceptionalities—and those of special educators—are heard by policy makers and engages in an active grassroots advocacy network to advance CEC's critical messages.**

### Education Appropriations

#### Members of Congress Are Urged To Provide:

- No less than \$15.5 billion for IDEA's Part B, Section 611 State Grant Program.
- \$598 million to fund IDEA's Part B, Section 619 Preschool Program, and \$732 million to fund IDEA's Part C, Early Intervention Program.
- \$300 million to fund IDEA's Part D, Section 662 program.
- \$70 million to fund the National Center for Special Education Research.
- \$32 million for the Jacob K. Javits Gifted and Talented Students Education Act

### Shortages of Special Education Teachers and Early Intervention Providers

#### Members of Congress Are Urged To:

- Promote and endorse policies that attract, prepare, and retain a diverse, qualified special education workforce fully reflective of the racial, cultural, and linguistic diversity of infants, toddlers, children, and youth with exceptionalities.
- Promote and provide incentives to increase diversity in the educator profession.
- Increase Part D funding and expand programs that provide incentives such as TEACH grants, Teacher Quality Partnership Grants, and federal loan payback opportunities to facilitate affordability of higher education. This will help recruit and retain teacher education candidates throughout the completion of their degrees and strengthen the capacity of educator preparation programs in higher education.

### Mental Health: Building Positive Climates for Learning

#### Members of Congress Are Urged To:

- Provide \$606 million for Safe Schools National Activities, including the School-Based Mental Health Services Professional Demonstration Grant and the School-Based Mental Health Services Grant programs, to address severe shortages of school-based mental health professionals (school psychologists, school social workers, and school counselors).
- Provide \$3 billion for ESSA, Title II-A, for FY 2022 to ensure educators and early intervention providers are prepared to implement evidence-based mental health interventions.
- Provide \$2 billion to fund ESSA, Title IV-A, in FY 2022 to support schools and early childhood programs to hire school social workers, school counselors, and school psychologists.
- Provide \$300 million for IDEA, Part D Personnel Preparation grants, to increase the pipeline of well-prepared special educators and specialized instructional support personnel, including school-employed mental health professionals.
- Consider the mental health needs of students, staff, and families in any additional COVID-19 relief packages as schools continue to reopen, including the additional costs of providing those services for school districts and early intervention programs.
- Maintain the current structure and funding for Medicaid that allows for reimbursement for IDEA services.
- Support legislative policies that increase access to mental health services through private health insurance and Medicaid.
- Support policies and funding for services and community interventions for children and youth who experience trauma, environmental stress, and mental health symptoms and disorders.
- Support policies and funding that promote prevention and interdisciplinary partnerships among education, early childhood, juvenile justice, mental health, and community health providers to ensure the social and emotional well-being of all children and youth.

## INFORMATIONAL BRIEF

On November 29, 1975, President Gerald R. Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142), policy which paved the way for improved outcomes for children and youth with disabilities. The Council for Exceptional Children (CEC) was proud to lead the advocacy effort—alongside many families, organizations, and individuals with disabilities—to secure passage of this landmark legislation, which marked a pivotal shift in how our nation perceived individuals with disabilities.

The current version of this landmark legislation, IDEA, includes state formula grant programs for children starting at birth—a national program that supports the provision of high-quality services including professional development, technical assistance and dissemination, family information and media and technology investments.

### IDEA has four parts:

- **Part A** – General Provisions, which includes overall provisions of the Act including Findings, Purposes, and Definitions;
- **Part B** – Assistance for Education of All Children with Disabilities, which includes (among other things) Authorization, Use of Funds, State and Local Eligibility, Evaluation, Individualized Education Programs (IEPs), Procedural Safeguards, Monitoring, and Preschool Grants;
- **Part C** – Infants and Toddlers with Disabilities, which includes (among other things) Findings, Definitions, Eligibility, Requirements for Statewide System, Individualized Family Service Plans (IFSPs), State Application and Assurances, Use of Funds, Procedural Safeguards, and Authorization; and
- **Part D** – National Activities to Improve Education of Children with Disabilities, which includes State Personnel Development Grants; Personnel Preparation, Technical Assistance, Model Demonstration Projects and Dissemination of Information; Supports to Improve Results for Children with Disabilities; and General Provisions.

### The core purposes of IDEA, as stated in the Act, are:

- To ensure that all children with disabilities have available to them access to a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- To ensure that the rights of children with disabilities and families of such children are protected;
- To assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities;

- To assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- To ensure that educators and families have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and
- To assess, and ensure the effectiveness of, efforts to educate children with disabilities.

While all involved in implementing and supporting IDEA should be commended, there is a need to build upon these successes and to continue to hold high expectations and pursue improved outcomes for all children and youth with disabilities. This commitment is required for the successful implementation of this essential law.

The continued collaboration of special education and early intervention professionals and other IDEA stakeholders is crucial to ensuring that all children and youth with disabilities have access to the necessary supports and services to achieve their educational outcomes and transition successfully to college and career opportunities.

## ISSUE BRIEF

### Overview

Infants, toddlers, children, and youth with exceptionalities participate in and benefit from all federal public education and early childhood programs. A strong federal investment in programs that provide targeted support to the nation’s 7.9 million infants, toddlers, children, and youth with exceptionalities is critical to ensuring their success in the early years, in school, and beyond, as well as increasing opportunities for all children and youth. Unfortunately, these programs are consistently and woefully underfunded, straining the entire education system.

The Individuals with Disabilities Education Act (IDEA) is the main vehicle for providing services to infants, toddlers, children, and youth with disabilities. Fully funding IDEA would significantly improve outcomes by ensuring that infants, toddlers, children, and youth with disabilities have access to educators trained to provide specially designed instruction, early intervention, curricula, devices, family support, and specialized instructional support services designed to help them meet the highest possible outcomes. Fully funding IDEA would also ensure access to and support for learning and quality of life that respects dignity, culture, language, and background.

Finally, as many of our states know, redirecting any public education funding to support vouchers, tax credits, or other funding mechanisms promoting the privatization of education is harmful to public schools and students. Strengthening and investing in public education is the means to ensure all children and youth, regardless of background or disability, can access a high-quality education.

Consistently well-funded programs, including those listed above, will lead to better outcomes for infants, toddlers, children, and youth with exceptionalities. Therefore, we call on Congress to provide appropriate funding levels for FY 2022.

### Education Appropriations

#### Members of Congress Are Asked to Provide:

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### Supporting Special Education in Schools

Approximately 7.4 million school-aged children and youth in the United States benefit from the individualized special education and related services provided by IDEA. These services—provided by special and general education teachers and specialized instructional support personnel—are tailored to meet the specific needs of each child or youth. IDEA includes a commitment from the federal government to cover 40% of the “excess costs” of serving children and youth with disabilities, referred to as “full funding.” Unfortunately, the federal share was less than 13% in Fiscal Year (FY) 2021, leaving states and school districts to pay the balance and increasing the burden on local taxpayers. An appropriation of \$15.5 billion for FY 2022 would enable districts to better support children and youth with disabilities, hire more fully prepared special education personnel, and put IDEA on the first step of a 10-year glidepath to full funding.

### Supporting the Needs of Young Children with Disabilities and their Families

IDEA’s early childhood programs serve approximately

### FUNDING FAST FACTS

- 14% of children and youth in public schools receive services under IDEA.
- IDEA funding, when adjusted for inflation, has actually decreased over the last decade.
- Special educator shortages occurred in at least 48 states for the 2020-2021 school year.
- Ensuring the continuum of IDEA programs and that Javits is well funded is critical to the success of infants, toddlers, children, and youth with exceptionalities.



1.2 million infants, toddlers, and preschool children with disabilities and their families through Part C and Part B, Section 619 (Preschool Special Education). Over the last 30 years, the number of people served by these programs has increased by approximately 50%. Despite this growth in enrollment and documented positive outcomes, federal funding has failed to keep pace. In fact, the federal cost per child has decreased by over 40% during this time. Additional funds must be appropriated to support the needs of infants, toddlers, and preschool children with disabilities and their families.

### **Ensuring a High-Quality Special Educator Pipeline**

IDEA Part D, Section 662, focuses on preparing special education and early intervention personnel to help ensure an adequate number of providers with the skills and knowledge necessary to support infants, toddlers, children, and youth with disabilities—with an emphasis on incorporating research into training programs and practice. This program is increasingly critical to addressing pervasive special educator and early interventionist shortages across the nation.

### **Delivering the Research that Guides Best Practices**

The National Center on Special Education Research (NCSE) is the primary driver of special education and early intervention research in the nation and identifies

evidence-based practices for classroom teachers and early intervention practitioners. Funding for NCSE has remained devastatingly low for the last 10 years. In fact, in 2011, 30% of NCSE's budget was cut, resulting in a near halt to special education research in 2014. NCSE has been operating on a diminished budget for a decade, significantly hampering the breadth of research supported by NCSE. In the aftermath of nationwide school closures, restoring funding to NCSE is critical to researching pressing questions about the impact on infants, toddlers, children, and youth with disabilities and their families.

### **Meeting the Needs of Learners with Gifts and Talents**

There is a growing educational crisis playing out in every state across the nation that receives little attention among policymakers in Washington: A significant “excellence gap” exists at the top achievement levels between students of color and white students, and between low-income students and their more advantaged peers. The Javits Act—the sole federal initiative supporting students with gifts and talents—seeks to remedy this by promoting research and programs to better identify and serve high-ability students from underserved backgrounds. In FY 2021, the Javits program was funded at \$13.5 million. A \$32 million investment is needed for the Javits program to reach its potential.

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- Support policies and funding that promote prevention and interdisciplinary partnerships among education, early childhood, juvenile justice, mental health, and community health providers to ensure the social and emotional well-being of all children and youth.

## ISSUE BRIEF

### Background

For infants, toddlers, children, and youth to experience success in school, they need strong instructional programs with caring professionals. Equally important, however, is ensuring access to high-quality social-emotional learning programs and mental health services and supports. To meet this goal, schools must have dedicated, highly qualified school mental health professionals who are considered essential members of the school team prepared to work with all children.

After the educational and early intervention disruptions of the last year, children, youth, staff, and families will need access to mental health services provided by well-trained school and community mental health professionals now more than ever. Recent reports from the Centers for Disease Control indicate that there has been a 24% spike in emergency room visits for mental health issues for children ages 5-11. Professionals in schools and early childhood programs who provide evidence-based mental health services and interventions are adept at creating positive environments that support learning and a sense of belonging.

These interventions are critical to addressing the impact of traumatic experiences on development and must be integrated into a system of care that is comprehensive; cohesive; and delivered in schools, early childhood programs, transition programs, and community health and mental health systems. Investment in recruiting and retaining school mental health professionals as well as identifying and implementing evidence-based mental health interventions across all tiers is essential to achieving successful outcomes for all children and youth.

### School Mental Health Services as Schools Reopen

As schools look ahead to the new school year and early intervention services continue, children and staff will need to deal with the trauma of the pandemic and reintegration into daily living. Schools and early intervention programs will need to hire additional mental health providers; collaborate with community mental health services; and train teachers, early interventionists, and administrators to identify children and youth who need short- and long-term services. An additional federal investment of targeted funds is necessary to address mental health concerns, as good mental health is critical to academic achievement.



### **Recruiting and Retaining High-Quality Professionals**

Building a positive school and early childhood program climate requires highly skilled school social workers, psychologists, and counselors. Collectively, these individuals make a difference in the lives of children and youth, resulting in positive developmental, academic, and social outcomes. A positive school and early childhood program climate also requires implementing multi-tiered systems of support, including evidence-based, trauma-informed curricula and interventions. Federal investment is necessary to ensure sufficient numbers of mental health professionals specifically trained to meet the needs of all children and youth in schools and early intervention settings.

### **Addressing Mental Health Needs of Children and Families**

Positive outcomes for children and youth resulting from caring communities of adults, children, and youth learning together. This outcome also requires implementing multi-tiered systems of support, including an evidence-based curriculum and interventions within a trauma-informed environment.

Access to mental health services—such as screening, providing direct services, engaging and supporting families, and connecting to community-based interventions—is also vital to the well-being of children and youth. Policies to fund mental health services through private health insurance, Medicaid, and programmatic mental health resources (e.g., evidence-based training, curriculum, and best practices) are needed to create a comprehensive system of supports to ensure children and families are mentally healthy.

School mental health and community providers should be trained in trauma-informed, culturally responsive interventions and to collaborate, as appropriate, to address the mental health needs of children and youth and their families. This collaboration should include attention to the stigma of mental health challenges and ensuring an adequate number of professionals trained to address children's complex social, emotional, and mental health needs.

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## ISSUE BRIEF

### Overview

As the nation continues to face a critical shortage of educators, we have made a longstanding commitment to ensuring special educators have the knowledge, skills, and abilities to meet the unique needs of our infants, toddlers, children, and youth with exceptionalities. Now more than ever, we need to develop a workforce pipeline to attract diverse personnel into all areas of special education; effectively prepare the personnel to provide opportunities for positive outcomes and post-school success; and retain special education teachers for long-term overall impact. To ensure an effective workforce, we need to ensure there is an effective pipeline.

The pandemic created a unique set of inequities and challenges such as higher attrition rates, accelerated retirements, lower enrollment in preservice programs, and increased stress—all of which exacerbated pre-pandemic issues. It is imperative that we collectively develop and utilize a multi-pronged approach, as attracting, preparing, and retaining educators must ALL be considered and addressed to yield a significant systemic improvement. We must identify short-term, intermediate, and long-term comprehensive strategies, funding options, professional learning opportunities, and needed resources.

Although persistent shortages exist among all the professional disciplines, this brief's focus is on special education teachers and early intervention providers.

### Shortages of Fully Prepared Special Educators Persist, Impacting Equity

Every student deserves an equitable opportunity to achieve. Shortages of fully certified personnel and unfunded positions impede the ability of infants, toddlers, children, and youth to reach their full developmental and academic potential. They also hinder the work of preparing all children and youth to be college- and career-ready. Nevertheless, the crisis remains persistent:

- 48 states and the District of Columbia reported a shortage of special education teachers in the 2020-2021 school year—with this area being the most severe shortage for most states.
- Special education teachers leave the teaching profession at nearly twice the rate of their general education colleagues.

### Shortages of Special Education Teachers and Early Intervention Providers

#### Members of Congress Are Urged To:

- Promote and endorse policies that attract, prepare, and retain a diverse, qualified special education workforce fully reflective of the racial, cultural, and linguistic diversity of infants, toddlers, children, and youth with exceptionalities.
- Promote and provide incentives to increase diversity in the educator profession.
- Increase Part D funding and expand programs that provide incentives such as TEACH grants, Teacher Quality Partnership Grants, and federal loan payback opportunities to facilitate affordability of higher education. This will help recruit and retain teacher education candidates throughout the completion of their degrees and strengthen the capacity of educator preparation programs in higher education.

- Just 18% of special education teachers and 10% of special education professors are people of color, while more than half of students with disabilities are from minority backgrounds.
- 42 states report a shortage of early intervention providers, including special educators and related service providers.
- Enrollment in teacher preparation programs has dropped 35% over the last five years, foreshadowing an insufficient pipeline of special education teachers.

### Decline in Special Education Higher Education Faculty and State-Approved Programs

Special education higher education faculty are critical to training future generations of special educators. However, the number of special education faculty in higher education programs is declining. In 2020-2021, there was a 5% decline in adjunct faculty and 13% decline in full-time faculty due to the ongoing recession, reduced budgets, and enrollment cliffs. To support the faculty pipeline, institutes of higher education need to develop and implement strategies that focus on diversity, equity, and inclusion to support a sustainable change in the future.





### **Teacher Loan Burden and Salary Deficit**

Teacher and early intervention provider salaries lag those of other occupations and educator candidates often accrue significant debt to prepare for these professions. More than two-thirds of those entering the education and early intervention field borrow money to pay for higher education, and college loans represent a significant debt burden for many prospective teachers and providers. Prospective educators must also pay for numerous certification exams and state licensure. These factors provide a barrier for many potential educators—particularly people of color—and a financial disincentive for all wishing to enter the profession. When the financial benefit meaningfully offsets the cost of professional preparation, it is more likely that teacher education programs will successfully recruit and retain high-quality professionals in the fields and communities where they are most needed.

### **Recruitment, Preparation, and Retention**

The recruitment, preparation, and retention of special education teachers and early intervention providers each require a systemic approach that is multifaceted and long-term. By underwriting the cost and addressing the other barriers to completing high-quality preparation programs, policymakers can ensure special education teachers and early intervention providers are better prepared for successful, long-term careers. Fully prepared teachers and providers are more effective and are more likely to remain in the field than those who enter through abbreviated or fast-track routes. Teachers and providers who are fully prepared—which includes access to opportunities for extensive fieldwork—can provide high-quality instruction, resulting in significant achievement gains for children and youth with disabilities.

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