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POSITION STATEMENT

Position on the federal role in IDEA

CEC recognizes the crucial role that the federal government has played in the education of students with disabilities. CEC is committed to ensuring students with disabilities continue to be guaranteed a free appropriate public education (FAPE) under the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act. CEC believes in a strong federal role in the education of students with disabilities, which includes a robust and durable U.S. Department of Education.

The Council for Exceptional Children (CEC) recognizes the crucial role that the federal government has played in the education of students with disabilities. CEC is committed to ensuring students with disabilities continue to be guaranteed a free appropriate public education (FAPE) under the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act. CEC believes in a strong federal role in the education of students with disabilities, which includes a robust and durable U.S. Department of Education. CEC supports the critical language of Congress in the IDEA that "disability is a natural part of the human experience and in no way diminishes the right of individuals with disabilities to participate in or contribute to society. Improving educational rights for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities" (20 U.S.C. 1400[c]). CEC affirms our commitment to the federal role in ensuring the continuation of FAPE for students with special learning needs and a robust presence of the U.S. Department of Education in providing essential funding to schools, the protection of the civil rights for people with disabilities, and the continuation of the federal role in funding research to better the lives of infants, toddlers, children, and youth with disabilities. To this end, we offer the following position statement.

The importance of the federal role in IDEA:

The Individuals with Disabilities Education Act (IDEA) is the cornerstone of federal special education law and policy, ensuring that students with disabilities receive a free and appropriate public education (FAPE). In fact, the first sentence in the Code of Federal Regulations for the Individuals with Disabilities Education Improvement Act of 2004 reads:

To ensure that all children with disabilities have available to them a Free Appropriate Public Education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living (34 C.F.R §300.1)

The federal government plays a critical role in establishing, funding, and enforcing IDEA to guarantee equitable access to education for all students with disabilities. The federal role in IDEA is essential for ensuring educational access, upholding civil rights protections, and providing crucial funding to help states deliver high-quality special education services. Without strong federal oversight, students with disabilities are likely to experience significant inequities in access to education and vital support services.

The Federal Role in IDEA:

The federal government's responsibilities under IDEA include:

1. **Setting National Requirements** – Congress enacted the original version of IDEA in 1975 to address the widespread exclusion and discrimination faced by students with disabilities. Before its passage, many children were completely denied access to education, and some states even had laws barring students with specific disabilities from attending school. IDEA provides a uniform framework all states must follow, ensuring consistent protections and services for students with disabilities. The federal regulations ensure students with disabilities are able to receive an appropriate education and learn in the least restrictive environment.

The Council for Exceptional Children is the largest international professional organization dedicated to improving the educational success of children and youth with disabilities and/or gifts and talents.

2. **Providing Essential Funding** – The U.S. Department of Education, through the Office of Special Education Programs (OSEP), distributes over \$15 billion annually in IDEA formula grants. This federal funding supports states and local school districts in covering the costs of special education, though it falls far short of the promised 40% of the additional costs of educating students with disabilities. This supports early intervention, preschool, and K-12 education for eligible students through age 21.
3. **Ensuring Compliance and Accountability** – The Office of Special Education Programs at the U.S. Department of Education monitors states' implementation of IDEA, enforcing regulations and providing mechanisms for parents to seek legal recourse if their child's rights are not upheld. Further, the Department also collects and reports national data on special education to track progress and identify areas of need. In turn, OSEP provides technical assistance and issues relevant policy guidance. Without this support and oversight, states might interpret IDEA differently, leading to inconsistent enforcement and disparities in services.
4. **Protecting Civil Rights** – The Office for Civil Rights (OCR) enforces federal laws protecting students with disabilities from discrimination, thus ensuring students receive equal educational opportunities. Further, the federal government monitors discipline disparities and inclusion rates among students with disabilities to identify barriers to equal access to education.
5. **Data Collection and Research** – The U.S. Department of Education, through its Institute of Education Sciences (IES), plays a key role in advancing data collection and research to improve outcomes for students with disabilities. The Institute of Education Sciences (IES), through the National Center for Special Education Research (NCSEER), conducts studies that shape best practices in areas like academic achievement, social-emotional development, and post-secondary outcomes. This research offers critical evidence to guide educators, inform policy decisions, and support effective interventions that promote success for students with disabilities. In addition, the Department collects and reports data that tracks progress and identifies areas for improvement in special education programs nationwide. This ensures transparency, drives accountability, and helps tailor supports to student needs.

Why Federal Involvement Matters:

1. **Guaranteeing Educational Access** – Prior to IDEA, more than 1 million children with disabilities were denied access to public schools, and nearly 100,000 lived in institutions where they received no educational services. IDEA ensures students with disabilities are not denied an education or segregated inappropriately. The federal government's role in enforcing these protections prevents discrimination and exclusion. While every state has special education laws passed on the IDEA, without federal oversight, differences in state policies and resources could result in students in some states lacking the essential services they need to succeed. IDEA ensures all students with disabilities receive appropriate education, regardless of where they live.
2. **Providing Critical Financial Support** – Special education services are expensive, and federal funding helps reduce the financial strain on states and school districts. While the federal government has never met its full funding commitment, the support it provides is vital. Recent proposals to convert IDEA funding into block grants would remove federal accountability, potentially allowing states to redirect funds away from students with disabilities.
3. **Holding States Accountable** – Federal oversight ensures states and districts fulfill their legal obligations under IDEA. If a state fails to comply, the federal government can withhold funding or take corrective action. Without federal mandates and oversight, states could adopt widely varying special education policies, resulting in significant disparities in the services students receive. IDEA ensures that students receive a consistent standard of education and support, no matter where they live.
4. **Consistent Support from Birth to Adulthood** – Federal funding supports early intervention programs for infants and toddlers with disabilities and also aids in the transition to post-secondary education and workforce training. This provides continuous support for students with disabilities throughout their educational journey and into their careers.

Conclusion

The federal role in IDEA is indispensable for protecting the educational rights of infants, toddlers, children, and youth with disabilities and ensuring equitable, high-quality education. Federal funding, oversight, and enforcement guarantee that all children—regardless of their disability or location—receive the support they need to thrive. Without these protections, disparities in special education services would grow, leaving many underserved and at risk of losing their right to an education.