

Anticipating the Future for Special Education Under the New U.S. Congress & Administration: Working Together to Advocate for Special Education Policies, Student and Staff Needs

Massachusetts Administrators for Special Education Friday March 24, 2017 Worcester, Massachusetts

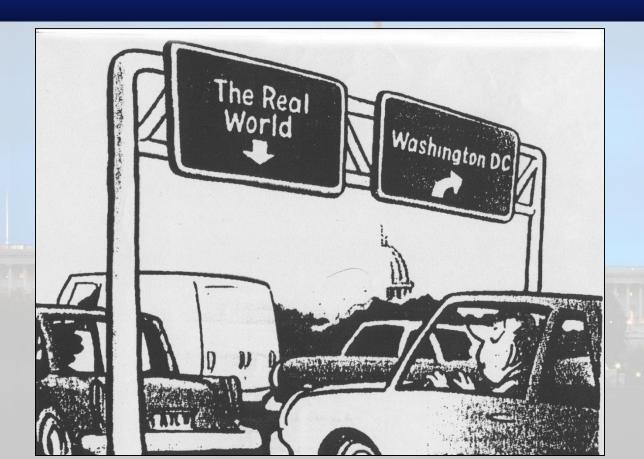
Agenda



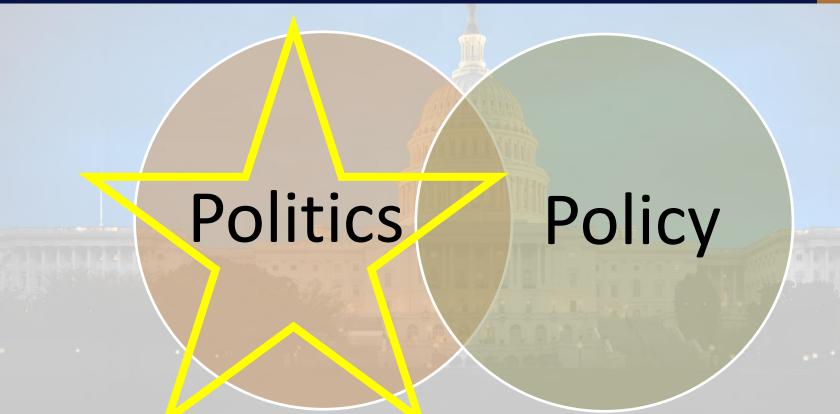
- Who's In!
- Confirmation of U.S. Secretary of Education
- White House Parent-Teacher Listening Session
- Key Education Regulations Rescinded
- Supreme Court of the United States (SCOTUS)
- Protect \$4 Billion in Medicaid!
- Federal Budget
- CEC's Position on School Vouchers
- What's OVERDUE?

- CEC's High Leverage Practices
- Who's In! Massachusetts
- Who's In! CAN Coordinators
- Policy Insider
- Legislative Action Center
- Twitter
- CEC Membership
- CEC Convention 2017 Boston
- Special Education Legislative Summit











Welcome To Washington - It's More than *House of Cards!*











2017: What's In, What's Out A Washington, DC Perspective

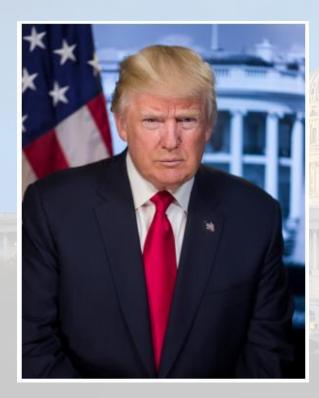


IN	ОИТ	IN	OUT
Child care	Preschool	For-Profit Colleges	Student Debt
DeVos	King	Russia	China
Billionaire Cabinet Secretaries	Billionaire Donors	Trumpcare	Obamacare
Higher Education/HEA	K-12/ESSA	Foxx	Kline
Cavaliers	Indians	Junior Achievement	STEM
@RealDonaldTrump	www.whitehouse.gov	Detroit-style reforms	Chicago-style reforms
Vouchers	Charters	Federal Prohibition of Common Core	State-adopted standards
Mar-a-Lago	Martha's Vineyard	Choice	Equity
CIA	FBI	Junior Achievement	STEM
ESSA Statute	ESSA Regulations	a conduction	

Concussions

Non-contact sports





Donald J. Trump
President of the United States





Betsy DeVos Secretary, U.S. Department of Education





U.S. Senate 52 Republicans 46 Democrats 2 Independents



U.S. House of Representatives
*237 Republicans
*193 Democrats



Senate



Sen. Mitch McConnell Majority Leader, Republican

House



Rep. Paul Ryan
Speaker of the
House



Sen. Chuck Schumer, Minority Leader, Democrat



Rep. Nancy Pelosi Minority Leader, Democrat



U.S. SENATE COMMITTEE ON

Health, Education Labor & Pensions



Sen. Lamar Alexander Chairman, Republican









Rep. Virginia
Foxx,
Chair, Republican







U.S. Supreme Court
The Justices





Office of Special Education and Rehabilitative Services (OSERS)

Ruth Ryder

Delegated the duties of the
Assistant Secretary for OSERS

Office of Special Education Programs (OSEP)

Ruth Ryder
Acting Director of OSEP



Who's Not Yet In?



Key Presidential Appointments:

Approximately 550 positions in the Trump Administration to be confirmed by Senate

To date, less than 10% appointed and confirmed by Senate

Approximately 4,000 positions can be filled by presidential appointment



Senate Hearing



- January 17, 2017
- CEC Letter to Senate HELP Committee urging clarification of key issues by nominee during hearing
- Scheduled at 5 PM, 3 + hours in duration
- One round of 5 minute questions per Senator
- CEC Was on the Hill for the hearing



Senate Hearing



January 18, 2017

Last night, Mrs. DeVos failed to answer basic questions about education and indicated that it should be optional for schools receiving federal money to comply with federal civil rights laws. Specifically, DeVos would not commit to enforcing federal special education law (IDEA) and seemed to be confused that states have to follow the federal law. Senator Kaine (D-VA) asked her whether all schools that receive taxpayer funding should meet the requirements of IDEA. "I think this is a matter better left to that states." When questioned later in the hearing by Senator Hassan (D-NH) on the implementation IDEA, "Were you unaware that it is federal law?" DeVos answered: "I may have confused it." DeVos also suggested that billions of dollars in federal IDEA funding could follow a child with a disability raising the issue of portability. It is unclear as to the position of DeVos on implementation of IDEA.







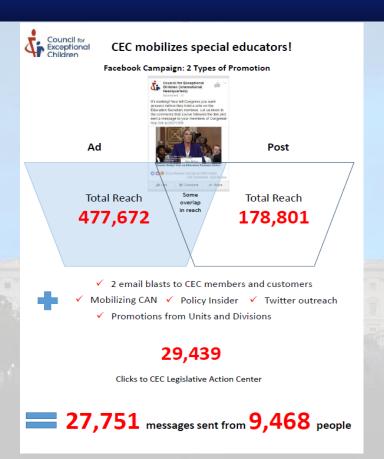
Senate Hearing



Toward the end of the hearing after some tough questions on IDEA from Senator Hassan Mrs. DeVos said "Senator, I assure you that if confirmed I will be very sensitive to the needs of special needs students and the policies surrounding that." Senator Hassan quickly retorted, "With all due respect it's not about sensitivity, although that helps, it's about being willing to enforce the law to make sure that my child and every child has the same access to public education, high quality public education, and the reality is that the way the voucher systems that you have supported work don't always come out that way. And that's why it's something we need to continue to explore. Thank you."











- February 7, 2017 U.S. Senate confirmed Betsy DeVos – 11th education secretary
- 50-50 tie vote Vice President (VP)
 Mike Pence cast the 51st "yea" vote
- Votes were along party lines with 2 exceptions – Senators Lisa Murkowski (R-AK) and Susan Collins (R-ME)
- Sworn in by VP Mike Pence at 5:30
 PM the same day as confirmed

20



CEC Advocacy

CEC members asked their Senators to ensure the nominee would:

- Uphold the basic tenets of IDEA
- Uphold and enforce IDEA
- Not divert the use of public IDEA dollars to support private education
- Guarantee the civil rights of all children and youth with disabilities and their families



"Now is not the time to turn back the clock on over 6.7 million children and youth with disabilities. CEC will hold the U.S. Department of Education accountable to ensure that all children and youth are guaranteed a free appropriate public education."

White House Parent Teacher Listening Session





- February 14, 2017
- Parents, Teachers and Administrators
- President, Vice-President, U.S. Secretary of Education and other key staff of the Administration
- Jane Quenneville, CEC Board Member and Principal of the Kilmer Center, a Fairfax County Public School in VA for students ages 5-21, with severe disabilities and/or autism
- CEC has requested a meeting with Betsy DeVos, U.S. Secretary of Education



Congress Overturns ESSA Regulations



- President Trump priority to reduce the federal footprint through the rescinding of Obama Administration regulations
- Accomplished through a process known as the Congressional Review Act (CRA) – CRA used only one other time
- Resolution 57 passed both House and Senate along party lines
- ESSA regulations regarding the core requirement that schools be held accountable for the performance of historically marginalized students, including students with disabilities
- Thousands of letters were sent to the Hill by CEC advocates opposing overturning the regulations. Thank you CEC Advocates!



Congress Overturns ESSA Regulations



- Department of Education (DOE) prohibited from writing "substantially similar" rules until a new law is passed
- DOE can provide guidance
- DOE issued ESSA guidance on March 13, 2017 only a few days after regulations were rescinded
- Guidance letter to state chiefs on ESSA's updated consolidated state plan template



Congress Overturns ESSA Regulations



- "The updated template ensures greater flexibility for state and local education leaders to do what they know is best for children, while also maintaining important protections for economically disadvantaged students, students with disabilities and English learners," Secretary DeVos
- CEC, and others are very concerned "that the statutory requirement for stakeholder's engagement was not included as a priority in the new ESSA template."
- OEC stated, "This omission of parents, educators, and others as stakeholders by Secretary DeVos is NOT what is best for children with disabilities!"

25



Troublesome Teacher Preparation Rules



- Resolution 58 passed both House and Senate to rescind the
 U.S. Department of Education teacher preparation regulations
- CEC member concern over requirement of a state based rating system for preparation programs
- CEC believes any changes in the Higher Education Act (HEA)
 need to occur through a reauthorization process
- CEC HEA recommendations:
 - Well-prepared supported educators
 - Address chronic shortages in special education through wellfunded student forgiveness and scholarship programs



How the Supreme Court May Change Your Practice:

Endrew F. v. Douglas County School
District



The Essence of Special Education:

To provide eligible students special education and related services that confer a **Free Appropriate Public Education (FAPE)**



The Rowley Two-Part Test

- Has the state complied with the procedures set forth in IDEA?
- Is the IEP reasonably calculated to enable the student to receive educational benefits?

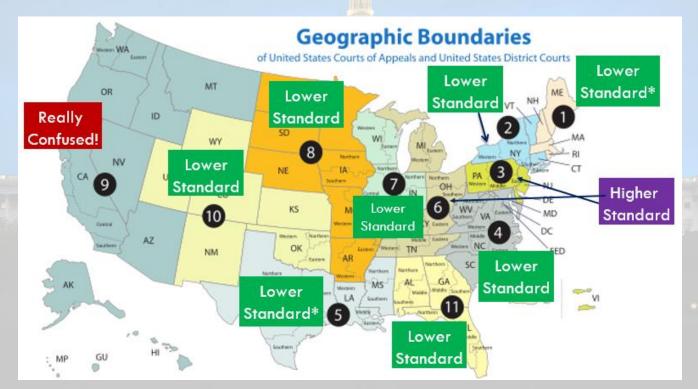


Split in the Circuit Courts

- <u>Lower Standards:</u> Some benefit, merely more than trivial or *de minimis*
- Higher standard: Meaningful benefit
- Confused standard: Different panels of the circuit court rule differently



FAPE Tests





Endrew F. v. Douglas County School District

U.S. Court of Appeals for the 10th Circuit and the "merely more than *de minimis"* standard



Appeal to the U.S. Supreme Court

- On December 22, 2015 the parents appealed to the U.S. Supreme Court
- Question Presented: What is the level of educational benefit school districts must confer on children with disabilities to provide them with the free appropriate public education guaranteed by the Individuals with Disabilities Education Act?



Oral Arguments: January 11, 2017





Oral Arguments: January 11, 2017



(L to R) Dr. Deb Ziegler, CEC's Director of Policy & Advocacy; Katie Grady, CEC's Policy & Advocacy Coordinator; Dr. Mitchell Yell & Dr. David Bateman attend oral arguments for *Endrew F. v. Douglas County School District* at the United States Supreme Court



"Standard with a Bite!"

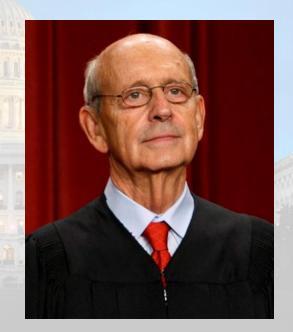






"Benefit," or "Some Benefit?"







"IDEA provides a clear standard. The problem is coming up with the right words."





Possible Outcomes:

- Guidance on Substantive Standard
- No Change



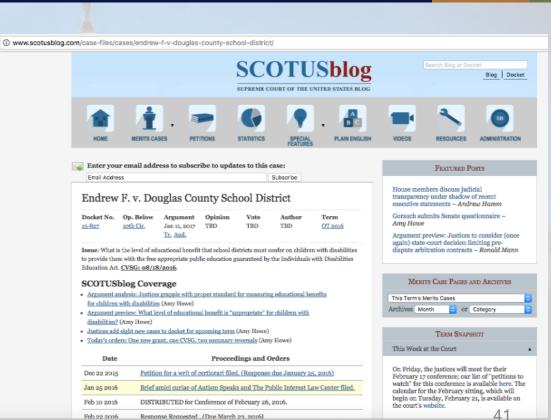
Endrew F. v. Douglas County School District

Will this be the most important court decision since Rowley v. Board of Education (1982)?

We'll find out in late May or early June!



Read More About the Case



Protect \$4 Billion in Medicaid!



American Health Care Act – U.S. House of Representatives



\$4 BILLION IS AT STAKE— PROTECT MEDICAID!

- Medicaid refinancing provision Per capita cap system
- Children comprise almost 50% of Medicaid beneficiaries
- Less than one in five dollars spent on Medicaid is consumed by children
- Medicaid funds early intervention services and school based Medicaid services for IDEA eligible children and youth

Loss of Funds would result in:

- Fewer health services
- Cuts to general education •
- Higher taxes
- Job loss

- Fewer critical supplies
 - Fewer mental health supports
 - Noncompliance with IDEA

CEC OPPOSES! Tell Congress! Visit CEC's Legislative Action Center!

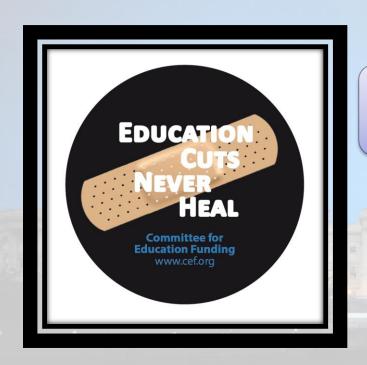
Snapshot of Children's Medicaid Coverage in Massachusetts



- 667,000 children rely on Medicaid and Mass Health (CHIP)
- 40% of all Medicaid/CHIP enrollees are children
- Medicaid and Mass Health (CHIP) serve most vulnerable children:
 - 86% living in or near poverty
 - 37% infants, toddlers and preschoolers
 - 39% disabilities
 - 100% foster care
 - 41% newborns in low income families

CEC OPPOSES! Tell Congress! Visit CEC's Legislative Action Center!

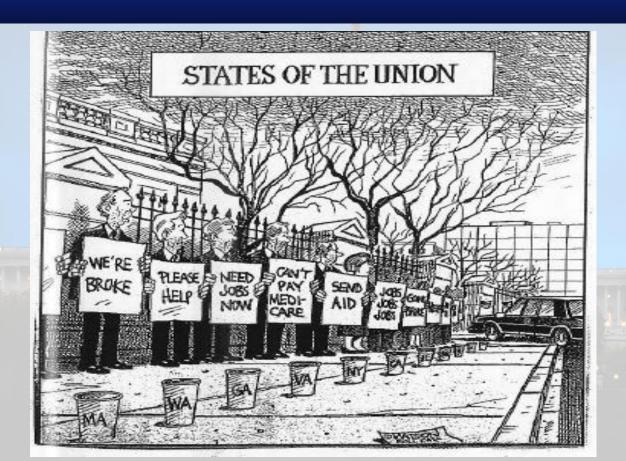




Education Matters

Investing in America's Future







Budget Battles

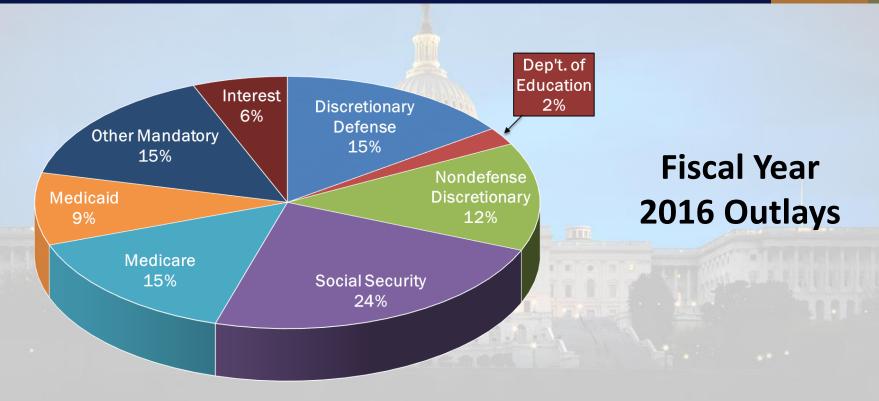


- Since January 2011, Republicans and Democrats have had multiple battles over the budget and deficit
- Republicans are opposed to revenue increases
- Liberal Democrats are opposed to entitlement cuts
- Education and other nondefense programs have borne the brunt of the cuts
- Outlook not good for breaking the stalemate



The Federal Budget and Education





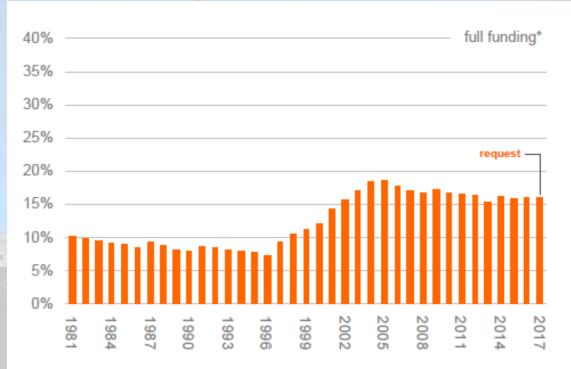


FY 2016 and 2017 Appropriations

Programs	FY 2016 Enacted	FY 2017 President's Budget (Increases in bold)	FY 2017 Senate Committee's Budget (Increases in bold)	FY 2017 House Committee's Budget (Increases in bold, cuts in red)
IDEA State grants	\$11,912,848	\$11,912,848	\$11,952,848	\$12,412,848
IDEA Preschool grants	368,238	403,238	368,238	368,238
IDEA Grants for infants and families	458,556	503,556	458,556	458,556
IDEA State personnel development	41,630	41,630	41,630	18,414
IDEA Technical assistance and dissemination	44,345	54,345	56,928	43,088
IDEA Personnel preparation	83,700	83,700	83,700	61,692
IDEA Parent information centers	27,411	27,411	27,411	27,411
IDEA Technology and media services	30,047	30,047	30,047	16,270
Research in special education	54,000	54,000	54,000	49,300
Special education studies and evaluations	10,818	13,000	10,818	10,818
Javits Gifted and Talented	12,000	12,000	12,000	492,000



Federal Share of IDEA Funding



*Full Funding: represents the federal commitment to provide 40 percent of the excess cost (as measured by the national average per pupil expenditure) of educating children, ages 3 through 21, with disabilities.

Source: NEA



FY 2017 Budget

- Continuing Resolution April 28, 2017
- Freeze at 2016 levels including a 0.19% cut across the board
- What's Next?
 - Government Shutdown???
 - Continuing Resolution through December 31, 2017???
 - Other???



Education Appropriations

Recommendations for FY 2017

CEC urges Congress to:

- \$12.9 billion to fully fund IDEA's Part B Program
- \$1.12 billion for IDEA's Part C Preschool Program and \$1.02 billion for IDEA's Part C
 Early Intervention Program
- \$853.9 million for IDEA's Part D Program
- \$70 million in the National Center for Special Education Research Center in the U.S.
 Department of Education Institute of Education Sciences
- \$20 million for the Jacob K. Javits Gifted and Talented Students Education Act



FY 2018 Budget

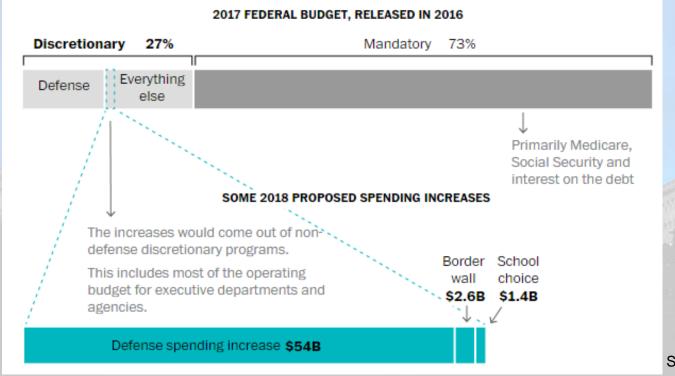
- President Trump released his "skinny budget" on March 6, 2017
- **2017** \$68.2 B **2018** \$59.0 B
- Slashes \$9 billion 13% of DOE's funding
- Invests \$1.4 billion of new money in school choice, including private school vouchers, ramping up to an annual total of \$20 billion
 - \$250 million to private schools
 - \$168 million to charter schools
 - \$1 billion increase for Title I Portability Provision
- Maintains \$13 billion IDEA

- Eliminates \$2.4 billion Supporting Effective
 Instruction State Grants
- Eliminates \$1.2 billion 21st Century Community Learning Centers
- Eliminates or reduces over 20 categorical programs
 - Striving Readers
 - Teacher Quality Partnerships
 - Impact Aid Support Payments for Federal Property
 - International Education Programs
 - No others listed
- Other reductions and eliminations

STARVE THE PUBLIC SCHOOL SYSTEM AND PRIVATIZE EDUCATION DRACONIAN PROPOSAL – SHORT ON DETAILS!

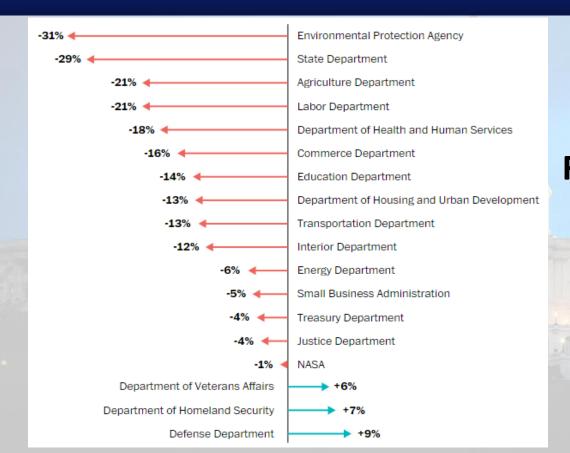


Federal Budget FY 2018 "Skinny" Budget



Source: The Washington Post





Federal Budget FY 2018 "Skinny" Budget

Source: The Washington Post



CEC President Mikki Garcia Speaks Out!



- IDEA underfunded since 1975 currently at 16% of Congressionally promised 40% of excess cost
- Jeopardizes FAPE
- Reduces access to quality <u>PUBLIC</u> schools that provide opportunities for ALL children
- Opposes private school vouchers
- Trump budget neglects an opportunity to answer the calls for greater federal support in key public education programs
- CEC turns to Congress to correct the course!

CEC's Position on School Vouchers





Trump Administration Proposal – CHOICE – FOR SOME!

- CEC opposes private school vouchers:
 - Contrary to best interests of children and youth and their families, the public school system, local communities and taxpayers
 - Contradict and undermine central purposes of civil rights laws (IDEA)
- CEC opposes private school vouchers for these specific reasons:
 - Absence of necessary accountability
 - No guarantee of FAPE
 - Families opt out of procedural protections
 - Segregation within the private school
 - No guarantee of equal access
 - Promotes re-segregation rather then diversity
 - Use of public education funds for private schools

Senator Bennet (D-CO) on Parent's Choice





I support parents' choices on high-quality schools and charter schools, and I think it plays a critical role in education. The goal for me has never been in school choice for its own end. The goal is high-quality public schools for every kid in every neighborhood to receive a great education.

Senator Michael Bennet (D-CO) Nomination Hearing for Betsy DeVos January 17, 2017





- ESSA Implementation
- IDEA
- Education Sciences
 Reform Act
- Higher Education Act
- Perkins Act











CEC's IDEA Reauthorization Recommendations

IDEA Reauthorization

- IDEA reauthorization when?
- CEC to develop member-driven IDEA reauthorization principles and preliminary recommendations in 2016-2017
- Proactive vs. Reactive!







Two Major Initiatives in Higher Education

Reforms to College Affordability

Reforms to Teacher Preparation Programs



Education Sciences Reform Act



CEC's ESRA Recommendations



Strengthen
National Center for
Special Education
Research



Bridge Researchto-Practice Gap



Recognize
Special/Gifted Ed
in Institute for
Education Sciences



Support, Strong Consistent Leadership



ESRA Reauthorization

House and Senate Bills in 2015

- Strengthening Education Through Research Act (SETRA S. 277) passed the Senate in December 2015
- S. 277 authorization levels remain far too low
- SETRA was referred to the House No action to date



Perkins Act

Reauthorization of the Carl D. Perkins Career and Technical Education Act



The Strengthening Career and Technical Education for the 21st Century Act

- Introduced into the House on June 28, 2016
- Would reauthorize through FY 2022

Co-sponsors were:



Rep. Glenn Thompson (R-PA)



Rep. Katherine Clark (D-MA)



Proposed Changes under The Strengthening Career and Technical Education for the 21st Century Acts

Proposed focus is on four key areas:

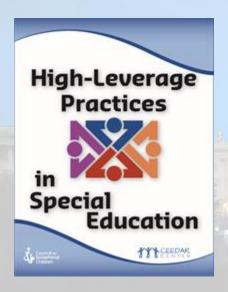
- Empowering State and Local Community Leaders
- Improving Alignment with In-Demand Jobs
- Increasing Transparency and Accountability
- Ensuring a Limited Federal Role

CEC's High Leverage Practices (HLPs)



It's Revolutionary!

They're here – 22 High-Leverage Practices (HLPs) for special educators!



- What every special educator needs to know on Day 1!
- Used frequently and improve student outcomes
- 22 HLPs
 - Collaboration
 - Assessment
 - Social/emotional/behavioral
 - Instruction
- Why? Teacher training, professional development and current practice
- Who? CEC/CEEDAR/TED

Who's In! - Massachusetts





Sen. Elizabeth Warren (D-MA)



Sen. Edward Markey (D-MA)



2nd District James "Jim"

McGovern



Niki Tsongas

4th District Joseph Kennedy III



Katherine Clark



Seth Moulton



Michael Capuano



Stephen Lynch

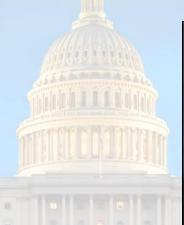
9th District William Keating

Contact your Members of Congress

Who's In! - Massachusetts









Liam Rutter-Stokes

Massachusetts CAN Coordinator

Erin Maguire

CASE Government Relations Chair

Stay Connected: CEC's Policy Insider Blog





+ February 2016 + January 2016

Read more here.

Posted on o6/22/2016 at 01:15 PM in Administration, Safe and Positive School Climate | Permalink

www.policyinsider.org
Sign up for the weekly digest!



Note: In each email you receive, there will be a link to unsubscribe or change areas of interest. Your privacy is moortant to us - please read our Email Privacy Policy.

74

CEC's Legislative Action Center





HOME

SSUES *

ACTION CENTER

CEC HOMEPAGE

CEC'S POLICY INSIDER

CEC'S POSITION ON CURRENT BILLS



Tell Congress to Invest in Education Programs for Children with Exceptionalities!

Budgets are tight and Congress is under extreme pressure to keep funding to a minimum. Tell Congress that education cannot absorb any more funding cuts!

TAKE ACTION ▶



Welcome to CEC's Legislative Action Center (LAC) Website!

Knowing that you depend on CEC's insight to develop new, innovative ideas and strengthen policy and practice, CEC's Legislative Action center is interactive, informative.

Take Action on a number of legislative issues that are important to the advancement of policies and opportunities for students with disabilities and gifts and talents and the professionals that work on their behalf.

Find information about your elected officials with ease by simply typing in your zip code.

Explore the Issue Pages to learn more in depth information on specific topics featured on the Legislative Action Center.

Navigate our side bar to connect with us on our Social Media pages.

Be sure to bookmark this LAC homepage and keep being the best CEC advocate can be!

Tweet with Usl

Tweets by @CECAdvocacy



Read CEC's Policy Insider blog post on consequences of a #Medicaid per capita cap! Urge Congress to Vote NO on #AHCA bit.ly/2mlY2OF



TELL YOUR LEGISLATORS WHAT ISSUES ARE IMPORTANT TO YOU!

- Check out our newly designed website featuring CEC's engagement alerts.
- Take action on the latest legislation concerning children and youth with exceptionalities and the professionals who work on their behalf.
- Lookup your elected officials and candidates by simply typing in your zip code.
- Learn more about special education policy on the "Issues" pages.
- Send a letter to Congress on key policy issues: Register for email alerts!

http://cqrcengage.com/cek/home

Twitter



@CECAdvocacy

Follow us on Twitter for up-to-the-minute policy updates!



CEC Membership



CEC Organization Membership/Professional Development

- Premier Membership with CASE division membership for one administrator.
- Basic Membership for five teachers/professionals.
- Two registrations for the CEC Annual Convention & Expo.
- FIVE recorded webinars.
- Total cost: \$1,300 (over \$300 in savings)

CEC Membership



Member Feature Highlights

Premier (1 Administrator)

- 250K Liability Insurance
- CASE membership
- TEC and EC print & online
- Free CEC publication

Basic (5 Staff Members)

- 1st time members-\$60K Life Ins.
- TEC online, All Member Forum,
 Policy Insider; SET
- Discounts on CEC events & publications
- Unit Membership

CEC 2017 Update







Convention Registration



3,811 and counting! (Goal = 4,450)



UNITS	Total
CA	276
MA	241
TX	200
IL	170
NY	169
PA	165
FL	139
VA	131
NC	111
СТ	107

Top "10"



Workshops



756 (Goal=760)

Call **1-888-232-7733** to add a workshop!



Housing



Reserve Your Room by March 27!

Book your room today! www.ceconvention.org/hotels/









THE ULTIMATE TRAVEL GUIDE

You'll find tips and tricks to help make your trip an awesome adventure!

And, CEC's Playlist, Must-Watch Movies, and Book Recommendations!





ASE - CEC Has a DEAL for You!





- Save on CEC's Flex Pass Package!
 - Save 10% on Workshops





Future Conventions



- CEC 2018 Tampa: 2/7-10/2018
 - Call for Proposals 3/1-31/17
- CEC 2019 Indianapolis: 1/29-2/2/2019
- CEC 2020 Portland: 2/5-8/2020
- CEC 2021 Baltimore: 2/10-13/2021

Special Education Legislative Summit









"A small group of thoughtful people could change the world. Indeed, it's the only thing that ever has."

Margaret Mead

Questions?





THANK YOU!



Deborah A. Ziegler
Director
Policy & Advocacy
debz@cec.sped.org