

Take Back the Act
IDEA REAUTHORIZATION UPDATE (September 2003)
DON'T LEAVE OUR CHILDREN BEHIND

Please make your voice heard. **OPPOSE S. 1248** because:

- **Senate bill 1248 is a step backward.**
- **It denies students with disabilities and their parents *existing rights and protections* - protections intended to make certain that ALL students, *even those with behavioral needs*, receive a high quality education.**
- **It reduces school and district accountability to students and their parents.**

Before it is too late ---Tell your Senators that as parents of children and youth with disabilities, you want: **SCHOOLS THAT ARE ACCOUNTABLE FOR ALL CHILDREN and DO NOT LEAVE BEHIND ANY CHILDREN, INCLUDING THOSE WITH DISABILITIES (even those with behavioral needs).**

Tell your Senators you object to proposed changes to IDEA through Senate bill 1248 that will *eliminate your rights and your children's rights*, making it easier for schools NOT to be accountable for your child and to leave your child behind. **Tell your Senators that parents and advocates cannot support a bill that denies existing rights of students with disabilities and their parents under IDEA.** These existing rights are essential to children being provided the opportunity to learn and, *as all other students*, to hold their schools accountable for improving their educational achievement.

This is not the time *to retreat* from the long-delayed implementation of the right of ALL children with disabilities to be provided a meaningful opportunity to learn in the general education curriculum. Yet, proposed changes to IDEA eliminate disabled students' long established right to "stay-put," making it easier for school personnel to remove children with disabilities from school, and thus, guarantee that those children, who may have social, emotional and behavioral needs, will NOT be counted for purposes of holding their schools accountable for improved educational achievement. Under the No Child Left Behind Act (NCLB 2001) once a child is excluded from school and placed at home or in an alternative school, that child is NOT counted for purposes of holding his/her school accountable. Furthermore, without the *safety net* provided students with disabilities by the "stay-put" provision, those students with disabilities who are academically behind their peers, can expect to be targeted and "pushed out" of schools that are in jeopardy of not meeting their annual goals or "adequate yearly progress."

Senate Bill 1248:

- Makes it easier for school personnel to remove students with disabilities from school instead of requiring behavior to be treated as an education issue.
- *Eliminates* the right of students with disabilities *alleged* to have violated school codes (e.g., cutting class, being tardy) to "**stay put**" in their current school placements during the period of an appeal by parents who challenge the basis for removing their child for more than 10 school days; or a school's determination that

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the student's action was unrelated to his/her disability; or that the school was not providing the student needed supports and services.

- *Removes* parents' decision-making role in programming and placement determinations affecting teaching and learning.
- *Eliminates* required benchmarks or short-term objectives from a student's IEP --- components described by the House-Senate Committee Report in 1997 as "crucial" for improved and effective teaching and instruction.
- Allows 3 year IEPs instead of requiring annual IEPs for students in their last years of entitlement.
- Permits teachers of those students with disabilities, who are presently achieving behind their peers, to have less content-based knowledge than teachers of non-disabled students who are also behind grade level. This exception will encourage placement of students with disabilities in separate "sped" classes. *Remember:* special education is not a place or a curriculum; and what doesn't get taught isn't likely to be learned!

Senate Bill 1248 also creates new burdens for students and parents seeking to resolve complaints about their children's education, and to exercise their existing rights to seek timely resolution through a due process hearing. For too many years states, districts, and schools have failed to provide children with disabilities meaningful opportunities to learn what all other students are expected to learn. Parents of students with disabilities have carried the burden for implementing and enforcing IDEA, as Federal and State educational agencies have failed to hold schools and school districts accountable. Now is not the time to give up our children's rights or retreat.

TELL YOUR SENATORS: Do NOT Leave Our Children Behind by eliminating their *existing* rights and protections under IDEA. Use IDEA to hold schools accountable for educating ALL students. Our children deserve to be educated and counted!

Please contact your Senators at home during the recess and when they are back in session. Tell them your message and ask them to share it with Senators Gregg and Kennedy of the Health, Education, Labor & Pension Committee.

Contact HELP Committee Chair: Senator Judd Gregg 202-224-6770
Ranking Minority member: Senator Edward Kennedy 202-224-4543

CONTACT YOUR SENATORS AT THEIR DISTRICT OFFICES WHILE THEY ON RECESS OR THROUGH THEIR SENATE STAFF IN D.C.

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Center for Law and Education
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