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INDIVIDUALS WITH DISABILITIES EDUCATION ACT

School Districts' Response to Regulatory Deadline

Statement for the Record by Cornelia M. Blanchette
Associate Director, Education and Employment Issues
Health, Education, and Human Services Division



Individuals With Disabilities Education Act: School Districts' Response to Regulatory Deadline

Messrs. Chairmen and Members of the Committees:

I am pleased to have this opportunity to share with you some preliminary information from our ongoing work on the impact of federal requirements on school districts. We began this work last fall for the House Committee on Education and the Workforce, the House Committee on the Budget, and the House Committee on Government Reform and Oversight's Subcommittee on Human Resources to examine the major federal requirements affecting school districts, the issues districts face in implementing these requirements, and the availability of regulatory flexibility to address these issues. This study encompasses many broad areas, including special education, environmental protection, and food service, and is primarily based on interviews with officials from over 70 school districts. In response to our general questions about implementation of federal requirements, a number of school districts commented on the time frame set out in the Department of Education's proposed regulations implementing changes to Individualized Education Programs (IEP) under the 1997 Amendments to Individuals With Disabilities Education Act (IDEA).

On October 22, 1997, the Department of Education issued proposed regulations to implement the 1997 amendments to IDEA. The IEP, a written statement that describes the child's educational performance, the goals for the child in the coming year, and the special educational and support services the child will receive to help meet these goals, remains central in the revised IDEA. The 1997 amendments specified several changes to IEPs, including requiring the participation of regular education teachers in developing IEPs, beginning to plan for transition services when students reach age 14, and considering specific services such as assistive technology. To help ensure that all students with disabilities receive the benefits of this new process as soon as possible, these proposed regulations would require school districts to have completed updating all students' IEPs in compliance with the new requirements by July 1, 1998. However, these regulations have not been finalized.

During our interviews, school districts related three major concerns about the July 1 deadline: (1) confusion and uncertainty because school districts had to begin implementing the new IEP requirements without final federal and state regulations; (2) logistical challenges arising from the need to revise many IEPs within a short time period; and (3) concern about the quality of the IEP process if it was done in too much of a hurry.

More specifically, district officials with whom we spoke expressed concern about developing and revising IEPs without the benefit of final federal and state guidance. Under IDEA, the Department of Education oversees the states, who assume the major portion of responsibility for ensuring that school districts comply with the law's requirements. In some states, the state Department of Education prescribes specific forms and procedures to be used in the development of IEPs. Because the state forms and procedures had not yet been revised to fully reflect the new requirements, some district officials expressed confusion over what they need to do. In one state, state officials told us that some districts were waiting for final federal and state regulations to begin implementation; as a result, these districts may be unable to meet the prescribed deadline.

Officials from several school districts we visited viewed the July 1 deadline as unreasonable because of logistical difficulties. For example, one special education director from a rural school district we visited called the July 1 deadline "a procedural nightmare." He told us that he would have to put other tasks aside to schedule and attend numerous IEP meetings over the next few months, and he expects the district's costs for substitute teachers to increase because teachers will have to be excused from classes to attend these meetings. Other district superintendents and special education directors echoed these concerns.

Revising a large number of IEPs within a short time frame also raises concerns about the quality of the IEP process. As the "blueprint" for addressing the educational needs of a child with a disability, the IEP can be crucial to the child's success. One superintendent told us that when IEPs are done "just ... to keep up," the quality of the IEP process suffers. Other officials expressed similar opinions.

In conclusion, many of the changes to IEPs were designed to enhance the IEP process by expanding participation in the IEP team and broadening the range of factors considered in developing a child's education program. However, implementing these requirements within the proposed time frame may make it challenging for school districts to develop IEPs that are truly tailored to each student's needs with the resources available.

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