

The Federal Individuals with Disabilities Education Act (IDEA)

(Adopted 2002; amended 2005; readopted 2008, 2011)

WHEREAS, the Maryland Association of Boards of Education (MABE) has consistently supported adequate and equitable funding for Maryland public schools on behalf of all students; and

WHEREAS, MABE strongly supports special education programs and services for students with special needs; and

WHEREAS, the categorical nature of federal and state special education programs has led to the development of numerous administrative practices and legal requirements that impede the delivery of effective instruction to special education students; and

WHEREAS, these administrative practices require special education teachers to use significant amounts of time completing paperwork mandated by federal and state education agencies which unduly burdens teachers whose time should be devoted to classroom instruction, a conflict which impedes the recruitment and retention of highly qualified special education teachers; and

WHEREAS, the Individuals with Disabilities Education Improvement Act of 2004 reauthorized the Individuals with Disabilities Education Act (IDEA) through 2011, making significant changes to the federal law and incorporating many of the recommendations offered by the National School Boards Association; and

WHEREAS, the 2004 reauthorization of IDEA includes pilot programs for multi-year individualized educational programs (IEPs), and paperwork reduction efforts to "reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities"; and

WHEREAS, the law now permits a school district to use up to 15 percent of its IDEA funds for early intervention services; and

WHEREAS, the law now allows states to reserve up to 10 percent of their allocation of federal funds to create a risk pool to help school districts provide services to high-need children with disabilities; and

WHEREAS, the law now defines "highly qualified teacher" to align IDEA with the No Child Left Behind Act of 2001; and

WHEREAS, the law includes improved due process provisions including the requirement that parents and a school district must meet before a due process hearing can be scheduled, the ability for school districts to recover legal fees in frivolous cases, and shorter time limitations for filing due process complaints; and

WHEREAS, when IDEA became law in 1975, the federal government promised to fund 40 percent of the additional cost of educating children with disabilities; and

WHEREAS, the federal government has failed to adequately fund the mandated programs and services arising under IDEA, never providing more than 15 percent of the additional cost; and

WHEREAS, sufficient federal funding for IDEA would significantly enhance the ability of local school systems to provide an excellent education for all students; and

WHEREAS, Congress annually considers funding levels for IDEA through appropriations legislation; and

WHEREAS, the MABE's Federal Relations Network Committee serves as a standing committee focused on advocating for federal legislation and appropriations in the best interests of all students in Maryland's 24 local school systems;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the President and Congress to respond to the fiscal, administrative, and legal burdens placed on local school systems under special education mandates; and

BE IT FURTHER RESOLVED, that MABE urges Maryland's Governor, General Assembly, State Board of Education, and State Superintendent of Schools to strenuously advocate for significant increases in federal special education funding and meaningful special education reforms at the federal and state levels; and

BE IT FURTHER RESOLVED, that the Federal Relations Network Committee shall vigorously advocate for federal action addressing local school system special education funding and policy concerns.