



The Reauthorization of IDEA 2004 and Its Impact on Postsecondary Opportunities for People with Intellectual Disabilities

by Steven M. Eidelman

The next reauthorization of the Individuals with Disabilities Education Act (IDEA) may have implications for students with intellectual disabilities (ID) and their access to postsecondary education. This Insight Brief provides some background on IDEA, describes the connection between IDEA and postsecondary education for students with ID, and shares strategies that you, as advocates, can use to influence the next reauthorization.

IDEA: PAST, PRESENT, AND FUTURE

The Individuals with Disabilities Education Improvement Act (IDEA 2004) was enacted by the 108th Congress on December 3, 2004. It incorporated much of what advocates, students with disabilities, researchers, families, educators and educational systems, and the courts have learned about effective education for students with disabilities. Though IDEA 2004 was slated for reauthorization in 2009, Congress has taken no action on this reauthorization. Other issues have taken priority, including health-care reform, financial-systems reform, the economy, and the wars in Afghanistan and Iraq. Few policy advocates expect IDEA to be reauthorized in 2011, but it is possible that work on reauthorization will start this year.

Factors that May Influence the Next Reauthorization

The agenda for this Congress is affected by several factors. For one thing, many new Congress members were elected during the 2010 mid-term elections. This changed the composition of Congress and affected its agenda and priorities. Recent proposed budget cuts also are a strong influence on what Congress does in 2011–2012.

Several pieces of legislation that impact individuals with disabilities are up for reauthorization this year. This may

bump IDEA down the priority ladder. The other acts include the Rehabilitation Act (1995), the Work Incentives Improvement Act (1998), and No Child Left Behind (2001), now being called “Reform America’s Schools to Educate the Leaders of the Future Act,” a Presidential priority that is receiving much more attention this session than legislation specifically related to special education.

This Insight Brief provides some background on IDEA, describes the connection between IDEA and postsecondary education for students with ID, and shares strategies that you, as advocates, can use to influence the next reauthorization.

People with disabilities, families, advocates, and policymakers have to look not just at IDEA, but also at other acts that relate to postsecondary education. One example is the Higher Education Opportunity Act of 2008 (HEOA), which improves access to postsecondary education for students with intellectual disabilities. By keeping abreast of all disability-related acts, we can stay informed about Congress’s progress and legislative changes on these issues.

Some Policy Players: Advocacy and Professional Organizations

Reauthorizing a major piece of legislation is a complex process. It involves discussion and compromise between interest groups and organizations, members of Congress, and voters like you and your family. To express your ideas on the next reauthorization of IDEA, you’ll have to work with organizations that influence disability policy. Two important

groups are the Consortium for Citizens with Disabilities (CCD) Education Task Force and the Collaboration to Promote Self-Determination (CPSD). Self-advocates, parents, advocates, and professionals can regularly check the following websites to keep abreast of new developments:

- The CCD (www.c-c-d.org/task_forces/education/tf-education.htm) combines the efforts of over 120 organizations representing families, people with disabilities, service providers, and practicing professionals. Members of organizations that are part of CCD share ideas and concerns with members of the Education Task Force and participate in its work.
- The CPSD (www.njxf.org/html/promote_self.htm) is a group formed by the National Down Syndrome Society, the Fragile X Foundation, and the Autism Society of America to eliminate barriers for people with intellectual and developmental disabilities.

Neither the CCD nor the CPSD has published a formal position on IDEA yet. They have, however, commented to the US Department of Education about how IDEA connects to No Child Left Behind (see www.c-c-d.org/task_forces/education/CCD-Alignment-of-ESEA-IDEA-comments10-25-2010.pdf).

Other organizations working on reauthorization of IDEA:

- National Association of State Directors of Special Education (www.nasdse.org)
- National School Boards Association (www.nsba.org)
- National Association of Elementary School Principals (www.naesp.org)
- National Association of Secondary Principals (www.principals.org)
- American Association of School Administrators (www.aasa.org)
- National Education Association (www.nea.org)
- American Federation of Teachers (www.aft.org)

To get involved in discussions about reauthorization, you'll need to review current laws and regulations about education and disability. You'll also want to connect with local organizations that provide input to members of Congress. One good information source is maintained by The Arc

of the US (see <http://capwiz.com/thearc/home/>), where you can sign up to receive information on ID issues. When the time comes for reauthorization of IDEA, you will be well informed. At that point, you can ask your members of Congress for their support on issues important to you in the reauthorization.

ACCOUNTABILITY AND REGULATIONS SUPPORTING THE NEXT REAUTHORIZATION OF IDEA

In IDEA 2004, the definition of transition services contains language related to postsecondary education for all students with disabilities. In the text of the act, Congress included a finding stating that postsecondary education is an important option for any student who wants it:

As the graduation rates for children with disabilities continue to climb, providing effective transition services to promote successful post-school employment or education is an important measure of accountability for children with disabilities (Individuals with Disabilities Educational Act of 2004, P.L. 108-446).

IDEA also requires that states report on their performance on a variety of requirements (via 20 separate indicators) related to monitoring, technical assistance, and enforcement of regulatory changes. For instance, Indicator 13 insures that all youth with IEPs, aged 16 and over, have all necessary components related to transition planning in their IEPs and that these "measurable postsecondary goals are annually updated and based upon an age appropriate transition assessment [and] transition services, including course of study..." Indicator 14 asks for the "percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school" (20 U.S.C. 1416(a)(3)(B)).

Strengthening the implementation of practices that are reflected by these indicators will lead to greater inclusion of youth with ID in postsecondary settings. Examples of IEP goals that could be used to support transitioning youth interested in postsecondary education can be found in the

National Secondary Transition Technical Assistance Center's I-13 Checklist (www.nsttac.org/indicator13/indicator13_checklist.aspx), which has been approved by the Office of Special Education Programs (OSEP) for the purpose of helping states collect transition-related performance data.

Make your voice heard, especially about IDEA's language on postsecondary education. This act will continue to impact the lives and education of people with intellectual disabilities.

Regulations guide state and local implementation of the law. (The federal regulations on IDEA are available at <http://idea.ed.gov/download/finalregulations.pdf>). Strong oversight at the state and federal level are needed to ensure that local education agencies implement these regulations. However, the relationships between state education agencies and local school districts vary considerably from state to state and this can impact the level of control that the state education agency exerts over districts.

Local control of schools is a strong value in U.S. education policy, sometimes working to the detriment of students with ID, such as when a local district or school is not supportive of considering students with ID for postsecondary education. Implementation of effective transition from secondary to postsecondary education is dependent upon the IEP Team, the school, the district, institutions of higher education, and the state. Parents, self-advocates, and advocates can do much to influence what happens at a grassroots level. This underlines the importance of active, well-informed advocacy.

ADVOCACY FOR STRONGER POSTSECONDARY ACCESS: GENERAL PRINCIPLES

Better postsecondary access for students with ID will require some changes on the part of various stakeholders:

1. Secondary schools must take the initiative to make parents and students aware of postsecondary education

options in their region and to provide information on financial aid.

2. IEP teams must create formal relationships between public schools, the higher-education community, and state vocational rehabilitation (VR) agencies (see www.rehabnetwork.org/directors_contact.htm for the name of the director and agency in your state) and other state agencies, including:
 - State agencies serving adults with ID, which are important partners for long-term support and blended funding (www.nasddd.org/MemberAgencies/index.shtml)
 - State councils on developmental disabilities, many of which support postsecondary education for people with ID (www.nacdd.org/about-nacdd/councils-on-developmental-disabilities.aspx)
 - University Centers for Excellence in Developmental Disabilities (UCEDDs) (www.auccd.org/directory/directory.cfm?program=UCEDD), which train education professionals about college and university opportunities for students with ID
3. State ID agencies must create links with schools concerning postsecondary employment and encourage the use of Medicaid-funded supports/waivers for adults to focus on improving employment outcomes.
4. Advocacy agencies must create incentives for state agencies—K–12 local education authorities (LEAs), VR, ID agencies, etc.—to mutually fund individual students. The mechanisms need to be strong enough to hold systems accountable and to make this process as easy as possible for students and families to navigate.
5. Institutes of Higher Education (IHEs) must develop certificates to show what graduates of postsecondary programs for people with ID have studied and accomplished. By having specific completion requirements for various programs, IHEs can make it easier for their graduates to find jobs. For example, certificates might indicate successful study of healthcare, manufacturing, retail, childcare, or hospitality.

Democracy works best when citizens are informed and when they participate in the political process. Families, people with disabilities, and other advocates have made great progress working with political systems to improve the lives of Americans with disabilities. The same needs to happen with the next IDEA reauthorization. So make your voice heard, especially about IDEA's language on postsecondary education. This act will continue to impact the lives and education of people with ID. Make sure Congress knows what you think about it!

REFERENCES

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