



IN THIS ISSUE...

Where's Mine?

Decades ago, in a Chicago back room, a group of the city's aldermen gathered to hear a budget proposal by the mayor. In great detail, the mayor laid out a comprehensive plan. He reviewed with each alderman present how each would benefit from his plan. He thought he'd completed his pitch when a hand shot up from the rear of the room. The mayor had failed to address a lone alderman. Angry now, the alderman stood up and asked bluntly, "Mr. Mayor, *where's mine?*"

In any national political agreement, each constituent wants his or her due. But the evolution of legislation is an imperfect endeavor executed by individuals attempting to satisfy disparate audiences with competing needs. Each step in the process is fraught with the complexity of compromise and partisan political considerations and imperatives. Yet, eventually, legislation takes recognizable shape. The U.S. House of Representatives and the U.S. Senate each crafts its own version of the same legislation. The next and last step is the hammering out of political differences between partisan forces in a House and Senate conference. What emerges is a single piece of legislation that can be voted on by each chamber, passed, and signed into law by the president of the United States.

The landmark Individuals with Disabilities Education Act (IDEA) of 1997 is up for reauthorization by the U.S. Congress. During the past year and a half, both houses of Congress have forged reauthorization legislation. The House has ratified its version, H.R. 1350. A vote on the Senate version, S. 1248, is expected as early as next month. Once voted upon and passed, S. 1248 will join H.R. 1350 in House/Senate conference where trading and compromise may result in passable legislation.

This issue examines the pending IDEA reauthorization legislative package, its prospects for passage during the year ahead, its impact on assistive technology and on the ability of families of children with disabilities to get "theirs" – the AT they need. We also include resources that facilitate a clearer understanding of this and other legislation that impacts families of children with disabilities.

Washington Speaks

Legislation is only partially the province of legislators. Other experts -- senior counsel, legislative aides and others -- help elected officials to mold legislation and negotiate its evolution into law. This month we feature interviews with three well-placed Washington experts on IDEA legislation. Connie Garner and Annie White are senior disabilities advisors to the Senate Health, Education, Labor and Pensions (HELP) Committee. Jessica Brodey is Senior Policy Counsel, Leslie Harris & Associates, a Washington-based legislative affairs firm. Ms. White advises HELP Committee

chairman Sen. Judd Gregg (R., NH). Her Democratic counterpart, Ms. Garner, is an aide to the HELP Committee's ranking Democrat, Sen. Edward M. Kennedy (D., MA). Ms. White, an attorney, first became associated with disabilities issues when she was a member of former Rep. John Ashcroft's (R, MO) staff. Ms. Garner, also an attorney and a long-time member of Senator Kennedy's staff, is the mother of seven children, one of whom suffers from a disability. Both women are proud of their close bipartisan cooperation during the IDEA reauthorization process. Ms. Brodey, an attorney as well, advises the Technology, Education, and Accessible Media (TEAM) Coalition, a group of 35 disability rights groups, educational organizations, and technology companies working to increase access by students with disabilities to educational technology. As the founder of Deaf Legal Connection, Ms. Brodey represents deaf clients in civil matters before the District of Columbia Superior Court. She is also a sign language interpreter.

Supporting our interviews with Garner, White and Brody are featured members of our **Knowledge Network**. The members spotlighted this month focus on various aspects of assistive technology advocacy and law. We invite you to contact these members for further information.

Please share this newsletter with other organizations, families and professionals who may benefit from it. We invite you to contact us at <http://www.fctd.info>. We welcome feedback, new members and all who contribute to our growing knowledge base.

IDEA Reauthorization: Is It a Better IDEA?

Interviews with Washington IDEA Experts Connie Garner, Annie White, and Jessica Brodey

As many in the disabilities field know, there are wide areas of disagreement between S. 1248, the Senate version of the IDEA 1997 reauthorization legislation, and its House counterpart, H.R. 1350. At the Family Center, we are concerned with assistive technology (AT) (see sidebar). Fortunately, according to Leslie Harris & Associates senior policy counsel Jessica Brodey, technology – and AT in particular – tends to be an area of widespread agreement. “I think that bodes well for keeping the language that we’ve gotten so far.” However, she adds, “There are bigger problems in the larger IDEA bill and the question remains as to whether the whole bill can really be pushed through and passed.”

She is upbeat about the technology aspects of the Senate version of IDEA. “There’s a lot of potential in this legislation to make it so much easier for kids [with disabilities]. The law is particularly good for kids who are blind or who have low vision and for those who have other print disabilities, including physical disabilities that prevent them from turning the pages of books. It’s also good for kids with learning disabilities that fall within the legal definition of a print disability.”

However, she adds, as it is written now, the legislation fails to address the purchasing of accessible videos or DVDs for the classroom. “There’s nothing in the bill that requires schools to purchase captioned videos when they’re available.” In addition, the proposed legislation “has not gone all the way toward addressing accessibility of all educational materials.” The hope, she declares, “is that

the study that will be put into the Senate version of the bill will get at those issues.”

The political equations of IDEA reauthorization are thornier than questions of policy. Those issues are addressed by Democrat Connie Garner, the senior minority disability and special education counsel on the Senate Health, Education, Labor and Pensions (HELP) Committee and her Republican majority counterpart, Annie White.

Garner: “How Do You Use the Money?”

According to Connie Garner, the primary differences between IDEA 1997 and its reauthorization legislation reflect the dramatically changed needs of children with disabilities and their families since the earlier IDEA legislation was enacted.

“We’re asking a different question now,” Ms. Garner says. “Back in the 1980s, many kids with disabilities weren’t even in school. So the interest then was in having the kids be in school and developing early intervention programs and pre-school programs.” In the 1990s,” she continued, “we asked, ‘How do we begin to get parents and schools on a level playing field?’” Much of the content in IDEA 1997, she says, “gave children access to the regular education curriculum, had much more involvement around parents and was focused on disability policy.”

In 2004, she notes, “We’re asking, ‘What does it take, under the schoolhouse roof, to be able to have systems work together and achieve the best outcome possible for all kinds of children?’” The biggest question, she declares, is “How do you use the money?” She adds, “We hope to fully fund IDEA. We hope to get the best Medicaid reimbursement we can, and that’s important for assistive technology, because AT is among the services children with disabilities are eligible

for under Medicaid, so it’s vital to get the funding stream right.”

The second question being asked in 2004, Ms. Garner says, is, “How do we conduct evaluations, particularly of children with learning disabilities?” The bill’s Senate crafters, she explains, have attempted to address the issue of “waiting until a child fails by an IQ score only in order to have him or her be eligible for special ed.” As a result, she notes, the assessment and evaluation segment of the Senate version “has been beefed up” beyond the parameters of IDEA 1997. From an AT point of view, she remarks, “the infusion of technology would be important in terms of remediating kids that may never have a disability that qualifies them for IDEA but whose needs still need to be addressed.”

Most of the sections of S. 1248 dealing with Individualized Education Plans (IEPs) are unchanged from IDEA 1997, Ms. Garner says. However, she comments, “We’ve listened to families who say that they need more flexibility in order to be part of the IEP process.” Many working families, she explains, “don’t have the flexibility to just leave work in the middle of the day and come to an IEP meeting.” Consequently, “we put in some language that allows parents to participate by phone and by other teleconferencing methods.”

Additionally, she says, S. 1248 retains one-year IEPs (the House version calls for a three-year IEP) except for children ages 18-21 who are remaining in school.

White: The School Can Resolve the Problem

Procedural issues regarding parents, IEPs and due process were addressed in S. 1248 differently than in its 1997 predecessor. Declares Annie White, “We feel that this bill provides new and better ways for parents and

schools to be able to resolve any potential disagreements so that parents can move on with their child's education." Parents, she adds, "will need to have a sit-down with school officials before filing for an administrative due process hearing." The new S. 1248 provisions, she notes, make it mandatory for parents to spell out, "but not in great detail," the nature of their complaint "so that the school can know how to resolve the problem."

Observes Ms. Garner, "Families don't want to sue. They don't have the money to sue. The school districts are always looking to try to get people not to go to lawyers. This is a way to say we're not depriving anyone of their rights to due process but we're going to add one step for parents who feel that the right people are not being brought to the [IEP] table."

Garner: S. 1248 Pushes Discipline to the Front of the Line

Discipline provisions, Ms. Garner observes, are different in S. 1248 from IDEA 1997. "In the Senate bill, we restored and made sure we kept the manifestation determination so that its two cornerstones remain permanent: 1) Questions will be asked about whether a child's behavior is the result of disability or is the result of a poorly conceived or implemented IEP; 2) There will always be a continuation of IEP-stipulated services, which actually strengthens the current law."

In addition, she explains, behavioral supports must be put in place to assist any child whose behavior is hampering the child's learning or impacting the ability of other children to learn. "This may be *the* most important difference of all because it affects 6.5 million kids as opposed to the relatively few children for whom the [S. 1248 section] discipline section applies." This provision, she emphasizes, "may be the most proactive thing we've done." Earlier, she noted, discipline issues "went to

the back of the line." Now, "if a child is showing that he or she is having behavioral issues, those issues go to the front of the line."

Assessments, Ms. Garner asserts, are also addressed differently in the Senate version than in the 1997 law. Assessments, she says, "are a *huge* issue. No Child Left Behind gives us four options to assess kids with disabilities. The issue of technology is very important in terms of tests with accommodations as well as alternate assessments that are aligned to grade level standards. People just don't know what that means. They don't know how to do these assessments. In that sense, the issue of technology becomes very important."

White: S. 1248 Differs in Three Ways from IDEA '97

According to Annie White, there are three areas of difference between IDEA 1997 and S. 1248. The first is due process. The second is funding flexibility.

The Senate version, says Ms. White, is more flexible than IDEA 1997 in providing schools with funding in order to provide early intervention services "to children who are at risk of going into special ed but are not yet there." In this era of budget constraints, she says, "we give the money to local schools so that the schools can then decide on their own where they can spend the money and where they can't."

The third area of difference is in the area of transition. "We tried to strengthen transition services for students who are going to be leaving the IDEA program to go to beyond high school or to get a job. We put in some specifics for vocational rehabilitation services to try to give better, more targeted services to these kids to help provide them with a better start when they are out of the high school system."

As far as AT is concerned, according to Ms. White, “We put in some language that strengthens the linkages between the state Medicaid system and the school systems’ obligations.” Though she admits that the Senate HELP Committee had no jurisdiction over Medicaid, “we included some language that tries to encourage states to be more cooperative in helping other agencies foot the bill if kids are entitled to services like assistive technology under Medicaid rather than under IDEA.”

Brodey: Universal Design Principles Have Been Incorporated

Jessica Brodey’s S. 1248 focus is on the bill’s technology aspects. Unlike IDEA 1997, S. 1248, she notes, has incorporated many principles of universal design. The bill, she says, “tries to encourage the adoption of universal design and looks at accessibility from multiple perspectives.” The Senate bill’s emphasis on universal design, she comments, is absent from the House version.

In the Senate version, universal design and AT are a matched set. “In every place where universal design is mentioned,” she observes, “there’s also a reference to AT.” Neither, she asserts, is exclusive of the other, “which is important, because assistive technologies are critical and universal design will never fully eliminate the need for AT.” The idea behind universal design, she emphasizes, “is to try to promote products that can be compatible with as many devices as possible.” To the extent possible, she declares, the emphasis on universal design in S. 1248 “is about creating a set of standards that will allow multiple technologies to work across multiple platforms.”

Additionally, according to Ms. Brodey, the Senate bill differs from its predecessor and from the House version in that it calls for the

formation of a commission to outline the barriers to universal design and its impact on accessibility.

Another major difference between current law and the Senate’s version of its reauthorization, in her view, is the establishment of a new provision requiring publishers to cooperate with states in providing a digital version of textbooks when they are purchased. In this area, she points out, the difference between the House and Senate bills is significant.

In the Senate version, she explains, “there would be a central repository for these digital files.” The House bill provides for no such central repository. Additionally, Ms. Brodey notes, “There are some copyright provisions written into the Senate version that would ensure that publishers would not be at risk for violating copyright laws in carrying out the provisions of this act.” Those provisions, she remarks, are also absent from the House version.

Brodey: More Opportunities for AT Funding in the Senate Version

S. 1248, says Ms. Brodey, provides more opportunities for funding assistive technology and more opportunities to look at compatibility issues. “There’s not as much emphasis in either the House or Senate bills on technology transfer, trying to get equipment used in academia transferred into commercial products that can be distributed.”

In the Senate version, she asserts, “there’s a new priority that emphasizes accessibility and new technology more than in the House version.” That priority, she adds, “should promote thinking about accessibility in all products that are being built with IDEA funds.” For example, she continues, there are reports and videos being prepared that are financed with IDEA funds. Under the Senate version,

“those reports and videos will need to be produced in accessible format; the results of that work will need to be made available in an accessible version.” Individuals who are applying for grants will be obliged to consider these new provisions, she says, “and budget for them on the front end so they don’t get caught short in their budgets later.”

There is a lot of money in the Senate bill available for captioning and video description, Ms. Brody claims. Nevertheless, she concedes, “there is a big pullback in funding for that and new restrictions being introduced to limit funding to materials used only in the classroom.” At the same time, she adds, the Senate bill is attempting to expand captioning and video description into Web-based services and other multimedia.”

White: A Bipartisan and Cooperative Effort

According to Annie White, her ongoing close cooperation with her Democratic counterpart on the Senate HELP Committee, Connie Garner, throughout the reauthorization process “has been very bipartisan and very cooperative.” The two senior staff aides, she says, “have spent hundreds of hours together in bipartisan meetings on our committee staff hammering out a bill. Both she and Ms. Garner, she declares, “feel that we have been thoughtful and deliberative on it and we feel that this [S. 1248] is a good bipartisan product that is fair.”

When the bill goes to the floor of the Senate for debate, HELP Committee Republicans and Democrats plan to allow only limited debate with limited topics as amendments. Says one committee staffer, “We thought it would be best for the bill not to be a Christmas tree free-for-all.” The funding question, the staffer continues, will be addressed through amendments on the floor. “There will definitely be a mandatory discretionary issue,”

a Committee source predicts. There will be an attorney’s fee amendment that fulfills the policy of trying to discourage frivolous-type lawsuits without curbing the need that parents have for good, fair representation.” The Republicans will also “allow some type of paperwork reduction amendment because we believe that unnecessary paperwork does not further a child’s education.”

On the Democratic side, among other amendments dealing with funding, Senator Patty Murray (D., WA) will likely offer an amendment aimed at ensuring that children with disabilities who are homeless do not fall through the cracks in the system.

Differences with the House bill requiring resolution in conference include the Senate version’s prescriptive monitoring and enforcement provision, a favorite of Senator Kennedy’s and one that the House feels goes too far.

Transition services provisions will be another issue calling for House-Senate conferee resolution, as will discipline provisions. Explains a Senate HELP Committee source, “We [the House and Senate] have both made drastic changes from current law to try to make it fairer and simplify it. The House version is more simplified than the Senate’s.”

Garner: If Enforcement Areas are Not Worked Out, “This Bill Won’t Happen”

According to Connie Garner, there are four identified areas of disagreement between the House and Senate versions of IDEA reauthorization “and they’re big:” 1) Discipline; 2) Enforcement; 3) Highly qualified teachers; 4) Assessment. If these areas are not resolved, Ms. Garner predicts, “that can prevent the bill from becoming law.”

Enforcement of the Senate bill's provisions is a key issue for Senator Kennedy, Ms. Garner asserts. "He wants this bill to be enforced. Although it's half programmatic, he views [S. 1248] as a civil rights bill." In Senator Kennedy's eyes, she claims, "parents aren't out to randomly sue schools." Parents sue, she says, "when they don't get what's promised to them. We are not doing a good job of enforcing the law." If enforcement differences with H.R. 1350 are not worked out, Ms. Garner asserts, "this bill won't happen."

Nevertheless, she admits, "I think this bill will work out." In the Senate, she comments, "Annie [White] and I have worked extremely bipartisan on this. We have taken hours and hours to try and get underneath issues and to ask the right questions."

Brodey: Bill Breakdown is Possible

Jessica Brody is, at best, cautiously optimistic about the likelihood that Congressional conferees will be able to will resolve their differences.

The House, she notes, is averse to the concept of a central repository to accommodate digital files for accessible textbooks. "We're not sure where that's going to go," she admits. "I would think they'll be flexible about copyright provision, but I'm not so sure about the central repository."

The House conferees, she projects, "will want to be very careful about anything they think looks like a mandate, or anything that overly emphasizes universal design. They don't want to create new programs." For the most part, she says, "I think that the House will be receptive to the rest of the provisions contained in the Senate version."

The result of the conferees' inability to resolve these and other issues, she declares, could

cause a breakdown of the bill. "This is an election year and there are many people in the House who have problems with the larger IDEA bill in the Senate, although not with respect to technology issues." These conflicts and the inability to compromise, Ms. Brodey continues, "could cause the house of cards built around these little pieces to fall apart if anything is pulled out."

Whether or not IDEA reauthorization legislation will be passed this year is uncertain, she declares. There is no specific date [for a Senate floor vote] set yet, she explains, but there is a unanimous consent agreement in place that would set parameters on debating time, the number of amendments and the nature of those amendments. "That agreement is good for the rest of the Congressional term."



IDEA Technology Highlights

According to Jessica Brodey, S. 1248, the Senate version of IDEA reauthorization, contains several features that may encourage the use of new technologies in special education. The bill, which may be voted on by the Senate as early as March, requires states to adopt the National Instructional Materials Accessibility (NIMAS) standard for providing print instructional materials to students with print disabilities, emphasizes the benefits of universal design, establishes a Commission on Universal Design and encourages states, local education agencies and grantees to incorporate the principles of universal design into their products and services.

Part B of S. 1248 includes:

- A new authorization for states to use IDEA funds to support the development and use of technology (including universally designed technologies and AT devices and services) to enhance learning and maximize accessibility to the general curriculum. Under current law, IDEA 1997, states are not authorized to use funds for these purposes.
- Additionally, as a condition of eligibility to receive IDEA funds, states must assure that their assessment policies and procedures align with the No Child Left Behind Act (NCLB) and promote use of their accommodations to ensure maximum participation by students with disabilities in the state or district wide assessments.
- The Senate bill encourages states to use principles of universal design in developing and administering any assessments.
- Within two years of the enactment of IDEA reauthorization, as a condition of any contract to purchase print instructional materials, states and local education agencies (LEAs) must require publishers to prepare delivery of materials in the NIMAS to a National Instructional Materials Access Center. The bill directs state education agencies to work cooperatively with the state agency responsible for AT programs in carrying out this provision.
- Another new provision in S. 1248 would allow LEAs to use IDEA funds even if one or more children without disabilities benefit from the use of those funds.

The Senate bill significantly restructured Part D of IDEA 1997.

- Part D now includes a finding that support is needed to improve technological resources and integrate technology, including universally designed technology, into the lives of children.
- Many of the grant programs in Part D now contain a new emphasis on using technology to benefit students with disabilities. For example, the professional development grants, which have replaced state improvement grants, may be used to improve teacher training in the integration of technology into the classroom and to improve knowledge of how to address the educational needs of children with differing learning styles.
- For competitive grants awarded under Part D, S. 1248 contains a new priority for projects that promote the development and use of universally designed technologies and AT devices and services.

The Senate bill includes a new Title II that establishes a National Center for Special Education Research. The center will conduct activities that improve services under IDEA, identify scientifically based education practices, improve outcomes, improve the alignment of assessments with NCLB, improve reading literacy skills of children with disabilities and examine and incorporate universal design concepts into the development of standards, assessments, curricula and instructional methods.

Finally, S. 1248 contains a new Title IV, Commission on Universal Design and the Accessibility of Curriculum and Instructional Materials. The new commission is charged with improving access to the general curriculum and

instructional materials and recommending a definition for universal design.



RESOURCES

U.S. Government Resources

Federal Register

Published by the Office of the Federal Register, National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules and notices of federal agencies, including executive orders and other presidential documents. When accessing the Federal Register, type in the mail address below, enter the issue date you wish to search and the keyword.

<http://www.gpoaccess.gov/fr/index.html>

FirstGov

FirstGov, the official portal the U.S. government, includes links to state, local and tribal governments.

<http://www.firstgov.gov>

Regulations of the U.S. Government

Search for and submit comments on regulations currently open for public comment, as published in the Federal Register.

<http://www.regulations.gov>

Thomas

This site provides legislative information and includes House and Senate bill texts, public laws, roll call votes, the *Congressional Record* and more.

<http://thomas.loc.gov>

U.S. House of Representatives

This site features a listing of links to individual Representatives and House committees.

<http://www.house.gov>

U.S. Senate

This site contains a listing of links to individual U.S. Senators and Senate committees.

<http://www.senate.gov>.

Disability Advocacy Resources

American Association of People with Disabilities (AAPD)

AAPD is the largest U.S. cross-disability non-profit organization. The organization focuses on enforcement of disability non-discrimination laws, particularly the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. For more information, contact:

AAPD

1629 K Street, NW, Suite 503

Washington, DC 20006

Phone (Voice/TTY): (202) 457-0046

Fax: (202) 840-8844

<http://www.aapd-dc.org>

Justice for All

Justice for All (JFA) and the JFA Email Network are used by AAPD to communicate directly from the nation's capital to people with disabilities.

<http://www.jfanow.org>

National Association of Protection and Advocacy Systems, Inc. (NAPAS)

NAPAS is the voluntary national membership association of Protection and Advocacy Systems (P&As) and Client Assistance Programs (CAPs) that comprise the nationwide network of Congressionally-mandated, legally-based disability rights agencies. For more information, contact:

NAPAS
900 Second Street, NE, Suite 211
Washington, DC 20002
Phone: (202) 408-9514
Fax: (202) 408-9520
<http://www.napas.org>

Consortium for Citizens with Disabilities (CCD)

Founded in 1973, CCD is a coalition of approximately 100 national consumer, advocacy, professional and provider organizations. For more information, contact:

CCD
1331 H Street NW, Suite 301
Washington, DC 20005
Phone: (202) 783-2229
Fax: (202) 783-8250
Email: info@c-c-d.org
<http://www.c-c-d.org>

National Organization on Disability (NOD)

NOD is a well-known national disabilities advocacy organization. For more information, contact:

NOD
910 Sixteenth Street, NW, Suite 600
Washington, DC 20006
Phone: (202) 293-5960; TTY (202) 293-5968
Fax: (202) 293-7999
Email: ability@nod.org
<http://www.nod.org>

TASH (The Action Starts Here)

TASH is a civil rights organization for people with mental retardation, autism, cerebral palsy, physical disabilities “and other conditions that make full integration a challenge.” The organization’s main focus is on the abolition of the use of aversive procedures, including electric shock therapy. For more information, contact:

TASH
29 W. Susquehanna Avenue, Suite 210
Baltimore, MD 21204
Phone: (410) 828-8274
Fax: (410) 828-6706
<http://www.tash.org>

Studies and Reports

President’s Commission on Excellence in Special Education (PCESE)

The commission delivered its report to President Bush on July 1, 2002. The report, entitled, *A New Era: Revitalizing special Education for Children and Their Families* is available online or is downloadable.

To obtain the report by mail, write:

PCESE
Ed Pubs, Education Publication Center
U.S. Department of Education
P.O. Box 1398
Jessup, MD 20794-1398
Phone: 1-877-433-7827; 1-800-872-5327
Fax: (301) 470-1244
Email: edpubs@inet.ed.gov
www.ed.gov/pubs/edpubs.html

Student Discipline: Individuals with Disabilities Education Act (IDEA)

General Accounting Office 2001
The General Accounting Office (GAO) is the investigative arm of Congress. The GAO conducted a study about discipline and concluded that the discipline protections of IDEA are effective and do not need to be changed in the legislation’s reauthorization. To obtain this report, go to the GAO website (below) and search for report # GAO-01-201.

<http://www.gao.gov>

Publications

IDEAnews

This monthly publication features IDEA-related news briefs, information about upcoming IDEA-oriented conferences and events and new product and resource announcements pertaining to the Individuals with Disabilities Education Act (IDEA).

<http://www.ideapractices.org/ideanews/index.php>

Websites

Bridges4Kids

B4K is a non-profit organization that provides a comprehensive system of information and referral for parents of children with disabilities.

<http://www.bridges4kids.org>

Facilities

New England ADA & Accessible IT Center (AEC)

The center's goal is the facilitation of voluntary compliance with the Americans with Disabilities Act of 1990. The New England ADA Center is one of 10 regional disability and business technical centers funded by the National Institute on Disability and Rehabilitation Research (NIDRR). For more information, contact

New England ADA & Accessible IT Center
Phone (Voice/TTY): 1-800-949-4232

<http://www.newenglandada.org>

Articles

Changes to S. 1248

TASH (The Action Starts Here) November 2003

S. 1248, the Senate version of the IDEA reauthorization legislation, was reported out

of committee in November 2003. According to TASH, a disabilities public policy organization, the Senate legislation "includes some harmful amendments that are not technical in nature but further limit the substantive rights of students with disabilities." Other changes, TASH adds, "are technical; some are helpful, but not sufficiently so as to tip any balance in favor of supporting the bill." Specifically, "Despite the rhetoric of aligning IDEA with No Child Left Behind, [the House and Senate versions of IDEA] reduce school and district accountability to students with disabilities."

http://www.tash.org/govaffairs/idea_concerns.htm

Senate Amended Version of IDEA Improves Eligibility for Specific Learning Disabilities: But It's Not Over Yet!

Learning Disabilities Association of America (LDA) November 2003

Although this article was published before voting on S. 1248, the Senate version of IDEA reauthorization, was postponed to 2004, much of its content remains timely. The article capsulates the legislation's pros and cons from the LDA's point of view.

<http://www.ldanatl.org/IDEA24Nov03.html>

Accessing Assistive Technology Through the IDEA

Comprehensive Advocacy, Inc. (Co-Ad) 2001

Written in a "Frequently Asked Questions" format, this article reviews, in academic style, the AT-relevant content of IDEA 1997.

http://users.moscow.com/co-ad/publications/at_IDEA.htm



KNOWLEDGE NETWORK MEMBERS

Disability Rights Education and Defense Fund



DREDF is a leading national law and policy center in disability civil rights. The organization was founded in 1979 by an alliance of adults with disabilities and by parents of children with disabilities. DREDF maintains close ties with the disability community nationwide through training, by responding to thousands of telephone calls each month and by representing clients.

Since the passage of the Americans with Disabilities Act (ADA) in 1990, DREDF has provided training on ADA law to more than 45,000 people from all 50 states and annually provides information about civil rights to 13,000 individuals. Each year DREDF helps more than 400 people to secure their civil rights. DREDF represents clients, serves as co-counsel and files amicus (“friend of the court”) briefs in the appellate courts and the U.S. Supreme Court, where the fund has been involved in nearly all disability cases heard by the U.S. high court. DREDF handles an average of 25 simultaneous cases and for 10 years has run a disability rights legal clinic in collaboration with local law schools.

The Fund has twenty staff members, the majority of whom are individuals with disabilities or parents of children with disabilities, and maintains offices in Berkeley, CA and Washington, DC.

For further information, contact:

DREDF *Government Affairs*
1730 M Street NW
Suite 801
Washington, DC 20036
Phone: (202) 986-0375
Fax: (202) 833-2116
Beatrice Burgess, Director
bburgess@dredf.org

DREDF Main Office
2212 Sixth Street
Berkeley, CA 94710
Phone: (510) 644-2555 (Voice/TTY)
dredf@dredf.org
<http://www.dredf.org/index.html>

Comprehensive Advocacy, Inc. (Co-Ad)



Co-Ad is the only legal rights organization in Idaho exclusively for individuals with disabilities. Founded in 1977, Co-Ad is a private non-profit legal services organization designated as the Protection and Advocacy System for the state of Idaho. Most of Co-Ad’s services are provided free of charge to clients.

Co-Ad programs include:

- *Protection and Advocacy for Assistive Technology (PAAT)*
- *Protection and Advocacy for Individuals with Mental Illness (PAIMI)*
- *Protection and Advocacy for Persons with Developmental Disabilities (PADD)*
- *Protection and Advocacy of Individual Rights (PAIR)*
- *Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI)*

For more information, contact:

Co-Ad, Inc.
4477 Emerald, Suite B-100
Boise, ID 83706

Phone: (208) 336-5353 (Voice/TDD); 1-866-262-3462 (statewide toll-free)
Fax: (208) 336-5396
<http://users.moscow.com/co-ad/>

The Council of Parent Attorneys and Advocates



COPAA aims to improve the quality and quantity of legal assistance for parents

of children with disabilities. Its primary goal is to increase access to educational programs. When disputes arise in the planning and implementation of these programs, COPAA provides access to competent advocate and legal representation by creating a systemic method for increasing the quantity and quality of resources available to the parents of children with disabilities.

COPAA does not provide direct services, individual advocacy or representation to children with disabilities, nor does its limit its interest to a specific disability. Instead, the organization's chief concern is that parents of children with disabilities have equal access to the protections of the laws by ensuring the availability and quality of legal and advocacy resources. COPAA education and training programs are designed to inform parents of their rights and the rights of their children and to improve the competence of advocates and who represent them. The group strives to keep the costs of legal assistance manageable.

COPAA pursues the following specific objectives:

- Empowering parents to work more effectively with school personnel to plan educational programs for their children
- Enabling parents of children with disabilities to work more productively with advocates and attorneys to plan and obtain education programs
- Encouraging more attorneys and advocates to undertake representation of parents of children with disabilities
- Providing advocates and attorneys with the basic practical resources
- Increasing the qualitative level of legal representation for children by establishing methods to obtain and achieve necessary information, training and consultation

Membership in COPAA is unavailable to attorneys who represent, or individuals currently employed by, education agencies receiving federal or state IDEA funds.

For more information, contact:

COPAA
1321 Pennsylvania Avenue, SE
Washington, DC 20003-3027
Phone: (202) 544-2210
<http://www.copaa.net/>

Nevada Disability Advocacy and Law Center



NDALC is Nevada's federally mandated protection and advocacy system for the human, legal and service rights for individuals with disabilities. The center, a non-profit organization, was designated by the governor's office in 1995 as the state's protection and advocacy system.

NDALC provides the following programs:

- *Protection and Advocacy for Assistive Technology (PAAT)* aids individuals with disabilities in obtaining needed services and devices
- *Protection and Advocacy for Individuals with Developmental Difficulties (PADD)* aids persons with a chronic developmental disability manifested before age 22, that results in limitations in three or more “life activities”
- *Protection and Advocacy for Individuals with Mental Illness (PAIMI)* helps those with significant emotional or mental impairment and are in a care/treatment facility
- *Protection and Advocacy for Individual Rights (PAIR)* aids those not eligible for PAIMI or PAIR programs
- *Protection and Advocacy for Voter Access (PAVA)* helps ensure full access to the electoral process for people with disabilities

For further information, contact:

NDALC
6039 Eldora Avenue, Suite C

P.O. Box 3

Las Vegas, NV
Phone: (702) 257-8150
Fax: (702) 257-8170
Jack Mayes, Executive Director
<http://www.ndalc.org/>

Texas Interagency Council on Early Childhood Intervention (ECI)



ECI is a statewide program for families with children with disabilities and developmental delays, age birth to three. ECI services, including assistive technology, are

provided by local agencies and organizations across Texas.

ECI offers evaluations, at no cost to families, to determine eligibility and need for services. Families are charged on a sliding scale for some services, although ECI turns no child or family away for inability to pay. The organization works directly with children in their home, play and school environments.

Children with a medically diagnosed condition resulting in a high probability of developmental delay are automatically eligible for ECI assistance.

For more information, contact:

ECI
4900 North Lamar Blvd.
Austin, TX 76751
Phone: (512) 424-6745
ECI Care Line: 1-800-250-2246; (512) 424-6770 (TDD)
Pam McCroskery, Information Specialist
http://www.eci.state.tx.us/about_eci/index.html



Learning Disabilities Association of America

LDA provides support to its 40,000 members in 27 countries through its network of nearly 300 state and local affiliates in 50 states and Puerto Rico. LDA is member of the Coordinated Campaign for Learning disabilities, a coalition of prominent learning disability organizations, and of the National Joint Committee on Learning Disabilities. Through its annual national international conference, seminars, state affiliate conferences, support groups and

workshops, LDA reaches an estimated 75,000 participants annually.

LDA representatives often testify at the request of Congress on matters related to special education. The organization holds and participates in numerous forums on legal rights of individual students with learning disabilities.

LDA and its affiliates work directly with school systems in planning and implementing programs for early identification and diagnosis, as well as remediation in resource in resource and special education classroom situations.

For more information, contact:

Learning Disabilities Association of America
4156 Library Road
Pittsburgh, PA 15234-1349
Phone: (412) 341-1515 (voice)
Fax: (412) 344-0224
info@ldaamerica.org
<http://www.ldanatl.org>

- Health
- Employment
- Housing
- Transportation
- Recreation

Some of ODDC's 25 projects focus on children's issues, public awareness, self-advocacy and legislative advocacy.
For more information, contact:

ODDC
8 East Long Street, 12th Floor
Columbus, OH 43215
Phone: (614) 466-5205
Toll Free: 1-800-766-7426
TTY: (614) 644-5530
Fax: (614) 466-0298
<http://ddc.ohio.gov/>
Dave Zwyrer, Director

Ohio Developmental Disabilities Council



One of a national network of state councils, ODDC consists of 28 members appointed by the state's governor. The council develops a statewide plan, conducts advocacy and systems change activities and funds projects.

As a recipient of federal funding, the council addresses the following areas of federal emphasis:

- Education and early intervention
- Quality assurance
- Child care

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