

## Chapter 2

# Respecting Federal, State, and Local Approaches to IDEA and Service Delivery Models

### ABSTRACT

*This chapter focuses on the Individuals with Disabilities Education Act, which states that students with exceptionalities will be afforded an education without cost to themselves or their family. Since funding for special education programs are typically double the cost of a general education program, the chapter discusses the historical and current practices that state educational agencies have had to devise in order to pay for the services because the federal government has not followed through with its promise of providing 40% of the total costs to educate these children. The chapter concludes with a discussion about the future trends for special education funding.*

### INTRODUCTION

The 10th Amendment in the United States Constitution states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people” (as cited in Dennis, 2000, para. 1). The Constitution does not explicitly state that the federal government is responsible for educating all children, including those with exceptionalities, who reside within the United States of America’s borders; this responsibility has been afforded to each individual state to manage. However, the federal government does recognize that the states cannot do it solely on their own

and hence contributes to the states, which in turn contribute to school funding.

With the continuously rising costs to educate students with special needs, the federal government decided to offer the states some assistance in this area. In 2005, President George W. Bush reauthorized IDEA Part B, which covers students with exceptionalities from age 3 through their 21st birthday. Part B allows students with special needs to receive services due to this law. Part B, which is formally named Assistance for Education of All Children with Disabilities, has numerous subparts. The subparts are as follows: general provisions, state eligibility, local education agency (LEA) eligibility, evaluations, eligibility, IEPs, placement,

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procedural safeguards, monitoring and enforcement, use of funds, and preschool grants. Under this law, states are to receive 40% of their special education funding from the federal government. To date, however, Congress has not followed this mandate and has yet to authorize this amount of monies to the states. At best, the federal government has roughly committed only 10% of funding to the states, and as such, they are left to deal with the continual rising costs of special education on their own or be out of compliance with the law.

The effectiveness of services offered to students with special needs is evaluated by state and local monitoring of special education programs in each state. The results of these monitored practices are published by the Office of Special Education Programs (OSEP) in letters to the states based on the State Performance Plans. The OSEP is an agency that provides support to states and local districts in an effort to improve the results for infants, toddlers, children, and youth with special needs in the form of leadership and financial support. This organization not only administers IDEA but also oversees states that implement its practice. The mission of OSEP is founded on developing, communicating, and disseminating federal policy and information on early intervention and the education of infants, toddlers, children, and youth with disabilities; administering formula grants and discretionary programs authorized by Congress; fostering and supporting research and the development of knowledge and innovations to improve results for infants, toddlers, children, and youth with disabilities; promoting and supporting the training of educational and related services for leadership personnel, parents, and volunteers; evaluating, monitoring, and reporting on the implementation of federal policy and programs and the effectiveness of early intervention and educational efforts for infants, toddlers, children, and youth with disabilities; and coordinating with other federal agencies, state agencies, private schools, and organizations of persons with disabilities for the review of policy, program plan-

ning, and implementation issues (OSEP, 2004). It is the office of the director that facilitates the effective implementation of IDEA while advising the assistant secretary on federal educational policy. Leadership is also given to address the problems associated with special needs students. The Program Support Services Group is where tracking and coordinated review of budgeting and compliance with fiscal and program plans occurs. The Monitoring and State Improvement Planning Division addresses activities related to Parts B, C, and the 619 formula grant programs. This is where state improvement plans are monitored.

A huge part of special education programs' success depends on how they implement and practice federal law. These practices are shared within a state plan that must be submitted to the required federal department. The Monitoring and State Improvement Planning Division is responsible for monitoring those documents. They have expertise in Parts B and C of the law and can carry out functions as they pertain to those parts of the law. This department offers assistance and ensures that a free and appropriate public education is being offered to students with special needs. The responsibilities of the division are massive and are as follows: develop and implement an annual program of monitoring, including self-assessment and data collection activities, to identify areas of commendation and areas of noncompliance that require corrective action by the states; provide or coordinate with other OSEP programs to provide technical assistance to the states as needed in the development and implementation of the corrective action activities; review state eligibility document submissions, prepare grant award letters, and provide appropriate technical assistance to states to ensure consistency with federal requirements and a timely release of federal funds; disseminate information by phone and in writing and coordinate with the Regional Resource Centers, clearinghouses, and others to provide technical assistance to customers and partners in response to general and policy interpretation requests in

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