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## Senate

### Statement of Senator Dianne Feinstein

*“On the Passage of the Individuals with Disabilities Education Act Reauthorization”*

I would like to take a few minutes today to talk about the Special Education Reauthorization bill (S.1248) that will be voted on the floor today.

I'd like to start by thanking Senators Gregg and Kennedy, in particular, for their hard work in crafting this bill over the course of the last two Congresses. This reauthorization process has truly been a bipartisan effort and is an example of what happens when partisan differences are set aside to work towards common goals. There are few more appropriate issues on which to work together than ensuring all children, regardless of their lot in life, are guaranteed an education that suits their needs.

I support this bill because it's a step in the right direction. It is not perfect,

but it reaches a fair compromise by giving states and schools greater administrative and fiscal flexibility, while continuing to provide parents with disabled children the assurances that their children will continue to get an appropriate education.

This bill focuses on two main concepts: aligning special education law with “No Child Left Behind” and ensuring greater mechanisms are in place to allow disabled students to transition into mainstream society after high school graduation.

“No Child Left Behind” requires states and school districts to ensure that all students are learning and are reaching their highest potential. Special education students should not be left out of these accountability mechanisms.

They should have the same level of support and guidance than their non-disabled students and have the same opportunities to enter the workforce and continue their education after high school. The goal of this reauthorization bill was to put provisions in place to allow teachers and parents to plan early for special education students to make a life for themselves after graduation.

I believe its going to really help my State and other states around the country by giving teachers more guidance and support to do their jobs and parents greater involvement in how their children are educated. I also hope that it will help identify children early—as infants and toddlers—so that they can receive the services they need before it is necessary for them to

enter a special education classroom.

One notable provision that the Senate attached to this bill on the floor this week is a mechanism to guide Congress toward meeting its commitment to provide states with 40 percent of the excess costs associated with educating students with special needs.

Although the original special education law, which was passed in 1975, gave states assurances that the federal government would reimburse states for the cost of educating special education students, Congress has never come close to meeting its goal.

Today, for instance, states are receiving about 19 percent or \$10 billion in federal funding to be used for educating special needs children.

And while Congress has worked hard over the last 7 seven years to make greater investments in special education, states continue to struggle to educate special needs students because of how costly it is to teach them.

The amendment offered by Senator Gregg and supported by myself and 95 other Senators sets up a timeline by which Congress will move towards its goal of funding 40% of the cost of special education. Every year, from now until 2011, Congress can use its discretion to appropriate up to \$2 billion each year in for special education.

This new funding mechanism will mean states could see their federal share of special education funds double over the course of the next six years.

In California, where state schools educate 11% (or roughly 675,000 students) of the nation's special education K-12 population, school districts will receive \$1.7 billion in federal dollars this year. In spite of the large amount of funding the state receives, I am told that they have been forced to transfer billions of dollars annually from general education to special education due to Congress' failure to keep its promise

to fully fund special education.

An increase in the federal funding commitment will mean that California could receive up to \$2.7 billion a year in special education funding by 2011 and will no longer have to shuffle money from their general education budgets to underwrite the cost of education special needs students.

So this funding promise will make a huge difference to states and school districts and one that I was happy to support. Schools will now have predictable special education funding that they can count on when balancing their budgets and planning for future years.

I also want to urge the Senate's support, in conference, of a provision adopted by the House which would require that increases in federal funding above FY 2003 levels be directly allocated to the local level. This would ensure that all IDEA funding gets down to our school districts who are

responsible for providing quality education to children with disabilities.

In California, this provision is critical in meeting the federal responsibilities to assist all students with disabilities including the thousands of students with physical and mental disabilities served by the state's large county education offices, like Los Angeles, San Francisco, and San Diego, who are tasked with educating the state's vast majority of special needs children.

So, I am satisfied that this bill will meet the needs of both school districts and parents. I hope that it will help give students the tools they need to become productive citizens, teachers more flexibility to do their jobs, parents greater ability to work with schools to ensure that their children are getting the services to which they are entitled, and states with the funding and oversight necessary to make sure that education for disabled students is as seamless as non-disabled students. I am pleased to support it.