

## LEGISLATION AND FUNDING FOR THE EDUCATION OF CHILDREN WHO ARE DISADVANTAGED

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On April 9, 1965, the 89<sup>th</sup> Congress voted on The *Elementary and Secondary Education Act* (ESEA, P.L. 89-10). The time from introduction to vote on this bill was only 87 days – a record time for legislation. ESEA was set in the center of President Lyndon Johnson's War on Poverty and was influenced by the *Civil Rights Act of 1964*. ESEA provided, in a very short time, massive changes in the ways students who differed from the norm by reason of disadvantage would be treated.

Over the next four decades, the federal government moved toward educational equity for all children and faced a variety of barriers and challenges. But this movement didn't just appear out of thin air. Many pieces of legislation and numerous legal cases set the way for sweeping legislation.

The last reauthorization of ESEA was enacted by the 107<sup>th</sup> Congress as *The No Child Left Behind Act of 2001* (NCLB, P.L. 107-110) and covered:

- children of poverty,
- children in rural areas,
- children who are Native Americans,
- children who are neglected and delinquent,
- children who are migrants
- children who are homeless
- children who are learning English,
- children impacted by disasters
- children who are disabled.

In this section of the League of Women Voters *Study on the Role of the Federal Government in Public Education*, we are taking a broad view of K-12 student groups who have been the focus of legislation for the funding of their education. A "snapshot" of each group will contain a definition on membership in the group, pertinent federal education laws, data on available demographics, and achievement and challenges for the group. We will also look at the proposals made in *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act* (March 2010) to see how educational needs are addressed.

Since April 9, 1965, ESEA has undergone many reauthorizations as well as growth and declines reflective of political temper and educational practice. ESEA remained an umbrella law to fight the war on poverty by providing funds for education of identified disadvantaged children through discretionary grants. An outline of the current ESEA (*No Child Left Behind*), by Titles, follows, with each student group highlighted to familiarize the reader with ESEA's structures and allow the reader to better navigate proposed allocations in the new ESEA.

## OUTLINE OF NO CHILD LEFT BEHIND: TITLES AND FUNDING

Title 1: Improving the Academic Achievement of the Disadvantaged includes funds for programs for educationally disadvantaged students. Title I also funds the education of children who are migrants and children who are homeless. Title I funds are available for Advanced Placement programs for children who are gifted.

Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals

Title III: Language Instruction for children who have limited English proficiency and children of migrants. Provisions for migratory students include funds for language programs, including provisions for Native American language immersion.

Title IV: 21<sup>st</sup> Century Schools

Title V: Promoting Informed Parental Choice and Innovative Programs includes funding of the National Center for Gifted Education for research on programs and practices for educating gifted children.

Title VI: Flexibility and Accountability includes allocations for the two primary Rural Education programs.

Title VII: Indian, Native Hawaiian and Alaska Native Education includes funds for the education of children who are Native Americans (Native Indians, Native Alaskans and Native Hawaiians).

Title VIII: Impact Aid Program includes students who have experienced a natural disaster, such as Katrina, or who live on land used by the federal government, are helped by this program.

Title IX: General Provision includes a provision for the Bureau of Indian Affairs schools.

Title X: Repeals, Redesignations and Amendments include support for Children who are neglected/delinquent, as well as children who are homeless.

## Legislation and Funding of the Education of Diverse Students – Children Who are Native Indians, Native Alaskans and Native Hawaiians

The federal government categorizes Native Americans as “Native Indian,” “Native Alaskan” or “Native Hawaiian.” All three groups are indigenous peoples who have had an extensive relationship with the United States government. The term “Indian” means an individual who is:

- A. *a member of an Indian tribe or band, as membership is defined by the tribe or band, including —*
  - i. *any tribe or band terminated since 1940; and*

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- ii. *any tribe or band recognized by the State in which the tribe or band resides;*
- B. *a descendant, in the first or second degree, of an individual described in subparagraph (A);*
- C. *considered by the Secretary of the Interior to be an Indian for any purpose;*
- D. *an Eskimo, Aleut, or other Alaska Native; or*
- E. *a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994 (NCLB, Title VII, Subpart 5, Section 7151, 2001).*

Legislation that has been passed that directly affects Indian education includes:

- 1975. The Indian Self Determination and Education Assistance Act (P.L. 93-638).
- 1987. The Tribally Controlled Grant Schools Act (P.L. 100-29759) gave the Native Indians the right to control their own schools. One hundred twenty-four schools are tribally controlled under this law.
- 1990, 1992. The Native American Languages Act of 1990 (P.L. 101-477) and 1992 (P.L. 102-524) provided groundwork to recover indigenous languages and develop the languages so they would survive. Native languages. Part of the 1992 Act was the Native American Education Assistance Act, which became part of Title VII, ESEA.

There are over 184 Native Indian schools on 63 reservations, spanning 23 states (Bureau of Indian Education, 2010). The territory does not correspond to states and may cross them. There are over 1,403,284 Native Indians and Native Alaskans who are under the age of 18 and eligible for schooling (Oganwole, 2006). Ninety percent of the Native Indians attend public school; 10 percent attend tribal schools run by the Bureau of Indian Affairs (BIA, 2011). Native Indians are over-represented in special education classifications and have gifted students as well. The Bureau of Indian Education has 48,000 Native Indians in the 54 tribal schools (Bureau of Indian Education, 2011). Within tribal schools, approximately 10 percent of students in public schools and 18 percent of students in tribal schools are eligible for special education services (Bureau of Indian Affairs, 2000).

Since extensive study of Native Indian/Native Alaskan achievement revealed lower scores on proficiency tests in reading and math (Reyhner, 1986, 2006), curriculum has been introduced for Native Indian students in language, history and Native Indian issues, such as *Since Time Immemorial: Tribal Sovereignty in Washington* (State of Washington Office of the Superintendent of Instruction, 2010). Documentation revealing that one-third of Native Indians never finish school has propelled planning for students of all ages with personally motivating learning (Reyhner, J. 1986, 2006).

The current NCLB contains appropriations for Native American education, education programs, language development (English) and language restoration (tribal languages). An earmarked

fund for land use seen in the *Blueprint* proposes a continuation of the services with the additional further training for teachers for Native American education.

## Children Who Are Alaskan Natives

The Alaskan Native student faces many of the same challenges as the Native Indian student: culturally and linguistically differing experiences, speaking English as a second language, and poverty. The significant legislation enacted on behalf of this disadvantaged population was the *Alaska Native Educational Equity, Support, and Assistance Act*, which is part of Title VII, ESEA. The provisions include family literacy, cultural exchanges, and programs to increase Reading and Math skills. The NCLB also includes documentation on Native Alaskans performance in school and lists support needed to attain a “free and appropriate education” (NCLB, Title VII, Part C, Sec. 7301, 2, (3)). The *National Indian Education Study* (June 2010) found that students attending BIE schools, both grade 4 and grade 8, scored lower on standardized assessments than students attending public schools. Native American and Native Alaskan students scored lower than Asian/Pacific Islanders and white students, and scored higher than black students on math.

## Children Who Are Hawaiian Natives

The majority of Hawaiian students are of Asian/Pacific Island origin (only 23 percent of the total students are Native Hawaiians). The Native Hawaiian student may be located on Hawaii, Maui, Molokai, Lanai, Oahu, Kauai or Niihau. The definition of “Native Hawaiian” used in the administration of the NCLB Act is “A). a citizen of the United States; and (B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.”

The funding legislation passed in the sweep of aid to disadvantaged students with NCLB included Native Hawaiians, who are covered under Title VII, the *Native Hawaiian Education Act* (2005). The Act was sponsored by Sen. Daniel Inouye (U.S. Government Accountability Office, 2008). As with the two other indigenous groups outlined, the NCLB funds the education of Native Hawaiian students to provide cultural and language immersion.

Education includes restoration of lost culture and native languages. An example of such an educational material is the curriculum *He Upena o ke a o. Culturally Responsive Classrooms*, sponsored by The University of Hawaii. Recent research found evidence that “culturally responsive educational strategies help students to feel engaged and connected with what they are learning (Ledward, B., Takayama, B., & Kahumoku, W., III, 2008).

U.S. government data use population classification for all Hawaiians as the combined group “Asian/Pacific Islander.” It is difficult to see the contribution of Native Hawaiians in the results. However, assessments done by the Department of Education, Hawaii, used testing scores from 2003-2004 and 2008-2009 to compare Hawaiian Natives to Non-native Hawaiians. Non-native Hawaiians did better on these assessments in reading than Native Hawaiians, but both groups did better in reading than in math. Since there is an achievement gap, continued funding to prepare Native Hawaiian children for achievement in reading and math is included in the

*Blueprint*, as well as a continuation of the programs seen in the current NCLB (language and cultural immersion).

## **Children Who Are English Language Learners (ELL)**

The English Language Learner (ELL) population hovers at 5 million. The original legislation that addressed the needs of these students was an amendment to the 1965 ESEA, Title VII for bilingual education. In the current NCLB, allocations for ELL are provided in Title III, *Language Instruction for Limited English Proficient and Immigrants Students*. The Title provides for immigrant instruction as well as support for all limited English proficient children to attain competence in academic subjects as well as English. Native Americans (Native Indians, Native Alaskans and Native Hawaiians) and immigrants are eligible for English instruction through their schools, tribal, or community organizations.

ELL students lag behind English-speaking peers across all grade levels where reading scales have been administered. The *National Assessment of Educational Progress Reading Report* scores illustrate this gap at the fourth grade level (National Center for Education Statistics, 2009). The ELL average score for the “basic or above” reading level was attained by 30 percent; 7 percent of the ELL students attained a level of “proficient or above.” English-speaking peers had a 69 percent attainment rate of “basic or above,” and 34 percent attained a “proficient or above” rate. To remedy this gap, legislation providing teacher preparation funding and instructional program funding has been proposed

## **Children Who Are Rural Students**

Rural school districts account for more than 50 percent of all districts – yet, only one-fifth of all students, an estimated 10 million, go to these schools. Larger numbers of these districts have combined their schools into a K-12 school. The percentage of districts with less than 200 students is more than three times those in cities and suburban districts (*Status of Rural Education in America*, 2007). Resources are stretched thin because of distance, low budgets and not enough teachers to staff high interest subjects. Rural education programs are most often funded for technology, distance education and teacher recruitment.

Legislation enacted for this group of students is contained in the present ESEA: Title VI, Part B: *Rural Education Achievement Program* (REAP). This allocation includes two programs: *Small, Rural School Achievement Program* (SRSA) and the *Rural and Low-Income School Program* (RLIS). SRSA is an eligibility program rather than a grant. The funds are for rural schools to meet Adequate Yearly Progress (AYP) goals. Funds can be used by the rural school district to work on projects funded under other parts of ESEA, such as *Improving Teacher Quality, Safe and Drug-Free Schools and Communities* and *21st-Century Community Learning Centers*.

In the *National Assessment of Educational Progress, Reading* (NAEP, 2010), rural and town students perform better than students in cities, but not as well as suburban peers. In the reading assessment, city, rural and town groups did equally well, but suburban students did better. Distant or remote students, however, did not do as well in the NAEP reading assessment as their “on the fringe” (of the town) peers.

Current legislation provides for small schools through technology for distance education, and that is expected to continue in reauthorization proposals. In *The Status of Education in Rural America* (United States Department of Education, 2006), demographics of rural school districts are outlined and support the recommendations for distance education.

## **Children Who Are Neglected or Delinquent**

Students who become incarcerated are entitled to a free appropriated public education in the public school system. There are over 132,000 students eligible for public education support under ESEA Title I, Part D: *Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk*. The majority of the children and youth covered by this funding are in correctional institutions. The 2008-2009 allocations for this program were \$48,633,000.

Children and youth are given the chance to attain the same academic standing as any other student. The funds are used in institutional education programs. The program is funded through the state; local institutional agencies receive funds from local education agencies (LEAs) to use to educate the students. Part of the requirement to receive the funding is that the juvenile institution has to hold at least 20 hours of non-funded education to the juveniles and youth in the institution. The *Blueprint* proposes that funds will require LEAs to use the funds specifically for education of incarcerated youth.

## **Children Who are Homeless**

How many homeless children live in America? Many groups have estimates and every one of them have the expected caveats. The most reliable estimates seemed to be from the U.S. Housing and Urban Development's *Annual Homeless Assessment* (2009). The data from a census of homeless from October 2007 to September 2008 include groupings by age (children aged 6 to 17 were one group). A conservative estimate of homeless children and youth aged 6-17 is estimated to be near 168,000 from the HUD data. This estimate should be considered on the low end of estimates.

Homeless children cannot keep possessions and suffer from isolation. They often cannot provide birth certificates, school records or proof of immunization, so they face barriers to school enrollment. Legislation passed to specifically address this disadvantaged group includes ESEA: Title X Part C- *The McKinney-Vento Homeless Education Assistance Improvements Act of 2001* (P.L. 100-77). *The McKinney Vento Act* defines "homeless children" as "*children and youth who, as individuals, lack a fixed, regular, and adequate nighttime residence*" (ESEA, Title X, Sec. 1032). In this law, there is a strict prohibition against segregating homeless children for separate education; they are to be integrated into the services offered to regular academic students. Part of the ESEA recommendation for both Migrant and Homeless populations are better data tracking systems to follow the students as they move.

## Children Who Are Migrants

A migrant child is defined as “a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, guardian in order to obtain, temporary or seasonal employment has moved from one school district to another.” Children who are migrants are estimated to number 487,000 and go to fisheries, farms, and other seasonal agricultural work places. They are enrolled in school sporadically and often are not available for school services, such as special education or gifted education.

Currently, a formula allocation under ESEA Title I, Part C: Education of Migratory Children covers students age 3 through 21. The funding provides for the Office of Migratory Education, which administers programs for both children and adults. The Office of Migratory Education (OME) offers High School Equivalency programs as well as a form of Head Start called “Early Start” for preschoolers. OME also provides, in a consortium among states, for education that has been interrupted through moving, poor record keeping, and social isolation. The State of Florida has one of the largest numbers of migrant children among the states and has examined the progress of migrant children in the public school system. The team found that migrant children still underachieve academically in comparison to their peers.

## Children Who Are Disabled

By its very nature, special education is designed for the number of K-12 students in the United States who have disabilities. The legislation pathway leading to current education of disabled children is long and encompasses federal and state law as well as court cases. A list of these special education legislation milestones can be found at the end of this document.

Students are enrolled in special education public schools, institutional and residential programs. *The Individuals with Disabilities Education Act* (IDEA, P.L. 101-476, 2004) covers 6.6 million students, 13 percent of all students enrolled in public schools. The law enacted in 1975, *The Education for All Handicapped Children Act (EAHCA)*, is structured into four parts. Part B of IDEA is the center of the applied work with students ages 3 to 21.

- Part A (General Provisions)
- Part B (Assistance for Education of All Children with Disabilities),
- Part C (Infants and Toddlers with Disabilities)
- Part D (National Activities to Improve Education of Children with Disabilities).

## Federal, State & Local Funding of IDEA

States use the definition of “disabled” found in IDEA, due to federal mandates for funding. States are awarded grants if they accept federal funding. The grant is configured according to a formula specified in federal statutes; States then distribute the funds to local districts. In the

early seventies, two educators from New Jersey, Boyd Nelson and Dan Ringelheim, brought New Jersey's special education regulations to Washington. Ringelheim chaired the National Advisory Committee on Special Education in the early 1970s and brought New Jersey's special education regulations with him to Washington. There they served as a model for the first federal legislation, P.L. 94-142, *The Education for All Handicapped Children Act*, which later came to be called *The Individuals with Disabilities Education Act*. In 1975, the legislation specified that federal funding be 40 percent of the total funding available for a state. The actual contribution from the federal government has varied from 8 percent to 11 percent (Lanear & Frattura, 2008).

To be eligible for special education, a student must be classified with one (or more) of thirteen disabilities now covered by IDEA. The definition of "*a child with a disability*" is found in the USC:

*3) The term "child with a disability" means a child— (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) Who, by reason thereof, needs special education and related services. (USC Title 29 1401(3) (A).*

The largest group is comprised of students diagnosed with specific learning disabilities; 39 percent of students served by IDEA have this disability. Under IDEA Part B, identification of disabled students is specified. States have statutes for **Local Educational Agencies** (LEAs) to conduct special educational programs. States spell out ways to **identify** children in need of special education services. This process is called **Child Find**, which explores many venues to locate children in need of special education, including homeless, migrant or neglected children.

IDEA mandates include the **zero reject** policy, in which no child is turned away from educational service. Under each state's laws, an **Individualized Educational Program** (IEP, Gartin, & Murdick, 2005) is constructed for each child receiving services. The purpose of an IEP is to assure the student a **Free and Appropriate Education** (FAPE), as ensured by law. The disability is identified and documented, and a Child Study Team at the student's school prepares an educational plan. The meeting must include a general education teacher, the parents, as well as the student, if appropriate. Components of the educational plan are to be specified and are to include the kind of educational environment for the child.

Modifications in IDEA from its original inception in 1975 have resulted in a mandate to place the student in the **Least Restrictive Environment** (LRE, Vitello, 1998). Simply put, the child is to be placed as close as possible to the child's school near home. This practice is termed **inclusion** (Kitmitto & Bandeira de Mello, 2008). Of those students who are ages 6-21, 95 percent are served in the general education classroom. Separate schools for special education have 3 percent of the students; 1 percent were placed in private schools by their parents with IDEA support and less than 1 percent were housed at home or in a residential facility, hospital, or correctional facility (U.S. Department of Education, *Digest of Educational Statistics*, 2009).

If a child has different needs that would not be met in the general education classroom, another placement is recommended. Parents become involved through advocacy, assessment and revision of the IEP yearly per The Family Educational Rights and Privacy Act of 1974 (**FERPA**). Parents are to receive copies of data collected about the student. If the child is in a general classroom, the teacher is likely to have some training in the needs of disabled students. A common practice is to pair special education teachers with general education teachers for collaborative teaching. Children who have significantly different challenges will be re-evaluated for placement in an alternative educational setting with teachers who have had specialized education, practice and skills.

## Student Outcomes

**Assessment.** The expectation that children who are disabled would be responsible for content they learned in their class is evident in the test taking protocols developed by each district and state. Children who are disabled have taken part in state and national assessments of Reading and Math skills, both with accommodations and without accommodations. In 2005, the report *Measuring the Status and Change of NAEP State Inclusion Rates for Students with Disabilities* focused on the increase or decrease of inclusion of students who are disabled in NAEP assessments. Although it was a new methodology, the results showed that many of the states were less, rather than more, inclusive in 2007 than in 2005.

Children with disabilities who are in grades 3 to 12 have participated in state assessments of Reading and Mathematics. In 2007-2008, participation was done with accommodations (49 percent of the students), without accommodations (35 percent), and with alternative assessment (13 percent). Some were excluded (2 percent). Children have been assessed with grade level materials, out of grade level materials and alternative assessment materials.

Children across the country took assessments with regular grade level achievement standards, modified achievement standards or alternative achievement standards. Student scores across the country were separated into “proficient” and non-proficient” for both reading and mathematics assessments. Thirty-five percent of the students took the regular assessment without accommodations; 49 percent took the assessments with accommodations.

Thirty-nine percent of the students were proficient in mathematics; 61 percent were not proficient, across all states and all grade levels. Seventy-three percent of the students who took alternative assessments in mathematics were proficient measured by grade level achievement standards; 27 percent of the students were not proficient. Thirty-nine percent of the students were proficient; 72 percent were not proficient on regular assessment grade level standards in reading. Of those students who took alternative assessments in reading, 72 percent were proficient; 29 percent were not proficient. (U.S. Department of Education, Office of Special Education Programs, *State Reported Data*, 2009)

**Personal responsibility.** In NCLB, personal responsibility is a core principle. Although a student may be disabled, the behavior is the student’s responsibility. Since the procedure for disciplining a special education student is prescribed in the 2004 IDEA, statistics were kept about the discipline incidents across the 50 states including BIE schools. Of the more than 6.6

million students in special education placements, 4 percent were subject to suspension or expulsion from school authorities in 2007-2008.

**Transition programs and exit status.** Transition programs to provide the means for children who are disabled to lead an independent life beyond special education have been funded for many years. The most recent data (2007) show that 34 percent of students covered by IDEA attained a high school diploma in 2007. Dropouts account for 14 percent of the exiting students.

## Future Legislation for Children Who Are Disabled

There are evolving concepts of the rights of disabled persons. Harrison-Jones (2007) criticized the over-identification of minority and ethnic students for IDEA programs. Fuchs, Fuchs, & Stecker (2010) focused on teacher preparation for special education. They noted that general education teachers were assigned often to classes with high numbers of special education students, and thus needed more preparation to better educate the children who were disabled.

Similar issues are involved in the application of new federal statutes. Since the percentage of special education students who are educated in the general classroom reached 95 percent, practitioner groups and parent advocates have called for more general education teacher preparation.

*The Reauthorization of ESEA: A Blueprint for Reform* outlines priority items for legislation to fund the Full and Appropriate Education of children who are disabled, migrants, and rurally located and homeless children. The *Blueprint* has proposals that address funding education for children who are Native Americans, English language learners, children who are gifted and children suffering natural disasters. A chart on p.11 focuses on a comparison of funding of education for disadvantaged children by group. Each group's needs are addressed; most groups have funding proposals aimed at continuing existing programming. It remains to be seen if the *Blueprint* has predicted well enough the funding needed to ensure all of these children receive the education they deserve.

## GLOSSARY OF ACRONYMS USED IN THIS SECTION

**AYP:** Adequate Yearly Progress

**Blueprint:** *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*

**BIA:** Bureau of Indian Affairs

**BIE:** Bureau of Indian Education

**CSSRS:** Center for Study of Small Rural Schools

**ELL:** English Language Learners

**ESEA:** Elementary and Secondary Education Act

**FAPE:** Free and Appropriate Education

**HUD:** U.S. Department of Housing and Urban Development

**IDEA:** Individuals with Disabilities Education Act

**IEP:** Individualized Education Program

**LEA:** Local Education Agency

**LRE:** Least Restrictive Environment

**NAEP:** National Assessment Education Progress

**NCLB:** No Child Left Behind

**OME:** Office of Migratory Education

**SEA:** State Education Agencies

**U.S.C:** United States Code

## **SPECIAL EDUCATION LEGISLATION MILESTONES**

### **Prior to 1960**

*Brown v. Board of Education* (1954): civil rights case resulted in equal protection ruling. This ruling would become central to special education advocates. Parents with disabled children brought before courts with little progress. Children were denied an education on the basis of their disability

### **1960s**

Bureau of Education for the Handicapped created. No funding for handicapped under federal or state law. **1965:** ESEA. **1966** an amendment to the original ESEA was added: Title VI - **Aid to Handicapped Children.**

### **1970s**

**1972:** Supreme Court decisions: equal protection applied to disabled students. Supreme Court position: children with disabilities have an equal right as nondisabled peers to an education in *PARC v. Pennsylvania* and *Mills v. Board of Education*. **1973:** *Section 504 of the Rehabilitation Act of 1973* became law. It protects disabled individuals from discrimination due to disability. **1974** *Family Educational Rights and Privacy Act* (FERPA) became law. Parents have access to all

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information maintained by a school district on their child. **1975:** *Education for All Handicapped Children Act* became law (EAHCA, P.L. 94-142). This law mandated a Free Appropriate Public Education (FAPE) for all handicapped students.

### 1980s

**1986:** Addition of *Handicapped Children's Protection Act* to EAHCA. Mandated that all school students and parents have rights under both Section 504 and ESAHCA.

### 1990s

**1990:** EAHCA amended and called *Individuals with Education Disabilities Act* (IDEA) ADA adopted Section 504. Changes in the law include transition services for students with disabilities. **1997:** IDEA reauthorized. Additions include students to be included in state and national assessments, inclusion (Least Restrictive Environment, LRE). Regular classroom teachers now required to be part of an Individual Education Plan (IEP) team.

### 2000s

**2001:** *No Child Left Behind* is the new name for ESEA, and became law. All students, including disabled ones, must be proficient in math and language arts. More outcome data are required by 2014. **2004:** Reauthorization of IDEA (P.L. 101-476). Accountability at state and local levels required. School districts are required to provide more instruction and interventions to help prevent enrollment in special education. Response to Intervention (RTI) gains momentum as a screening tool. Students are expected to take responsibility for their behavior and are subject to the same rules as the rest of the students. **2007:** Beginning of the reauthorization of NCLB. **2010:** *ESEA Reauthorization: A Blueprint for Reform* (U.S. Department of Education, March, 2010) is published.

**FUNDING OF EDUCATION FOR DISADVANTAGED CHILDREN BY GROUP AND LEGISLATION**

<b>GROUP</b>	<b>CURRENT LEGISLATION</b>	<b>PROPOSED LEGISLATION</b>
<b>Special Education (Children who are disabled)</b>	<i>Individuals with Disabilities Act (IDEA). Part A. General Provisions Part B. Assistance for Education of all Children with Disabilities Part C. Infants and Toddlers with Disabilities) Part D. National Activities to Improve Education of Children with Disabilities.</i>	<i>Proposes efficiencies in cost, remediation of over-identification of minority and ethnic students. Testing conditions, data privacy, transition efficacy, and preparation for general education teachers who teach special education students are issues.</i>
<b>Children who are Native Americans</b> <b>Native Indians (NI)</b> <b>Native Alaskan (NA)</b> <b>and</b> <b>Native Hawaiian</b>	<i>ESEA Title VII — Indian, Native Hawaiian, and Alaska Native Education, Part A — Indian Education, Tribally Controlled Schools Act (P.L. 100-297) Title III, Sect. 3203. Native American Children Indian School Act.  Sect. 7301: Alaska Native Educational Equity, Support, and Assistance Act. 'Title X: Native American Education Improvement Act of 2001'  Sect. 7201: Native Hawaiian Education Act,  Title IV: SEC. 4117. Programs for Native Hawaiians.</i>	<i>Special Education and Gifted programs are funded by ESEA and will continue. Gaps in education seen over time. Lower rates of proficiency in Reading and Math need to be addressed further Efforts needed to maintain and strengthen the formula grant program.  Native American Language Immersion programs and tribal history will continue.  Reading and Math proficiency building will continue. There is a need for combined English and Hawaiian literacy, cultural support and education programs that use Hawaiian elders.</i>
<b>Children who are Migrants</b>	<i>ESEA Title I .Part C: Education of Migratory Children</i>	<i>Formula grants to State Education Authorities to ensure a Fair and Appropriate Education (FAPE) now barred by attendance and continuity</i>
<b>Children who are Homeless</b>	<i>ESEA Title X Part C-McKinney-Vento Homeless Education Assistance Improvements Act of 2001.</i>	<i>Accurate count of students to ensure adequate funding of migrant and homeless services programs is proposed</i>
<b>Children who are Neglected/ Delinquent</b>	<i>ESEA Title I Part D, Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk. Funded by LEA through state agencies.</i>	<i>New venue for distributing funds to ensure state-provided funds for local education institutions are received and used.</i>
<b>Children who are Rural Students</b>	<i>ESEA Title VI Part B Rural Education Achievement Program (REAP) Small, Rural School Achievement Program (SRSA) and Rural and Low-Income School Program (RLIS).</i>	<i>Distance and sparse resources are the major problem areas. Technology, competitive pay for teachers, distance education, transition education need continued funding.</i>

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<b>Children who are English Language Learners</b>	ESEA Title III, Part A: <i>English Language Acquisition, Language Enhancement and Academic Achievement Act</i> . Sect. 3111:Grants and Sub-grants for <i>English Language Acquisition and Language Enhancement</i>	<i>Funding needs to be directed to preparing teachers for this group, the largest growing group in America's education system. There is a significant gap in NAEP in Reading and Math between ELL and English-speaking children.</i>
<b>Children Who Are Gifted</b>	ESEA Title I: <i>Advanced Placement, Title V, Jacob K. Javits Gifted and Talented Students Education Act</i> . Thirty-seven states fund education for the gifted.	<i>Proposals call for programs, middle and elementary schools, gifted, attention of education for the gifted who are low income and advanced Placement, accelerated learning.</i>

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