



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

September 21, 2010

The Honorable Carl Levin
Chairman
Armed Services Committee
United States Senate
Washington, DC 20510

Dear Chairman Levin:

The undersigned members of Consortium for Citizens with Disabilities (CCD) Education Task Force thank you for your commitment to helping children from military families get the special education and other services they need to be independent and productive citizens. The purpose of this letter is to bring to your attention to concerns we have about the policy found in the S. 3455, the National Defense Authorization Act for Fiscal Year 2011 and to offer alternate policies that we believe satisfy mutual goals.

Section 583 of S. 3455 establishes a pilot program to provide scholarships for military dependent children with special education needs. Through this pilot program, a very limited number of families could access \$7,500 to offset the special education costs of their dependent child. While we all agree that more should and could be done for military dependent school-age children with disabilities, we believe that this provision will not address the real needs of these families for several reasons.

First, when a family opts to utilize a voucher and remove their child from the public school providing special education services under the Individuals with Disabilities Education Act (IDEA), the child loses his or her rights under IDEA to a free, appropriate, public education. This means that IDEA's procedural safeguards are waived. Parents may not know this is happening and therefore, might not understand what rights they are relinquishing. Without these federal rights, parents have little leverage to maintain the services their child needs. Second, the size of the scholarship award is not sufficient to meet the needs of the average student who needs special education services. There are over 1 million military dependent children who have been found eligible for services under IDEA. The amount which accompanies this voucher program (\$5million) would only provide funding to a limited number of these families (approximately 700). This program therefore, is not enough to address the need, especially in light of the fact that the annual current per-pupil expenditure for a child who receives special education is more than \$12,000. Furthermore, most private schools charge more than \$7,500 per year, meaning parents would have to pay the rest of the bill.

Many of our organizations work with military families every day to help them navigate the education and health care systems that provide the services that are essential to the development of their child. We know that military dependent children with disabilities, like all children are served well in some States school districts and poorly in others. We understand that these systems can be cumbersome, slow to act and frustrating for families. We also understand that children continue to grow while they wait for essential services. While the requirement for military families to move frequently is part of their service obligation, attempting to address their needs via this proposal provides marginal relief at

best. We believe there are more effective long-term and short-term strategies to improve educational outcomes for military dependent children with special education needs. These strategies include:

1. Adding provisions to increase funding to support parent access to information and services including providing access to special education advocates and/or pro bono attorneys.
2. Supporting the GAO study on this issue and creating a USED/USDOD Commission to study needs of military families with children with disabilities and make recommendations in time for IDEA reauthorization.
3. Establishing an advocate/liaison between military families and the state and local education agencies, as well as the school at which the eligible child will be educated; and
4. Encouraging the remaining states to adopt the Interstate Compact Agreement (already adopted by 38 states) which requires states to: "Provide initially comparable services to a student with disabilities based on their current Individualized Education Program and make reasonable changes and accommodations to address the needs of incoming students with disabilities."

As you work to finalize congressional action on the National Defense Authorization Act, we request that you consider these concerns and strategies and choose to address the very real needs of dependent military children with special education needs.

Thank you for considering our views.

Sincerely,

Alexander Graham Bell Association for the Deaf and Hard of Hearing
American Dance Therapy Association
American Music Therapy Association
Association of University Centers on Disabilities
Association of Assistive Technology Act Programs
Children and Adults with Attention Deficit/Hyperactivity Disorders
Council for Exceptional Children
Disability Rights Education and Defense Fund
Easter Seals
Epilepsy Foundation of America
Higher Education Consortium for Special Education
Learning Disabilities Association
National Alliance on Mental Illness
National Association of Private Schools for Exceptional Children
National Association of State Directors of Special Education
National Center for Learning Disabilities
National Disability Rights Network
National PTA
School Social Work Association of America
Teacher Education Division of the Council for Exceptional Children
The Advocacy Institute
The Arc of the United States
Tourette Syndrome Association
United Cerebral Palsy

The Consortium for Citizens with Disabilities is a coalition of nearly 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million

children and adults with disabilities are fully integrated into the mainstream of society. For additional information, please contact:

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