June 4, 2003

Members
Senate Health, Education, Labor
and Pensions Committee
United States Senate
Washington, D.C. 20510

Re: Reauthorization of Individuals with Disabilities Education Act
(Sec. 612(a)(12), Obligations Related to and Methods of Ensuring Services

Dear Senator:

The undersigned organizations, representing millions of education advocates, parents, school board members, school administrators, educators, related services personnel, and other professionals concerned about the education of our children, are writing to urge you and your colleagues to support amendments to the current law that would ensure related services are provided to students with disabilities in a timely manner without placing undue financial hardships on local school districts.

Background
We acknowledge that the financial obligations associated with special education and related services were identified as a key issue during consideration of the 1997 amendments. In recognition, the legislation established a system whereby governors or their designees were expected to develop interagency agreements to sort out financial responsibility.

Clearly, the intent of the 1997 amendments was to recognize that the costs associated with related services are not the exclusive responsibility of local school districts, and that other public agencies should contribute financially. While we acknowledge that local school districts are designated by current law as the payer of last resort, we believe the states should establish and enforce interagency agreements to assist school districts in meeting financial obligations.

We understand that special education and related services can be costly. First, because supportive services required for a child to attend school sometimes involve devices that are medical and/or technological in nature, they are expensive. Costs increase as technological advances make these devices accessible to more students. Second, students who need supportive services to attend school may require the presence of a trained health provider to perform procedures during the school day, or even a full-time aide to continuously
monitor the child. Third, the scope of related services has broadened to address the academic and developmental needs of students and includes a wider range of activities, therapies, and family support services.

In addressing medically necessary and other related services, we believe the central issue is not whether services should be provided or whether school districts should have a role in coordinating services beyond what local school districts provide. We are united regarding the need for such services and the important role of local school districts in coordinating such services. Rather, the issue is having a clear and timely process for payment of such services. We believe that the nature, costs, and importance of these services should be supported as a responsibility of society through a wide base of public agencies rather than limited to the narrow portion of the tax base that services education.

**Current IDEA Provisions**

Sec. 612(a)(12) of the Individuals with Disabilities Education Act (IDEA) requires state education agencies (SEA) to ensure that interagency agreements or other mechanisms for interagency coordination are in effect between each applicable public agency and the local school district to ensure that all services that are needed to provide a free appropriate public education are provided. Requirements include the identification of or method for defining the financial responsibility of each public agency; the conditions, terms, and procedures under which a local school district shall be reimbursed; procedures for resolving interagency disputes; and the policies and procedures to determine and identify each agency’s coordinating responsibilities.

Current law also provides that if a public agency other than an education agency fails to provide or pay for special education and related services, the local school district shall pay for such services for the child. Further, the law provides that the local school district may then claim reimbursement for the services from the public agency that failed to provide or pay for such services and that the public agency shall reimburse the local school district pursuant to the terms of the interagency agreement.

**Proposed Changes**

Therefore, we strongly urge you to adopt language in the reauthorization bill that strengthens interagency agreements and clarifies that the financial obligation for related services must be shared by the local school district and those agencies that typically provide those services to the general population.

Further, we urge you to adopt language that delegates authority to states to require as part of state and local interagency agreements the identification of all
public agencies that are financially obligated, the process for payment, and the specific time frame in which all interagency agreements must be completed.

We believe that these changes would ensure that related services are provided to students with disabilities in a timely manner and that the costs for such services would be apportioned among the local school district and other public agencies.

Further, the changes would ensure that interagency agreements are enforced as part of the state’s compliance and monitoring responsibilities. Therefore, we urge you to support amendments that would address this critical component to ensuring a free appropriate public education for all students.

Sincerely,

National Association of Elementary School Principals
National Association of School Psychologists
National Association of Secondary School Principals
National Association of Social Workers
National Association of State Directors of Career Technical Education Consortium
National Association of State Directors of Special Education
School Social Work Association of America
National School Boards Association