

## Template for State IDEA04 Implementation Policy Discussions

Activity	Deadline	Responsibility	Outcomes/Comments
<p><b>1. BEFORE YOU PLAY, LEARN THE RULES:</b> A sure way to lose any competition is to not know the rules. Education for children is no different, so here are some thoughts to get you started:</p>			
<p><b>a)</b> Various groups have analyzed this new IDEA law. Read their perspectives, pay attention to whom it is written by, what sort of bias they may have and whether they agree with the changes. Review from the perspective of children with disabilities and their parents in your state. You may wish to pay particular attention to these areas:</p> <ul style="list-style-type: none"> <li>• Multi-year IEP pilot project</li> <li>• Paperwork reduction pilot project</li> <li>• Short-term objectives</li> <li>• Transition services</li> <li>• Attendance at IEP meetings</li> <li>• Procedural safeguards and notice</li> <li>• Statute of limitations</li> <li>• Dispute resolution session</li> <li>• Unilateral placement in alternative education settings</li> <li>• “Stay put” changes</li> <li>• Manifestation determination</li> <li>• Functional behavioral assessments</li> <li>• Informed consent</li> <li>• Participation in statewide assessments</li> </ul>			
<p><b>b)</b> First, call your State’s Director of Special Education and ask about the planned process and timeline to make any state statutory or regulation changes to mirror IDEA 2004.</p>			
<p><b>c)</b> Research your State statutes and rules and identify those that exceed the new IDEA requirements. Pay particular attention to whether your State Department has authority to start a rule making process without legislative approval.</p>			
<p><b>d)</b> Begin to prioritize those that you need to preserve.</p>			
<p><b>e)</b> Become an expert on these issues, how they are used, the value they add and the rationale for them.</p>			
<p><b>f)</b> Follow the Federal rule making process and connect with those who will be making comments who are likely to share your perspectives to coordinate.</p>			
<p><b>g)</b> Learn your state rulemaking process-pay particular attention to public notice, comment periods, public hearings, what constitutes “emergency rulemaking” and what steps get eliminated in</p>			

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“emergency rulemaking.”			
<p><b>h)</b> Learn your state’s laws and rules governing lobbying. Some states require that lobbyists be registered and must report expenses associated with lobbying. Others do not or may have other requirements.</p>			
<p><b>i)</b> If you work for a non-profit organization, be aware that non-profits can lobby and work on public policies. However, the IRS has imposed restrictions. Become familiar with the restrictions and reporting requirements. Federal funds cannot be used for lobbying purposes. Also, become aware of any restrictions imposed by your organization’s funders. A good rule of thumb is to not bill any time or other expense spent on lobbying or public policy activities, to any projects that are funded by any unit of government.</p>			
<p><b>j)</b> Identify the financial and human resources that you have available to dedicate to this important work and make this activity a priority for your organization. There may be private funders who are interested in systems’ change activities like this. Explore the options in your state. If there are none, determine where you have flexibility in your budget (using non-government funds) to support these activities.</p>			
<p><b>2. PICK YOUR TEAM:</b> Preserving special education services is too big of a game to play alone. You will need help to succeed. Working in collaboration with others prevents burn out, creates credibility and enhances your visibility.</p>			
<p><b>a)</b> Assess your state to determine who the key players are in special education.</p>			
<p><b>b)</b> Determine if a state special education coalition already exists. If so, find out if it shares your goals and perspective. Find out if it has capacity to take this issue on.</p>			
<p><b>c)</b> Either join an existing coalition, add members to it to create capacity or create a new one. Potential partners could include CIL's, Parent Centers, Protection and Advocacy agencies, and other disability advocacy organizations.</p>			
<p><b>d)</b> In picking or creating a team pay attention to the following important steps:</p> <ul style="list-style-type: none"> <li>• Establish trust</li> <li>• Identify and share the common vision, goal and process for making decisions</li> <li>• Share responsibility</li> <li>• Build on the strengths of each member</li> </ul>			

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<p><b>3. DEVELOP YOUR GAME PLAN:</b> Winning teams develop and implement effective strategies. The strategies need to be flexible and persistence in developing and preserving public policies is essential.</p>			
<p>a) Find out when your legislature convenes, when it is likely to adjourn, key deadlines and the key committees that deal with education policy and finance.</p>			
<p>b) Develop your list of key people to meet with ASAP. These may include:</p> <ul style="list-style-type: none"> <li>• Chairs of the State Senate and House Education Policy and Finance Committees;</li> <li>• Other legislators on the Education Committees</li> <li>• Key legislators who have historically supported special education services (your internal legislative allies);</li> <li>• Key committee staff;</li> <li>• State Director of Special Education;</li> <li>• State Superintendent or Commissioner of Education;</li> <li>• Editorial staff from key state newspapers;</li> <li>• Other disability advocacy organizations or coalitions;</li> <li>• Children’s coalitions.</li> </ul>			
<p>c) Craft your bill (if you need one to preserve services) and find your authors. Often state legislatures have non-partisan research staff that will place your language into the legal language required for bills. You will likely need permission from a legislator to work with the research staff.</p>			
<p>d) If you don’t need a bill, get ready to play defense. There are likely to be bills from State Departments or other education groups that will seek to <i>weaken</i> state laws and rules <i>to mirror</i> IDEA.</p>			
<p>e) If your State Department doesn’t need legislative approval to proceed with rule changes, and you are concerned about what it might do, consider a bill requiring Legislative approval before rulemaking could commence and focus the language only on those areas where you are willing to negotiate changes.</p>			
<p>f) Be willing to negotiate. The momentum has shifted nationally against children with disabilities and their families and that may have an impact in your state. It is likely going to be very difficult to keep all of your state provisions that go beyond the new minimal</p>			

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Federal requirements. Develop your bottom line of “must keep” provisions. Be ready to consider changes because the opponents will also have their bottom lines.			
g) When all else fails, consider a “task force” approach. You may not be able to pass your bill or completely defeat a bad bill in the Legislature. One strategy to buy time is to negotiate and amend a bad bill that has momentum by requiring that a stake holder’s “task force” be appointed to review current state laws and rules that go beyond minimal Federal requirements and report back during the next legislative session. Use the task force process to make your case for preserving key provisions.			
<p><b>4. KNOW YOUR OPPONENTS:</b>  Winning public policy teams need to know who is opposing them and why. They need to know their tendencies and allies. Find out who is likely to oppose you. If you don’t know, ask others. National organizations who led the overhaul of IDEA represented the following groups. It is likely that they may have state affiliates who will work on their issues at the state and local levels.</p> <ul style="list-style-type: none"> <li>• School Boards Associations</li> <li>• Superintendents and Principals Associations</li> <li>• CEC</li> <li>• Teacher Unions</li> <li>• State Directors of Special Education</li> <li>• Local Directors of Special Education</li> </ul>			
<p><b>5. DON’T LOSE THE HOME FIELD ADVANTAGE</b>  Key changes in this law are designed for local school districts under the guise of flexibility. One famous politician stated “All politics are local”. Get your grass-roots alert network in place.</p> <ul style="list-style-type: none"> <li>• Provide training on IDEA changes in key local communities</li> <li>• Give parents the opportunity to sign up for a state alert list serve;</li> <li>• Provide the list with regular information updates and talking points;</li> <li>• Provide training on dealing with local school boards;</li> <li>• Develop sample letters to the editor that they can submit to local newspapers</li> </ul>			

**Prepared by  
National Committee of Parents and Advocates Organized to Protect IDEA**

*Private funds were used in preparing this document.*