



March 2021 • FulfillThePromise.net

Fulfill The Promise

A National Civil Rights Campaign for Special Education

FUNDING GAPS

When Congress fails to fulfill its promise to fund IDEA at 40% and the Dept of Education fails to protect the civil rights of students with disabilities, schools, students, and families suffer.

Below are examples of how much more states would receive for the 2020-21 school year for special education students if Congress fulfilled its promise.

ALASKA
\$63.5 Million

CALIFORNIA
\$1.973 Billion

MARYLAND
\$350.7 Million

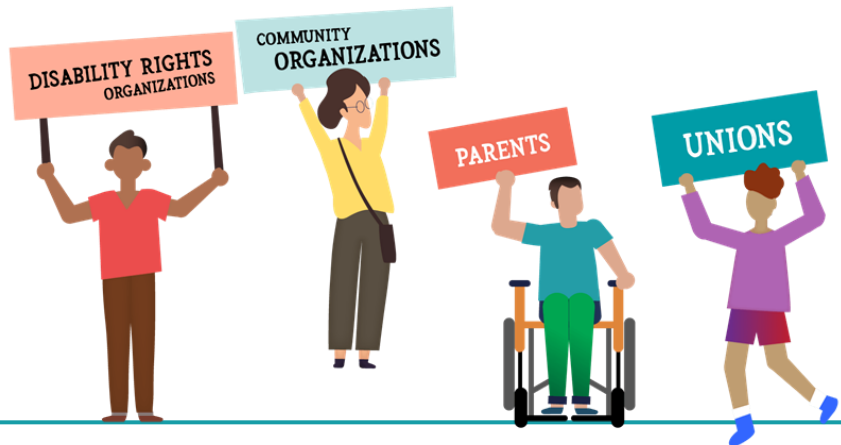
MASSACHUSETTS
\$506.7 Million

TEXAS
\$2.010 Billion

WISCONSIN
\$410.6 Million

WHO WE ARE

We are a growing diverse coalition from across the US of parents of students with disabilities, disability rights advocates, unions, community organizations, and representatives from our respective communities. We are putting the federal government on notice through a class petition for guidance documents to fulfill their promises to our students.



Nearly 50 years ago, the federal government made promises to our students with disabilities under the **Individuals with Disabilities Act** and **Section 504 of the Rehabilitation Act**:

1. That all children with disabilities have available to them a free and appropriate public education with support and services designed to meet their unique needs
2. That the federal government would cover 40% of the additional cost required to provide those necessary services
3. That the federal government would protect the civil rights of students with disabilities to have their needs met in a comparable way as non-disabled students

SOME OF THE REMEDIES WE ARE SEEKING WITHIN 90 DAYS

Federal guidance to meet needs of students with disabilities such as the backlog of IEP evaluations, trauma related needs, and unique needs of English language learners and students of color

Guidance regarding how to safely provide in-person special education services while also complying with necessary COVID-19 health and safety protocols to protect a population of students that may be especially at risk for infection and death

Guidance to ensure that **American Rescue Plan Act funds are spent in equitable ways** to assist students with disabilities and students with mental health needs

Commitment to improving enforcement protocols and boosting the government's oversight capacity to **monitor shortcomings and prevent further systematic problems**

All students benefit from an adequately funded IDEA program that allows all students to thrive. We are committed to fighting for the necessary resources for our students during this devastating pandemic and working towards a new normal where the federal government finally fulfills its promises to our students, schools, and communities.



Texas

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After the school denied the student's evaluation...the mother hired an attorney. The principal...very quickly gave in and evaluated the student. **Unfortunately by the time the student was admitted to special education, she was already a junior in high school.**

We need to shift our perspective and holistically view special education as a rising tide that lifts all boats. Providing funding for special education programs and students ultimately benefits all students.

—Alyssa P., special education teacher, Austin Independent School District

FUNDING GAPS

Texas would receive over **\$2.010 Billion** more in the 2020-21 school year for special education students if Congress fulfilled its promise.

AUSTIN ISD

Fulfilling the promise means that students with disabilities could have more of their needs supported. For example, to meet nationally recommended ratios for psychologists, counselors, and social workers, Austin needs:

64 more counselors

275 more social workers

132 more psychologists

These additional staff, and much more, could be paid for if Congress fulfilled its promise to Texas' students with disabilities.

SPECIAL EDUCATION IN TEXAS

In 2018, the federal government found that Texas had violated federal law requiring schools to serve all students with disabilities. For over a decade, Texas illegally denied tens of thousands of children with disabilities their right to special education. Even though federal monitors stepped in, the crisis still isn't over for many families.

Texas is in the bottom three states with the lowest share of children receiving early intervention services for disabilities. Years of state budget cuts to Texas' Early Childhood Intervention program have made it harder for Texas infants and toddlers with disabilities to get the services they need.

School districts continue to be accused of attempting to deny or delay eligibility, talking parents out of special education services for their students. Melina E.A., a Latinx mother of two children in San Antonio, and one of the declarants, believes her daughter C.A. was only evaluated for an IEP because she made advocating for her daughter a full time job.

“As a result of inadequate funding, [we have] a system where the squeaky wheel parents or parents who threaten legal action are often the only parents receiving services for their children—and even then, these services are usually not robust enough to fully assist the child.”

—Melina E.A., San Antonio, Texas parent

The federal government has 90 days from when we filed our petition to respond. Building support for these remedies with parents, disability rights advocates, students, and educators is key so that by the June 21 deadline, we have a national momentum that will carry us to victory.

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Wisconsin

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One of the disadvantages I have noticed with 504 plans is that there are no supplemental services beyond the 504 accommodation. Whereas students with IEPs work with a special education teacher who can advocate for the services in the students' IEP, there are no teachers assigned to ensure 504 accommodations are met...

Many students need counseling or therapy services that they do not receive, and not receiving these services can impact their ability to learn.

—Kari B., special education teacher, Milwaukee, Wisconsin

FUNDING GAPS

Wisconsin would receive over **\$410.6 Million** more in the 2020-21 school year for special education students if Congress fulfilled its promise.

MADISON AND MILWAUKEE

Fulfilling the promise means that students with disabilities could have more of their needs supported. For example, to meet nationally recommended ratios for psychologists, counselors, and social workers, Madison Metropolitan and MPS needs:

347 more counselors
197 more social workers
14 more psychologists

These additional staff, and much more, could be paid for if Congress fulfilled its promise to Wisconsin's students with disabilities.

SPECIAL EDUCATION IN WISCONSIN

Due to the privatization experiment in Milwaukee, an increasing share of the public school student population is composed of students with special needs. This increases the pressure on public schools to provide needed services for students amidst staffing shortages and high case loads.

This privatization experiment is inextricably linked to the war on public employees, with Act 10 resulting in **more teachers leaving the profession, fueling shortages, especially of special education teachers.** The pandemic has only accelerated this trend: half of all Wisconsin schools, and 90% of high poverty schools, struggle to find fully credentialed special education teachers.

“MPS has functioned with persistent vacancies for a decade with immense student effects [resulting] in class-size increases with some elementary classrooms at 36 students...It is far more difficult for students to receive the necessary one-on-one or small group support...”
—Amy Mizialko, special education teacher and president of MTEA

“Right now we are just trying to survive, but I want Z. to make up all of the services he has missed during the pandemic. I know everyone, teachers, students, parents, are all experiencing trauma...I think that compensatory services will require more staff and more funding.”
—Anna H., Madison, Wisconsin parent

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California

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At birth...doctors did not think [Isaiah] would survive beyond his birthday... **Despite Isaiah's health conditions he has shown that with the right assistance he can overcome most anything...** He has learned to walk, write, manage his behavior, and developed relationships with his family, classmates, and teachers.

If Isaiah consistently obtained the services he is entitled to in his IEP...he would exceed expectations... **His special education services are critical to enable Isaiah to live the productive, independent, and engaged adult life that he deserves.**

—Tiffany G., Los Angeles, California parent

FUNDING GAPS

California would receive over **\$1.973 Billion** more in the 2020-21 school year for special education students if Congress fulfilled its promise.

LOS ANGELES UNIFIED

Fulfilling the promise means that students with disabilities could have more of their needs supported. If IDEA was funded at 40%, **LAUSD would have received \$229 Million more for students with disabilities.** This could pay for **almost 2,000 more counselors, social workers, and psychologists.**

These additional staff, and much more, could be paid for if Congress fulfilled its promise to California's students with disabilities.

SPECIAL EDUCATION IN CALIFORNIA

California consistently ranks towards the bottom in identification rates of students with disabilities: 45th in students identified under IDEA, and 46th in students with accommodations under Section 504.

As a result of a lack of accountability, **privately run charter operators have been allowed to employ strategies that are likely to result in disproportionately low special education enrollment.** In Los Angeles, Oakland, and San Diego, charter schools have enrolled a significantly smaller share of students with the most severe—and typically most financially costly—disabilities.

The special education teacher shortage is alarmingly acute in California. In 2016 and 2017, more than 20% of special education teachers quit their position within the year. More than 13% left California schools all together.

Because of the shortages, **2 out of every 3 new recruits are entering the profession through California's substandard credential and permit pathway**—which was supposed to be an option of last resort, as it leads to a workforce that may not have had the opportunity to learn how to teach students from diverse backgrounds.

M. has never received the services mentioned in his IEP...to assist in his classes. When I asked...I was told that there was no funding. In the last few months M. lost his granny, aunty, and cousin, and now his great-aunt has taken a turn for the worse...he is struggling to process his grief."

—Laquana A., Oakland, California parent

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