



DISABILITIES RIGHTS CENTER, Inc.

18 Low Avenue, Concord, NH 03301-4971 • advocacy@drcnh.org • www.drcnh.org
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

PRESS STATEMENT ON SENATE CONCURRENT RESOLUTION 4

Richard Cohen, Executive Director
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The Disabilities Rights Center opened its doors in 1978, the same year the federal special education law, IDEA, became mandatory. Since then DRC has provided advice and represented thousands of children and families in special education matters and has also collaborated with the Department of Education and school districts on many issues. DRC agrees with the overwhelming consensus that the three most important ingredients to ensure that schools have the capacity to successfully educate children are (1) having the resources to do it, (2) the technical expertise to apply best practices, and (3) accountability at the federal, state, and local level. The need for all three components is particularly critical for the education of children with disabilities, who up until 1978 were substantially excluded from effective public education.

The NH Legislature's resolution we are talking about today urges the President and Congress to address, and justifiably so, one of those three components—resources. I want to thank Senator Molly Kelly, who as prime sponsor took the lead in this bi-partisan effort, as well as Congressman Paul Hodes, who I am confident can convince the US Congress to do the right thing.

When we speak of children or students with disabilities, we are speaking of children first and foremost, who like all children possess a wide variety of strengths and limitations, interests and potential. The popular misconception is that children with disabilities have significant intellectual or multiple disabilities, which limit their capability or potential.

In fact quite the opposite is true. 75-80% of children identified with disabilities actually do not have intellectual or cognitive disabilities. They have normal or close to normal intelligence and many possess high levels of intellectual ability. About half have learning disabilities, another sizeable percentage have speech and language impairments, some have sensory disabilities, such as deafness or blindness, physical or orthopedic impairments, or emotional challenges. History is replete with highly successful individuals with these disabilities. Roosevelt, Van Gogh, Beethoven, Einstein, Edison, Alexander Graham Bell, Hans Christian Anderson, Walt Disney; and Stephen Hawking today. Helen Keller, James Brady, Ray Charles. The list goes on and on.

Even individuals with significant intellectual disabilities, with appropriate high quality education can hold jobs, live independently or with some supports, enjoy a high quality of life, and require much less support from the state and often no more services than the rest of us.

Traditionally, education has been largely a state and local responsibility. Following several federal court cases, Congress stepped in and enacted IDEA in 1975 based on two overriding premises. The first, which was taken from Brown vs. Board of Education, was that children with disabilities had a constitutional right to a free public school education under the Equal Protection Clause of the 14th Amendment, and the second was that children with disabilities could benefit from an appropriate education like all children. This was based on both research and every day experience.

Based on the constitutional guarantee, Congress could have just required schools to provide an appropriate education to children with disabilities without any funding, but Congress recognized that schools were not equipped to instantly turn things around and provide a quality education to students with disabilities who had been previously excluded from the public school system. **In addition to allocating federal funding to states and school districts**, IDEA provided a number of measures to improve and guarantee a quality education. They ranged from initiatives and ongoing requirements to address the shortages of qualified, well-trained personnel, to providing procedural protections to parents, and to increased federal and state accountability.

Unfortunately, progress in assuring equal opportunity has been uneven and not nearly what was intended. This is not because the experts and Congress were wrong 30 years ago. There are many school districts around the country, and some in New Hampshire, that have markedly improved their education to children with disabilities, as evidenced by how far they have narrowed the achievement gap between students with disabilities and all other students. Overall however, whether looking at standardized assessment scores, literacy or drop out rates, employment figures, or listen to thousands of students or parents, the picture remains troubling. This is certainly the case in New Hampshire.

One of the main reasons for the lack of progress is the lack of resources. As this NH Legislative resolution calls for, Congress needs to act and fulfill the promise it made over 30 years ago to provide for at least 40% of the special education funding.

We have made good progress on opening public schools to children with disabilities, and many students with disabilities are benefiting from a quality education. But if we are to provide true equal opportunity to all children, without overburdening and making localities and schools resistive, more federal funding is needed. I hope Congress follows the will and lead of our Legislature and many others across the country who have expressed the same sentiment.