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September 12, 2017

Hilary Malawer
Assistant General Counsel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue SW
Room 6E231
Washington, DC 20202

Re: Docket ID: ED-2017-OS-0074, Evaluation of Existing Regulations

Dear Ms. Malawer:

The Council for Exceptional Children (CEC) appreciates the opportunity to provide comment to the U.S. Department of Education regarding the Federal Register Docket ID: ED-2017-OS-0074, Evaluation of Existing Regulations. CEC is a professional association of educators dedicated to advancing the success of children with exceptionalities. We accomplish our mission through advocacy, standards and professional development.

On November 29, 1975, President Gerald R. Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142), policy which paved the way for improved outcomes for children and youth with disabilities. CEC was proud to lead the advocacy effort—alongside many families, organizations, and individuals with disabilities—to secure passage of this landmark legislation, which marked a pivotal shift in how our nation perceived individuals with disabilities.

The current version of this landmark legislation, the Individuals with Disabilities Education Act (IDEA), includes state formula grant programs for children starting at birth; a national program that supports the provision of high-quality services including professional development, technical assistance and dissemination, parent information and media and technology investments.

Key to the achievement of the purposes of IDEA is the continued collaborative efforts of children and youth with disabilities, their families, educators, and policy makers who are instrumental in the ongoing implementation of this landmark legislation.

For over 40 years, the U.S. Congress and the U.S. Department of Education have stood in partnership with state and local governments, teachers and other service providers, higher education, researchers, parents, and others to ensure the successful implementation of the Individuals with Disabilities Education Act (IDEA).

IDEA guarantees the civil rights of all children and youth with disabilities and their families, ensuring high-quality, evidence-based practices including individualized specialized services to support children

and youth in their development and education and assist them in achieving positive educational outcomes and results.

CEC fully supports IDEA and remains committed to the continuing successful implementation of this essential law, informed by federal rules and regulations and administrative guidance.

The Administrative Procedure Act (APA) of 1946 defines a rule as “the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.” Procedures and requirements to guide the federal rulemaking process are in place. The APA process of developing and framing rules is condoned by CEC as central to the definition and implementation of public policy in the United States.

In addition, CEC recognizes and supports the process established by federal agencies to issue written guidance in the form of policy letters and policy support documents to undergird the implementation of federal law and in particular, the Individuals with Disabilities Education Act.

The IDEA regulations and guidance identified by the Regulatory Reform Task Force for possible repeal, replacement or modification have been established through a comprehensive process as prescribed by the Administrative Procedure Act which CEC supports. The evaluation of existing regulations and guidance for the purpose of repeal, replacement or modification is unconventional and ill-advised and CEC opposes such action.

CEC recognizes the need to build upon the successes of the past and continue to hold high expectations and pursue improved outcomes for all children and youth with disabilities.

CEC looks forward to continued collaboration with its members and key IDEA stakeholders, including the U.S. Department of Education, to ensure that all children and youth with disabilities have access to the necessary supports and services to achieve their educational outcomes and transition successfully to college and career opportunities.

Current IDEA federal law, regulation and guidance provides for this opportunity.

In summary, the Council for Exceptional Children strongly opposes any attempt by the Administration to repeal, replace or modify regulations and/or guidance for the Individuals with Disabilities Education Act. CEC reiterates its full support of IDEA’s federal statute, regulations and guidance to ensure the “promise” for children and youth with disabilities, their families, and the professionals who work on their behalf.

If you need any clarification or additional information on CEC’s comments please contact Deborah A. Ziegler, Director of Policy and Advocacy, debz@cec.sped.org.

Thank you for the opportunity to provide comment.

Sincerely,

A handwritten signature in cursive script that reads "Mikki Garcia".

Mikki Garcia
President