

October 27, 2011

RE: Restore Funding to IDEA and Ensure No Further Cuts

Dear Appropriations Subcommittee Member:

The Council for Exceptional Children (CEC), the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, gifted and talents, or both, is writing to express our concerns about what we believe was an unintentional cut to IDEA and 3 other programs in the latest continuing resolution (CR). **In any future appropriations bill, we urge you to correct this reduction by providing the funds that were cut to all 4 programs - a total of \$329 million - and ensure that there are no further cuts to any program caused by this calculation.**

Here is the situation that needs to be fixed: The current FY 2012 CR, which funds the government through November 18, 2011, contains a 1.5 percent across-the board cut for all programs. Since most education programs are forward funded, meaning states and school districts don't receive FY 12 funds until July 2012, this 1.5% cut appeared to have little impact on education programs. However, for - IDEA, Title I, Title II, and Career and Tech Programs - this is not case.

The problem language is in Section 115 of the CR which states, “[d]uring the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, **reduced by the percentage in section 101(b).**” Because the FY 11 full year CR provided advanced appropriations for these four education programs and appropriated funds for these programs that became available on October 1, 2011, the Department of Education and the Office of Management and Budget have interpreted Section 115 to mean that Congress intended to cut the FY 11 advanced appropriations to IDEA, Title I, Title II and Career and Tech programs by 1.5 percent. As a result, states received \$329 million less for these programs on October 1, 2011, so \$329 million less for 2011-12 school-year funds.

CEC believes that Congress did not intend to cut these programs. During congressional consideration of the FY 12 CR, there was no indication that the 1.5 percent cut would result in a year-long cut in this school year for these four programs. Additionally, the House has proposed an increase in IDEA for FY 2012 and the Senate has not proposed a decrease. Congress should restore the funding that was cut and ensure that going forward –especially if there is a full year CR -- it will not result in even greater cuts to any of the 4 programs, including IDEA.

We urge you to correct this situation and ensure that our schools receive the funds they need. If you have any questions about this or need any more information, please feel free to contact Lindsay Jones, lindsayj@cec.sped.org or directly at 703-264-9403.

Sincerely,

Deborah A. Ziegler
Associate Executive Director
Policy and Advocacy Services
Council for Exceptional Children

