

The Impact of the Current Political Climate Upon Legislation for Persons with Disabilities

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Thanks, Bill, for that introduction, and, actually, I do feel like a Southerner in a lot of ways. It's great to be in Tennessee. When Bill Woodrick made the request for a presentation at this conference, it went through Senator Frist's office. One of the things that I learned when I first got to Washington was that when something comes from Tennessee, you respond to it immediately. We get 20 or 30 requests to speak every week in different places and, I have to be honest, the Tennessee requests go first. So it's great to be down here. In some ways, I am representing the Subcommittee on Disability Policy for the Senate, and also Senator Frist in this presentation. Basically, I have been a policy fellow in the U.S. Senate for the last year which has been a very interesting phenomenon. I was selected as a Kennedy Policy fellow through the Kennedy Foundation about a year and a half ago, so I'm on sabbatical from the University of Hawaii. The Kennedy family, as most of you know, are Democrats and as I was selected, the 104th Congress came in. The Senate turned over and became a Republican Senate, and the House became a Republican House. So I was faced with the dilemma when I was coming to Washington of being affiliated with a Democratic family and a Democratic foundation and being in the position where I was going to serve in a Republican committee for a Republican Senator. This created a very interesting situation which took about six months to work out before people began to figure out that I was really in a non-partisan role.

The other thing that kind of threw me when I first got to Washington -- I don't want to scare you with this -- is that most staff members are young kids. I'm by far the oldest person on staff in almost all of House and the Senate. Most of the staff members are young kids that graduate from college and affiliate with a Senator or a campaign. They look at working in the Senate as a way to work themselves up. So not only do you have young kids that have absolutely no life experiences or experience with the topic, but they also are not very interested in the topic because they're concerned about their next job. Most of them are very transient in nature, staying there for six months to a year with the hope of moving up to another staff level or to a law firm or something of that sort.

I would like to set a challenge in this presentation for you to become involved at the policy level. Before I went to DC to work in the Senate, I had been a university faculty member for about 20 years. I had very little interest in politics and very little interest in policy or legislation. What I have seen during the last year is that it is critical for people in the field to have something to do with policy and legislation.

In many cases, your careers depend on what happens in the U.S. Congress and in the White House. Most of the agendas and the initiatives that you work within are federally driven and federally funded. Since you are the people who know what needs to be done, what the research is, what the answers are, what the best practices are, and what works for people with disabilities, it's critical that your input gets

to the federal level where policies are developed. Currently, it doesn't happen frequently. Most of the decisions that are made have little or no basis in anything that happens beyond the beltway.

As I talk about things tonight, I would like to challenge you to become involved in policy as we consider local, state, and federal policies. Keep that in mind as you listen to some of the things that we're going to touch on tonight. I am leaving Washington in about a month when I finish this fellowship. Part of my job as a policy fellow was to work on the Work Force Development Act in the Senate, which is a piece of legislation that is realigning and consolidating all the major employment, training, and vocational training legislation at the federal level. Another major piece of legislation that I worked on is the Individuals with Disabilities Education Act (IDEA), with a focus on pieces related to elementary, secondary, and postsecondary education. At this time, none of these bills have gotten out of the Senate or the House. So I will save the bad news for the end. Not that it's bad news, but since many of you have listened to the media over the year, some of this news is rather disturbing and rightly so.

I'd like to touch on four different things over the next hour or so. One issue is how things work at the federal level because I think it is fairly important and it is very confusing to people. It still is confusing to me even after having worked in it for a year. Second, I'd like to talk about what people in Washington refer to as the new political climate that is affiliated with the 104th Congress. I will discuss how you address that climate and how you fit within that climate as well as how you work within it. I will spend a little bit of time updating the current status of legislation, particularly IDEA, and appropriations. We will discuss a little about upcoming legislation, particularly the Rehabilitation Act that will be coming up this next year for reauthorization, as well as a few comments regarding the future disability legislation.

How Things Work

As most of you know, there are three major bodies that participate in authorizing legislation at the federal level. Typically, legislation can be authorized in the House of Representatives or it can come from the Senate. It can also come from the administration, like the Department of Education or those representing the White House. Typically, for any major bill or any major act that is going to be reauthorized, it will be introduced by all three of those branches of government. So, typically, there are three bills that are in existence. An entirely different process occurs when appropriating funds for legislation. There is an authorization process and an appropriations process. The strange thing about this is that these two are completely disassociated with each other. Since they are in completely different committees, a bill may be authorized and have tremendous need and value, but it may never have any funds appropriated for it. In some cases, funds are appropriated for programs that have never been authorized. But in most cases, something that is authorized goes to the appropriations committee, and a separate set of members who make up that committee decide the amount of money to be authorized.

Many of you are familiar with the appropriations process this past year. This has been one of the most disastrous years in the Congress in trying to pass an appropriations bill. Appropriations bills are passed as a whole package, like an omnibus, which is a large number of bills put together in a bundle. In

this case, the major omnibus bill was all of the health, education, and welfare programs. While the bill still has not been passed, it's projected to be signed next Wednesday. I think President Clinton is looking forward to signing this bill that has been worked out in the last couple of months.

But over the course of this year, the appropriations process has been very messy and very political. Where the Republicans took a stand in one direction, the Democrats took a stand in another direction to maintain a hard line on certain programs that they each wanted to be sure were funded. It was a give-and-take process. Finally, in February and March, the Republicans more or less threw in the towel and most programs have been funded at the full level for which were authorized. As you can see, the processes of developing a bill and getting that bill passed and authorized in the Congress are totally separate.

Using IDEA as an example, the initial work for its reauthorization started in March of 1995. First there was an administration bill from the Democrats that came out during the summer. The Republicans presented a discussion draft in the fall. The Senate also presented a discussion draft in the fall. While there were three bills on the table in terms of authorization, only one bill, obviously, has to come out at the end. So there is a process of tremendous compromise that needs to happen for a bill to ever surface. It is much easier not to pass something than it is to pass something. It's much easier to kill a bill than it is to have one pass which is why so few bills are passed.

Political Climate

I would like to discuss climate of the 104th Congress that we have seen this past year. In November of 1994, the Republicans took over both the House and the Senate by a fairly large majority. This climate, I think, is not the climate that came with the selection of a Republican majority. The Republicans have had majorities in either the House or the Senate, as well as control of the White House, many times in the past, but we haven't necessarily seen this climate before. There are certain things about this climate that I think are good for people to know. Most of them have just come to the awareness of lobbyists, staff members, and other think tanks in Washington within the last three or four months, as the budget or the appropriations language has started to take form.

One of the characteristics of this climate is reflected very much in the attempt to limit terms of Congressional members. It is seen in terms of new people entering Congress, particularly this last time, who see themselves as citizen legislators. In other words, they do not see themselves being elected and being reelected and reelected and reelected until they retire. They do not see themselves as career politicians. In a lot of cases, they see themselves coming in for one or two terms. They are coming to the Congress with agendas or issues that have a strong grass-roots focus. They are very targeted and very focused with these issues, and they want action. What they don't have is the political history that in the past many of the Representatives and Senators in the Congress have had with a long-term history with different pieces of legislation and close work with different lobbyists and lobbying groups. They've done favors for different people in the past, and there is a history to work against. Many of the Representatives, in particular, who came into the House recently were not interested in this type of interaction with lobbyists,

staff members, or anyone. They brought with them agendas that they were interested in achieving. Now, this has stumped a lot of the people in Washington, particularly lobbyists, bureaucrats, and other people that work in the government who have had a hard time figuring this out. I think recently there has been quite a bit of thinking and studying about what effect this will have. It will also be very interesting to see if November brings another round of citizen-type legislators into the House and/or the Senate.

Another characteristic of this group of people making up this new climate in Washington is a real focus on grass-roots. Questions that are asked are very much asked from a grass-roots focus. People want to know things that are happening to the voters. I'm not saying this is necessarily new, but this is much more evident than it has been in the past. Often someone who has been in Congress for 20 years will typically respond to an agenda from a lobbyist position. People today are responding to agendas much more from a grass-roots, local voter position. Again, this makes it difficult for many people when they interact with members of the House and Senate or their staff.

The new climate in Washington includes a focus on the results or outcomes in terms of the questions that people are asking. People want to know if things are needed, if they work, and what the results have been of legislation. Those questions are asked very seriously, and over and over again. Many of the people that have worked in the past with the Congress are having difficulty responding to those questions or even being able to think in that context.

The new climate maintains the general sense of a need to down-size the federal role. The questions, "How do you work without this?" or "What would happen if you didn't have this?" are being asked which, in some sense, are logical ones to ask. While not many people are prepared to answer these, they are questions that are very much related to the general sense that the federal role is much larger than it should be or that the federal role is in many areas in which it was never intended to be. These are a number of things that make up this new climate that we have perceived now for almost a year and a half.

People have responded to this climate, and I would like to talk specifically to the disability community about some of the things that I have observed in terms of the response to this climate. I think there are critical lessons in these responses. One of the things that you observe in relation to this new climate is that people get into a "win-lose" mentality right away. As an example, consider last fall when the appropriations committee in the House zero-funded personnel preparation programs for institutions of higher education within IDEA. These were discretionary programs. Immediately, people began to ask why some got funded and others did not. How come Parent Information and Training Centers got funded? How come research or, in some cases, very specialized areas of research were funded? Immediately, people began to look at who won and who lost. Then they began to make up reasons why this was the case.

Now, the result of this was a divide-and-conquer type of strategy. In a lot of ways, the disability community fell into it. As people began to bicker a little bit, they picked out specific groups. How come parents are getting their money? How come programs for the seriously emotionally disturbed are getting their money? Why won't our program get its money? The division occurred within the general disability community itself.

This resulted in something that was very apparent, particularly last fall as the appropriation activities were going on. One of the things that was very noticeable was that people seemed to be under an aura of an inability to act. It was as if they were bickering with each other and could not take up the cause to say something that made any sense. So there was no action for a long time. There was a general panic that occurred that was reflected in presentations of worst-case scenarios. Terrible atrocities were predicted if particular programs were eliminated. Scenarios like these spread around the country. People became overly alarmed and increasingly unable to act. Now, people have kind of surfaced above this a little bit in the last six months or so. But as this new climate came into effect, this was response that accompanied it.

Initially, this was very problematic. There were several things that could have happened and needed to happen for the disability community to surface effectively. First, there was a real need to connect with the majority party. After about four months in DC, I began to think after that maybe there were no Republicans in the disability community. I thought that maybe there aren't any, or maybe there are very few. I also know that isn't true. However, it was impossible to find people in key states who knew Representatives and Senators on any kind of basis where they could make a difference. In other words, there was a need to call up their office or the staff director and say, "Hey, this program you're defunding, this is a critical program to my children, to the community, and I want you to fund it." We couldn't find anybody who could say that or who had the connection to make the call.

An example of where it did happen successfully was with the Parent Information and Training Centers. Representative Livingston, who was in charge of the committee that zeroed-out that program, received many phone calls from parents the day after that zero was reported. Those who knew him fairly well made calls to that office to let him know that the loss of this program would hurt children. That program was funded immediately and the zero changed to millions of dollars just like that. In our political system, there's an important need to be able to respond that way. It is also important for people in the disability community to be connected politically on both sides of the aisle in the Democratic and Republican parties.

It is also important in terms of the response to learn about the context and language of the current climate. We have this new climate that emerged in 1995, and is still there in 1996. New terms were being used and there was a very different context. I will share an example of how people did not study this context, think about it, and respond appropriately within it. When the personnel preparation programs were zero-funded in IDEA last fall, a lot of lobbyists came to Washington. People from universities came to Washington to lobby for funding for those programs. However, their presentations focused on the fact that these programs have been around for more than twenty years. They emphasized that these programs have trained X thousands of special education and related services personnel in this country and what a tremendous difference they have made in this country.

The staff members listening to this nodded their heads, and when the supporters were done, they responded, "Well, sounds like this was a great program. Sounds like you guys trained a lot of people who made a difference. Why do we still need this program? If you did such a good job, why do we still need

this program?" The supporters were dumb-founded that there would be a response like that. That is an example of the context currently in place in the Congress. I think people in the past have not been used to presenting, responding and answering and getting that type reaction, so they were shocked and speechless when that happened. They were also unable to be effective.

These are not necessarily things that apply only to this Congress. If you are going to interact at the federal and state policy level, these are things that you need to do with any group of people. There is a real need to connect at the local level to understand what is happening in your community and state what needs to be communicated at the federal level. The local level is made up of voters who are consumers of our services, training, and research programs. When they say something to someone who is elected in Washington, DC, it means much more than if any of us in higher education say something. What the consumer say or what the parent says mean far more than what you can say. So there is a real need to link yourself with the consumers, the community, and the families that are perceived as voters.

One of the things that I learned in one of my first meetings last year was that I could not advocate for programs in higher education because people knew my roots. To be self-serving and to speak for those programs would have been a major trap. My advocacy for those programs had to be through other people. There was no way that I could stand up for those programs and reflect my own interest. The same is true for many of you. There is a real need to get to the people that actually are the consumers of those services and have them represent the program.

The last thing that you might consider in terms of this new political climate is that you need to make the case for your program within the context of that climate. You cannot make the case externally. In other words, mailing a thousand letters or doing other kinds of things may have some effect. However, more than likely, they will not. There is a need to learn what the climate is as well as what its context is, then make your case within it.

Let me use some of these examples in terms of IDEA. I will talk a little about IDEA, some of the problems, and some of what has emerged. I will also discuss the discretionary programs, which are the programs that involve higher education. While my perspective will specifically be how the Senate works around these bills, keep in mind that the House of Representatives is doing the same thing. It may be from a completely different perspective. The White House is doing the same thing from, perhaps, a completely different perspective as well. I will touch on a few of those things because the process is not yet completed at this point.

Reauthorization of IDEA

IDEA was up for reauthorization September 30, 1995. This is when it expired. I started working on it in March and April, 1995 with the expectation that we would be done by the end of summer. The bill at this point has passed committee in the Senate. We've made that kind of progress, but it is still far from being passed. It hasn't gone through the Senate floor and the House has to surface their bill. It has to clear the committee in the House. Then the Senate and the House have to conference, come together with one

bill, and then come to agreement with the White House on a bill that the President will sign. That will eventually be the reauthorization of IDEA. Many people have been following this and interpret this reauthorization as a very heavy struggle. I think a lot of people in Washington who are working on this, would agree that it has been a very brutal reauthorization. There are some reasons for this that I want to talk about because I think what has happened with IDEA is probably going to happen with all the other disability legislation as it comes up. If you are funded under the Rehabilitation Act, that bill is next in line to be reauthorized prior to September 30, 1997. All of these issues and points of view are probably going to present themselves again. The Developmental Disabilities Act and several other smaller pieces of legislation are facing the same types of issues.

The reauthorization this past year has been referred to by many as a comprehensive reauthorization. It is the first time since its authorization twenty years ago in 1975 that this bill has really been opened up and looked at. You might ask the question, "Given this climate and given the fact that this is a piece of legislation that works fairly well, why in the world would it be undergoing a comprehensive reauthorization? Why don't we just tack on five years and keep going?" Many people on Capitol Hill, I think, would have loved to have done a simple five-year extension of this bill. However, there are some factors in play that would not allow this to happen and are probably going to affect other pieces of legislation that come forth.

One of those factors is that within the Congress itself, there is a general interest in consolidating programs and minimizing the federal role. I mentioned this previously as one of the characteristics of this climate. That factor is very much there. It will continue to raise its head through the reauthorization of IDEA and most other pieces of legislation. You also hear about it in terms of discussions about Medicaid, Medicare, and welfare which are much larger programs than what we are discussing. So one of the reasons why this bill had to be opened up is that nobody would let it pass as it was.

Second, there was another major force that contributed to opening it up. For the first time in twenty years, the general education community and the general population have taken a strong interest in this legislation. In the past, the American Federation of Teachers, the National School Boards Association and other groups that represent general education for the community at large had shown no interest at all in this bill. It was kind of like, "Well, these are kids with disabilities. These are people with disabilities. You have your programs. You do your thing. Leave us alone." One of the driving forces over the last five or ten years is obviously the inclusion movement coming out of special education and the general disability community. Inclusion has forced, or at least pushed, the hand of general education. The general education community has decided that they will take a very active interest in what this bill looks like. What they are saying in a very simple way is, "If you want to be in the classroom with us and you want our teachers teaching your kids, then how come you're going to have your own special law and your own rights and on and on and on, your own appropriation." That's the bottom line. It is not being said a lot, but it is behind the scenes in terms of all the discussions that have been going on with the general education community. Along with that is the whole issue of school violence and the perceived double standard by people in the

general education community. There is a perception that children with disabilities are treated differently than other children when they are violent in educational settings.

These two factors have driven the general education community to be very active in this reauthorization and to have a very, very strong push to down-size this law or, in fact, to actually eliminate it. While this has not happened, there have been tremendous struggles with this group to attempt to maintain what this law does for children and individuals with disabilities.

While the rights that are protected for families and children with disabilities under the law are intact, some major shifts have occurred in the law. These are particularly evident in Part B, which is the service implementation part of the law. There has been a major shift from focusing on process to focusing on outcomes or results. In other words, for the last twenty years, the Department of Education and its funded programs have largely focused on the process of how something is done. An example is implementation of IEPs. When monitoring is done and questions are asked, they basically ask if there is an IEP with goals and objectives in the child's file. They also ask if the child shows up in the classroom. This is looking at the process of delivering a program. No one really looked to see 1) whether that IEP had anything to do with the services that were provided, and 2) whether those services had any effect on this individual's life in terms of an improved education, improved outcomes, or an improved quality of life after that person leaves school.

Now the focus is shifting. The law speaks broadly about focusing upon educational results during the school years as well as post-school results. There is discussion or a determination of what that individual should look like when children with disabilities leave the educational system, and accountability for what occurs. Now, in focusing on results, there has been flexibility provided in the process. The law has simplified things in a lot of ways in terms of the process related to IEPs and other documents. The new approach is that the school will figure out how to do an IEP or how to plan for a student with disabilities. The law will hold them responsible for the results. If one way is different than another way, that will be acceptable as long as the individual attains what was expected. This is a major shift and it is not just a major shift for local and state education agencies. It will also be a major shift for people in higher education not only in how teachers are trained, but also in being accountable for training those people to participate in this new structure. There will be a carryover of those results in the discretionary programs.

Another major shift is a focus on general education frameworks, or what is referred to in the legislation as generic frameworks. The legislation has quite a bit of language that speaks to referencing what children learn. To have a child in a program that has no point of reference or is going nowhere that can be defined is not acceptable. One of the points of reference that are referred to many times in the legislation is the general education curriculum frameworks. Generic programs are those programs in secondary and postsecondary programs that everyone else participates in. This is a shift that moves away from targeting special populations. There are provisions for that to happen in this legislation, but it is not central to the basic language in the bills.

A third area involves assessment, evaluation, or identification of people or children with disabilities. There is a major shift toward collecting and using instructionally relevant information. The question that will be asked extensively under this legislation will be how did assessment information contribute to the child's educational program and the improved functioning or the results of this program for that child. The interlinking of assessment and instruction -- what teachers do with kids and what is done in the classroom -- is going to be viewed as a major shift for many people.

As I mentioned earlier, most of these shifts are evident in Part B of the legislation, which addresses how children are served. There has been a carryover, though, of the shifts into the discretionary programs. In the House bill, the discretionary programs have pretty much wiped out. The bill talks about money that goes into the discretionary programs being blocked, consolidated, and sent to the states. At that point, the state education agencies have the authority to decide which, if any, of these programs should be funded. While some programs are targeted separately from them, the bulk of the programs, particularly the training, research, and technical assistance types of programs that we are used to under IDEA, would no longer have the structure that they currently have at the federal level.

In the Senate, there were a number of intents that drove what we wanted, or hoped, to do with the discretionary programs. One of those intents was to restructure the programs within some type of a logical framework so that they would offer technical assistance and information dissemination to support the services that states provide to children and individuals with disabilities. This had to happen. The discretionary programs are basically a collection of programs around targeted areas, such as the postsecondary deaf programs, the severely emotionally disturbed program, and the early intervention programs. There were fourteen of these programs that had been authorized over the last 20 years at different times. They had little or no relationship to each other in the way they were written up. What was apparent to me within three months of coming to Washington was that these programs would no longer be funded in their current structure. Some of the targeted programs that had political advocacy would survive. Other programs, such as personal preparation, would never survive under the existing structure. We sought to restructure them as support programs, so they are tied very closely back to providing services in Part B. The primary intent behind this restructuring was to develop a defensible mechanism, a way to defend funding of these programs. Our intent from the start was to cut no programs out of the discretionary group. In other words, it was to take those programs, restructure them, catch all the programs at current funding levels, and restructure them in a way that would be defensible to the appropriations committee. The third intent was to maintain a federal role with these programs to develop a rationale as to why these programs needed to be maintained at the federal level and not be consolidated, blocked and sent to the states. We have pretty much done all three of those intents.

Discretionary Programs

The current fourteen discretionary programs in IDEA have been restructured into three parts. There are seven programs with seven funding authorizations in Parts C, D, and D of the law. Part A

includes the definitions and the intent of the law. Part B is the service delivery part of the law that refers to IEPs, parents' rights, etc. Everything else in the law has various discretionary burdens.

Part C is a linkage between Part B and the rest of the discretionary programs. It has been referred to as the systems change authorization. The intent of Part C will be to competitively provide comprehensive systems change money to states so they can pull together a group of people and improve the system of special education services that are in their state. There are a number of things that will be mandated under Part C that I think are very beneficial to people in higher education. One of the requirements is that states will have to pull together a partnership of stakeholders and a partnership of supporters within the state. The stakeholders are families and consumers while the supporters are people in universities and other environments in the state who can provide improved services within that state. As states apply for the system change grants, there is a requirement to pull together a broad partnership within the state and seek to address comprehensive problems or issues within the state. Some of those issues have been identified in the past in other systems change authorizations, such as in the area of school-to-work transition. Those projects have typically identified these areas as comprehensive problems or barriers that they could not address, such as funding formulas within a state. Many states are talking about different ways to fund special education including funding it in the same way that general education is funded. Various placement and identification strategies are comprehensive or core problems. They also include things like looking at personnel training needs within the state as well as possible new roles for personnel. This is one reason that institutions of higher education are viable partners within this partnership. From this partnership will also be information regarding research, demonstration, and new practice needs. This is very much the role of higher education. Part C is seen as a linking part for areas such as personnel preparation, research innovation, technical assistance and dissemination activities, to the activities and needs in Part B.

Part D combines research innovation and personnel preparation, two authorizations that were entirely separate in the past. The intent of combining these two is that when personnel preparation activities occur, the newest research should be reflected in that training. People being trained should also be participants who should be involved in state-of-the-art research. Although they will have separate budget authorizations, they are closely linked together. Research and innovation have been restructured in a way that incorporates the concept of research to practice. There will be three major sets of research activities. The first one is what is referred to as new knowledge production that will fund projects to generate new information and new knowledge in areas of need. The second activity is referred to as the integration of research and practice. As a new idea is produced and validated through research, a whole series of follow-through projects will look at integrating that research with practice. The third category is called the improvement in the use of professional knowledge. Projects are specifically funded to ensure that new ideas are used by teachers. This is almost a ten-year sequence of activity. A newly funded five-year project could easily be followed by two or three years of integrating this into the field as well as an

additional two or three years to follow through and collect data to ensure that this new knowledge is being used.

The second part of Part D is personnel preparation. Personnel preparation has been restructured into four categories. These include high incidence disabilities for those training personnel in areas of mild handicapping conditions, leadership personnel or leadership preparation, and low incidence disabilities that addresses multiple and severe disabling conditions. The fourth area of personnel preparation is what is referred to as projects of national significance. This will be a category that considers innovative ways to conduct personnel preparation including restructuring colleges of education or looking at innovative ways outside of universities to conduct training. The intent of that authorization is to take a close look at personnel preparation in relation to the needs of the field in terms of working with children with disabilities.

Part E contains the rest of the discretionary programs. For many of you that are working in the area of deafness, this is where your programs are. I worked personally very closely with Bill Woodrick and the other postsecondary centers to ensure that there was language in Part E under technical assistance and training that addressed the needs of this population and the needs of the four centers. The difference in this authorization is that much of the language in Parts C, D, and E is functional, rather than categorical. In terms of speaking to specific populations, this was only done in certain instances and specific language was included to address those programs. Part E includes these kinds of things. All of the current technical assistance programs, including the parent training and information programs, the regional resource centers, and the deaf-blind centers, are in Part E. While there may be some changes in wording, it is specifically targeted to those current programs.

Part E also includes the technology and media section. There is an assortment of programs, including captioning and the National Theater for the Deaf, that have been authorized over the last twenty years that are sort of "tagged-on" programs. While we made a real effort not to lose any of those programs, I would like to add a few words of caution. We will see this come up, I think, in a floor fight on this bill. IDEA focuses primarily on children with disabilities who are defined as 0-3 and 3-21 year old. Many of the programs that are in Part E, however, benefit adults with disabilities.

An example of this is the highly successful captioning program that has been funded for many years. As we were going to committee with this program, an amendment was proposed by Senator Gregg from New Hampshire to remove captioning from this law. His point of view was two-fold. First, captioning benefits primarily people who are not in school or of school age. It benefits adults with disabilities. Second, the programs that are typically captioned are typically not educational programs. Behind the scenes on this, too, was sort of a moralistic front that many of these programs being captioned and paid for were ones that he felt should not be captioned. There was a USA Today story about *Baywatch* being captioned. Senator Gregg, and particularly some of his staff, felt that government money should not be used in captioning a show like *Baywatch*. What is driving some of these discussions are values. He actually wanted to put a rider in the bill that would require the Department of Education to evaluate every

show that was captioned for its educational value. The Department of Education indicated that this was an impossible task to do.

If this bill is reauthorized for the next five years, you will need to discuss how these programs fit or don't fit and how you might have to defend them either under this law or another law. That issue was brought out and discussed with Bill Woodrick and some of the people that I've talked to this year. We decided to keep this program in the bill. The subcommittee, the staff, and I fought hard to ensure that there was no tampering with those pieces of legislation.

As I mentioned when I started, none of these pieces of legislation have passed yet. I've been working on the Senate bill for about a year and last month it cleared the committee. This is where some of these amendments were introduced. The amendments were killed, and the bill remained pretty much intact. The bill will go to the Senate floor sometime this month. There have been two or three senators, including Senator Gordon from Washington State, Senator Gregg from New Hampshire, and Senator Ashcroft from Missouri, who have threatened to bring up amendments on the floor or filibuster this bill. It is hard to say whether those will materialize. On the House side, a bill still has to be introduced. The House has been discussing this bill for the last year and there is a possibility it will be introduced this week or next. The House is much more volatile than the Senate is, meaning there is a lot more disagreement. It may be much more difficult for them to get their bill passed so that it can be conferenced with the Senate.

There is something else that may happen which is probably the best scenario of what could happen. As you know, Senator Dole is running for President, and in doing so, he is attempting to make a good show, obviously, before he goes on the election trail. One of the ways that that could happen would be to have some bills pass, since very few have passed in this Congress. One of the possibilities is that Senator Dole will talk to Newt Gingrich as well as other senators and say, "Hey, these are X bills that I want to have pass before we recess for the year." Hopefully, the bills that deal with people with disabilities, such as IDEA, the Work Force Development Act, some pieces of the Rehabilitation Act, and other bills related to Medicaid and Medicare, will be part of that package. Those bills will be swept through the Senate. There will be leverage or pressure placed on the House for those bills to be passed prior to adjournment. Everything will get through pretty much in the form that it currently is in. Probably one of the biggest contributors to legislation passing is running out of time and that seems to be what is happening with this Congress. Congress will adjourn soon and people will return home to run for re-election. That pressure in itself could be what brings some of these bills to fruition. My general sense is, given what was there when I started out last year, that all of these programs and the legislation that deals with them are in pretty good shape. The appropriations are in very good shape. All programs are pretty much funded at current levels. As I mentioned, I think President Clinton is scheduled to sign that bill. There were some programs that took a cut, but most programs, given where we were last October, have survived. Given the timing, people are coming out probably much better than what they initially thought.

To end, I would like to go back to where I started and challenge you to become informed on these issues and participate in policy development. My experience has been that there are light years and

millions of miles of difference between what happens out in the community and what happens at the policy level. People that are typically working at the policy level have no idea what you are doing out here and they have no idea what works. They have no idea how to find out about it and it is the last thing that enters their mind when they're working for legislation. Therefore, it is critical that you become involved in these types of activities. It definitely cannot be left to staff members who have very little information on this and are driven by all kinds of other agendas.

I would like to wish you a good conference. The program looks terrific with a lot of good things on the agenda. Hopefully, some of the policy level information that we started out with tonight will help you think about many of the other program issues over the next couple of days. I would like to thank Bill for inviting me and hope you have a good conference.

Thank you.