

Highlights of GAO-04-879, a report to the Ranking Minority Mentor, Committee on Health, Education, Labor and Pensions, U.S. Senate

Why GAO Did This Study

The Individuals with Disabilities Education Act (IDEA) ensures the education of the nation's disabled children. As a condition of receiving IDEA funds, states must provide educational and related services that facilitate learning to students with disabilities based on their individual needs. The Department of Education (Education) is responsible for ensuring state compliance with the law. In recent years, questions have been raised about Education's oversight of IDEA.

GAO agreed to determine how Education monitors state compliance with IDEA for children aged 3-21, the extent and nature of noncompliance found, and how Education has ensured that noncompliance is resolved once identified. GAO analyzed Education monitoring documents, interviewed state and federal officials, and visited 5 state special education offices.

What We Recommend

GAO recommends that the Secretary of Education issue guidance to states for collecting data on key outcome measures. GAO also recommends that the department improve response times throughout the monitoring process and impose realistic timeframes and firm deadlines for remedying noncompliance. Education disagreed with one recommendation and was not explicit about its intentions for the others.

www.gao.gov/cgi-bin/getrpt?GAO-04-879.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Mamie Shaul at (202) 512-7215 or shaulm@gao.gov.

SPECIAL EDUCATION

Improved Timeliness and Better Use of Enforcement Actions Could Strengthen Education's Monitoring System

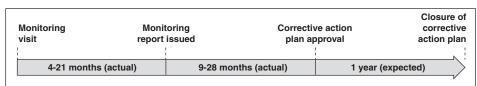
What GAO Found

To monitor compliance with IDEA provisions that affect children aged 3-21, Education annually reviews special education data submitted by all states and uses a risk-based approach to identify those states in need of further inspection. This monitoring system relies upon collaboration with states, as each state is responsible for assessing and reporting its performance on the provision of special education services. However, some of the data used by Education, such as information about how parents are included in their children's education and students' experiences after they leave school, are weak in that they are not uniformly measured or are difficult for states to collect.

In states Education visited for further inspection from 1997-2002, the department identified roughly equal amounts of noncompliance for failing to adequately provide services to students as noncompliance for not adhering to IDEA's procedural regulations, according to GAO analysis. Education found a total of 253 compliance failures in 30 of the 31 states visited during this period, with an average of approximately 8 across the 30 states. GAO found 52 percent of compliance failures to be directly related to providing student services, for instance counseling and speech therapy. The remaining 48 percent involved a failure to meet certain IDEA procedural requirements.

Once deficiencies were identified, Education has sought resolution by providing states with technical assistance and requiring them to develop corrective action plans that would ensure compliance within 1 year. However, GAO found that most cases of noncompliance had remained open for 2 to 7 years before closure, and some cases still remain open. GAO's examination of Education documents showed that a considerable amount of time elapsed in each phase of the correction process, including Education's issuance of noncompliance findings and approval of correction plans, as shown in the following figure.

Time Taken to Complete Phases of Correction Process



Source: GAO analysis of Education data.

On occasion, Education has also made use of sanctions to address longstanding issues with noncompliance, but in these cases, too, resolution has been protracted. States expressed concerns about the standard 1-year timeframe Education imposes for correction, and Education officials acknowledged that it is sometimes not feasible for states to remedy noncompliance and demonstrate effectiveness in that length of time.