

August 1, 2023

Katy Neas
Deputy Assistant Secretary
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-7100

**Re: Proposed Rule — Assistance to States for the Education of Children With Disabilities
(Docket ED-2023-OSERS-0052)**

On behalf of the National Parent Teacher Association (National PTA) and our millions of members nationwide, we appreciate the opportunity to comment on the U.S. Department of Education’s proposed rule, “Assistance to States for the Education of Children With Disabilities” (88 FR 31659).

PTA is the oldest and largest child advocacy association in America, comprised of millions of parents, teachers, grandparents, caregivers, foster parents and other caring adults who share a commitment to improving the education, health, and safety of all children. National PTA has long believed that every child—regardless of his or her economic status, gender, religion, prior academic achievement, disability or behavioral history—has the right of access to a high quality education. For over 125 years, we have engaged and empowered families and communities to advocate for all children and make every child’s potential a reality.

While we appreciate the Department’s effort through this proposal to streamline the Medicaid reimbursement process and help cover the costs of school-based special education services, we urge the Department to maintain the requirement that a school obtain parental consent before accessing public benefits for the first time under §300.154(d)(2)(iv) and §300.154(d)(2)(v). Family engagement is at the core of children’s success and school improvement, and parents and guardians *must* be engaged in every decision related to the identification, evaluation, and placement of their child or youth with disabilities. We encourage the Department to ensure that family engagement remains a fundamental principle of the Individuals with Disabilities Education Act (IDEA) and that children with disabilities have access to a wide range of education and services that will enable them to reach their full potential. In particular, our association believes that parents and guardians must give consent for any initial evaluation and placement, approve any proposed changes in placement, and be included, along with educators

and other professionals, in conferences and meetings about the services and support provided to their child. In addition, school districts must inform parents and guardians of their rights under federal, state and /or local statutes and policies governing special education programs at the beginning of each school year and whenever policy changes occur.

At the same time, we recognize that greater financial support is essential for schools to be able to provide a quality education to children with special needs. At the time of the passage of IDEA, the federal government committed to providing schools 40% of the excess cost of educating children with special needs. This commitment, however, has never been met and achievement gaps are widening due to a lack of increased investment in IDEA. While the state and local school district is accountable for guaranteeing that each child with a disability is provided a free and appropriate education in the least restrictive environment, the federal government must meet its funding commitment for special education children including toddler, preschool, elementary and secondary levels. Our association believes that no public school should be required to use its funding to subsidize non-public schools for special education services. We support reduction of regulatory burdens (as practical) to allow increased flexibility, reduce duplication, and diminish fragmentation of services to better meet the needs of families and students with disabilities — while at the same time assuring that there be no reduction in services or parent/guardian and family involvement in making decisions about their children.

While we are concerned about the procedural, funding, and capacity challenges faced by school administrators, staff, and teachers in implementing the Individuals with Disabilities Education Act, the solution should not be to eliminate a key family engagement requirement, nor any requirements that ensure parents are well informed and remain actively involved in important decisions regarding their children and the education they are receiving. National PTA and our over 20,000 local units in the U.S. and abroad stand ready to assist schools in connecting directly with parents and guardians to inform them of available options, obtain their consent for essential services in the most streamlined and efficient manner possible, and work together at the local, state, and federal levels to strengthen family engagement and family-school partnerships for all families.

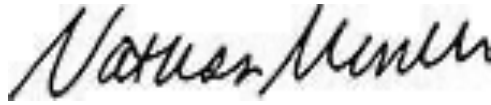
We appreciate the opportunity to provide comments on “Assistance to States for the Education of Children With Disabilities,” and we look forward to working with the Administration and Congress to ensure investments continue to be provided that strengthen family engagement at all levels of education in order to support the achievement of every child, especially children

with disabilities. If you have any questions or would like additional information, please feel free to contact Kate Clabaugh, National PTA Director of Government Affairs, at kclabaugh@pta.org.

Sincerely,



Yvonne Johnson
President
National PTA



Nathan R. Monell, CAE
Executive Director
National PTA