

The Governor's Council on Disabilities and Special Education (the Council) is the Special Education Advisory Panel (SEAP) for Alaska, as authorized and required by the Individuals with Disabilities Education Act (IDEA). Council Education Committee members are former students who received special education services, parents of students with disabilities, special education teachers, school administrators, staff from the Department of Education & Early Development (EED) and others involved in the education of students with disabilities. The Council Education Committee works on issues and activities of concern to make changes in the education system that improve the lives of students with disabilities.

On June 22, 2017, the U.S. Department of Education (the Department) published a Federal Register notice that it is seeking public input regarding regulations or guidance to be repealed, replaced or modified. The Department is particularly interested in regulatory provisions that members of the public find unduly costly or unnecessarily burdensome. The Department also published the first progress report of its Regulatory Reform Task Force, which was formed pursuant to a February 2017 presidential executive order requiring federal agencies to create such task forces to evaluate existing regulations for potential repeal, replacement or modification. Comments in response to the Federal Register notice must be submitted no later than August 21, 2017.

In the progress report, the task force identified more than 150 regulations and a total of 1,772 items of policy-related guidance to be reviewed. As a next step, the task force is requiring offices within the Department, including the Office of Special Education Programs (OSEP), to recommend regulations to be repealed, replaced or modified. The task force also announced that it plans to meet with major constituencies and stakeholder groups, including some major higher education association groups to seek their input. The task force further intends to facilitate discussions on these issues at conferences and meetings.

The Council Education Committee recognizes the value of cost containment and simplified regulations, as a general goal. However, the IDEA regulations form a unified, comprehensive scheme with interdependent sections. Removing or modifying sections of these regulations in a piecemeal fashion risks causing unintended impacts to other related sections of the regulations, which could in turn adversely affect the education of children with disabilities. Even small changes to the IDEA regulations may result in increased disputes and litigation between parents and school districts due to the impact of those changes. Initially, the IDEA regulations resulted in a large number of due process hearings across the country, as school districts and families sought clarification and correct application of the regulations. As the rights of students and parents under the IDEA have become clarified, the number of due process hearings in most states has decreased significantly. The potential cost savings proposed by new changes to the regulations must be weighed against the possible expense of new disputes that may arise from altering rights that are currently settled under the existing regulations. The Council Education Committee cautions the Department to avoid piecemeal amendments to the IDEA regulations that could result in confusion about procedures and rights under the IDEA, increased due process hearings, and decreased educational opportunity for children with disabilities.