



WORDS TO THE WISE

FEBRUARY 2016

NEW RULE TO CURB RACIAL DISPARITIES IN SPECIAL EDUCATION

JULIE OSTERHOUT
*Emeritus Specialist in Elder Law
Of Counsel*

LANCE M. MCKINNEY
Certified Elder Law Attorney

HEIDI M. BROWN
Certified Elder Law Attorney

PHILIP V. HOWARD
Elder Law Attorney

If you have clients who need assistance with finding the right place for their ill family member to live and determining how to pay for it, **we can assist them with becoming eligible for Medicaid.**

If you have clients who are unable to care for themselves and make their own decisions, **we can assist their loved ones with becoming their guardian.**

Osterhout & McKinney P.A.
3783 Seago Lane
Fort Myers, FL 33901
Telephone: 239-939-4888
Fax: 239-277-0601
www.omplaw.com

E-Mail:
info@omplaw.com

The Obama Administration wants states ensure that minority students are not disproportionately over enrolled in special education. According to the U.S. Department of Education, there are many school districts where minority students are more likely to be pegged as having a disability, face school suspensions, and other forms of discipline. Under the Individuals with Disabilities Education Act (IDEA), states must collect data and determine whether students are being disproportionately identified and placed into special education based on their race and ethnicity. Under a proposed rule, the states would be required to use a standardized approach to evaluate over representation in special education across racial and ethnic groups. In school districts where there is a disproportionate level of participation, the districts will have more flexibility in determining how to allocate funding under the IDEA. For example, currently, school districts with the disproportionate amount of enrollment must use 15 percent of their funding for early intervention services starting in kindergarten for students who have not yet been identified as having disabilities. However, under the new rule, school districts could use the money to serve students starting in preschool.

Sources: Disabilityscoop and U.S. Dept. of Education
<https://www.disabilityscoop.com/2016/02/29/obama-curb-disparities-special/21974/>
and <http://www2.ed.gov/programs/osepidea/618-data/LEA-racial-ethnic-disparities-tables/disproportionality-analysis-by-state-analysis-category.pdf>

BILL TO LINK VETERAN’S COLA TO SOCIAL SECURITY COLA

The House has adopted the “American Heroes COLA Act,” which would allow an automatic cost-of-living adjustment for certain VA benefits, such as compensation, dependent’s payments, and living allowances. Currently, Congress must actually pass a bill to allow VA benefits to have a cost-of-living adjustment; whereas, Social Security is automatically increased for cost-of-living adjustments, once a cost-of-living adjustment is declared. Although in the past, veterans have received the same cost-of-living increase that Social Security recipients have received; there is concern that lack of congressional unity and infighting could prevent legislation from passing that would order the cost-of-living increases for veteran benefits.

Source: Military Times
<http://www.militarytimes.com/story/military/benefits/veterans/2016/02/20/veterans-cola-social-security/80612318/>