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Special Education Needs Causing Financial Crisis In California Schools

By Patricia Hawke

Now, I am all for special education for children with disabilities. I attended school at a time when

such children were either put into "special" schools or thrown in with the general student population to sink or swim on their own. It was a terrible inequity. It finally was addressed in the 1970s with a law designed to correct such discrimination by giving these children the civil right to an equal opportunity to learn. The law covered children from birth to age 22, guaranteeing them the right to a free and "appropriate" public education. It is the ambiguous word "appropriate" written into the law that is creating a crisis for the California schools, according to Nanette Asimov, staff writer for the San Francisco Chronicle.

The article cited a situation of one California schools child with a disability. The assigned public middle school offered special college prep classes, daily help from a special education expert, a laptop computer, extra time for tests, the opportunity to temporarily leave class if the child's had an anxiety attack, and a special advocate to smooth over any problems with teachers.

The parents hired a special consultant instead, who found alternative schooling opportunities — all were private schools and all were out-of-state. They settled on a boarding school in Maine, outside the main city, that had one-tenth of the enrollment of the California schools. The one thing this school did not offer was a special education program. The mother said that smaller classrooms and a smaller campus were more important than a special education program. Since the possibility of anxiety attacks was mentioned in the article, no one can truly judge the merit of this situation except the child's physician and/or psychologist.

After the child was placed into the private school, the parents then hired an attorney, who specializes in special education cases, to file papers with the court demanding the California schools pay four years of tuition and family travel costs between California and Maine. Tuition was \$30,000 annually. The California schools met the demands.

This is only one such case in the California schools, which may or may not have been justified. The problem is that it is not the only case. In 2005, there were 3,763 California schools children with disabilities that were the focus of formal complaints — the vast majority of which came from parents.

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This is triple the number of only ten years ago, and the numbers are growing.

With a cost of almost \$40,000 to go to a court hearing and the possibility of an expensive judgment, the California schools attempt to settle cases before they get that far. In 2005, ten percent of the California schools' cases went to a full hearing — 386 in all. The remaining 90 percent were resolved through confidential settlements. With 700,000 special needs students currently in the California schools and already paying hundreds of thousands of dollars each year for private placements, the school system is headed for a financial crisis.

In 2004, the California schools received \$4.1 billion for special education from the government and local sources. It was still not enough to pay these extra settlement costs, and the California schools had to take \$1.6 billion from the regular class budget. Twenty-eight percent of the special education expenditures that year came from the regular education budget.

California schools educators complain that parents who are able to afford an attorney are assured more opportunities for their children than those who cannot afford to do so, creating an inequity between the haves and have-nots. Additionally, special education teachers see benefits to special programs, such as horseback riding therapy, but acknowledge that such parent demands are not education related. California schools parents and educators are at odds.

Parents are making tuition payment demands of the California schools for such programs as private day schools, boarding schools, summer camps, horseback riding therapy, and aqua therapy. Additionally, the California schools are expected to pay for computers, airfare, car rental, hotel stays, meals, new clothing and tailoring for the children, cell phone calls, stamps, gas and tolls, and future round-trip visits from time of enrollment until the children graduate from high school.

In all, the California schools are paying billions of dollars each year for private placements and auxiliary costs. It is creating an inequity for children the civil rights law was passed to protect and a financial crisis for the California schools.

I have to admit that I wanted every opportunity possible for my child to live a happy and normal adult life. I had a special needs child and spent many hours sitting in principals' offices and at the school board demanding that his needs be met. I was thankful that he received access to the available offerings within the public school system.

In my view, however, it is not a question of right or wrong, justified expenditure or not. It is a question of the legislators going back and specifically defining the word "appropriate". Until then, the California schools are borrowing from Peter to pay Paul, which means less opportunities all the way around.

Patricia Hawke is a staff writer for Schools K–12, providing free, in–depth reports on all U.S. public and private K–12 schools. Patricia has a nose for research and writes stimulating news and views on school issues. For more on California schools visit

<http://www.schoolsk-12.com/California/index.html>

Top Artists Join Music Project To Benefit The California Schools

By Patricia Hawke

Over the past decade, music has been severely declining within the California schools. A recent study showed that within the past five years there has been a 50 percent decline in student participation in music programs. Additionally, it showed that one third of all music teachers have lost their jobs within that same time frame. The study predicts that music education will be eliminated from the California schools within the next ten years, unless dramatic changes occur. Music within the California schools system is at a critical juncture.

Singer Bonnie Raitt said, "It's a shame we are depriving so many California children of the benefits of music in schools." She stated that every child deserves the chance to develop their fullest with a well-rounded education, including the arts.

To that end, the California Arts Council spearheaded the California Music Project (CMP), a 401(c)(3) nonprofit, long-term initiative. The California schools, music industry executives, and the council will work together through the CMP to bring much needed revenues and music programs back into the California schools. The goals of the CMP are to:

- Provide grant funding to music teachers, music professionals, and the California schools to bring more music leaning to students;
- Develop joint ventures with universities, businesses, foundations and music-focused organizations to fund, pilot and expand music programs within the California schools; and
- Serve as an advocate to both the public and private sectors to further music as a core discipline, so that every California schools students has equal access.

Governor Arnold Schwarzenegger proposed and approved a state budget with the California schools slated to receive an estimated \$105 million in ongoing funding for arts education. That is an estimated \$17-18 per student. Included is a one-time allocation of \$500 million for arts, music and physical education equipment. Yet, it will not be enough to reverse the tremendous, almost ten-year decline of music education within the California schools. The California schools remain underfunded and understaffed in music education.

The CMP plans to heighten awareness and raise funds through all-star music CDs with top California performers, special events, and concerts around the state.

The first CD is scheduled for release in late October. Artists, publishers and labels donate all the songs and performances, with proceeds going to the CMP. It features a variety of genres from 18 California singers, musicians and bands. Included are: Los Lobos, Leela James, Beck, Dwight Yoakam, Warrne Zevon, Ben Harper, Jack Johnson, Jackson Browne, Bonnie Raitt, the Red Hot Chili Peppers, and others.

The artists are very passionate about their work and want to see California schools students get some

of the same attention they received while growing up around music. Working with the CMP, the artists may get their wish.

Patricia Hawke is a staff writer for Schools K–12, providing free, in–depth reports on all U.S. public and private K–12 schools. For more information on California schools visit

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