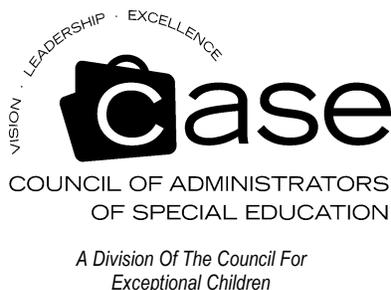


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## **Council of Administrators of Special Education (CASE) Legislative Platform 2016-17**

The Mission of the Council of Administrators of Special Education, Inc. (CASE) is to provide leadership and support to members by shaping policies and practices which impact the quality of education.

CASE is an international professional educational organization affiliated with the Council for Exceptional Children (CEC) whose members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual in society. CASE represents special education administrators in local school districts, the individuals charged with responsibility for implementation and financial oversight of special education programs for children and youth with disabilities in schools across the country.

### **1. Reauthorize IDEA**

CASE supports the reauthorization and believes there is an urgent need to make significant changes to a law that was originally scheduled for reauthorization in 2009. The needs of all students, especially students with disabilities, have changed, technology has advanced, and public schools are rapidly adapting to meet student needs. Yet special education remains more focused on procedural compliance than ever. Outcomes for students with disabilities should be the primary focus of the law and not compliance. Paperwork reduction must be addressed. CASE supports review and revision of procedural requirements that generate the overwhelming amount of paperwork in response to federal regulations.

CASE is considering policy changes for IDEA in the following areas:

- Procedural Safeguards
  - Discipline procedures
  - Independent Educational Evaluations (IEE)
  - Dispute resolution
- Paperwork reduction
- Maintenance of Effort
- Specific Learning Disability (SLD) definition
- Coordinated Early Intervening Services (CEIS)
- Private School Students
- Transition Services



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## **2. Fund IDEA**

CASE supports full funding of the IDEA. Increased resources are needed in order for local districts to meet the required performance standards and outcomes for students with disabilities. In 1975 when the Education for All Handicapped Children Act was enacted, Congress authorized the federal government to pay 40 percent of each state's excess costs of educating children with disabilities. To date that has not occurred. CASE urges the federal government to keep its promise. Congress should begin by restoring funding to the levels states and districts received under the American Recovery and Reinvestment Act, phasing up to 40 percent. These funds provided districts with welcome relief of the financial burdens of providing special education services and in many cases allowed for additional program enhancements.

CASE is also concerned about sequestration and the shrinking budget caps for non-defense discretionary programs as enacted under the Budget Control Act of 2011. If these tight budget caps remain in effect, special education and all other programs providing supports for students with disabilities will be decimated. CASE urges Congress to rethink this budget policy and find a more balanced approach to deficit reduction that does not harm children and families.

## **3. Change Maintenance of Effort Requirements**

CASE supports the concept of MOE to ensure accountability for providing a free appropriate public education (FAPE) for students with disabilities. However, we recommend changes focused on ensuring appropriate services are provided, rather than on the specific dollar amount expended.

CASE recommends additional exceptions to MOE. These exceptions would include changes in funding resulting from district decisions that have universal impact on employees (e.g., reductions in wages and/or employee benefits, reductions due to consolidation or privatization), state legislation with universal impact on employees requiring assumption of payment for some portion of health care premiums, and a change in language to recognize a new definition of effort.

## **4. Support Access to Mental Health Services**

CASE supports access to high quality mental health services, realizing that many students with and without disabilities have mental health challenges. Coordinated services with community providers, designated agencies, and schools are critical to establishing and ensuring quality programs. While many states have different models, all children must have access to mental health services at the level of care required to address their needs. Medicaid as well as private insurance carriers should be required to provide coverage at a level commensurate with a child's clinical need. This is true for any child with a mental health diagnosis but is particularly important for students who reach a severity where special education eligibility for emotional and behavioral disabilities is present.

The collaboration among mental health agencies, education agencies and insurance carriers must occur in every state. This is necessary to ensure that all children have their needs met, waitlists of mental health services are drastically reduced or eliminated, and families and children with mental health issues receive an equitable level of care as that provided for physical health needs under our healthcare system.

## **5. Support Early Childhood Education**

CASE supports universal access to and full funding of a comprehensive system of accessible preschools for all children. Early intervention programs ensure kindergarten readiness. Research has shown intensive early intervention services for students with disabilities significantly increase educational success and reduce the impact of disabilities and the long term costs of special education.

IDEA funding for Early Childhood Special Education (ECSE) has not kept up with increasing needs for our preschoolers with disabilities. Provide additional funding for ECSE.

## **6. Prevent Bullying and School Violence**

CASE supports the rights of all students, including students with disabilities, to attend school without fear of being bullied or harassed. School policies should ensure students a safe haven and caring adults who will immediately address these problems should such incidents occur. CASE supports disability awareness initiatives in all schools at all levels to educate every student about specific disabilities and their impact on individuals. CASE supports the development of local policies based on high standards and with strong accountability measures.

## **7. Reform Dispute Resolution Procedures**

CASE supports the revision of due process procedures outlined in the IDEA to ensure disagreements are resolved at the lowest administrative level using effective resolution techniques. CASE recommends:

- emphasizing the positive aspect of resolving concerns of parents and school districts.
- encouraging mediation as a first step prior to Due Process Hearing (DPH).
- requiring the burden of proof in the DPH to be on the party requesting the hearing.

CASE supports the development of guidance tools encouraging communication between schools and families to resolve disagreements in the most efficient and effective manner, training on and implementation of the facilitated IEP process, and training requirements for advocates representing parents and families in disagreements with schools. CASE supports consistent implementation and oversight of these provisions to ensure fiscal responsibility given the decrease in federal funding.

## **8. Support Development of Seclusion and Restraint Regulations**

CASE supports the development of state-developed, not federally mandated, procedures for seclusion and restraint applying to all students, consistent with evidence-based best practices. The IDEA requires school districts to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) to eligible students with disabilities, including those with significant challenging and sometimes dangerous behaviors. School personnel should address these behaviors through written plans that emphasize positive student behavioral outcomes. Guidelines should also protect other students and staff and delineate safe, appropriate evidence-based uses of physical restraint or seclusion only when needed. CASE believes it is important to balance restrictions on the use of interventions with the need to ensure the safety of all students and school personnel. Additional federal funding to assist states in their efforts to provide training for school district staff is needed to provide safe learning environments for all students.

## **9. Oppose Vouchers**

CASE opposes subsidizing private schools with public funds through vouchers or voucher-like programs such as taxpayer savings plans or scholarship credits. CASE supports every public dollar being spent on efforts to improve public education for the 6.4 million students with disabilities in the United States.

Private schools are not required to provide the legal protections mandated by federal and state laws to protect the rights and interests of students with disabilities. In addition, private schools are not accountable to the public for producing results, nor do they receive the same oversight as public schools from state departments of education. CASE believes subsidizing private education with public funds without providing all rights and safeguards is a step backward in serving students with disabilities.

## **10. Support Higher Education Funding for Teacher Preparation**

Students with disabilities deserve highly qualified general and special education teachers. All teacher preparation programs should:

- Train all future educators to address the needs of students with disabilities and gifts and talents.
- Emphasize high-quality clinical experiences for teacher candidates to demonstrate their content and pedagogical knowledge prior to program completion (e.g., edTPA) in all teacher preparation programs.
- Address the chronic shortages in special education through well-funded student loan forgiveness and scholarship programs (e.g., the TEACH Grant Program).
- Ensure that accountability measures for teacher preparation programs do not rely on value-added measures of teachers once in the classroom, as they are not valid or reliable.

## **11. Address Disproportionality but Allow Flexibility with Coordinated Early Intervening Services**

CASE understands and supports efforts to reduce disproportionate representation of minority students with disabilities in areas of overall eligibility, eligibility in specific disability categories, placement, and exclusionary disciplinary outcomes. CASE supports evidence-based practices such as multi-tiered systems of support and positive behavioral intervention practices, that seek to effectively address students' academic and behavioral needs in general education and less restrictive special education placements.

CASE does not agree that school districts should be required to set aside 15% of their IDEA grant for Coordinated Early Intervening Services (CEIS) in all instances where districts attain a threshold of disproportionality. There should be differentiated IDEA set aside requirements dependent upon severity of historical disproportionality. The withholding of IDEA funds, already under-funded, places eligible students with disabilities at risk for receiving needed services as required in their IEPs. The risk-ratio used for this determination should not adversely affect smaller districts who may be penalized due to their small ratios of certain demographic groups. States should be consistent but measures and actions should have flexibility in determining significant disproportionality and requiring mandatory CEIS.