



## MISSOURI COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION

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### 2016 Legislative Platform

**MO-CASE is committed to working in collaboration with other educational stakeholders and elected officials to further the following legislative priorities.**

#### **Legislation Targeting Specific Disability Groups**

MO-CASE in general opposes legislation that singles out discreet disabilities for differentiated treatment within the educational system. IDEA and Section 504 provide a comprehensive framework for identification of students who have disabilities and require a full range of special education and related services to meet individual student needs regardless disability type. Additional mandates for specific disability groups will create legal confusion and increase expenses with no guarantee of improving services for children with disabilities. The legal entitlements of IDEA and Section 504 should be used to ensure appropriate services are provided to children with all types of disabilities.

MO-CASE supports legislation that promotes understanding of specific disabilities and provides quality recommendations for improving services to children with those disabilities. MO-CASE supports expanding information dissemination and providing quality professional development that assists schools deliver research validated practices focused on a specific disability or functional limitation.

#### **Special Education Procedures**

MO-CASE opposes laws or policies that expand or conflict with IDEA provisions. Over the last 40 years, IDEA has been reauthorized and amended multiple times and has been litigated extensively. All of the legal decisions and legislative changes have created a special education system that carefully balances the rights of parents and schools and keeps the education of students with disabilities as its core focus. Any statute or rule that creates new special education rights or procedures beyond those of the IDEA is unnecessary, will increase paperwork in a system that is already drowning in burdensome paperwork, and will divert resources away from services to students with disabilities to paperwork compliance.

#### **District Transfers/Open Enrollment**

MO-CASE opposes transfers and open enrollment especially when the complex issues related to delivery of special education are not addressed. The current transfer situation in St. Louis County is extremely difficult when special education students transfer. There is no clarity on how districts sending and receiving students will comply with IDEA procedural requirements, who is responsible for due process, or how the tuition rate for a special education student can be adjusted from regular tuition. Similar concerns apply to open enrollment and vouchers used to attend a non-resident public school. If students are allowed to move between districts, some schools will be inundated with students with disabilities who require highly specialized services with no additional resources to deliver those services.

#### **Vouchers**

MO-CASE opposes vouchers to send students with disabilities to private programs. Private programs are not required to provide FAPE; they can hire teachers without any special education qualifications; they are not prohibited from restricting enrollment based on type and severity of disability; and they are not required to educate students in the least restrictive environment. Vouchers could encourage new segregated special education programs without any assurance of quality services.

#### **Charter Schools**

MO-CASE supports increased charter school accountability to ensure equitable enrollment of students with disabilities and delivery of special education services in compliance with IDEA and the State Plan.

### **Differentiated Compensation/Teacher Evaluation and Tenure**

MO-CASE is concerned any about federal and state legislative and policy proposals that would revise teacher evaluation systems, teacher tenure, and establish differentiated compensation (pay for performance) especially when student academic achievement as measured by a standardized assessment is a major component. MO-CASE supports effective personnel development for evaluators to ensure appropriate application of new personnel evaluation systems.

### **Accountability**

MO-CASE supports appropriate accountability for all schools and students. We support students with disabilities being included in the general education curriculum and assessments to the maximum extent possible and appropriate. We have concerns about comparing disaggregated data for the subgroup of “students with disabilities” when that category is based on highly variable IDEA eligibility determinations. It is grossly inappropriate to compare the disaggregated achievement data of IDEA eligible students in a district with a 17% incidence rate with those of an otherwise comparable district with a 5% incidence rate. IDEA eligibility determinations are not static and should not be used in comparisons that assume otherwise.

### **Seclusion/Restraint**

MO-CASE supports federal legislation that reasonably limits the use of seclusion, restraint and aversive interventions. We also believe that it is important to balance restrictions on the use of interventions with the need to ensure the safety of other students and the student with a disability along with a family’s desire for a student with significantly challenging behaviors to receive their education in a neighborhood school. We oppose any extensive new reporting requirements associated with seclusion/restraint legislation as such would impose an undue data burden on local schools and state education agencies. We also believe that existing public state agencies can and should assume responsibility for investigation and enforcement of any federal legislation passed.

### **Mandatory Retention**

MO-CASE opposes legislation that would mandate student retention especially when based on arbitrary factors such as standardized test scores. Research indicates that retention does not result in positive achievement or adjustment outcomes and some research demonstrates negative outcomes like increased drop-out rate for students who have been retained. Missouri schools should make retention decisions based on local policies coupled with individual student considerations including multiple achievement measurements, the potential positive and negative impact of retention for an individual student and other relevant factors. These individual student considerations are especially important for students with disabilities, both those who are IDEA eligible and/or Section 504/ADA eligible.

### **Corporal Punishment**

MO-CASE supports legislation prohibiting the use of corporal punishment for all students rather than prohibiting such use only for students with disabilities. MO-CASE is concerned about establishing a “double standard”, one for students with disabilities and one for those without.

### **Early Childhood Education**

MO-CASE supports state policy initiatives that move Missouri toward universally accessible preschool for all children. Substantial research data indicate that quality, aligned and universally accessible preschool services benefit children and communities. In this environment, early childhood special education services would be integrated to create an inclusive and efficient early learning system. We also strongly support mandatory early childhood special education (ECSE) services for all eligible Missouri three and four year olds with disabilities. ECSE improves the developmental trajectory for many children, reduces the impact of disabilities, and reduces the long term cost of special education. MO-CASE is committed to ensuring cost effective ECSE programs across the state.

### **Special Education Funding**

MO-CASE strongly supports increasing federal and state funding to adequately support the significant special education requirements imposed on schools. We realize that federal, state and local budgets are struggling to meet demands. However, the federal government should meet their promise of financial support or should review and revise requirements to align with the level of support provided.