



2023 LEGISLATIVE SESSION

LEGISLATIVE PLATFORM



Legislative Platform 2023

Missouri Council of Administrators of Special Education (MO-CASE) was established in 1972. MO-CASE is a state unit of the Council of Administrators of Special Education (CASE) which is a division of the Council for Exceptional Children (CEC). MO-CASE provides leadership in the field of special education through professional development, advocacy, and support to special education leaders in Missouri who develop, implement, and oversee special education programs for students with disabilities.

MO-CASE Legislative Priorities

1. Special educator recruiting, preparing, and retaining high-quality professionals
2. Mental health supports for all students
3. Equitable accountability for all schools receiving public funds
4. Special Education Procedures

Priority 1: Special Educator Recruiting, Preparing, and Retaining High-Quality Professionals

MO-CASE supports creative methods to enhance the induction and retention strategies, and the expansion of both state and federal student financial aid programs for special education programs. The shortage of special education professionals impede the ability of school districts to provide students with disabilities a high-quality education that prepares them to be college, career, and/or life ready. There are a variety of existing challenges to attracting and retaining professionals in special education. These include high caseloads, teacher and staff safety, the detailed IDEA, as well as the State Plan for Special Education, each with burdensome procedural requirements, and a low starting salary (base teacher pay places our staff at the poverty level). MO-CASE supports the following policy and legislative recommendations.

1. Training future educators to address the needs of all students, including students with disabilities, in the general education environment.
2. Emphasizing high-quality preservice clinical experiences for educator candidates, such as internships and residency programs.
3. Allowing quality alternative pathways to obtain certification in special education.
4. Increase federal funding for loan forgiveness and/or scholarships to cover tuition costs in exchange for a commitment to teach in special education.
5. Promotion of grow-your-own programs to recruit special education teacher candidates.
6. Increased teacher pay specifically for special education professionals, as each position is demanding and hard to fill.

Priority 2: Mental Health Supports for All Students

MO-CASE supports access to high-quality and comprehensive mental health services needed to support student success in school. Before the start of the pandemic, educators were aware of an increase of needs among students related to mental health. Following the pandemic, there is an even greater unmet need for school mental health services to address the social, emotional, and behavioral needs of students. Early intervention and ongoing support, as part of the general education program, are critical to positive learning outcomes

and a safe school environment. MO-CASE supports innovative and collaborative initiatives designed to increase access to school mental health services from qualified providers, including but not limited to, certified school psychologists and master's level school social workers. There needs to be a coordinated effort between service agencies, mental health, education, Medicaid and private insurance carriers to ensure timely service delivery.

Priority 3: Equitable Accountability for All Schools Receiving Public Funds

MO-CASE supports appropriate accountability for all schools receiving public funds. These schools should be required to provide special education services with all aspects of the Individuals with Disabilities Education Act (IDEA), including the implementation of child find, and the implementation of both the eligibility and IEP process to ensure a free appropriate public education for all eligible students with disabilities. This includes the delivery of special education and related services in compliance with the IDEA and the Missouri State Plan. Accountability should be equitable across all schools that receive any form of federal funds, including funds provided through a scholarship program, tax incentive, school voucher, and the like. Therefore, all schools that receive federal funds, should be accountable to the same standards or measurement system as public schools, including the tiered monitoring process, and ensuring teachers and service providers hold appropriate certification or licensure.

Priority 4: 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 creating new special education rights or procedures beyond those of the IDEA is unnecessary, will increase the process and paperwork in a system that already has burdensome document requirements, and will divert resources away from services to students with disabilities and toward regulatory compliance.

1. It is imperative to ensure both procedures and programs follow the IDEA and create a system of non-discrimination for students with disabilities. MO-CASE opposes the use of video cameras in special education classrooms. Installing cameras in special education classrooms discriminates against students with disabilities and targets the school staff who provide their services. The practice infers a sense of adversarial relationships and mistrust between families and the school instead of creating a culture of communication and collaboration.
2. MO-CASE supports the current regulation and procedures addressing IEP consent. Parental consent is required upon the initial evaluation and initial services as part of the special education process. A prior written notice is provided to parents upon a change in the identification, evaluation, or educational placement of students with disabilities. Parent's already have the right to file a due process complaint to challenge the LEA.
3. MO-CASE opposes a change in the "burden of proof" requirement during due process. The burden of proof rests with the parent or district, whomever files the complaint. This is an equitable procedure based on case law and should be maintained.

Legislative Position Statements

Disproportionality

MO-CASE supports holding states and school districts to high standards regarding the proper identification, placement, and discipline of students with disabilities including ensuring racial and ethnic equity in all of these areas. However, the current IDEA requirement for school districts and other Local Education Agencies (LEAs) who are determined to have disproportionate representation to reallocate 15% of their IDEA funds, which are already grossly insufficient, to support Coordinated Early Intervening Services (CEIS) can negatively impact services for students with disabilities and not address the root cause of the disproportionality. We suggest a better approach would be to require a comprehensive district or agency-funded plan in which all aspects of the educational program, including early childhood education, are considered.

Keep Public Funds in Public Schools

MO-CASE opposes the use of public funds, vouchers, scholarships, tax credit or any other use of public funds designed to support students with disabilities attending parentally-placed private school programs (including home schools and virtual schools). If parentally placed private schools, or families of students with disabilities who attend such school receive public funds for the purpose of a scholarship, voucher, tax credit, or something similar to assist with tuition costs, unless such private school programs are required to comply with the provisions of Individuals with Disabilities Education Act (IDEA) and provide appropriate special education services. All schools receiving public funds should have the same accountability process as public schools. In addition, these parentally placed private schools should not have the option of refusing enrollment of any student based on his/her disability, or academic performance level.

District Transfers/Open Enrollment

MO-CASE opposes transfers and open enrollment especially when the complex issues related to the delivery of special education services are not addressed. Special education procedural safeguards must clearly be the responsibility of ONE school district. Missouri districts vary greatly in size, resources, and the degree to which they provide specialized programs for students with complex disabilities. Transfers/open enrollment will likely result in some districts being overwhelmed with enrollment requests from students with high need disabilities who want to access specialized services with no additional funding resources provided to deliver those services.

Reading Instruction

MO-CASE supports the adoption of a policy to ensure systematic and explicit reading instruction incorporating the essential elements identified in the National Reading Panel Report (2000), including phonemic awareness, phonics, fluency, vocabulary, spelling, and comprehension in Missouri public schools. These science of reading practices should be in place so students have the foundational reading skills necessary to fully access the general curriculum without the need for remediation or being suspected of having an IDEA disability due to a lack of basic reading instruction. Targeted and systematic research-based reading instruction, such as noted above, is necessary to provide our students the opportunity to

build foundational skills, and allow them to make appropriate progress. MO-CASE supports appropriate professional development opportunities for special educators to learn instructional techniques related to the science of reading.

Funding and Resources

MO-CASE strongly supports increasing federal and state funding to adequately support the significant special education requirements imposed on schools. The current level of federal funding to Missouri school districts for special education is generally less than 14% of the cost, well below the up to 40% funding level indicated at the time P.L. 94-142 was enacted in 1975. Similarly, Missouri should fully fund specialized resources (e.g. High Need Fund) to support districts providing special education and related services for students with disabilities.