



Missouri Council of Administrators of Special Education (MO-CASE) 2020 Legislative and Policy Platform

Reading Instruction

MO-CASE supports adoption of policy to ensure systematic and explicit reading instruction incorporating the essential elements identified in the National Reading Panel Report (2000), including phonemic awareness and phonics, in Missouri public schools. The report findings have again been further validated through rigorous review of applicable scientific research completed between 2000 and 2014 (*Foundational Skills to Support Reading for Understanding in Kindergarten Through 3rd Grade*, Institute of Educational Science/What Works Clearinghouse, 2016). Systematic and explicit instruction directed toward these skills will help ensure that students are not targeted for remediation or suspected of having a disability condition due to a lack of basic reading instruction, and that they have the foundational reading skills necessary to fully access the curriculum.

Mental Health

MO-CASE supports access to quality and comprehensive mental health services needed to support student success in school. There is a growing unmet need for school mental health services to address the social, emotional and behavioral needs of students. Early intervention and ongoing supports, 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 certified school psychologists and master's level school social workers.

Recording of IEP meetings

MO-CASE supports full participation by parents in the Individualized Education Program (IEP) process as members of the IEP team. In most cases, participation is not increased or improved through audio and/or visual recording of the meeting. The Individuals with Disabilities Education Act (IDEA) and related federal and Missouri regulations set forth the components and considerations that must be included in a student's IEP. These determinations are made through a deliberative process involving discussion among IEP team members focused on information about the disability-related educational needs of the student. It is not a hearing, deposition, or other formal procedure requiring a verbatim transcript, and is not a public meeting. It is the position of MO-CASE that, in general, recording of IEP meetings has a limiting effect on discussion and deliberation, and may actually result in less parent participation in the outcomes of the meeting. Further, any recording that is in the possession of or completed by the public school becomes an educational record. The fiscal cost and effort required to maintain these records add to regulatory requirements for special education which are already excessive and detract resources from instruction and support for students with disabilities.

MO-CASE does recommend public school policies include a provision regarding how parents can request a meeting be recorded to facilitate parent participation due to special circumstances or needs. A sensory disability, or military deployment of a parent could be examples. The school could offer alternatives to recording, and would not be obligated to grant the request. The decision by the school regarding recording requests is final and is not subject to due process compliance review.

The federal Office of Special Education Programs (OSEP) has stated that, while the IDEA does not address audio or video recording of IEP meetings, recordings which are allowed by the public school may only be used to facilitate parent participation, and may not be used as part of a legal action. MO-CASE recommends that the Missouri Public Hearing Commission determine that any recording made surreptitiously without the knowledge or consent of the public school not be admissible as evidence in a Due Process hearing.

Early Childhood Education

MO-CASE supports state policy initiatives that move Missouri toward universally accessible preschool for all children. Substantial research data indicate quality, aligned and universally accessible preschool services benefit all 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-old children 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 working collaboratively with all stakeholders to review current policies, procedures and practices to ensure ECSE programs are cost-effective.

Disproportionality

MO-CASE supports holding states and school districts to high standards regarding 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.

This provision is one of many that should be thoroughly re-examined and revised when the IDEA is eventually reauthorized.

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.

Accountability

MO-CASE supports appropriate accountability for all schools and students. We support including students with disabilities in the general education curriculum and assessments to the maximum extent possible and appropriate. However, we have concerns about establishing unreasonable accountability standards for the disaggregated group of students with disabilities given the wide variation in IDEA eligibility determinations and overall incidence rate between districts and states.

Seclusion and Restraint

MO-CASE supports the following definition of terms and provisions in legislation and policy:

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. The term shall not include student-requested or adult-accompanied breaks from the classroom, in-school suspension, detention, or other appropriate disciplinary measures.

Restraint is the use of physical force, with or without the use of any device or material, to restrict the free movement of all, or a portion of, a student's body. The term restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

Restraint or seclusion should only be used as last resort to protect the health and safety of the student and others. **These are emergency procedures, and should not be considered as therapeutic, or part of a plan to improve behavior or develop appropriate social and behavior skills.**

School staff who are in direct contact with students should receive training in the principles of positive behavior and support to reduce escalation of behavior and incidents which would require restraint or seclusion to prevent injury. Schools and districts are encouraged to incorporate these principles into a multi-tiered system of supports.

All incidents of restraint and seclusion must be reported to the student's parents without delay. Parents must have the opportunity to review records and reports regarding the incident. Summary reporting of incidents of restraint and seclusion should be consistent with that required by the Department of Education Office of Civil Rights (OCR).

Legislation Targeting Specific Disability Groups

MO-CASE supports legislation and policies that promote understanding of all disabilities and provide a framework for delivery of quality and targeted educational services to all students through a multi-tiered system of supports. MO-CASE also supports allocation of sufficient resources to implement such a system. The ever-expanding expectations for schools to provide educational, social, health, mental health and other services for students with and without disabilities must be supported with appropriate resources (see Funding and Resources priority).

MO-CASE, in general, opposes legislation that singles out discrete 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 of 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 framework of IDEA, Section 504, ADA and other existing educational laws should be used to ensure appropriate services are provided to all children, including those with disabilities or functional limitations.

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 process and paperwork in a system that is already drowning in burdensome document requirements, and will divert resources away from services to students with disabilities and toward regulatory compliance.

District Transfers/Open Enrollment

MO-CASE opposes transfers and open enrollment especially when the complex issues related to 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 resources provided to deliver those 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.

Vouchers

MO-CASE opposes vouchers specifically designed to support students with disabilities attending private programs, including home schools, unless such private programs are required to comply with the provisions of IDEA and provide appropriate special education and related services. Currently, private programs are not required to provide any kind of specialized instruction for students with disabilities. There are no requirements for private schools to hire teachers with special education qualifications. Private schools can refuse to enroll students based on their type or severity of disability. In other states, vouchers have been used to establish new segregated special education programs without any assurance of quality service delivery in the least restrictive environment. Students with disabilities should not lose their legal protection to appropriate special education and related services when utilizing a publicly supported voucher to pay for an education program.

Teacher Evaluation and Tenure

MO-CASE is opposed to federal or state legislative or policy proposals that would revise teacher evaluation systems to utilize student performance on standardized academic achievement assessments as a major component along with conditioning tenure or other benefits on such evaluations. MO-CASE supports effective personnel development for evaluators to ensure application of quality personnel evaluation systems that are appropriate for special educators.

Mandatory Retention

MO-CASE opposes legislation that would mandate student retention especially when based on arbitrary factors such as standardized test scores. Meta-analysis of research reported by John Hattie and others indicates retention does not result in positive achievement or adjustment outcomes, and some research demonstrates negative outcomes such as 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 and other students with special needs, both those who are IDEA eligible for services under IDEA and/or supports under Section 504 and the ADA.