

Luann L. Purcell, Ed.D., Executive Director  
E-mail: [lpurcell@casecec.org](mailto:lpurcell@casecec.org)  
Office: 478-333-6892  
FAX: 478-333-2453



Osgian Office Centre  
101 Katelyn Circle Suite E  
Warner Robins, GA 31088  
Website: [www.casecec.org](http://www.casecec.org)

## **Council of Administrators of Special Education (CASE) Legislative Platform June 2017**

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, the individuals charged with responsibility for implementation and financial oversight of special education programs for children and youth with disabilities in local school districts across the country.

CASE is dedicated to being highly involved and engaged specific to any discussions regarding IDEA and the success of students with disabilities. We believe it is important to be prepared to provide recommendations when Congress begins this critical body of work and have developed a set of recommendations should they be necessary.

### **1. Ensure IDEA Protections for Students**

CASE believes IDEA provides critical protections and services to students with disabilities. Since 1975, IDEA has protected the civil rights of students with disabilities to ensure educational access. The needs of all students, especially students with disabilities, have changed. Technology has advanced. Public schools are rapidly adapting to meet student needs. The need to support funding and continued protection for students during this time is of great importance. Improving outcomes for students with disabilities should be the primary focus of the law, and CASE supports accountability systems that use student outcomes as the primary metric. CASE believes paperwork reduction and a decreased focus on compliance are essential as we continue to consider accountability under the law. For all of these reasons, CASE believes consistent guidance and rules from the US Department of Education are necessary to create equitable access for all students and protect students from discrimination.

### **2. Fund IDEA**

CASE supports the full funding of IDEA. Increased resources are needed 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 appropriate 40 percent of the 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 escalating costs of providing special education services, and in many cases allowed for additional program enhancements.



**Council of  
Administrators  
of Special Education**

The voice and vision of special education

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. In addition, the president's budget would impose major cuts to other areas of education spending that impact all students, including students with disabilities. If these tight budget caps remain in effect, with the possibility of cuts even below those levels, 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 (MOE)**

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 those currently allowed under 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, and reductions due to consolidation or privatization), state legislation with universal impact on the cost of special education, and increased efficiencies gained in special education service delivery.

### **4. Medicaid**

CASE supports access to increased Medicaid funds for public schools to offset the high costs incurred in the provision of federally required specialized instructional support services for eligible students to receive academic benefit from instruction. The current proposed federal disinvestment in Medicaid of \$880 billion dollars over the next ten years would have a devastating impact on all public school students, as districts will be competing with private providers and medical facilities for dwindling Medicaid dollars. Should Medicaid cuts occur, districts will be forced to reallocate state and local funds to fill the void.

### **5. 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 is present.

Collaboration among mental health agencies, education agencies and insurance carriers must occur in every state. This is necessary to ensure 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 a level of care equitable to that provided for physical health needs under our healthcare system.

### **6. Support Early Childhood Education**

CASE supports universal access to and increased funding for a comprehensive and coordinated system of identification, support, and inclusive programming for all children with disabilities prior to entering formal public school systems. High quality early childhood special education programs have demonstrated success in preparing students for kindergarten and reducing the need for additional academic, behavioral, and social-emotional services at later grades. Despite the research, funding for universal screenings, parent education, and inclusive systems of support through IDEA-Section 619 (preschool) and Part C (infants and toddlers) have stagnated or fallen during recent years. Through the development and funding of a comprehensive and coordinated system of programming for all children prior to entering formal school systems, students with disabilities will be identified early, supported comprehensively, and included fully.

## **7. Prevent Bullying and Harassment**

CASE supports the rights of all students, including those with disabilities, to attend school without fear of being bullied or harassed. Research indicates students with disabilities are two to three times more likely to be the targets of bullying than their typically developing peers. However, there is little research about which school-based interventions can be put into place to prevent bullying and harassment. As such, CASE supports funding for additional research on programs targeted to reducing the levels of bullying and harassment in schools.

Additionally, school policies should ensure students attend schools that are safe havens from harassment with properly trained, caring professionals who will address these issues when they occur. CASE supports the development of local policies with strong accountability measures designed to prevent bullying (including disability awareness initiatives) and the identification of support services for both bullying targets and students who bully.

## **8. Reform Dispute Resolution Procedures**

CASE supports emphasizing the positive aspects of resolving concerns of parents and school districts. Due to the high cost of litigation and financial stress on districts, IDEA due process procedures should be revised to ensure disagreements are resolved at the lowest administrative level using effective resolution techniques.

CASE recommends the following alternative resolution processes and changes:

- Implementing the facilitated IEP process
- Encouraging facilitated IEP meetings and/or mediation as a first steps prior to Due Process Hearing (DPH)
- Requiring the party requesting the hearing to bear the burden of proof in the DPH
- Funding to enhance parent partnerships with schools, e.g., through Parent Training and Information Centers
- Training requirements for hearing officers and for advocates representing parents and families in disagreements with schools

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

CASE supports the development of state, rather than 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 significantly 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.

## **10. Oppose Publicly Funded Subsidies of Private Education**

CASE opposes all publicly funded subsidies of private education such as private school voucher programs (including tax credits, taxpayer savings grants/scholarships, and portability) for all students, including students with disabilities. Public education is essential to provide equitable opportunities and positive educational outcomes for all students, including students with disabilities in the least restrictive environment.

- Students with disabilities do not have equal access to private schools, which may have mission-driven admissions practices that can exclude that population.
- Private schools significantly lack accountability. Critical accountability components required of public schools include assessment, student achievement, funding, disciplinary practices, transition outcomes, disproportionality, and teacher certification, among others. These accountability measures are not required for private schools.

- Students with disabilities and their families are not guaranteed basic procedural safeguards afforded under the Individuals with Disabilities Education Act (IDEA) in private schools, denying them basic civil rights.
- Subsidizing private schools with public funds does irreparable financial harm to the needed investment in public schools.

### **11. Support High Quality Preparation for all Educators**

Students with disabilities deserve highly trained and qualified general and special education educators. Educator preparation programs should:

- Train all future educators to address the needs of all students, including students with disabilities as well as students with gifts and talents.
- Emphasize high-quality clinical experiences for educator candidates to demonstrate their content and pedagogical knowledge prior to program completion (e.g., clinical internships, educator rounds, performance measures) in all educator preparation programs.
- Address the chronic shortages in special education through well-funded college student loan forgiveness and scholarship programs.
- Ensure accountability measures for all educator preparation programs, public, private, nonprofit, and profit, use valid and reliable measures and avoid measures that introduce and magnify significant error in their values (e.g., value-added).
- Promote the teaching of the principles of Universal Design for Learning in all higher education programs, to ensure that all educators graduate prepared to meet the needs of all students, including students with disabilities.

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

CASE 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 believes in the civil rights of all children, and supports practices that prevent disproportionate representation in these areas.

- CASE supports evidence-based practices, such as Multi-Tiered Systems of Supports (MTSS) and Positive Behavioral Interventions and Supports (PBIS), that seek to effectively address students' academic and behavioral needs in general education and less restrictive placements.
- CASE supports greater flexibility in how school districts with disproportionality may utilize the mandated set-aside of 15% of their IDEA grant for Coordinated Early Intervening Services (CEIS).
  - CEIS set-aside funds should be permitted to fund interventions to address the needs of students with and without disabilities, as drafted by the Office of Special Education Programs (U.S. Department of Education) in 2016.
  - There should be differentiated IDEA set-aside requirements dependent upon severity of the individual district's historical disproportionality rather than the existing one-size-fits-all 15% set-aside formula.
  - The risk-ratio used for this determination should not adversely affect smaller districts which may be penalized due to their small ratios of certain demographic groups.