



MISSOURI COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION

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2011 Legislative Platform

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

Early Childhood Special Education (ECSE)

MO-CASE strongly supports mandatory ECSE services for all eligible Missouri children three and four years of age with disabilities. Voluntary ECSE programs will create unequal access and inequitable services. This disparate treatment will be based on the residence of families and the relative wealth or desire of each district to offer ECSE. Providing appropriate ECSE services improves the developmental trajectory for many children, reduces the impact of disabilities, and reduces the long term cost of special education. These benefits should be equally available for all Missouri children.

MO-CASE recognizes the significant cost increases for ECSE in recent years. We are committed to working with the early childhood community, school administrators and other stakeholders to identify the basis for the cost increases and provide recommendations to mitigate the rising expense trajectory.

MO-CASE supports initiatives that move Missouri toward universal preschool for all children. Substantial research data in the fields of child development, education, and fiscal policy indicate that universal preschool services benefit children and communities. Universal preschool would create an environment in which ECSE services could be integrated to create a more inclusive and efficient early learning system, with ECSE focused on and limited to specialized services needed by children with disabilities.

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, a family's desire for student with significantly challenging behaviors to receive their education in the neighborhood school. We have concerns about specific provisions of legislation from the 111th Congress. We believe the extensive reporting will impose a significant data burden on local schools and state education agencies. Of greatest concern is the section vesting investigation and enforcement authority in the Protection and Advocacy (P&A) System. This appears to give the P&A unfettered access to schools, classrooms and student records which will most certainly increase conflict and litigation. Since the P&A system only addresses the needs of children with disabilities, it would be much more appropriate to designate an existing agency as responsible for investigation and enforcement.

Differentiated Compensation/Pay for Performance

MO-CASE is concerned about differentiated compensation proposals at both a state and federal level especially when student achievement on standardized assessments is a major component. There are unique issues that must be addressed before this concept is applied to special education teachers and related service providers. Many students with disabilities have slower growth trajectories and some take alternative assessments which must be factored into any such system. Some students with disabilities have goals that are not addressed by large scale achievement assessments such as the development or maintenance of motor skills, speech/language skills, and self care/independently living skills. Pay for performance for special education teachers and related service providers will require different measures of student growth to be appropriate and effective.

Vision Exams and Screening

MO-CASE supports the existing sunset on state law that mandates vision examinations and vision screening for elementary students. These requirements have proven to be cumbersome for both schools and families. Many families have encountered insurance barriers to obtaining the required vision examinations. Without alternative funding sources, schools have been placed in the awkward position of being responsible for a mandate that creates financial hardship for families. Schools routinely screened for vision problems prior to this mandate and would continue to do so without the mandate. Best practice screening protocols would continue to be provided to support quality screening programs in the schools. To date, there has been no data released regarding the implementation of these mandates that verifies their effectiveness. Without robust data supporting positive outcomes, these mandates should be allowed to expire.

Corporal Punishment

MO-CASE supports state legislation that would prohibit the use of corporal punishment for all students rather than prohibiting such use only for students with disabilities. Special education administrators are concerned about establishing yet another “double standard” for students, one for those with disabilities and one for those without. If corporal punishment is deemed to be ineffective and inappropriate as a disciplinary tool for students with disabilities, it is ineffective and inappropriate for all students.

Service Animals

MO-CASE believes current state law regarding the use of service animals (RSMo 209.140-162) along with federal protections found in the Americans with Disabilities Act and Section 504 of the Rehabilitation Act provide comprehensive protections for students with disabilities who require service dogs at school. Additional state statute provisions regarding the use of service animals in the public school context is unnecessary at this time.

Single Hearing Officer

MO-CASE supports legislation that would change Missouri’s special education due process system from use of a three member hearing panel to use of a single hearing officer. Missouri is the only state that utilizes a panel which complicates the scheduling of hearings, exacerbates problems with conducting hearings in a timely manner, and escalates accusations of bias on the part of hearing panel members. The use of a single hearing officer would streamline the process and bring it in line with the rest of the country.

Open Enrollment

MO-CASE opposes open enrollment legislation that does not comprehensively address the complex set of issues related to delivery of special education services including how districts sending and receiving students will comply with IDEA procedural requirements, make decisions regarding accepting or rejecting students with disabilities, provide transportation, and utilize various special education funding streams. With Missouri’s lack of intermediate units and heavy reliance on local funding for public education, it will be extremely difficult to address special education issues without creating significant hardships for some districts who will find themselves inundated with students with disabilities.

Charter Schools

MO-CASE supports legislation that would increase a charter school’s accountability for educational programs that produce appropriate student growth and ensure that charter schools support enrollment of students with disabilities by providing quality special education services as required by state and federal law. The percentage of students with disabilities who are enrolled in Missouri charter schools is far below the percentage enrolled in public schools. Accountability provisions need to be implemented to ensure charter schools offer equitable enrollment of students with disabilities.