

**Missouri Council of Administrators of Special Education - MO-CASE**  
**Observations and Recommendations Relative to the Proposed Rule for MSIP-5**  
**Implications for Students with Disabilities**

The Missouri School Improvement Program (MSIP) is among the most important processes engaged in by the State Board of Education and the Department of Elementary and Secondary Education. Through the MSIP standards, the State Board of Education has positively affected the quality of educational opportunities for Missouri's children.

MO-CASE appreciates the opportunity to provide input to the State Board of Education relative to the Proposed Rule for MSIP-5. The leadership of our organization has examined the proposed changes and applauds the Department for the several changes made in the Proposed Rule compared to the proposal reviewed by the State Board in March, 2011. The Department staff received thoughtful input through the Regional Advisory Committee meetings held during the summer and responded positively to many of the suggestions. MO-CASE is providing this response to identify several concerns relative to the impact of certain components of the proposed rule for students with disabilities; and, identify conflicts in the Proposed Rule with certain provisions of state and federal laws and regulations concerning the education of students with disabilities.

As a general comment, MO-CASE seeks to highlight that some components of the proposed rule discussed below will have a disparate impact on school districts throughout the state. While the average incidence rate for the identification of students with disabilities is 11.6% according to DESE data, the incidence rates among the school districts varies from a low in the range of 6% - 7% to as many as 18% - 19%. Several of the new standards may well have a negative impact on students with disabilities; and, because of the variance in the incidence rates among the many school districts, the accreditation of some school districts may be disproportionately impacted.

**End of Course and End of High School Assessments**

The proposed rule reduces the number of assessments that must be given during high school compared to the March, 2011 proposed version. However, the current Proposed Rule maintains the expectation that all students will be administered the End of Course Assessments for Algebra I, Biology, two additional lab based science courses, English I and English II, Government, American History, and the End of High School Assessment. The end of High School Assessment will include test items to assess competency in English III, Geometry, and Algebra II. The expectation is that high school curriculum will include coursework and instruction sufficient to prepare all students for these higher levels of academic expectation. A school

district's accreditation will be determined, in part, on the percentage of all students who meet the State Board standard for the End of High School Assessments.

Students with disabilities must be held to high standards. Academic achievement of students with disabilities has increased markedly in school districts throughout Missouri in the past decade because of high expectations, standards based IEPs, and instruction aligned with the high expectations of the Show Me Standards and the MAP assessments. MO-CASE supports the establishment of high standards for students with disabilities as the state implements the Common Core Standards and the Balanced Assessment System. Many of the students with disabilities will be able to demonstrate increasing achievement relative to the Common Core Standards.

However, MO-CASE is concerned regarding the successful participation of students with moderate to severe disabilities in some of the End of Course and End of High School Assessments and the curriculum designed to prepare them for the assessment. The students in question are not eligible for the alternate assessment, as currently defined. The Alternate Assessment is designed for those students with very significant disabilities who meet the standards established by the DESE. This group of students is limited by DESE rules and federal statute to no more than 1% of the student population in a school district.

The population of students with moderate to severe disabilities who are not eligible for participation in the Alternate Assessment (1% Group) is relatively small - - probably 10 – 12% of the population of students with disabilities. However this percentage could equate to as many as 12,000 students in Missouri schools, based on DESE's special education child count and placement data.

The current policy expectation that students with moderate to severe disabilities be subject to the requirement to take the End of Course Assessments and End of High School Assessment does not represent a policy which is in the best interests of these students. Many of these students have educational needs which may not be met appropriately in upper level academic classes. Including them in such classes will detract from the opportunity of the IEP team to appropriately address the independent living, vocational and transition needs of these students. Further, the policy will result in a predictable number of students who will not contribute positively to the district's accreditation.

MO-CASE understands the DESE will have considerable flexibility in the design of accountability provisions if the state seeks and receives an NCLB Waiver from the U.S. Department of Education. The Commissioner has issued a press release stating the State Board is considering the option. Given the opportunity for the Waiver, MO-CASE offers the following recommendations relative to the assessment of students with disabilities.

**MO-CASE recommends** the State Board of Education amend the Proposed Rule for MSIP-5 in the following manner for students with moderate to severe disabilities:

1. It shall be the responsibility of the IEP Teams to determine whether it is appropriate for a student with moderate to severe disabilities to be engaged in high school instruction to prepare them for full participation in Algebra I and II, English I and II, Biology and the two additional laboratory based science classes, Government, American History and the End of High School Assessment.
2. If the IEP Team determines that such instruction is not appropriate for the student, the IEP Team shall be required to review the Common Core Standards associated with each of the assessments and identify the major learning objectives that are appropriate for the student. During the student's high school career, the student's IEPs shall be designed to provide access to the general education curriculum, and special education and related services that may be necessary to support the development of competencies relative to those major learning objectives determined to be appropriate for the student. In addition, the IEPs for these students shall also contain all other components necessary to provide a Free Appropriate Public Education (FAPE).  
MO-CASE firmly believes that students with moderate to severe disabilities must be given every opportunity to develop academic proficiencies. Utilizing a decision making model as described in the preceding paragraph, the IEP Team has the responsibility to design appropriate learning objectives for the child and to do so cognizant of the needs of the child.
3. Students with moderate to severe disabilities who are working toward individually designed major learning objectives from the Common Core Standards must also be held accountable for learning appropriately designed academic skills. Therefore, they will participate in assessments individually tailored to be appropriate for the student. The IEP Team for the child shall review each of the End of Course Assessments and the End of High School Assessment to identify those test items that are aligned with the major learning objectives previously determined appropriate for the student. The assessment administered to the child will include those test items from the regular assessment determined appropriate for the child, with all necessary accommodations and modifications identified by the IEP Team.
4. A school district may include up to 2% of all high school students otherwise expected to participate in the End of Course and End of High School assessments referenced above.

MO-CASE is firmly convinced these recommendations are appropriate and supportive of the intent of both IDEA and NCLB to advance the educational achievement of students with moderate to severe disabilities. The recommendations do not exempt students with moderate to

severe disabilities from higher standards, from rigorous curriculum, nor from advanced coursework. The recommendations give the IEP Team the responsibility to make individual decisions regarding the appropriateness of advanced curriculum for each student.

If the DESE decides to reject the recommendations of MO-CASE regarding participation in End of Course and End of High School Assessment, **MO-CASE recommends** that DESE pursue the authority given by the U.S. Department of Education to seek approval to develop modified academic standards and modified academic assessments. MO-CASE believes the modified standards and assessment provisions offer by the U.S. Department of Education are less acceptable than the recommendations offer by our organization; but, they are more appropriate than establishing an irrefutable presumption that students with moderate to severe disabilities are appropriately included in instruction designed to prepare high school students for success in college level coursework in English, mathematics, science and social studies.

### **Growth Model**

**MO-CASE also recommends** the use of an appropriate Growth Model to assess the academic growth of all students, including students with disabilities. MO-CASE believes students with mild to moderate disabilities have the potential to achieve at high rates relative to the Common Core Standards. Yet these students may not achieve at the same rate as their peers without disabilities; and, therefore, may not demonstrate proficiency on grade level assessments in elementary and middle school. It is imperative that measurement metrics be devised to adequately assess the growth displayed by individual students, including students with disabilities. Accreditation standards should also be adopted that allow districts to achieve credit for those students who demonstrate adequate growth in academic achievement.

### **Calculation of the High School Graduation Rate**

The Proposed Rule for MSIP-5 includes an expectation that school districts meet a standard to be established by the State Board relative to graduation rates, as a part of the determination of the district's accreditation status. The Proposed Rule states that the rate shall be determined by comparing the number of students entering the 9<sup>th</sup> grade with those exiting with a high school diploma within 5 years.

MO-CASE supports the establishment of high standards relative to graduation from high school. Students with disabilities must be expected to progress through their high school years and successfully matriculate to graduation. Successful adult outcomes are enhanced by achieving a high school diploma.

However, MO-CASE is concerned about limiting the calculation to those students who graduate within 5 years of entry into 9<sup>th</sup> grade. The Individuals with Disabilities Education Act and the Missouri State Plan for Special Education require the IEP Team to determine when it is appropriate for a student with a disability to graduate from high school. Missouri law grants the opportunity for a "gratuitous education" up to the age of 21. Thus many students with

disabilities will remain in high school for 6, 7 or even 8 years. The extended high school experience is appropriate for students with disabilities to afford them the opportunity to develop competencies in independent living, pre-vocational and vocational skills, orientation and mobility in the community, etc. Since the decision to delay graduation beyond the 5<sup>th</sup> year is a decision that is made by the IEP Team and subject to the FAPE standard, MO-CASE does not believe it is appropriate to limit the calculation of the graduation rate to 5 years.

**MO-CASE recommends** the State Board of Education amend the proposed rule relative to the calculation of graduation rate for students with disabilities as follows:

1. The IEP committee for each student with a disability is required to determine the appropriate year in which the child will graduation from high school.
2. Students with disabilities who graduate on or before their 21<sup>st</sup> birth date shall be included in the number of students successfully graduating from the district when calculating the graduation rate.

### **College and Career Readiness**

The Proposed Rule for MSIP-5 includes a provision relative to career transitions as a component of determining a district's accreditation. The Proposed Rule assesses the percentage of graduates who complete career education programs approved by the Department and who are employed in occupations directly related to their training, continue their education, or are in the military within 6 months of graduation.

MO-CASE supports the high standards reflected in the Proposed Rule. Adult outcomes relative to continuing education and employment for individuals with disabilities have improved markedly over the past 20 years. The data reflected in the National Longitudinal Transition Study (NLTS) and the National Longitudinal Transition Study (2) (NLTS-2) commissioned by the Congress of the United States reflects gains in both continuing education and employment for individuals with disabilities. Yet the percentage of individuals with disabilities successfully accessing either full time employment or continuing education remains lower than their peers without disabilities. Therefore, MO-CAE supports the heightened awareness and accountability associate with this component of the Proposed Rule.

However MO-CASE is concerned regarding the limitations relative to time and participation in DESE approved career education programs in the Proposed Rule. With respect to participation, MO-CASE is concerned that students with moderate to significant disabilities rarely have access to the two year career education programs approved by DESE. Career Education has, appropriately, increased their standards and expectations regarding training in high technology fields often associated with the two year preparation programs. Recognizing this limitation and the requirements of IDEA, school districts have prepared Transition Plans for students with disabilities beginning at 16 years of age to guide their special education services, transition services, and prevocational preparation. The Transition Plans are developed in cooperation with Vocational Rehabilitation, adult providers in the community and others as appropriate to ensure a

quality transition, prevocational and vocational training opportunities for students with disabilities; as well as the education necessary to support successful adult outcomes. Successful adult outcomes may include independent, supported or family living arrangements and competitive, supported, sheltered or volunteer employment.

With respect to time, students with disabilities represent a portion of the adult population that often experiences the most difficulty in obtaining employment. This is often compounded by the viability of the employment opportunities in a community, in both good economic times and in times of high unemployment. The limitation of 6 months to achieve a successful career transition will impact students with disabilities in a disparate fashion.

**MO-CASE recommends** the State Board of Education amend the Proposed Rule as follows:

1. Students with disabilities who are employed within one year of graduation from high school in a competitive, supported, sheltered or volunteer employment consistent with the prevocational and/or vocational training specified in their IEPs and Transition Plans will be counted in the cohort of those students who meet the standards of the State Board of Education relative to Career Preparation.