



CASE's ESEA REAUTHORIZATION RECOMMENDATIONS 2015 REVISION

RECOMMENDATIONS

The Council of Administrators of Special Education, Inc. (CASE) is pleased to offer the following recommendations for the reauthorization of the Elementary and Secondary Education Act (ESEA). CASE is a non-profit professional organization which provides leadership and support to approximately 5,000 members by influencing policies and practices to improve the quality of education. CASE is a division of the Council for Exceptional Children (CEC), which is the largest professional organization representing teachers, administrators, parents, and others concerned with the education of children with disabilities.

Over the past few years, CASE has joined with other national organizations such as National Association of State Directors of Special Education (NASDSE), National Education Association (NEA), American Association of School Administrators (AASA), Forum on Educational Accountability (FEA), National Associations of Elementary and Secondary School Principals (NAESP/NASSP), National Center for Learning Disabilities (NCLD), and National Association for School Psychologists (NASP) for the purpose of improving some of the most essential provisions of the ESEA and Individuals with Disabilities Education Act, 2004 (IDEA).

Members of CASE believe it is essential that the goals and provisions of the ESEA and the IDEA are carefully aligned to promote success for ALL students.

CASE agrees with the Congressional Research Service report entitled, *The Education of Students with Disabilities: Alignment Between the Elementary and Secondary Education Act and the Individuals With Disabilities Education Act*:

“While the goals of the two laws may be similar, the ESEA and the IDEA support students with disabilities differently. In particular, some tension exists with regard to expectations for student learning. When the underlying concepts or legislative language of the ESEA and IDEA are not clearly aligned, it can be difficult for educators to plan and execute an appropriate education for students with disabilities.”

Since the enactment of the ESEA/NCLB Act, CASE members have found many reasons to celebrate. We believe ESEA/NCLB opened the door for greater attention, inclusion and advancement of students with disabilities. The goal of closing the achievement gap continues to be a laudable one, and ESEA/NCLB has helped create a sense of urgency around systems change. Together the standards-based outcome movement and the use of scientific, research-based instruction and strategies have led to demonstrable improvements in student performance. The inclusion of students with disabilities in state accountability systems is of particular importance to CASE members.

Despite the many positive effects of ESEA, CASE members have enduring concerns about the misalignment of the ESEA and IDEA and its impact on students with disabilities. These concerns are outlined under the following five areas, as listed on the right, of focus for ESEA Reauthorization and summarized in the form of recommendations:

- **Instruction**
- **Teacher and Administrator Effectiveness**
- **Measurement of Student Performance and Achievement**
- **College and Career Readiness**
- **Students with Disabilities Served within Charter Schools**

Instruction

CASE members believe that improving student outcomes requires implementation of research based and evidence based instructional strategies. Academic and behavioral Multi-Tier System of Supports (MTSS) for both academic and behavioral elements embedded in a learning environment grounded in the principles of Universal Design for Learning (UDL) are critical for addressing the varied needs of all students. Districts and states implementing MTSS with fidelity have seen improved student outcomes.

CASE recommendations:

- Incorporate research-based frameworks of MTSS into the language of the ESEA reauthorization.
- Increase focus on curriculum aligned with state approved standards and the effective use of evidence-based intervention strategies that address individual student needs, including those of students with significant cognitive disabilities.
- Include the principles of UDL as part of all instructional frameworks and the development of all assessment instruments.
- Use language throughout the law that promotes collaboration among general and special educators to provide effective, consistent instruction reflecting the scope of the general education curriculum in the least restrictive environment.

Teacher and Administrator Effectiveness

Case members believe quality professional development enhances teacher effectiveness and improves outcomes for all students. High standards for all teachers and administrators are essential for improved outcomes for students with disabilities.

CASE members believe teacher effectiveness depends on the support of highly effective administrators. Research supports the strong relationship between effective and responsive leadership and its critical impact on the recruitment and retention of highly effective special educators.

CASE believes it is extremely important that the goals and provisions of the ESEA and the Individuals with Disabilities Education Act (IDEA) be carefully aligned to promote success for ALL students.

CASE Recommendations (Pre-service and Professional Development)

- Establish a process for collaboration between Institutions of Higher Education (IHE), State Educational Agencies (SEA) and Local Education Agencies (LEA) for administrator and teacher training and certification aligned with ESEA and IDEA.
- Require general education teachers serving students with disabilities be prepared to deliver scientific, research-based instruction to students with disabilities and modify the curriculum as necessary.
- Require mentor and induction programs that support collaboration between general and special education.
- Provide adequate federal funding earmarked for preservice training and professional development for teachers and administrators that include MTSS, principles of UDL, the mandates of ESEA and IDEA and implementation of approved state standards.

CASE Recommendations (Administrator and Teacher Evaluation and Certification)

- Teacher evaluation criteria should be determined by the LEA or in collaboration with the SEA.
- The SEA should determine certification requirements with input from their stakeholders.
- Funding for research and development of more effective assessment and accountability systems that utilize multiple measure and growth models, to better meet the goal of high academic achievement.

Measurement of Student Performance and Achievement

CASE members believe that all students with disabilities should be included in state and district-wide assessments. We also believe all teachers and administrators should be held accountable for the achievement of all students. Critically important to maximizing student growth and achievement is the use of effective data systems and measures. These systems and measures provide information that drives instructional practices aligned to state standards for students with disabilities as well as all students.

CASE Recommendations

- Ensure that assessment instruments incorporate the principles of UDL in order to accurately assess performance levels of all students.
- Define when a non-standard accommodation could be used, even though its use could result in an invalid test score.
- Maintain the use of alternate assessments for students with significant cognitive disabilities and maintain the 1% cap on alternate assessments as it applies to the LEA and the SEA.
- Utilize a computer adaptive testing system that assesses all student where they are performing at any given time regardless of their grade level entry point. This will allow a comparison across time for all students to measure growth in skills with the exception of the 1% of students with disabilities tested through alternate assessments.
- Include a medical exception from assessment for students that are medically fragile and cannot attend to or tolerate any academic interaction.
- Provide funding that enhances assistive technology for greater application of UDL in instruction and assessments for all students to access and participate in the general education curriculum.

- Change graduation rate calculations to include those students who earn a diploma or complete other approved educational programs in more than four years. Some students with disabilities on “multi-year” IEPs (Individual Education Program) require more than four years to graduate from high school. The IDEA provision that states students with disabilities may remain in school until they graduate with a general education diploma or through the age of 21 with IDEA protections afforded to them (§300.102(a)(3)) should be incorporated into the ESEA to maximize transition success and ensure students with disabilities, as well as the LEAs, are not penalized if they need additional time to meet graduation requirements.

College and Career Ready Students

CASE members believe that effective transition planning must have a strong correlation to the student’s annual IEP goals. Educational activities that provide greater opportunities for student achievement are crucial to students’ postsecondary education program and career success.

The IDEA requires transition assessment and planning that is in effect when a student turns 16 years of age. Postsecondary goals related to training, education, employment and, where appropriate, independent living skills must be documented in each student’s IEP.

CASE Recommendations

- Require longitudinal data systems throughout the student’s secondary school program to include:
 - transcript data,
 - college readiness test results, and
 - postsecondary career assessments
 to provide a comprehensive overview of student achievement and needs for guiding and supporting postsecondary transition plans.
- Increase funding to support:
 - transition activities,
 - a wide array of academic and vocational opportunities, and
 - funding commitments to support adult services (housing, job training, etc.) for all students including those with significant disabilities.



All educators
and
administrators
should be held
accountable for
student growth.

Students with Disabilities Served within Charter Schools

CASE members believe that students with disabilities must be provided a Free Appropriate Public Education (FAPE) and afforded procedural safeguards under the IDEA when attending charter and/or private schools as they would when attending their local public school.

The IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA) ensure that students with disabilities enrolled in public schools, including charter and/or private schools, are guaranteed FAPE. Although certain state and local requirements may be waived for charter schools, these schools are a part of the public education system and must be subject to all regulations related to students with disabilities including the provisions of least restrictive environment.

CASE recommendations

- Require charter schools that are part of a LEA to provide assurances that students with disabilities are served in the same manner as those served in other schools of the LEA, including the provision of supplementary aids and related services.
- Require charter schools that function as their own LEA to ensure that all requirements of IDEA are met, including the provision for a full continuum of services, unless state law assigns that responsibility to some other agency.
- State Education Agencies (SEAs) should be required to establish a review board for approving charter schools.
- As a condition of receiving federal funds, applications for a charter school must specifically include a plan for how it will enroll and serve students with disabilities in a nondiscriminatory manner.
- In locations where private/parochial schools receive federal support it is essential that a condition of receiving federal funds, private/parochial schools must specifically include a plan for how they will enroll and serve students with disabilities in a nondiscriminatory manner and ensure due process procedures prior to dismissing them.
- The SEA must provide funds to charter schools in an equitable manner comparable to other public schools and be responsible for ensuring that state and federal requirements are met, unless state law assigns that responsibility to another agency.
- Technical assistance should be provided by the U. S. Department of Education and/or the SEA focusing on the needs of students with disabilities enrolled in charter schools.

SUMMARY

CASE members support a comprehensive, integrated approach to reauthorizing ESEA that includes evidence-based instruction and interventions, meaningful measures of student growth, and accountability of teachers and administrators geared toward effective instruction with a long term focus on student experiences and achievement that support postsecondary goals and increased student growth and success.

CASE members believe it is essential that ESEA and IDEA be carefully aligned. It is important for these two very significant laws to send consistent messages in terms of expectations for students with disabilities and the professionals who serve them.

CASE members believe the main focus must continue to be on meeting the needs of individual students and providing the necessary training and support for teachers and administrators to accomplish this goal. The funding and resources to meet the goals set forth in ESEA reauthorization will be critically important to provide states and districts with the valuable tools for effective implementation.

CASE urges Congress to embed these recommendations into the reauthorized ESEA. These recommendations will support individualized education for students with disabilities, addressing their unique needs while allowing them to benefit from rigorous, evidence-based instruction, monitored and measured effectively through the state's accountability systems.



Congress must
increase funding
for the goals of
ESEA to be
achieved.



COUNCIL OF ADMINISTRATORS
OF SPECIAL EDUCATION

A Division Of The Council For Exceptional Children



ABOUT CASE

The Council of Administrators of Special Education, Inc. (CASE) is an international professional educational organization which is 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 is especially dedicated to the improvement of services for students with disabilities and is therefore organized to promote professional leadership, to provide opportunity for the study of challenges common to its members, and to communicate through discussion and publications information to develop improved services for exceptional children. Membership is open to current members of the CEC who administer/coordinate programs for exceptional children, are former administrators of special education, or are college/university faculty whose major responsibility is the professional preparation of administrators of special education. CASE was constituted in 1952 and has approximately 5000 members throughout the United States, Canada, and various other countries.