



## CASE's ESEA REAUTHORIZATION RECOMMENDATIONS

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# 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 well recognized 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) and the National Associations of Elementary and Secondary School Principals (NAESP/NASSP), for the purpose of improving some of the most essential provisions of the current No Child Left Behind (NCLB) Act.

CASE believes it is extremely important that the goals and provisions of the ESEA and the Individuals with Disabilities Education Act (IDEA) are carefully aligned to promote success for ALL students. CASE continues to believe it is important for these two very significant laws to send consistent messages in terms of expectations as they relate to assessment and accountability measures of student growth and administrator and teacher effectiveness.

It has been eight years since the enactment of the NCLB Act and CASE finds many reasons to celebrate. CASE believes 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 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. Of particular importance to CASE is the inclusion of students with disabilities in state accountability systems.

Despite the many positive effects of NCLB, CASE has enduring concerns. These are highlighted under the following six main areas of focus for ESEA Reauthorization and summarized in the form of recommendations:

- **Improving Student Achievement**
- **Systems of Data Collection and Measurement to Ensure Accountability and Effective Measurement of Student Performance and Achievement**
- **Improving Administrator and Teacher Effectiveness**
- **Career and College Ready Students**
- **Students with Disabilities Served within Charter Schools**
- **Funding and Resources for Effective Implementation of ESEA Reauthorization**

## Improving Student Achievement

Improving student achievement requires a comprehensive, systematic approach connecting assessment, research-based curriculum, instructional and behavioral strategies that drive decision-making for students. Response to Intervention (RtI) and Positive Behavioral Interventions and Supports (PBIS) incorporate all of those components through a multi-tiered instructional and behavioral support system.

Both RtI and PBIS are data-driven, research-based approaches focusing on academic and behavioral supports that promote the achievement of *ALL* students. Districts and states implementing RtI and PBIS with fidelity by highly qualified teachers, have seen positive results as evidenced by improved student achievement on various assessment measures.

### **CASE recommends:**

- Incorporating the research-based frameworks of Response to Intervention and Positive Behavioral Interventions and Supports into the language of the ESEA reauthorization.
- Increased focus on curriculum aligned with common core standards and the effective use of evidence-based intervention strategies that address individual student needs.

- The use, throughout the law, of language promoting collaboration among general and special educators to provide effective, consistent instruction reflecting the scope of the general education curriculum in the least restrictive environment.
- Continuous support and funding for embedded, quality professional development and coaching for *all* educators connecting sound research-based educational practices to assessment, instruction, and collaboration.

## **Systems of Data Collection and Management to Ensure Accountability and Effective Measurement of Student Performance and Achievement**

The IDEA regulations regarding the Individualized Education Program (IEP) process should be aligned with ESEA accountability measures that address the needs of students with more significant disabilities. IDEA regulations include a statement of the student's present levels of academic achievement and functional performance, a description of how the student's disability affects his or her involvement and progress in the general education curriculum, and a statement of measurable annual academic and/or functional goals for the student to achieve. *All* educators and administrators should be held accountable for student growth.

Most students with disabilities participate fully in the general state assessment based on grade level standards with and without accommodations. A small group of students with significant cognitive disabilities (1%) participate appropriately in an alternate assessment based on alternate achievement core academic standards. Each state determines the type of assessment (portfolio, rating scale, checklist, etc.) and the standards and expectations for this assessment. The varying state core standards and expectations create an inconsistent representation of student achievement for this group. The current accountability program does not include students' progress on functional goals, critical components of the students' individualized education program (IEP) necessary for their postsecondary success.

In addition to students with significant cognitive disabilities, students who are receiving grade-level content instruction but not achieving at the same rate as their peers should receive special consideration. These students may not reach proficiency on all general education academic standards even with the best supports and services. However, they demonstrate significant growth consistent with high expectations when provided the opportunity to demonstrate proficiency on a variety of individualized assessment options based on grade-level achievement standards.

Critically important to maximizing student growth is the use of effective data systems and measures which provide useful information that drives instructional practices for students with disabilities under both the IDEA and the ESEA. Developing individualized measurable goals to assess student growth is paramount.

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### **CASE recommends:**

- Any assessment required by ESEA should be administered to students with disabilities within the parameters specified in the students' IEPs. Accommodations stated on the IEPs and used throughout the year should be allowed during testing.
- Use of effective measures of achievement for all students in determining adequate yearly progress (AYP), recognizing the important balance between multiple measures of achievement (no single assessment should be the sole source of information for accountability purposes), flexible use of growth models, and other individual progress-monitoring measures to assess student achievement over time.
- Use of an accountability calculation (Adequate Yearly Progress) that is sensitive to and accounts for students who do not fit in the "significant cognitive disability" category. These students are working on individualized objectives that parallel the general curriculum and do not demonstrate mastery at the same rate or proficiency level as expected of other students at that grade level.
- Maintaining the use of alternate assessments for students with significant cognitive disabilities (1% group) to include proficiency on alternate core content standards and students' progress on functional life skills necessary for postsecondary life; providing technical assistance to states to assure consistency of alternate core content standards and performance expectations.
- Use of student progress and achievement data to inform instruction, appropriate interventions, and educator and administrator effectiveness.
- Funding to research the development of consistent and rigorous "modified achievement standards" and assessments across states.
- Funding that provides increased technology supports for greater application of Universal Design for Learning (UDL) in classrooms for all students to access and participate in general education classrooms.
- Funding for research and development of more effective assessment and accountability systems that utilize multiple measures and growth models and funding to determine how a growth model can be implemented in a responsible, effective manner to better meet the goal of high academic achievement.

## **Improving Administrator and Teacher Effectiveness**

CASE believes educator effectiveness depends on the support of highly qualified administrators. Research supports the strong relationship between effective and responsive leadership and its critical impact on the recruitment and retention of highly qualified special educators. Research also supports a correlation between effective leaders and educators and student achievement. Having specifics on the linkage between administrator and teacher preparation and individualized instruction for individuals with disabilities is essential in order to develop a solid understanding of how training affects student performance in the general education curricula (e.g., proficiency in reading instruction, written and oral communications, calculating, problem solving, and thinking). Quality professional development with established follow-up components enhances effectiveness of instruction and improves outcomes for all students. High standards and greater flexibility in meeting the highly qualified definition for all educators and administrators are essential for ongoing improved outcomes for students with disabilities.

### **CASE recommends:**

- Continued support for the High Objective Uniform State Standard of Evaluation (HOUSSE) for all special educators and administrators that includes a standard measure for "highly qualified" in either a specific core subject or in multiple subjects with greater flexibility for multiple subject teachers and special educators in meeting the highly qualified teacher definition.



- State and local district collaboration on administrator and teacher induction, retention, and mentoring programs that include professional development on Response to Intervention (RtI), Universal Design for Learning (UDL), and Positive Behavior Intervention and Support (PBIS).
- Development of special educator and administrative standards and criteria for performance-based compensation that includes differentiated options for student performance and outcomes. These differentiated options (multiple measures) may include but are not limited to: summative and formative assessment, educator observations, use of effective strategies linked to student needs, modified and alternate assessments based on the nature and severity of students' disabilities, and progress monitoring and analysis of instructional plan effectiveness related to curricular growth.
- Local control in designing flexible performance-evaluation instruments to address the wide range of specialized roles and responsibilities of educators and administrators. These instruments may include such factors as: collaboration skills, shared accountability for student outcomes, additional education degrees and continuing education, application of progressive practices and strategies, diversity of students' instructional needs, and varied educational settings.
- Funding for ongoing research to study the relationship between highly qualified administrator and educator status and improved student outcomes, and the relationship between differentiated compensation and student achievement.
- Increased federal support for pre-service and in-service training for school administrators that reflects the mandates for implementation of scientific, research-based strategies for increasing student performance as well as the increased demands for assessment and accountability.
- Funding supports for ongoing professional development with effective coaching for teachers and administrators to include research-based school-wide practices such as RtI and PBIS and training in the analysis of student progress data with an established follow-up component to ensure accountability, implementation, and fidelity of practice.
- Funding and technical assistance incentives for higher education institutions and state and local education agencies as they collaborate on administrator and teacher training initiatives aligned with ESEA goals. This would include provisions for developing rigorous, valid, alternative routes to licensure that meet the national standards as well as high quality professional development, mentoring programs, and preparation in evidenced-based special education pedagogy.



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## College and Career Ready Students

Effective transition planning with a strong correlation to the student's annual IEP goals and educational activities that provide greater opportunities for student achievement are crucial to students' postsecondary education program and career success. The participation of students and their families and related service agencies outside the local education agency in transition planning and programming is needed to facilitate a successful transition to postsecondary life.

### **CASE recommends:**

- Use of longitudinal data system 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.
- Increased 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 students with severe disabilities. These funds are essential to the successful implementation of student transition plans with a greater focus on more comprehensive planning, accountability, and improved outcomes.
- The flexibility for IEP teams to develop highly individualized plans to define "college and career ready standards" for students with severe disabilities who require life-long, "quality of life" services and supports.
- Changing AYP calculations to include those students earning a diploma or completing other approved educational programs in more than four years. Some students with disabilities on "multi-year" IEPs require more than four years to graduate from high school. The IDEA provision stating students with disabilities may remain in school until they graduate with a regular education diploma or through the age of 21 with IDEA protections afforded to them (§§300.102(a)(3)) should be incorporated into ESEA to maximize transition success and ensure students are not penalized if they need additional time to meet graduation requirements.
- Recognition of other state-approved and awarded diplomas in addition to the standard or advanced diplomas.

## **Students with Disabilities Served within Charter Schools**

The Individuals with Disabilities Education Act (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 schools, are guaranteed a free appropriate public education (FAPE). A charter school is therefore prohibited from restricting the accessibility of any student who is otherwise qualified for enrollment. In contrast, there are an increasing number of charter schools that specialize in serving only students with disabilities. Unless such charters are part of an LEA with a full continuum of services, funding specialized, separate charters for students with disabilities violates both the letter and the spirit of the least restrictive environment (LRE) principle that is a foundation of IDEA. Although certain state and local requirements may be waived for charter schools, these schools are a part of the public education system and subject to all regulations related to students with disabilities under the aforementioned laws.

### **CASE recommends:**

- Charter schools that are part of a Local Education Agency (LEA) must guarantee that students with disabilities are served in the same manner as those served in other schools of the LEA, including the provision of supplementary and related services.
- State Education Agencies (SEAs) should be required to establish a review board for approving charter schools.
- As a condition of receiving federal funds, applications to become a charter school must specifically include a plan for how they will enroll and serve students with disabilities in a nondiscriminatory manner.

- 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.
- A charter school that is its own LEA must 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.
- 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.

## Funding and Resources for Effective Implementation of ESEA Reauthorization

CASE greatly appreciates the significant funding for state and local school districts from the American Recovery and Reinvestment Act (ARRA) over the past year, allowing investments in new programs, improved technology, advanced data collection systems, and enhanced professional development programs that will continue to positively impact learning for *all* students.

### CASE recommends:

Full ESEA funding at authorized levels. Federal commitment to financial resources and technical assistance to fully achieve the goals of ESEA will ensure states and districts can continue the important areas of effective implementation. It is evident that states and local districts cannot continue to assume the increasing burden of funding federal mandates given current severe budget reductions at the state and district levels.

## SUMMARY

CASE supports a comprehensive, integrated approach to reauthorizing ESEA that includes evidence-based instruction and interventions, meaningful measures of student growth, and accountability of educators 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 also believes it is essential that ESEA and IDEA be carefully aligned. The main focus must continue to be on meeting the needs of individual students and providing the necessary training and supports for educators and administrators to accomplish that 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 consider these recommendations, so students with disabilities will continue to receive an individualized education addressing their unique needs while profiting from rigorous, evidence-based instruction, monitored and measured effectively through the states' 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.