

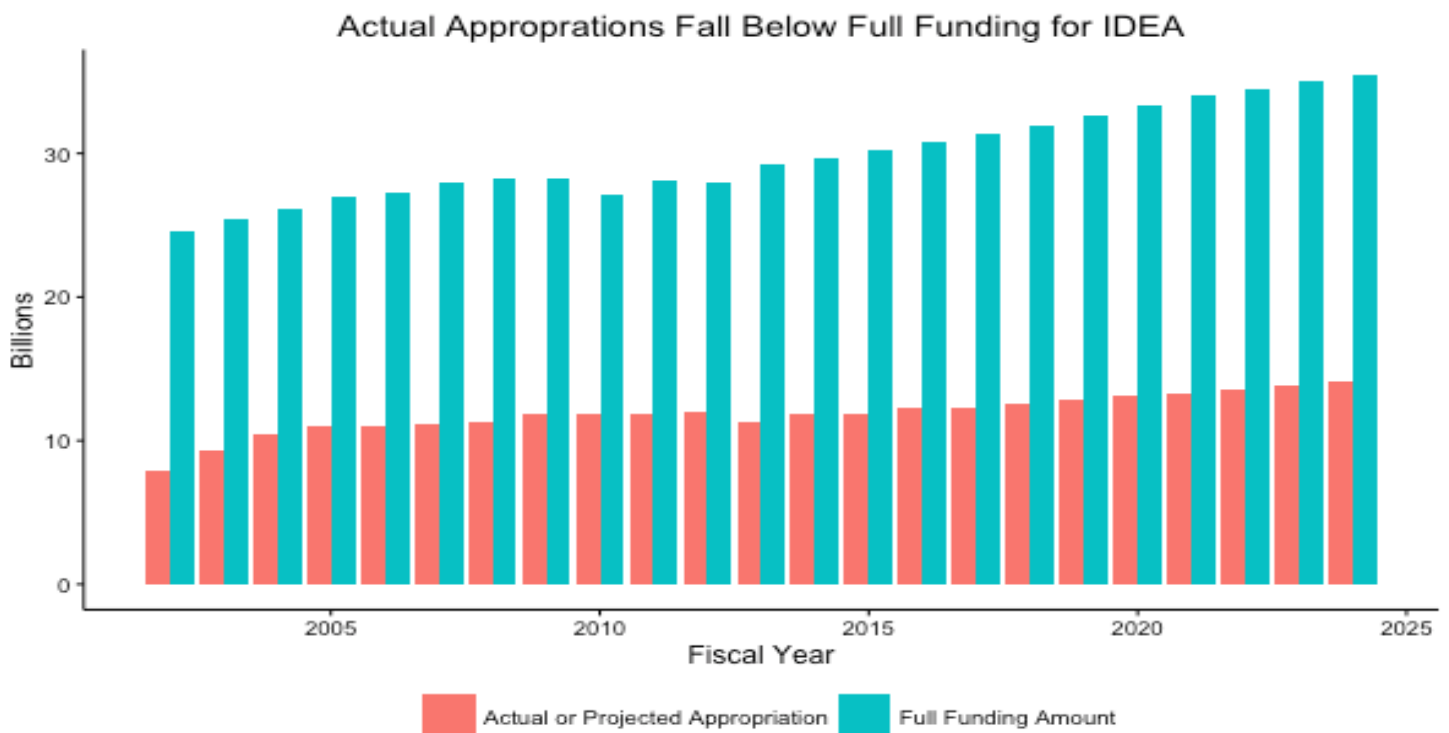
MAASE Priorities for IDEA Reauthorization

The Michigan Association of Administrators of Special Education (MAASE) is a statewide professional organization of over 600 members affiliated with the national Council of Administrators of Special Education (CASE) and the Council for Exceptional Children (CEC). Its members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual. MAASE's mission is to provide leadership for the development and implementation of quality programs and services for students with disabilities within the total education community.

First legislated in 1975 as the Education for All Handicapped Children Act, the Individuals with Disabilities Education Act (IDEA) has been immensely successful in both recognizing and including children with disabilities within public school settings. During the 2015-16 school year, over two hundred thousand students in Michigan had access to a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) because of this law.

Although IDEA has been profoundly successful in opening educational opportunities for children with disabilities, it has also had some unintended consequences. This includes the incentive to define an increasing number of children as disabled and **a massive redirection of financial resources from general education to special education**. Our special education system was designed for 5-8% of the population, yet we are serving 12.9% of Michigan's student population in special education (*MI School Data 2015-16*).

Full funding of IDEA is of critical importance in educating children and youth with disabilities to become productive citizens who will play a vital role in our democratic society. In 1975 Congress authorized the federal government to pay 40% of each state excess cost of educating children with disabilities. The original timeline predicted regular increases until the 40% plateau was met by 1982. Congress has never funded the IDEA at this level and as a result local and state resources have been used to meet federal mandates such as needed personnel and professional development to improve results for students with disabilities.



Every reauthorization of IDEA has provided increasingly exhaustive requirements on issues such as discipline, placement, and due process procedures. Although the most recent reauthorization in 2004 saw some changes focused on improving outcomes, the law and courts interpreting it generally have focused on compliance. We strongly urge Congress to swiftly move forward with Reauthorization of the IDEA and consider a significant shift on behalf of students with disabilities.

1. Related to the increase of resources allocated at the state and local level is the issue of Maintenance of Effort (MoE). The intent of the MoE provision within the IDEA is to protect the adequate levels of state and local funding needed to provide the student supports required by the legislation. MAASE supports the intent of the legislation, but believes that schools must be encouraged to find efficiencies that do not impact the quality or level of service at the student level.

MAASE opposes the elimination of state and local maintenance of effort, but supports additional common sense exceptions. All such exceptions must maintain services for students while allowing schools to increase efficiencies. MAASE recommends that additional exceptions to MoE include changes in funding (e.g. reductions in wages and/or benefits of employees) that do not impact level of student service. MAASE also supports a provision that would allow the SEA to grant a waiver for exceptional or uncontrollable circumstances at the local educational agency level.

2. One of the provisions of IDEA that can require a significant amount of parent and district resources is dispute resolution. The current due process system is very costly and has not been shown to increase outcomes for students. Several studies have shown the mutual dissatisfaction felt by both parents and districts that have participated in the process. **MAASE believes it is time to rethink how parents and districts resolve conflicts.** Both The School Superintendents Association (AASA) and the Michigan Special Education Reform Task Force have suggestions on how this process can be improved.
3. An additional provision of the IDEA that can be costly and used for other purposes than which it was intended is the ability of parents to request an Independent Education Evaluation (IEE). If a parents requests an IEE the burden to pay for the IEE falls on the district unless the districts objects and moves forward with a due process complaint. However, as mentioned above, the current due process system is highly adversarial, expensive and time consuming. **MAASE believes IEEs are essential to provide to parents when they have a sensible objection to the district's evaluation, but the current system must be reformed to include what the objection is and ensure the request is made within a reasonable time period.**

MAASE believes the single greatest way to improve outcomes for students with disabilities is to build strong systems in general education and responsive frameworks - like multi-tier systems of support (MTSS) and positive behavior intervention supports (PBIS) - that effectively serve ALL children. That, coupled with clarifying the intent of IDEA in regard to the concept of *Specially Designed Instruction (SDI)*, will ensure that our special education systems aren't left to compensate for the compounded effects of inequitably resourced schools and lack of opportunity for students who struggle.

It is our sincere hope that Congress will recognize the urgent need to move forward with reauthorization of IDEA. MAASE also hopes that this reauthorization will move beyond IDEA's focus on burdensome compliance and prescriptive policies. This presents an opportunity to purposely shift the focus to outcomes for students with disabilities through a prevention and intervention model. As we summarized above, moving closer to full funding, adding additional flexibility with MOE, increasing dispute resolution options and renewed focus on the intent of SDI will allow districts to reach improved student outcomes at an increased pace.