
Legislative Priorities and Platform

Introduction

This document outlines the official legislative and policy views of the Michigan Association of Administrators of Special Education (MAASE) including the current legislative action priorities. MAASE legislative action priorities will evolve based on both legislative initiative and opportunity, *i.e.*, the opportunity to move forward a MAASE-supported initiative or platform item. To that end, the MAASE Legislation Action Committee establishes an evolving list of priorities that serves as the focus for the Association.

Legislative Action Priorities for 2014-15

- 1) *Support full implementation of the Common Core State Standards (CCSS), Smarter Balanced Assessments and Dynamic Learning Maps*
- 2) *Address student achievement and teacher effectiveness issues for special education.*
- 3) *Recommend revisions to the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA) that promote successful outcomes for all students, particularly students with disabilities.*
- 4) *Advocate for modifications to the Maintenance of Effort (MOE) process that recognize current school funding changes and allow for new ways to demonstrate maintaining effort.*

Legislative Platform

Closing the Achievement Gap

MAASE recommends incorporating the principles of a Multi-Tiered Systems of Support (MTSS) into the ESEA in order to prevent the development of an achievement gap at the early stages of instruction. Two laws, the IDEA and the ESEA, significantly shape the education of students with disabilities. While neither law is new, both signal a coherent vision that includes increased achievement for students with disabilities. Current IDEA language supports Multi-Tiered Systems of Support (MTSS) as an infrastructure for intervention that has shown positive outcomes in terms of lowering overall special education identification rates, preventing the development of learning difficulties in struggling learners, and increasing accountability for timely and responsive instructional practices in schools. ESEA's accountability expectations and related consequences, brought awareness and attention to the issue of performance gaps for special populations of students, although significant achievement gaps are still a concern. It is through research-based instructional and assessment practices that achievement gaps will truly be reduced in a significant way.

Assessment and Student Learning

MAASE supports learning standards that are aligned with the Michigan Merit Curriculum (MMC) and the Common Core State Standards (CCSS) as well as the continued implementation of the Smarter Balanced Assessment system and Dynamic Learning Maps. The Michigan State Board of Education adopted the CCSS in 2010 as part of a state-led effort to establish clear educational standards for kindergarten through 12th grade in the areas of Mathematics and English Language Arts. MAASE supports full implementation of the CCSS as well as a state-of-the-art formative assessment system that is carefully aligned to state performance standards and designed to meet the needs of all students including those with disabilities.

MAASE supports comprehensive implementation of IDEA including access to instruction for all students and full participation in state assessment systems, with appropriate accommodations and supports. IDEA guarantees each eligible child with a disability a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). FAPE requires access to the general curriculum delivered through research-based instructional practices and participation in the state assessment system. Access to the general curriculum is not intended to be a variable in determining service provision; it is the standard of measurement (the assessment) that is to be altered not the content of the instruction itself. The provisions of IDEA specify that students with disabilities are entitled to receive assessment accommodations and those who cannot participate in their state's general assessment must be provided an alternate assessment. However, alternate assessments are intended only for students with the most significant disabilities.

Teacher Accountability

MAASE recommends that in addition to standardized tests of academic skills, any teacher evaluation system include the use of multiple measures of growth based on the needs of the individual student. Teacher accountability for student growth is a key to improving outcomes for all students. Growth models can provide a fair and transparent method for measuring accountability, giving schools and teachers credit for improvement over time and measuring the progress of individual students as well as groups of students. Any system that evaluates the effectiveness of special educators---or *any* educator serving students with special needs---based on student growth must take into consideration the unique needs of special learners. While standardized tests of academic skills may be one measure of student growth, they cannot be viewed as the sole measure of growth or outcomes for students with disabilities. Other growth measures that are unique to the needs of the individual child must be considered equally valid measures of teacher effectiveness. MAASE recommends that in addition to standardized tests of academic skills, any teacher evaluation system include the use of multiple measures of growth based on the needs of the individual student.

Educator Shortage Areas and Retention of Personnel

MAASE supports policy and legislation that address educator shortage areas. Multiple sources of data collected on teacher certification, hiring, recruitment/retention, and attrition/retirement shows that certain instructional areas continue to experience significant shortages of qualified personnel. This results in lesser-qualified individuals instructing and assessing students, or worse, complete vacancies or substitute teachers in classrooms where high quality instruction is needed. Continued data collection to determine the annually published shortage list is one way of improving the odds that districts will be able to find qualified professionals for these positions. As such, MAASE supports the annual publication of the educator shortage area list based on data provided by districts and through MAASE input regarding difficult-to-fill instructional and administrative positions. MAASE also recommends that any retirement reform legislation be crafted carefully in order to avoid the unintended consequence of stripping the schools of the ability to find and retain qualified individuals for these critical shortage areas.

Categorical Versus Non-categorical Programs and Services

MAASE supports the development of non-categorical models for serving students with disabilities. A student's special education eligibility category must never, in and of itself, determine the programs/services that will be provided to the student. Such decisions must be based on the individual needs of the student rather than assuming appropriateness---or inappropriateness---based on a particular category of disability. Michigan's current administrative rules for special education are highly categorical in nature and promote the sorting of students by eligibility category, a practice that does not recognize both the unique and common characteristics/needs that students may demonstrate across disability categories. Current rules also prescribe caseload limits and class size ratios based solely on eligibility categories, a practice with no basis in research and little relevance to the individual needs of students. A less-categorically driven system of programs/services promotes program and placement decisions driven by the individual and collective needs of students.

Institutes of Higher Education Non-Categorical Preparation Programs

MAASE supports the exploration of non-categorical preparation and certification for special education teachers. Michigan's current teacher preparation programs for special education are highly categorical in nature, requiring candidates to focus preparation on one particular category of disability. This denies the reality of students in our schools today who often do not fit neatly into one set of characteristics. This is particularly true in the so-called "high-incidence" areas of disability, including specific learning disabilities, speech/language impairments, cognitive impairments and many health impairments. Autism spectrum disorders are increasingly common and may also have overlap with other high-incidence disabilities. In the physical/sensory disability areas such as visual impairments, hearing impairments, and physical impairments, additional specialized preparation may be appropriate. More non-categorical preparation and certification would better prepare educators to be effective with the complex and overlapping needs of students today, particularly those with 'high incidence' disabilities.

Systems of Support

MAASE recognizes that school districts' development of comprehensive, integrated Systems of Support will optimize the provision of resources needed to improve student achievement. MAASE recommends that all special educators in Michigan be fully involved with their districts in developing system-wide efforts to enhance student achievement as described in the MDE's document, "Framework for an Effective Statewide System of Support." MAASE also recognizes that to support the achievement of all students, these education reforms at the classroom, school, central office administration and Board of Education levels must address known barriers to student learning and incorporate a substantial focus on Systems of Support into professional development activities. In addition, MAASE recommends that schools establish and maintain a comprehensive, integrated partnership with community agencies to provide students with a critical set of health and wellness resources, through, for example, family resource centers within school buildings, to improve student achievement.

School-Readiness and Early Childhood Education and Care

MAASE supports funding for a comprehensive system of preschool part- and full-day programs with a goal of universal availability. While recent legislation provided an important step toward universal availability, MAASE supports further development of a comprehensive system of early childhood education including, but not limited to, a full range of prevention, early intervention and school readiness programs; four-year old programs; birth-to-five family and child intervention programs; and home visiting. Further, MAASE supports revisions to the school code that acknowledge the State's responsibility for universal access to school readiness education (birth through age five) in conjunction with the K-12 Public Education System. MAASE recommends that additions to existing programs or new programs be accompanied by new sources of revenue that in

no way cause an erosion of the revenues that are dedicated to the basic foundation grant through the school aid fund.

Public School Academies

MAASE recommends that the process for approving public school academy (PSA) charters be revised to assure that PSAs are able to provide access to a full continuum of programs/services for students with disabilities who might be served by the PSA. Public school academies are designed to give parents a choice regarding the public schools their children will attend. Like all other public schools, PSAs are subject to the requirements of the IDEA and the Michigan Administrative Rules for Special Education (MARSE), including the requirement to provide access to a full continuum of program/service options for students with disabilities. In order to make PSAs a truly viable choice for students with disabilities and to avoid any de facto exclusion of certain students based on disability, PSAs must be held accountable for providing such a continuum. At the time of initial application for charter, PSAs should be required to fully explain how they will provide for the needs of students with any type of disability. Approval of the charter should be contingent upon the provision of convincing evidence of the ability to meet the needs of all such students. Over time, monitoring activities by both MDE and intermediate school districts should be structured to assure that the full continuum is actually available through the PSA and can be accessed on an ongoing basis. It is only through a more prescriptive approval process, responsible third-party oversight and accountability for implementation that functional inclusion of students with disabilities in PSAs can become a reality.

Cyber Schools

MAASE recommends that emerging legislation regarding cyber schools or similar non-traditional public schools, must include provisions to assure appropriate accommodations and supports for students with disabilities. The IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA) ensure that students with disabilities enrolled in public schools are guaranteed a free appropriate public education (FAPE) with the opportunity to access and make progress in the general curriculum. By extension this requirement also applies to cyber schools operated by either a traditional public school or by a public school academy. Access requires the planning and provision of appropriate supports and accommodations driven by student needs. Accountability for cyber schools must be consistent with accountability measures applied to other public schools, from child find through evaluation, placement and continuum of service. In emerging nontraditional environments such as cyber schools, supports and accommodations must be configured thoughtfully in order to assure that students with disabilities are not functionally excluded from full access and participation. Students with disabilities must have the same access to schools and programs operated by the charter or cyber schools as any student who is otherwise qualified for enrollment.

Services for 22-26 year old Students With Disabilities

MAASE supports phased-in, systematic change to improve transition to adult life at an earlier age for students with disabilities through strengthened relationships with community support agencies.

The intent of the IDEA is to provide young adults through the age of 21 special education programs/services that create successful transitions from the classroom to post-secondary environments for independent living, employment and community participation. Michigan is the only state where law mandates special education programming for students with disabilities to age 26. This law has had the unintended consequence of impeding successful transition to post-secondary environments because classroom programs/services by definition do not provide the natural community environments needed by students to learn skills for adult living. The desire is to create opportunities where schools and agencies work closely together in supporting students as

they transition from classrooms to services collaboratively provided by schools and adult service agencies. On 2/7/2011 MAASE approved a concept paper detailing strategies and rule changes to improve agency collaboration and coordination of responsibilities leading to more effective transition practices for young adults with disabilities.

Support For Positive Behavior Intervention & Supports (PBIS)

MAASE supports the use of school-wide systems of positive behavioral interventions and supports (PBIS) to maintain a productive learning environment for all. PBIS is a research-based approach to establishing a proactive, productive learning culture. It focuses on setting clear expectations, teaching appropriate pro-social behavior, intervening early when students are not learning, and using data to inform decisions about instruction and intervention. Research shows that schools that implement PBIS with fidelity have fewer behavioral issues and improved student outcomes. MAASE encourages funding for implementation of PBIS, and support for PBIS in any related policies/legislation such as those addressing student behavior, school safety, bullying prevention, discipline, suspension/expulsion, and school climate/culture.

Seclusion & Restraint

MAASE supports the careful use of state-developed emergency seclusion/restraint procedures and the development of emergency intervention plans when necessary in order to protect the health, safety and dignity of the student and to preserve the wellbeing of the learning environment for students and staff. IDEA requires school districts to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) to eligible students with disabilities, including those with significant behavior challenges. In providing FAPE, the IDEA requires IEP Teams to consider various special needs, including when the behavior of the child interferes with the learning of self or others, “the use of positive behavioral interventions and supports, and other strategies, to address that behavior” (§ 300.324 (a)(2)(i)). School personnel regularly work with students with significantly challenging and dangerous behaviors and must use knowledge of individual students’ behavioral challenges to create written plans that support and protect all students, including individual students during situations that may require the use of physical restraint or seclusion. Emergency intervention plans are written in addition to the use of positive behavior supports and are used only when a pattern of behavior that requires emergency restraint or seclusion emerges or is anticipated and is necessary.

Full Funding of the IDEA

MAASE supports full funding of the IDEA in order to meet the goals of improving educational results and outcomes for all children and youth with disabilities. 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. When the predecessor to IDEA, the Education for All Handicapped Children Act was enacted in 1975, Congress authorized the federal government to pay 40% of each state’s excess cost of educating children with disabilities. 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.

Maintenance of Effort

MAASE supports changes in MOE that ensure a free and appropriate public education (FAPE) and maintain an appropriate level of services for students with disabilities while recognizing changes in how schools fund those services. The changing nature of school funding in Michigan has resulted in a need for changes in the provisions of MOE at the state and federal level. MAASE has advocated for changes that support FAPE and maintain an appropriate level of services for students with disabilities while recognizing changes in how schools fund those services.

MAASE recommends that additional exceptions to MOE include changes in funding as a result of individual district decisions (e.g., reductions in wages and/or benefits of employees, reductions due to consolidation or privatization), state legislation requiring employees to pay portions of their health care premiums and, a change in language to recognize a new definition of effort.

State Aid Act Changes

MAASE supports the careful consideration of the impact of potential changes to Michigan's State Aid Act on the provision of programs and services to students with disabilities through the IDEA and the MARSE. As lawmakers in Michigan consider the need for changes to funding for schools in Michigan to implement the notion of "any time, any place, anywhere, any pace" schools, careful consideration must be given to the impact of these changes on students with disabilities. While the Michigan Education Finance Project report, also known as the "Oxford Foundation Report," did not directly address special education, when school funding is addressed in general there are many implications for special education both in terms of funding and responsibility for FAPE in the MARSE and the IDEA. The current funding formula relies heavily on countywide Public Act 18 millage dollars to support special education. Countywide millage levels vary significantly across ISDs, making funding, and therefore opportunities, contingent upon the ISD wherein a student resides. A more equitable funding formula at the state level should be considered so that geography does not determine or limit opportunity. MAASE recommends continued collaborative work regarding the proposed redesign as it relates to students with disabilities.

Early On® Program Funding

MAASE supports state funding for Early On® services to infants and toddlers with disabilities. Michigan receives federal funding through the IDEA Part C, known in Michigan as Early On®, to provide services to infants and toddlers with established conditions or developmental delays. Further, the MARSE requires school districts to serve infants and toddlers who meet special education eligibility criteria. Services to these children are inadequately funded. For children who are eligible under Part C only, the sole funds available to serve them are the federal funds received by each ISD. The inadequacy of these funds along with the lack of services provided by other agencies as envisioned in the IDEA has led to a system that is ineffective in providing support to children and their families. MAASE recommends that the Michigan legislature add a funding provision to the State Aid Act to address the needs of this population of children and require all appropriate agencies to participate in meeting the State's obligation under Part C.

Relationship to State Agencies Responsible for Educating Children and Youth with Disabilities

MAASE supports maintaining two-way communication and collaboration among state agencies and ISD and local special education administrators. MAASE believes that optimum results are realized for children and youth with disabilities and their families when special education administrators and the Office of Special Education and the Office of Great Start work collaboratively in all arenas, including joint development of administrative rules and guidance intended to meet compliance requirements and support student achievement.