



MISSOURI COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION

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House Bill 1536 Concerns

MO-CASE has serious concerns about House Bill 1536 and its impact on students with disabilities and schools. This bill requires students to score proficient on a standardized assessment in each content area of math, communication arts, social sciences and science after eighth grade to receive a high school academic diploma. IDEA eligible students with disabilities who have a measured IQ of 85 or less would be eligible for a "diploma of local achievement" without scoring proficient on the four content area assessments. The following are specific MO-CASE concerns with this bill.

1. Currently most IDEA students with disabilities receive a regular high school diploma and their graduation requirements are based both on meeting the goals of their IEP and meeting the credit requirements for graduation as adapted based on IEP team decisions. DESE has long standing legal guidance on this issue, see -- <http://dese.mo.gov/se/compliance/documents/GradingAwardingCreditGraduation.pdf> This guidance applies to both IDEA eligible and Section 504/ADA eligible students with disabilities. It seems possible that the provisions of this bill related to students with disabilities are in conflict with federal disability laws as outlined in the DESE guidance.

2. This bill would result in a large number of students with disabilities being denied any type of high school diploma. Students with sensory disabilities (vision and hearing) and physical disabilities (traumatic brain injury, cerebral palsy, etc.) will likely be unable to score proficient on a particular area assessment simply because of the nature of the disability. For example, a deaf student may not be able to score proficient on a communication arts assessment simply because of their oral language deficit that is caused by the deafness. Many if not most of these students will also not have IQ scores below 85 and as a result they would not even be eligible for a diploma of local achievement. To deny a student either type of diploma because of their disability is inappropriate and is likely to be considered disability-based discrimination.

3. This bill is also likely to result in parents seeking to have their children found eligible for IDEA to be able to obtain a diploma of local achievement. Currently, a large number of students with IQ scores below 85 are not special education eligible. They do not meet the specific eligibility criteria under IDEA. If these students are unable to score proficient on one or more of the content area assessments, their parents may request a special education evaluation and IDEA eligibility determination in hopes of getting the student eligible for the diploma of local achievement.

4. This bill would also create a large group of IDEA eligible students for whom districts would be responsible for providing an educational program to age 21. IDEA requires schools provide a free, appropriate public education for students with disabilities until they are graduated with a regular diploma or attain the age of 21. Students with disabilities who are unable to score proficient on the 4 content tests will be unable to receive a regular academic diploma and as a result the school will need to offer additional years of education until the student turns 21.

Overall, this bill would result in a large number of students both with and without disabilities no longer being able to obtain an academic or a local achievement diploma. MO-CASE is very concerned about the lifelong negative consequences this bill would have on students with disabilities and their families along with the potential fiscal impact on schools.