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CASE Responds To Flexibilities Report from US Department of Education
Calls on Congress to Take Action

Springfield, MO - April 28, 2020 - After seeking temporary and targeted flexibilities [in a letter](#) to the U.S. Department of Education late last month, the Council of Administrators of Special Education (CASE), the largest and most active organization of special education administrators in the country, calls on members of Congress to take swift legislative action to provide relief for schools, parents, and families across the country hit hard by the COVID-19 pandemic. While the Department did not include all of CASE's recommended flexibilities in its report to Congress, the organization believes this is a step in the right direction.

Erin Maguire, CASE President commented, "We reiterate our belief in the right to a free appropriate public education for students with disabilities and appreciate the Secretary's affirmation of this principle. CASE continues its opposition to waivers of the statute. These recommended flexibilities are a start toward supporting parents and educators to work together as members of the IEP team in the interest of children with disabilities. We must now work collaboratively with Congress to ensure a comprehensive approach to addressing the challenges."

Executive Director Phyllis Wolfram added, "The targeted and temporary flexibilities announced by the Department is a beginning - in the identification of children coming from early intervention to early childhood. This area will allow school teams and families to collaborate and focus on educating children with disabilities during these difficult times, meeting the spirit and intent of the IDEA."

CASE identifies flexibilities in three key areas in the Secretary's report. Specifically, Secretary DeVos recommended flexibilities in Section 612(a)(9) of the IDEA (20 U.S.C. § 1412(a)(9)), allowing extensions as determined by the IEP team in the transition timelines from Part C to Part B, a critical time in a child's life. Most important, services could continue in Part C under additional flexibilities recommended under Section 637(a)(9)(A)(ii)(II) of the IDEA (20 U.S.C. § 1437(a)(9)(A)(ii)(II)). However, the announcement to include flexibilities in the initial evaluation timelines is confusing. Clarification is required regarding whether this flexibility applies to all initial evaluations or just to young children transitioning from Part C to Part B.

"We hope the Secretary will also use her authority to grant flexibility for 'exceptional uncontrollable circumstances' in the areas of maintenance of effort, comprehensive coordinated early intervening services, and proportionate share," said Gary Myrah, Past President of CASE.

"These are merely initial recommendations. Now Congress must act to provide the necessary relief for parents, families, schools, and state agencies," said CASE Policy and Legislative Chair, Kevin Rubenstein, a director of special education from Illinois. "We will work together with our colleagues across the country to make sure

Congress enacts the reasonable narrow, targeted, and temporary flexibilities in IDEA recommended by CASE, so educators and families can continue to focus on providing quality services for students with disabilities.”

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About CASE

CASE, [The Council of Administrators of Special Education](#), is the largest division of the [Council for Exceptional Children](#). With close to 4800 members, it is the professional organization of choice for special education administrators across the country. CASE's mission is to provide leadership and support to members by shaping policies and practices that impact the quality of education. **Disclaimer:** The views, opinions, and information expressed in this statement by CASE may not reflect the official policies or positions of the Council for Exceptional Children (CEC). **CONTACT:** Phyllis Wolfram at (417)-496-5986