



National Association of State Directors of Special Education, Inc.

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April 25, 2014

Larry Ringer
Office of Special Education Programs
U.S. Department of Education
400 Maryland Avenue, SW
Room 4032, Potomac Center Plaza
Washington, DC 20202-2600

RE: Docket No.: ED-2013-OSERS-0150

Dear Larry:

On behalf of the National Association of State Directors of Special Education (NASDSE), the national nonprofit organization that represents the state directors of special education in the states, District of Columbia, Department of Defense Education Agency, federal territories and the Freely Associated States, I am submitting these comments in response to the above-referenced Docket Number.

As you know, NASDSE's members have been very supportive of OSEP's Results Driven Accountability (RDA) initiative because they believe that the focus of their work and that of all education personnel should be on improving outcomes for all students, including those infants, toddlers, children and youth with disabilities.

Our comments below focus first on data to consider in developing a Results Matrix and then on the specific questions raised in this RFI.

Data to Consider in Developing a Results Matrix for purposes of Determinations

(1) Since the Individuals with Disabilities Education Act (IDEA) was reauthorized in 2004, determinations made by the Office of Special Education Programs (OSEP) have focused on the compliance indicators in the State Performance Plan/Annual Performance Report (SPP/APR). Because of the importance of the APR in making determinations and the amount of effort by states to report on the Part B and C indicators, this is where the focus of the states' work has been.

- While NASDSE members are in agreement that there needs to be more focus on the results indicators, we are concerned about bringing in other criteria (excluding Indicators C-11 and B-17) for making determinations. NASDSE supports using only data gathered for the indicators of the SPP/APR for the Results Matrix.
- We are opposed to using NAEP scores because historically, students with disabilities have been excluded from NAEP and while efforts over the past few years have been made to include students with disabilities, their overall participation in NAEP is low. Therefore, we believe the use of NAEP scores would not be an accurate reflection of

how well students with disabilities are doing academically. Further, states are in the process of transitioning to the Common Core and Common Core assessments and the NAEP has not been transfigured into reflecting the new Common Core. Therefore, for at least several more years, the NAEP will not reflect what students are learning in the classroom. For these reasons, NASDSE does not recommend the use of NAEP in the Results Matrix.

- (2) Overall, NASDSE is opposed to the use of data that would rank states on the basis of their performance indicators. NASDSE believes that it is important for OSEP to evaluate each state's performance on an individual basis because states are starting at different places, which should impact the progress they make in improving outcomes.

Responses to Questions in the Request for Information

- (1) How should the Department use results data in making determinations under Part B?

NASDSE supports the use of state assessment data and graduation data. However, we oppose using post-school outcome data for the purpose of making determinations. While NASDSE believes that Indicator 14 is a useful tool for evaluating how well students are doing once they leave the IDEA 'system,' there are several flaws with the use of this measurement for making determinations. First, as comparable post-school outcome data for students without disabilities is not currently being collected by states or the U.S. Department of Education, there is no basis for comparing the data gathered under Indicator 14 with students without disabilities. Thus, if a state (or a locale) is experiencing particularly high rates of unemployment, the unemployment rate for students with disabilities might conceivably be comparable to that of young adults in the community without disabilities. Second, no matter how good the education and transition planning is for youth, there are potentially many factors that could intervene post-graduation to affect a student's post-school outcomes. To name just a few: the death of an immediate family member; serious health concerns or an accident for the young adult; drug abuse; family homelessness; and mental health issues that far too often affect young adults. Any of these issues could derail a successful transition to post-school outcomes for a young adult, whether or not the individual has a disability.

NASDSE recommends putting the emphasis for outcomes on those indicators where targets and progress can be clearly measured – graduation and dropout rates, assessments, suspensions and expulsions and LRE placements.

- (3) Are there any additional or different types of results data that the Department should/could consider using the IDEA Part B determinations process?

It is important for the Department to keep in mind the actions states are presently taking under their ESEA waivers and the ESEA statute to improve outcomes for all students, including students with disabilities. NASDSE is in agreement with comments made the Council of Chief State School Officers (CCSSO) that as OSEP moves forward with its RDA initiative, it closely aligns this work with the accountability systems developed by states under ESEA waivers or the ESEA statute.

In addition, NASDSE urges OSEP not to increase either the reporting or overall burden on states under IDEA. We welcome OSEP's increased involvement with the Office of Elementary and Secondary Education (OESE) in its monitoring and hope that OSEP recognizes that state special education personnel are also more involved in the ESEA

outcomes and accountability work being undertaken by states. NASDSE believes that this work should be aligned to the maximum extent possible.

Again, NASDSE thanks you for this opportunity to provide input. If you have any questions, please do not hesitate to contact me at bill.east@nasdse.org or NASDSE's deputy executive director, Nancy Reder, at nancy.reder@nasdse.org.

Sincerely,

A handwritten signature in black ink that reads "Theron (Bill) East, Jr." in a cursive script.

Theron (Bill) East, Jr., Ed.D.
Executive Director