

Collaboration to Promote Self Determination

Advancing Economic Opportunities for Citizens with Significant Disabilities

May 7, 2012

Arne Duncan
U.S. Secretary of Education
Lyndon Baines Johnson (LBJ) U.S. Department of Education Building
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Duncan:

The Collaboration to Promote Self-Determination (CPSD) is an advocacy network of national disability organizations committed to empowering citizens living with complex disabilities and significant support needs to live, work, and be a part of our communities. Through the pursuit of high-impact, innovative public policy reform, CPSD advocates for full inclusive education practices that benefit all students. We are dedicated to ensuring that students who take the Alternate Assessment on Alternate Academic Achievement Standards (AA-AAS), are included in state college preparation and career-readiness standards. Additionally, CPSD strongly believes that public policies should promote students with special needs as part of the general education population and not as a segregated subpopulation. **We respectfully request a meeting with you and your senior staff within the Office of Elementary & Secondary Education (OESE) to discuss our concerns about the implementation of the first eleven ESEA flexibility waivers approved by the U.S. Department of Education and to present our proposed recommendations for addressing these concerns.**

Overwhelming evidence demonstrates that schools in which students with special needs are fully engaged in the general educational setting and have access to the general education curriculum result in higher academic performance for both students with disabilities as well as their non-disabled peers. As researchers Hunt and Farron-Davis found in their scholarly work, "A Preliminary Investigation of IEP Quality and Content Associated with Placement in General Education Versus Special Education" (1992), studies investigating the effects of placement in general education classrooms reveal positive outcomes in the areas of IEP quality, time of engagement, and individualized supports. Significant increases in IEP quality on measures of age-appropriateness, functionality, and generalization were found when students moved into general education classes from special education settings even though the special educator remained the same. CPSD believes that this cycle must be reversed and that special education should be considered a service, not a place. We believe your leadership is critical to ensuring that these principles be incorporated in the national dialogue on education reform and in the reauthorization of the Elementary and Secondary Education Act (ESEA). Additionally, it is critical to ensure that students with the most significant cognitive disabilities are incorporated into the career preparation and college readiness plans of state education agencies (SEAs) and in their ESEA flexibility waivers.

CPSD met with senior policy staff from OESE on February 6, 2012, to articulate our core concerns related to the ESEA flexibility waiver request process in the following eight areas:

- **Ensuring meaningful engagement of public stakeholders and soliciting stakeholder input**
- **Defining subgroup disaggregation**
- **Collecting trend data on subgroups**
- **Transitioning to Common Core Standards**
- **Developing High Quality Assessments**
- **Establishing an Adequate Growth Measurement for Students taking the AA-AAS**
- **Implementing a Transition Plan for Students Currently Taking an Alternate Assessment on Modified Academic Achievement Standards (AA-MAS)**
- **Adequately addressing the Achievement Gap.**

Since this initial meeting, we have provided additional recommendations related to the monitoring and evaluation of state requests that are approved. We have also had an opportunity to review the first eleven state ESEA flexibility waiver requests, and we are increasingly concerned about the impact that such flexibility will have on students with the most significant cognitive disabilities. Specifically, we have primary concerns that we would like to meet with you to discuss in further detail:

Transitioning Students taking the AA-AAS into State College & Career-Ready Standards States with approved ESEA Flexibility Requests should have a clear plan for transitioning students with the most significant cognitive disabilities taking the AA-AAS into the State's college and career-ready standards. CPSD acknowledges that many of these states are members of the multi-state GSEG consortium that is focused on the development of an effective AA-AAS, including determining how student data gathered by states can be used to improve student assessment and instruction for students with disabilities; identifying any consequences of various assessment options for students with disabilities; and anticipating any changes that need to be made to the instruction and assessments of students who may qualify for an AA-AAS to ensure that high expectations for learning are emphasized). However, this work will not be completed for some time, and CPSD firmly believes States should be developing interim plans within their waiver requests to ensure that students qualifying for an alternate assessment are not left out of the transition to State college and career-ready standards.

Utilizing AA-AAS Data in Accountability Measures related to Growth: Scores from the AA-AAS must be part of growth calculations for accountability and teacher evaluations.

Teacher Preparation and Evaluation related to Students with AA-AAS: General education teachers must be prepared and evaluated on teaching students taking the AA-AAS in general education classes and special educators in self-contained classes must be prepared and evaluated on teaching these students to the common core standards. These points were often brought up by peer reviewers during initial review of the State flexibility requests and should have been addressed in the final submission.

Overall Process-Oriented Concerns about the State Flexibility Request Review Process: The transparency and adequacy of the process established to review the State ESEA flexibility waiver should be improved. CPSD would like to have a clear understanding as to whether peer reviewers were given the opportunity to re-examine the resubmitted State requests to determine if their concerns were addressed and whether States are being required to address the concerns of the peer reviewers.

Monitoring of States in Terms of Addressing Gaps in Flexibility Requests: States that are still working on important aspects of the plans described in their ESEA Flexibility Requests (especially with respect to determining growth for the AA-AAS) should not receive approval for any waivers at this time. CPSD would like to understand why states are being approved that are not yet able to fully include all their students in every aspect of the accountability and teacher evaluation system. Additionally, CPSD would like to understand what support the U.S. Department of Education is offering to states that continue to be challenged with this important issue. CPSD recommends that state flexibility requests should not be approved unless the requests include an effective method for including students taking the AA-AAS in growth measurements based on the common core standards (as opposed to IEP goals or any other teacher selected goals).

We hope that you will consider a meeting with the CPSD and its partners, as we are the only national network focused on specific issues that affect students who typically take an AA-AAS. Thank you in advance for your consideration of our request.

Sincerely,

Barb Trader
Executive Director, TASH
CPSD Education Working Group Co-Chair

Madeleine Will
Vice President, NDSS Policy Center
CPSD Founder & Education Co-Chair

NAME OF SIGNING ORGANIZATIONS

Center for Self-Determination
Jay Nolan Community Services
National Down Syndrome Congress
National Down Syndrome Society
National Fragile X Foundation
National Organization of Nurses with Disabilities
TASH

cc: Michael Yudin, Acting Assistant Secretary, Office on Elementary & Secondary Education
Scott Sargrad, Policy Advisor, OPEPD
Lexi Barrett, Special Assistant for Policy
Laura Jimenez, Special Assistant for Policy