



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 20, 2020

Director of the Strategic Collections and Clearance
Governance and Strategy Division
U.S. Department of Education
400 Maryland Ave. SW, LBJ, Room 6W-208D
Washington, DC 20202-4537

RE: ED-2020-SCC-0030 and ED-2020-SCC-0028

Dear Director,

The Consortium for Citizens with Disabilities (CCD) Education Task Force is providing comments on the proposed changes to the Department of Education's (ED) Office of Special Education and Rehabilitative Services (OSERS) information collection on Proposed Revisions to the Individuals with Disabilities Education Act (IDEA) Part B and Part C State Performance Plans (SPP) and Annual Performance Report (APR).

CCD has partnered with OSERS in the development and implementation of Results Driven Accountability (RDA) since its launch in 2012 and has provided regular input to proposed refinements to the SPP/APR. CCD last commented in December 2018 as part of OSERS RethinkRDA initiative where we urged OSERS to: "design a system, consistent with IDEA and the intent of Congress as well as [provide for] optimal alignment with ESSA, that assures state accountability for the achievement and outcomes of students with disabilities" (See: Letter to Collett, 2018).

Given that ED has not offered any flexibility and comments to the current notice have come due in the midst of a national pandemic, CCD offers top level comments with a goal to provide more robust comments during a 30-day comment period later this year. We offer the following recommendations:

I. Connect the Proposed Changes to the SPP/APR Directly to Annual Determinations for Part B and Part C

CCD is concerned that OSERS has proposed changes to the SPP/APR without providing any information about how the changes will relate to RDA or specifically to how these changes and proposed indicators will impact the Annual State Determinations that are made by the Office of Special Education Programs as required by IDEA. This piece-meal approach makes it hard to know what the impact of the proposed changes will be. This approach is confusing for the public and key stakeholders such as educators, parents and advocates who share OSERS goal of developing a system that will result in the "improvement of early childhood and educational

outcomes and raise expectations for children and youth with disabilities, and their families.” In order to achieve this, OSERS must be more iterative and transparent in this process to ensure cohesiveness in the weighting of indicators and determining compliance under both Parts B and C of IDEA.

II. Assure IDEA-Measured Metrics Align with Other Education Laws

In our review of the proposal, it is clear that several of the proposed changes to key indicators (e.g. graduation, drop-out and assessment) do not align with the data requirements used for accountability under the Every Student Succeeds Act (ESSA). CCD has long-advocated that having comparative data on students with disabilities and their general education peers, especially as it relates to IDEA and ESSA, is imperative to assuring transparency and accountability for student outcomes. Key stakeholders such as parents, educators, researchers and policy makers need data that shines a light on performance, underperformance and everything in between. We urge OSERS to make changes to the SPP/APR that will assure IDEA-measured metrics align with ESSA and other education laws as applicable.

III. Consider the Financial and Administrative Burden

Given the timing of the proposed changes, CCD urges OSERS to consider the financial and administrative burden on states in making changes to the SPP/APR for both Parts B and C of the IDEA. Notwithstanding our concerns about the changes being made without the context of the overarching RDA matrix and impact on state determinations, we know that states, school districts and early intervention programs are facing unprecedented challenges during the pandemic. CCD hopes OSERS will help states maintain their focus on supporting school districts and local early intervention programs in implementing IDEA under both Parts B and C so that all children continue to have access to early intervention and education during the crisis.

CCD is committed to helping OSERS implement and oversee a system that reflects the intent of Congress which said:

The new focus on substantive performance indicators under section 616 contrasts with previous statutory obligations to collect data that primarily addressed demographic issues. The purpose of these provisions is to shift the Federal monitoring and enforcement activities away from SEA and LEA administrative process issues that have historically driven compliance monitoring, to a system that primarily focuses on substantive performance of students with disabilities.”ⁱ

Thank you for this opportunity to comment.

Sincerely,

Education Task Force Co-Chairs:

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Kim Musheno, Autism Society of America
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The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Education Task Force monitors federal legislation and regulations that address the educational needs of children with disabilities and their families, including the Individuals with Disabilities Education Act (IDEA) programs.

ⁱ Senate report to accompany S. 1248 <https://www.gpo.gov/fdsys/pkg/CRPT-108srpt185/html/CRPT-108srpt185.htm>