



February 7, 2020

Frank T. Brogan,
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW,
Washington, DC 20202

Re: Docket No. ED-2019-OESE-0147 CFDA Number: 84.368A

Dear Assistant Secretary Brogan,

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 Taskforce of CCD works to ensure that students with disabilities have every opportunity to succeed in school and beyond. We appreciate the opportunity to weigh in on Docket No. ED-2019-OESE-0147 CFDA Number: 84.368A regarding proposed priorities under the Competitive Grants for State Assessments (CGSA) program. CCD opposes the U.S. Department of Education (ED) prioritizing states that are participating in the Innovative Assessment Demonstration Authority (IADA) pilot program or states that plan to participate in the pilot program, particularly in light of how little information we have about the IADA pilot program's impact on required student groups under the Every Student Succeeds Act (ESSA) (Sec. 1111), which includes students with disabilities and other marginalized groups.

The IADA pilot offers a significant opportunity for innovation. However, as current applications from the four approved states demonstrate, the pilot on its own cannot ensure equity. So far, the approved plans do not clearly articulate how these assessments will assist in closing achievement gaps or better measure learning for different populations including students with disabilities, English-learners, low-income students and students of color. In even a cursory review of the IADA approved applications, one can see a wide discrepancy in the specificity of plans in addressing the needs of students with disabilities. While it's difficult to discern differences in the quality of implementation by simply reading a plan, the degree of thought given to serving the needs of marginalized groups matters. ED must require applications for both the IADA and the CGSA grant programs to be more explicit in how the state assessments will advance equity for different subgroups of students.

Furthermore, the pilot programs in these states are still being evaluated to determine reliability, validity and comparability. In a recent report by Education Reform Now,¹ the authors highlight some concerns with New Hampshire's pilot program including that: (1) the assessments differ from grade-to-grade which could hinder the reliable measurement of student growth and progress; (2) the "Common tasks" vary across districts which makes inter-district comparisons difficult; and (3) the current pilot districts don't reflect racial/ethnic demographics of the state, further limiting comparability efforts and raising questions about whether the pilot is valid with regard to students from historically disadvantaged groups. Rather than prioritizing applications from states already receiving IADA grants or those that are looking to implement an IADA pilot program, ED CGSA grants should be prioritized based on how well the applications outline how the assessment systems will better serve historically disadvantaged groups. Many states still struggle with providing high quality assessments that are equitable and accessible to all students. We know that the majority of students with disabilities can achieve grade-level standards if given the right supports. However, students with disabilities are still one of the lowest performing subgroups of students on state assessments. Instead of funneling already scarce federal education funding to a limited number of yet-to-be-proven pilot programs, ED should provide funds to assist states needing the most support to improve their assessment systems.

In particular, this could be through prioritizing criteria that show the state's commitment to accessibility and equity for students with disabilities and other historically disadvantaged groups such as:

- How the funds will be used to make assessments more accessible to all students by incorporating the principles of universal design for learning.
- How the funds will be used to provide culturally responsive assessments for English learners, who must be assessed in a valid and reliable manner and provided appropriate accommodations on the assessments.
- How the funds will be used to improve the alternate assessments aligned with challenging State academic standards and alternate academic achievement standards for students with the most significant cognitive disabilities.

Finally, the proposed prioritization of states participating or planning to participate in the IADA pilot program goes against the intent of the law under ESSA. If Congress intended for states receiving IADA pilot program grants to be prioritized under the CGSA grant program, that would have been explicitly stated in the law. The law is currently structured to have two different grant programs — one to promote innovation and another to improve current state assessment systems. Using the CGSA grant program as an extension of the IADA grant program distorts the intent of Congress.

As a coalition that works on behalf of students with disabilities, we believe these recommendations are critical to ensuring that individuals with disabilities and other historically marginalized groups have access to high-quality, reliable and valid assessments that accurately measure their achievement level. We would be happy to speak further or answer questions about our recommendations.

¹ Barone, C. & Munyan-Penney, N. (2020). Innovative Assessment Pilot: New Hampshire's Performance Assessment for Competency Education. Education Reform Now. Available at: <http://edreformnow.org/wp-content/uploads/2020/01/New-Hampshire-Innovative-Assessment-Pilot-1.pdf>

Sincerely,

American Physical Therapy Association
American Speech-Language-Hearing Association
Children and Adults with Attention-Deficit/Hyperactivity Disorder
Council for Learning Disabilities
Council of Parent Attorneys and Advocates
Easterseals
National Association of Councils on Developmental Disabilities
National Association of School Psychologists
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Congress
The Advocacy Institute
The Arc of the United States

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