



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 24, 2014

Tomakie Washington
Acting Director
Information Collection Clearance Division
Privacy, Information and Records Management Services
Office of Management
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Docket No. ED-2013-ICCD-0047

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR)

Dear Tomakie Washington,

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Education Task Force appreciates this opportunity to comment on proposed revisions to the State Performance Plan (SPP) and the Annual Performance Report (APR) for the Part B program.

Our members have been carefully following the Office of Special Education Program's (OSEP) Results Driven Accountability (RDA) initiative and while we believe that there are still numerous components of the initiative to be finalized, we are encouraged that the proposed changes to the SPP/APR and their focus on outcomes for children and youth with disabilities are consistent with the RDA approach that focuses on both compliance and outcomes. Overall, we believe that the proposed changes reflect a better balance between these two components of IDEA implementation.

In general, we find the proposed changes to be carefully thought through and responsive to ongoing input that CCD members have provided to OSEP over the last few years regarding OSEP's monitoring of states' compliance with the law, how determinations of state compliance are made, and directing a more targeted focus on outcomes for children and youth with disabilities. Our specific comments follow.

General Comments

- CCD supports the proposal to combine the SPP and APR into one document since it will result in a significant reduction of paperwork burden on states. Additionally, merging these two documents into one will make public reporting much more transparent and accessible.
- We believe that the goal of submission of the SPP/APR through an online system that connects with other U.S. Department of Education (ED) data and provides pre-populated data will also save time and resources. We support this goal and hope that its implementation will be accomplished as expeditiously as possible.

- CCD supports the proposal to drop Indicator 15, dealing with correction of noncompliance and drop Indicator 20, dealing with the timely submission of data. This proposed change is intended to reduce duplicative data submission. As the supporting statement of justification indicates, these activities can be measured in other ways so no monitoring would be compromised.
- CCD finds the State Systemic Improvement Plan (SSIP) to be valuable and consistent with other initiatives. We support the expansion of evidence-based practices to improve student outcomes and we recognize the need for states to create their SSIP. We urge OSEP to provide additional funds so that states may be able to implement the SSIP in a meaningful way and make valuable use of the data being collected.

Specific Comments

Proposal: Under Part B, Indicator 17 (State Systemic Improvement Plan), Phase I: Analysis, Data Analysis, States must describe how they identified and analyzed key data. “The description must include information about how the data were disaggregated by multiple variables (e.g., LEA, region, race/ethnicity, disability category, placement, etc.).”

Comment: Add gender as a category by which data may be disaggregated so that states get a more complete picture of student impact by all demographics and categories.

Proposal: Under Part B, Indicator 17 (State Systemic Improvement Plan), Phase I: Analysis, State-identified Measureable Result(s) for Children with Disabilities. “State-identified result(s) may, but need not, be an SPP/APR indicator or a component of an SPP/APR indicator.”

Comment: While CCD recognizes that states need flexibility so that they can focus on specific areas that are their biggest concerns and invest their resources to make progress there, we want to reinforce the need for measureable outcomes for children and rigorous evaluation of any SSIP that is linked to these state initiatives. States should be able to fully invest in improving a particular problem area, but must not forget that the SPP/APR and SSIP are meant to improve outcomes for *all* students receiving services under IDEA. All data should lead to interventions that create better outcomes for *all* children. Therefore, while we don’t oppose giving states flexibility to align their state-identified measureable outcomes for children with other state initiatives, we request that the states also be required to align their state-identified measureable outcomes for children with the indicators. The SPP/APR indicators represent the most critical and salient student-level measures relating to the performance of students with disabilities. Additionally, since these indicators have been in place for several years, States’ ability to accurately collect and report data is mature. Therefore, the state-identified measureable outcomes for children should be aligned with the indicator and, if the state is choosing an outcome that is not an indicator, the state should make clear how it will scale up their evidence-based interventions to improve outcomes on a large scale for all students in the future.

Proposal: Proposed Indicator 17 (the SSIP) requires states to “include information about stakeholder involvement in all three phases.”

Comment: CCD agrees that stakeholder involvement is necessary at all phases of the SSIP, from Analysis through Implementation and Evaluation. We urge OSEP to require legitimate stakeholder input in the process. In order to allow for meaningful participation of all stakeholders, states should be encouraged to hold public presentations and multiple meetings with stakeholder where states offer information in an accessible manner. States should seek input from stakeholders at all levels, including parents and advocates.

Responses to Questions

OSEP has also posed seven questions regarding the SSIP. We address some of them below.

Question 5: What, if any, types of resources, including support from OSEP-funded TA providers, would you need to help develop the proposed SSIP?

CCD urges OSEP to proactively use this year's determinations to anticipate where states need technical assistance and develop intentional and targeted plans to provide it rather than waiting for states to self-identify or indicate a need. Failure to act quickly to provide TA can result in state teams lacking the necessary skills to provide support to districts and schools, which ultimately means the students lose.

Question 6: What would be the benefit of having peers review the SSIP as part of the OSEP determination process?

The benefit of involving peers is that it will make the process more transparent. Peer review can bring more objectivity to the process of creating, implementing, and evaluating the SSIP. Peers can provide states with new perspectives and can raise critical questions that states may overlook or not be comfortable addressing throughout the process. Peers serve an important role and should be involved in reviewing the SSIP. In addition, parents, advocates, and other stakeholders can serve as valuable resources in the SSIP process and can be considered during SSIP review in the determination process.

Question 7: What criteria would you recommend that OSEP use to evaluate the proposed SSIP?

CCD recommends the criteria ultimately must focus on how students are faring. Students with disabilities continue to lag far behind their peers in all of the key academic outcomes that lead to college, career training and/or meaningful work. In some states, the number of students with disabilities who graduate with a regular diploma is as low as 23 percent.¹ As many as 19 percent of students with learning disabilities drop out of school – one of the highest rates among all disability categories.² OSEP must hold states accountable for improving their trajectory. CCD believes OSEP's original RDA goals can provide both the vision and important guidance to states so students can make measurable gains. States should be making measurable strides in all outcome measures on which they are collecting data. OSEP should evaluate the proposed SSIP by whether or not the plan attempts to: (1) close the biggest achievement gaps for students with disabilities; (2) bring the outcomes of students with disabilities in that state closer to the national averages; and (3) bring the outcomes of students with disabilities closer to those of their non-disabled peers.

We appreciate the opportunity to provide comments on these proposed changes. Please contact us with any questions.

Sincerely,

ACCSSES
American Speech-Language-Hearing Association
Association of University Centers on Disabilities
Brain Injury Association of America
Easter Seals

¹ Cortiella, Candace. *Diplomas at Risk: A Critical Look at the Graduation Rate of Students with Learning Disabilities*. New York: National Center for Learning Disabilities, 2013.

² Cortiella, Candace and Horowitz, Sheldon H. *The State of Learning Disabilities: Facts, Trends and Emerging Issues*. New York: National Center for Learning Disabilities, 2014.

National Center for Learning Disabilities
National Association of School Psychologists
National Alliance on Mental Illness
The Advocacy Institute

The Consortium for Citizens with Disabilities is a coalition national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. For additional information, please contact:

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