



National Association of State Directors of Special Education, Inc.

225 Reinekers Lane, Suite 420, Alexandria, VA 22314

Tel: 703/519-3800 Fax: 703/519-3808 www.nasdse.org

October 1, 2013

Monique M. Chism
U.S. Department of Education
400 Maryland Avenue SW
Room 3W224
Washington, DC 20202

RE: Docket ID ED-2012-OESE-0018

Dear Ms. Chism:

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 proposed regulatory change published in the Federal Register on August 23, 2013 regarding the elimination of the so-called '2 percent' regulation. This regulation would amend the Elementary and Secondary Education Act (ESEA) regulations that permitted states to develop an alternate assessment based on modified academic achievement standards (AA-MAS). The regulations as proposed would phase out the use of this type of assessment.

NASDSE supports the decision of the Department of Education (ED) to phase out this type of assessment. As our comments on the current regulation when it was first proposed indicate, we felt that the regulation was vague, confusing and did not accurately or adequately describe the kinds of students for which it was intended. ED provided little guidance to states as to how these assessments should be developed and did not approve many of the assessments that were proposed, which only served to add to the confusion surrounding the use of the so-called '2% assessment.'

As a proponent of universal design for learning (UDL), NASDSE has long hoped that new assessment technologies would lead to improved assessments that would be more accessible to students with disabilities, giving them an opportunity to 'show what they know.' We applaud the fact that one of the Common Core consortia, Smarter Balance, is specifically designing a computer-adaptive assessment. This approach has the promise of addressing some of the original concerns of educators who had expressed concerns about students with disabilities being able to access the regular assessments required by the No Child Left Behind Act (NCLB).

NASDSE – and every single one of our members – is firmly committed to having high expectations for all children. This means that students with disabilities must have access to the general education curriculum. While the proposed regulation does not specifically address access to the curriculum, it is fundamental for students with disabilities to be successful on regular assessments.

NASDSE appreciates that ED has included a phase-out period for those states currently using the AA-MAS. We encourage ED to work with the small number of states that currently use an AA-MAS to provide technical support and assistance if needed, recognizing that state education agencies might potentially be affected by future government disruptions in the next several months in addition to disruptions that ED might also experience.

NASDSE thanks you for publishing this regulation and we offer our services to ED if there is anything we can do to help states with its implementation.

Sincerely,

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

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



National Association of State Directors of Special Education, Inc.

225 Reinekers Lane, Suite 420, Alexandria, VA 22314

Tel: 703/519-3800 Fax: 703/519-3808 www.nasdse.org

October 5, 2013

Jim Shelton
Acting Deputy Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Shelton:

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 on the Department of Education's proposed Strategic Plan for Fiscal Years 2014-18.

The Department of Education (ED) has put forth an extremely broad and laudatory plan for improving our nation's education from pre-K through higher education. It would be difficult to fault any of the proposed strategic objectives. There are just a few key points that I would like to make:

1. The important role of parents and families play in achieving success with each and every one of the strategic objectives should be acknowledged and included in each of the strategic objectives rather than just mentioned sporadically in the document. Perhaps the plan should include a statement up front acknowledging ALL of the critical partners that ED will have to work with to make this plan successful, not only parents, but state education agencies, local education agencies, schools, educators, including related services providers, and institutions of higher education. ED cannot be successful on its own with implementation of the plan.
2. While the scope and breadth of the strategic plan is admirable, there is no sense of priorities. While ED staff may firmly believe that it can tackle each and every one of these issues in tandem, given the extreme cutbacks in personnel at the state and local levels, it is not realistic to think that all state and local education agencies can address all of these, albeit important, issues at once. NASDSE therefore recommends that ED prioritize its strategic objectives in a meaningful way.
3. NASDSE regrets that this very broad strategic plan fails to address the need for coordination of federal and state programs. For example, references to the collection and use of data are made throughout the plan. However, there is no strategy for coordination and dissemination of the data. While Strategic Objective 6.4 addresses 'the alignment of priorities and goals at every level,' it focuses primarily on internal ED coordination and does not describe how this coordination might translate into work at the state and local levels. For our members, the streamlining of programs, policies and data are critical. For example, under ESEA, states submit a comprehensive plan on an

annual basis. States also submit a comprehensive annual performance report under IDEA. There is no requirement that these two plans reference each other or are done in conjunction with each other. In fact, law and regulations, including the timing of the reports, work against this. The Secretary has no authority under IDEA to grant waivers with regard to the state performance plan and annual performance reports. However, the Secretary can exercise his waiver authority under ESEA to address better coordination of these two key documents that summarize how states and their local school districts are working to improve outcomes for all students, including those with disabilities or who may be ELL students (or indeed both).

NASDSE has worked closely with the Title I state directors over the past few years to present strategies and recommendations to ED staff regarding better coordination of these two key programs. We urge ED to add language to this strategic objective that addresses reduction in the duplication of effort and reduction in unnecessary or duplicative data collection as a key component of the strategic plan.

NASDSE appreciates the opportunity to provide this feedback on the proposed Strategic Plan. If you have any questions regarding our comments, please feel free to contact me at bill.east@nasdse.org or Nancy Reder, NASDSE's deputy executive director at nancy.reder@nasdse.org.

We look forward to working with ED to implement the plan and to work together to improve outcomes for all of our nation's children.

Sincerely,

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

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