



NASDSE's Guiding Principles for IDEA Reauthorization

Background Information

The National Association of State Directors of Special Education (NASDSE) is the national organization that represents the directors of special education in the states, Department of Defense Education Agency, federal territories and the Freely Associated States. NASDSE's mission is to work with state education agencies (SEAs) to ensure that all children and youth with disabilities receive the educational supports and services they need from birth to be prepared for post-school education, career and independent living choices.

NASDSE accomplishes its mission by establishing and maintaining relationships with those individuals and groups responsible for the development of policies, educational and other programs serving individuals with disabilities, and those responsible for implementation at the school, local district, state and national levels. NASDSE promotes leadership development through collaborative relationship building with these stakeholders based on its Leading by Convening initiative and strategies.

Structure of this Document

NASDSE is pleased to offer the following seven guiding principles for the reauthorization of the Individuals with Disabilities Act (IDEA), the federal law that guarantees a free appropriate public education to infants, toddlers, children and youth from birth through age 21. The principles lay out a vision of a unified education system that is able to meet the specific needs of all children and youth with disabilities. For each guiding principle there is a set of foundational beliefs that further define and support the Principles, and a set of recommendations to be considered during the reauthorization of IDEA. Recommendations include areas that NASDSE supports maintaining, strengthening or changing during reauthorization. These principles, foundational beliefs and recommendations were carefully crafted through a consultative process with the state directors of special education, the 619 coordinators and the Part B data managers.

NASDSE reaffirms our support for a free appropriate public education for students with disabilities and for ensuring that language supporting a continuum of placements is maintained in the law. In addition, NASDSE will not support efforts to adopt piecemeal amendments to the law and opposes efforts that technically 'amend the law' through guidance documents from the U.S. Department of Education (USDOE) that set forth new requirements to be followed by state and local education agencies.

Guiding Principle I

Public education should be a unified system designed to increase positive student outcomes through appropriate, grade-level instruction based on a continuum of school-wide, evidence-based practices that are matched to each student's individual academic and behavioral needs. The goal is to ensure equity of opportunity, self-sufficiency and independent living.

Foundational Beliefs

1. Students with disabilities are general education students first. They are entitled to a free appropriate public education.
2. Students with disabilities should have access to a continuum of services based upon their individual needs.
3. Eliminating the achievement gap of students with disabilities in general education is a priority that will be accomplished by ensuring students with disabilities have access to the general education curriculum and specialized instruction (informed by ongoing assessments), each aligned with evidence-based educational practices selected to address the student's individual needs.
4. Special education services are an integral part of general education and are not a replacement for general education or a location.
5. Specially designed instruction using the principles of Universal Design for Learning (UDL) is based on a student's individual needs and abilities and is focused on promoting access and progress in the grade-level curriculum standards.
6. A multi-tiered system of supports (MTSS) is the foundational framework for providing effective instruction and behavior supports for all students, starting with universal general education (academic and social/behavioral) and including additional supports for struggling students.
7. Students with disabilities must have appropriate supports and equitable access to instruction and accommodations to fully participate in all learning environments, including online learning options, elective courses and afterschool activities.
8. Curriculum and instruction must reflect the diverse needs of students with disabilities and include academic, cultural, socio-emotional, work readiness, transition services and independent living skills.
9. Parents are a vital part of the educational process for all students and must be actively engaged as partners in designing and supporting a plan for their child's educational success.

Recommendations

1. State Performance Plans developed under IDEA should align with consolidated state plans required under ESSA. States should have the opportunity to develop one comprehensive plan, which may include Title I and the State Performance Plan improvement strategies.
2. The IDEA should clarify that MTSS as described in ESSA is a school-wide improvement framework to be used to support all students.

3. The Individualized Educational Program (IEP) team must determine placement in the least restrictive environment (LRE) after considering a full continuum of placements and with the understanding that the LRE must be considered in the context of the individual child's needs.

Guiding Principle II

Every student should be taught and supported by high quality and effective educational personnel including teachers, leaders, paraprofessionals and specialized instructional support personnel. All of these professionals, aided and supported by parents, play a unique role in the education of all students.

Foundational Beliefs

1. All school leaders must promote professional learning to support the implementation of effective instructional content and practices with all students.
2. All educators (including those in preservice) must receive training to develop expertise in effective instructional practices designed to support the instruction of diverse learners. These effective school instructional practices include the following:
 - a. Universal Design for Learning (UDL);
 - b. instructional decision-making within an MTSS framework, including social-emotional learning, positive behavioral interventions and supports and response to instruction and intervention;
 - c. the use of data to inform instruction, monitor progress and guide interventions;
 - d. evidence-based reading and mathematics instruction (including practices for students with dyslexia and dyscalculia and other symptoms of disabilities) and knowledge of, and strategies for, English language learners;
 - e. the use of educational technology (e.g., digital literacy), assistive technology and accessible instructional materials; and
 - f. cultural and linguistic responsiveness.
3. Paraprofessionals should have access to ongoing training and supports to ensure understanding, awareness and use of effective instructional practices under the supervision of an educator.
4. Parents should have access to, and use of, information regarding IDEA requirements to ensure that a comprehensive IEP addresses individual student needs and promotes positive post-secondary outcomes.
5. Teacher preparation programs should have a stronger emphasis on identifying and understanding the needs of children and youth with disabilities.
6. Parental input is highly valued and is critical to ensuring that the needs of each child are met.

Recommendations

1. Effective school instructional practices are the responsibility of all educators. IDEA should acknowledge the shared responsibility of training all educational personnel

- (including specialized instructional support personnel) to support the instruction of diverse learners in the areas described above (Foundational Belief II). Any IDEA personnel preparation grants should prioritize programs that include training that prepares all educators to work with students with disabilities.
2. In order to advise and assist parents, parent training centers should receive adequate funding and continue to support parent training.
 3. Trained and knowledgeable advocates provide a valuable service to parents and students with disabilities and should meet state-defined criteria to be considered an advocate.
 4. All members of the IEP team should have advance notice of others invited by either the school or the parents to attend.

Guiding Principle III

All children and youth should have access to, and training on, appropriate assistive and educational technology and accessible educational materials.

Foundational Beliefs

1. Accessible educational materials are available at the same time to all students and are not limited to students with print or vision disabilities.

Recommendations

1. The scope of the National Instructional Materials Access Center (NIMAC) should be expanded to ensure that all students who need accessible materials, including those needed to facilitate communication and literacy, can access them from the Center or other sources.
2. State and local education agencies should ensure that all educational content, whether developed in-house or purchased from outside vendors, incorporates the principles of UDL and is compatible with existing technology.
3. State and local education agencies should ensure that students with disabilities have access to the same appropriate accommodations in both their instruction as well as federally required state-wide and LEA-wide assessments.

Guiding Principle IV

Early identification, intervention and preschool services are critical for meeting the needs of infants, toddlers and young children with disabilities to improve their outcomes as they progress through the K-12 educational system.

Foundational Beliefs

1. Clearly articulated and family-friendly protocols must be used for transitions between IDEA Part C, Section 619 and Part B.

2. Effective services to pre-K students are delivered in the most appropriate setting for each child and are not driven by a one-size-fits-all standard.
3. Preschool options are available to all families.
4. Parents are engaged early and often to assist in educational planning.

Recommendations

1. The least restrictive environment for preschool-aged children with disabilities should be individualized to meet the needs of each child.
2. Part C of IDEA should be permanently authorized and adequately funded.

Guiding Principle V

Educational leaders should promote a positive school climate.

Foundational Beliefs

1. All school personnel are trained to use an array of positive interventions and supports.
2. Positive Behavior Intervention and Supports (PBIS) or similar-focused frameworks are implemented with fidelity in all schools to proactively increase appropriate student behavior and decrease inappropriate behavior in order to limit the use of suspensions and expulsions that reduce access to instructional time.
3. The use of seclusion and restraints are limited only to emergency or safety situations where there is a danger to self or others. Seclusion and restraint are not substitutes for appropriate proactive discipline interventions.
4. Students and educators are free from bullying of all types.
5. Mental health services, whether school-based or community-based, should be accessible for all students who need them.
6. Authentic parent engagement designed to identify and resolve concerns is essential for a positive school climate.

Recommendations

1. Every state should have a policy in place limiting the use of seclusion and restraint for all students.
2. Facilitated IEPs should be an option in dispute resolution. States may add additional options that may be appropriate for their states.
3. The IDEA provides positive incentives for state and local education agencies to develop and implement alternative dispute resolution systems to more efficiently protect student rights.
4. IDEA should include strengthened language regarding alternate dispute resolution options that encourages the resolution of disputes at the lowest level possible.

Guiding Principle VI

Authentic stakeholder engagement is critical in every aspect of the education system from policy development to local implementation.

Foundational Beliefs

1. Stakeholders, including, but not limited to the state advisory panel, are included in the development of educational policies and practices.
2. Authentic stakeholder engagement means more than public comment. Those who will be involved in the implementation of policies and practices and those who will be impacted by the policies and practices must be involved in identifying solutions.
3. Parents should be actively engaged and supported by school personnel.
4. The USDOE should serve as a model for authentic engagement and recognize states as collaborative partners in the pursuit of positive outcomes for students with disabilities.

Recommendations

1. The USDOE should be required to use negotiated rulemaking for all IDEA regulations. Any guidance issued by the USDOE should be developed with stakeholder engagement prior to release.
2. The USDOE, in addition to state and local education agencies, should consider the use of strategies such as Leading by Convening for authentic stakeholder engagement during improvement planning and rulemaking.

Guiding Principle VII

Education and other agencies at all levels of government should be explicit with respect to interagency coordination and responsibility for the provision of services to students with disabilities.

Foundational Beliefs

1. All alternate forms of public education, including charter schools, online or distance learning and personalized learning, must ensure equal access to students with disabilities, provide all appropriate instruction and accommodations and should not be exempt from federal or state education policies.
2. The USDOE must examine all applicable federal laws and policies to identify and make recommendations regarding the consistency and alignment of requirements for intra- and inter-agency collaboration (e.g., the Every Student Succeeds Act (ESSA), the Workforce Innovation Opportunity Act (WIOA), the Americans with Disabilities Act (ADA) and IDEA).
3. Education policymakers, in their consideration of the needs of each state, must align federal, state and local requirements while eliminating duplication in various legislation, regulations and USDOE policies.

4. Education leaders will review and revise policies and procedures that lack evidence of support for improving results for students.
5. All special education services, regardless of the setting, remain under the general supervision system of the state education agency.
6. The Results Driven Accountability (RDA) focus on positive student outcomes, along with compliance with IDEA requirements, will assist in the elimination of the achievement gap for students with disabilities.
7. The use of federal funds for private school placements only occurs when an IEP team determines that it is necessary for a student with disabilities to receive a free, appropriate public education in that setting.
8. Student data, when collected, is protected so that personally identifiable information is not available to the public and is used to encourage and measure improvement for both students and the educational system.
9. State and local education agencies have the right to determine how state and local funds are used to provide services to students with disabilities.

Recommendations

1. Full federal funding is required to ensure success for all students and should be used to provide services in public settings unless an IEP team determines that a private placement is needed.
2. IDEA must recognize that the service delivery models of public education are changing and should clarify the service delivery and funding obligations in virtual and nonpublic settings.
3. State and local financial support requirements should recognize legitimate state and local financial constraints (e.g., fiscal contractions, changes to pension plans).
4. IDEA language should be aligned to be consistent with the ESSA and WIOA and encourage information sharing among agencies.
5. IDEA should clarify that data collection is consistent with that required under ESSA and WIOA, and is not duplicative.
6. IEP team decisions take precedence over decision-making from other agencies.
7. Any regulation or policy guidance must recognize the unique needs of each state education agency.



National Association of State Directors of Special Education
225 Reinekers Lane, Suite 420, Alexandria, VA 22314
Tel: 703-519-3800 Fax: 703-519-3808
www.nasdse.org