



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

July 25, 2016

Director, Information Collection Clearance Division
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: DOCKET ID: ED-2016-ICCD-0074

To Whom It May Concern:

The National Association of State Directors of Special Education (NASDSE) appreciates the opportunity to comment on the proposed Pay for Success (PFS) Feasibility Pilot Program.

NASDSE is the national nonprofit organization that represents the state directors of special education, the IDEA Part B data managers, and the IDEA 619 coordinators in the states, the District of Columbia, the federal territories, the Freely Associated States and the Department of Defense Education Agency.

NASDSE appreciates the Department's desire to expand and enhance the learning experiences for every child in an effort to increase school readiness. However, we have major concerns with this proposal.

First and foremost, we would ask the Department to clearly articulate the authority supporting the proposal. We note, for example, that in the Every Student Succeeds Act (ESSA), the primary references to PFS are found in Title I Part D and Title IV, Neither of these sections explicitly refers to early childhood programs. Additionally, the definition of PFS as noted in Title VIII does not mention early childhood programming. We therefore question why the Department has chosen to focus on early childhood programs in this pilot rather than on programs for 'at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes' that are explicitly mentioned in the law.

Moreover, there is a breadth of research on early childhood education and what works for students both with, and without, disabilities. We believe that the funds that the Department of Education has set aside for this initiative could be put to better use by expanding implementation of evidence-based practices that have already been identified rather than exploring practices that lack an evidence base of success.

As the Department knows, services provided to children under the Individual with Disabilities Education Act (IDEA) are an entitlement and therefore should not be outcome-based. While this proposal put forth by the Department is carefully crafted, we note that existing PFS programs are using the reduction of special education referrals as an indicator of success. NASDSE believes that the need for these services should never be viewed as a "failure." We are very concerned about language in the proposed pilot that would allow implementers to propose the 'reduction in the need for special education as an Outcome Measure' so long as it includes other measures of student achievement. We are opposed to the use of a reduction in the need

for special education as an outcome measure regardless of the qualifiers built into the proposed project. Including this as a PFS outcome could potentially delay the identification of children for special education services and created negative incentives for making appropriate referrals. Academic growth, kindergarten readiness, and improved math and reading skills would be more appropriate indicators for all children in an early childhood setting.

In relation to program implementation, the time frame for measurement must be longer term in order to accurately assess program impact and success. Moreover, the model has no mechanism to determine how factors such as poverty and family trauma affect a student's progress and further, how these conditions will be controlled for, and addressed, within the program.

As a result of our ground-breaking work on Leading by Convening, NASDSE recognizes the importance of stakeholder engagement. An undertaking such as the one under consideration here must involve key stakeholders, including parents, specialized instructional support personnel and others in the design and implementation of any project supported by the Department.

This proposal does not clearly and fully describe the financing structure. It is unclear whether dividends should be capped and from where the funds will come. NASDSE opposes the use of IDEA funds for these transactional purposes.

In essence, this proposal for implementation of evidence-based early childhood programs proposes to pay dividends to private investors for expanding early childhood programs that we already know are effective. PFS in early childhood would pay private entities and foundations to bring programs to scale, which we already know are effective. We remain uncertain as to why private investors should be rewarded for implementing programs when the funds could just as easily be directly provided to states and/or local providers to expand these programs. We feel this money would be better invested in improving existing programs, providing full funding to IDEA, and in preparation and compensation of teachers.

While NASDSE appreciates the Department's interest in improving early childhood education, we feel the PFS program has many areas in need of improvement prior to moving forward.

Again, NASDSE thanks you for the opportunity to provide feedback to the Department. Should you have any questions about our comments, please feel free to contact NASDSE's Director of Government Relations, Nancy Reder, at nancy.reder@nasdse.org.

Sincerely,



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