



National Association of State Directors of Special Education, Inc.

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August 28, 2009

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID: ED-2009-OESE-0006 Race to the Top Fund

Dear Secretary Duncan:

The National Association of State Directors of Special Education (NASDSE) appreciates this opportunity to comment on the proposed criteria for evaluating applications for the Race to the Top Funds.

Our members, the state directors of special education, recognize that this is an important opportunity to infuse a significant amount of federal funds into state and local school districts to make systemic improvements in how students are taught and to improve outcomes for all students, including students with disabilities. We are pleased that references to students with disabilities are made throughout the proposed criteria. Addressing the educational needs of students with disabilities through the Race to the Top Fund is of particular importance because Congress has never lived up to its promise of fully funding the Individuals with Disabilities Education Act (IDEA). While it is not the intent of this program to compensate for that shortfall in funding, these funds can help ameliorate some of the difficulties that have arisen as a result of Congress' failure to adequately fund the program.

Our specific comments follow.

(c) Linking teacher effectiveness to student performance. NASDSE is concerned about the how this could potentially be interpreted for teachers who teach students with disabilities. While we believe that all students with disabilities must be held to high standards, teachers may not see the same results and the same progress for all students with disabilities over the course of a school year. Looking at data alone without knowing the nature of the students involved will not give you a true picture of a teacher's effectiveness with such a group of students. This is not to suggest that students with disabilities should be left out of this measurement. Rather, it points to the difficulties inherent in trying to use test scores as a measure of teacher effectiveness. For example, how does one compare progress made by a group of students in an AP English class compared to a class of students who have dyslexia and are struggling to learn to read? Which teacher would be judged to be the more effective – the teacher whose students all passed the AP English exam or the teacher whose students ended the school year capable of reading a complete book, but are not yet reading on grade-level? Teachers are not all handed the same deck of cards when they enter their classrooms each fall – the starting line is different in each and every class and the finish line may well be different – but the progress may be immense all

the same. Test scores simply cannot be the sole measure for judging these results. The bottom line is that we still have a lot to learn about the appropriate way to measure student growth.

(d) Emphasis on charter schools. NASDSE would prefer to see the Race to the Fund encourage all types of innovation rather than focus solely on charter schools as *the* means of innovation. Increasing the number of charter schools may work in some states, but some states may prefer other kinds of innovation – e.g., dividing a school into smaller components, restructuring grade levels, virtual schools, etc. Furthermore, given the rapidity with which you expect to implement Race to the Top solutions and expend the funds, it would be difficult for new, high quality charter schools to get organized and up and running, thus defeating your proposed solution. In addition, once a charter school is organized, it often takes more time for the organizers to understand their responsibilities with respect to students with disabilities (For more information on students with disabilities and charter schools, please see NASDSE’s pioneering work on this issue that was funded by the U.S. Department of Education at www.uscharterschools.org/specialedprimers.) Charter schools may be one option, but they should not be the only solution that the Department considers nor should limitations on their creation be a barrier to funding.

(E3) Enlisting support. NASDSE is in the 11th year of its IDEA Partnership funded through the Department of Education’s Office of Special Education (OSEP). Our work in Communities of Practice has brought together ALL stakeholders involved in special education to work together on shared agendas in the states. We note that the list of stakeholders that are required to be involved in the Race to the Top initiatives is limited and we encourage you to require states and LEAs to involve parents, teachers, administrators, service providers (e.g., guidance counselors, school social workers, etc.) and others in the community to be part of the effort to turn around a school. It will take a village to turn around a failing school and the entire neighborhood must be involved for the effort to be successful.

Definitions:

1. Definition of graduation rate. We regret that the definition as stated does not take into account that under the Individuals with Disabilities Education Act, students with disabilities have up until age 21 (unless states set a different age limit) to finish high school. Some students need more time to graduate and schools should not be penalized for helping students – disabled or not – who need extra time to graduate or for coaxing students who have dropped out to come back to school to get a diploma. We urge the Department to change the definition of graduation rate to reflect these realities.
2. Definitions of effective teacher and student achievement. Please see our comments above about linking teacher effectiveness to student performance.
3. Definition of student achievement. We are strongly opposed to language in this definition that includes as an alternate measure of student performance “rates at which students meet goals in individualized education programs.” (IEPs). This language is misplaced in this section as the IEP is not designed to be a quantitative measure of student performance. The IEP is an instructional planning tool. It was not designed for, nor ever intended to be used for accountability purposes. This language should be removed from this section. All students, including students with disabilities, are already included in assessments under the No Child Left Behind Act, including students with significant cognitive disabilities, who are allowed to be assessed using an alternate assessment based on alternate achievement standards.

4. We encourage you to add a specific definition for Universal Design for Learning (UDL) as it defined in the Higher Education Opportunity Act (section 103 (24)): The term 'universal design for learning' means a scientifically valid framework for guiding educational practice that – (A) provides flexibility in the ways information is presented, in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

In adding this definition, we also urge you to add language regarding UDL to Proposed Priority 2 on STEM to ensure that STEM instruction is consistent with the principles of universal design for learning.

Furthermore, all assessments, both formative and high quality as defined in this document, should be developed to be consistent with the principles of universal design for learning.

5. We strongly encourage you to add a definition for response to intervention as follows: Response to intervention is the practice of (1) providing high-quality instruction/intervention matched to student needs and (2) using learning rate over time and level of performance to (3) make important educational decisions. RTI should be listed as a specific instructional and behavioral strategy for implementing a school transformational model.

We note that NASDSE's IDEA Partnership has brought together many national organizations to work on Response to Intervention and its value as a school-wide strategy to improve teaching and learning has grown dramatically over the past five years. For more information, we suggest that you look at the Partnership's RTI Collection – material collectively compiled by national organizations that participate in the Partnership (go to <http://ideapartnership.org/page.cfm?pageid=17> to view the collection)

Community Schools. We note the references to providing comprehensive services throughout the document. However, given Secretary Duncan's support for community schools, we were surprised that there is no specific mention of community schools. We believe that the establishment of community schools, while not a specific strategy by itself, can be used in conjunction with other initiatives to strengthen schools and gain community support for turning around struggling schools. Therefore, we encourage the Department to add language suggesting such an approach as a complementary strategy for turning around struggling schools.

Finally, we note that there is no mention made in the requirements of the importance of linking pre-school to K-12 student outcomes. For all of the emphasis that the Obama Administration has put on the importance of pre-K so that young children come to school ready to learn, there is no mention of states using Race to the Top funds to develop a more coordinated approach to pre-K programs, e.g., ensuring that pre-K teachers have B.A. degrees. We strongly urge that an additional invitational priority be added that addresses the coordination of pre-school (including Head Start, the special education Part C infant/toddler and Section 619 pre-school) programs and how a more coordinated approach can bring more young children to school ready to learn.

Again, we thank you for this opportunity to comment on this program and look forward to working with you on its implementation. Please feel free to contact me at bill.east@nasdse.org or NASDSE's director of government relations, Nancy Reder, at nancy.reder@nasdse.org, if you have any questions regarding our comments.

Sincerely,

A handwritten signature in cursive script that reads "Bill East".

Bill East, Ed.D.
Executive Director