



Memo

To: Ricki Sabia, National Down Syndrome Congress
From: Individuals with Disabilities Education Act (IDEA) State and Local
Implementation Study 2019 Study Team
Date: 8/6/2019
Subject: Response to public comment

The study team offers the following response to public comments submitted regarding the Individuals with Disabilities Education Act (IDEA) State and Local Implementation Study 2019. Any reference to a section or specific item in the response references the August 12, 2019 versions of the surveys.

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Comment:

Alternate Assessments

Three questions on alternate assessments should be added to the surveys. One question should collect data on the criteria used by IEP teams to determine eligibility for alternate assessments on alternate academic achievement standards (AA-AAS).

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. The study team did not take any action as the District School-age survey already includes items about eligibility criteria and guidelines for AA-AAAS in Section F (items F1-F6) of the survey.

Comment:

The second question should ask for information on state and local policies, consistent with ESSA, which are designed to ensure that students who take these alternate assessments are not precluded from attempting to complete a regular high school diploma. If this ESSA requirement is not implemented it impacts the provision of FAPE under IDEA.

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. The study team considered this comment but no changes were made. Section F on the State School-Age survey addressed this topic.

Items F1 - F5 address AA-AAAS while items F6 - F10 ask about the alternate diplomas.

Both sets of items ask about the option, standards, criteria, and professional development related to the use of AA-AAAS or alternate diplomas. Section F in the District School-Age survey focuses on alternate diplomas, which does not include items on AA-AAAS as the topic of AA-AAAS was confusing to the practitioner respondents during cognitive testing.

Comment:

The third question should ask whether states are using a standardized AA-AAS. If so, they should list whether they are using the assessment designed by the National Center and State Collaborative or Dynamic Learning Maps, or list any other standardized assessments. IDEA requires that IEP goals for all children with disabilities must be aligned with grade-level content standards. Alternate academic achievement standards must also be aligned with grade-level content standards.

The Department of Education funded testing consortia to develop assessments to meet the common core standards, which have been adopted, at least in part, by a majority of states. Two of these consortia developed AA- AAS - the National Center and State Collaborative and Dynamic Learning Maps - to standardize assessments for students with the most significant cognitive disabilities and move away from the more subjective measures such as portfolios and teacher rating scales. Standardized assessments allow for greater comparability of proficiency for this population across schools, districts, and states.

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. The study team revised Section F of the State School-Age Survey, including adding item F1 to specifically ask whether a standardized assessment is used.

Comment:

Transparency

NDSC urges ED to make any surveys conducted by IES regarding IDEA implementation available to the public. This would include all identifying information (State, district, school names) unless doing so could reveal personally identifiable information.

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. The final report or briefs will be posted on the Institute of Education Sciences website (www.ies.ed.gov). The study team used a sample strategy so the district and school samples are nationally representative, not representative of each state or territory. A restricted-use data file will be created and available to researchers through the National Center for Education Statistics (<https://nces.ed.gov/>). It should be noted that the restricted-use data file will not allow the identification

of specific districts or schools.

Comment:

ALL Stakeholders must be included in the data collection

NDSC takes the position that any activities undertaken by The U.S Department of Education (ED) to provide an up-to-date view of IDEA implementation must be designed in such a manner as to capture the views of all critical stakeholders.

As proposed, this survey and the study that will communicate its findings will provide information drawn only from administrators of special education, at the state, district and school levels. While input from these stakeholders is important, it should not and must not be portrayed as representative of all stakeholders.

In particular, we wish to highlight the lack of involvement of parents of children with disabilities and those who work closely with parents and families in the states. One of the stated purposes of the implementation study mandated by Congress was to measure “the effectiveness of schools, local educational agencies, States, other recipients of assistance under this chapter, and the Secretary in achieving the purposes of this chapter by improving the participation of parents of children with disabilities in the education of their children.” (Section 1464(b)(2)(D)(viii)). Significant among the “other recipients of assistance” are the Federally-funded Parent Information Centers. Currently funded at \$27.4 million annually, these Centers have been in continuous operation for decades, building strong relationships with families and other agencies that provide services to children and youth with disabilities. Parent Centers compile and report copious data on their work with families. Given their years of experience, Parent Centers are uniquely qualified to provide information on how states, districts and schools are implementing IDEA. Parent Centers could also serve as a means to obtain valuable input from parents.

Given that the IDEA confers rights on parents and emphasizes their role as a meaningful participant on the child's IEP team, it is a major oversight that ED has not planned to also survey parents with a separate survey tool about the implementation of IDEA. Issues with implementation will not be fully understood or results valid unless families are also included in a national study.

Response:

Thank you for your comments emphasizing the importance of the parent perspective. IES agrees that the parent perspective of students with disabilities is key to understanding IDEA implementation and is collecting information from both students with disabilities and their parents. First, the Middle Grades Longitudinal Study of 2017–18 (<https://nces.ed.gov/surveys/mgls/>) includes a large number of students with disabilities in several disability categories. This study follows students from grades 6 through 8 and includes annual surveys of students, parents, teachers, and special education staff. Second, the National Longitudinal Transition Study 2012

(https://ies.ed.gov/ncee/projects/evaluation/disabilities_nlts2012.asp) includes students ages 13 through 21 and also includes surveys/interviews of students, parents, teachers, and special education

staff. Finally, IES values the expertise of the parent training and information centers (PTIs) and family-led organizations and has added questions in the surveys to understand how state and district leadership support the work of the PTIs and how information is provided to parents.

The study team is considering whether or not to include a teacher survey in a later round of data collection. The study team determined that the supplementary information from parent and teacher surveys, beyond that of the state, district, and school surveys, doesn't warrant the burden on respondents or the resources associated with these collections at this time.

Comment:

LRE and FAPE as part of the data collection

It is critically important that the issue of LRE implementation be explored in any comprehensive study on state and local IDEA implementation, particularly for students in the intellectual disability (ID) category and, if possible, students who take alternate assessments.

NOTE: Additional information on LRE and FAPE were left out for space reasons.

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. The study team plans to use extant data to the extent possible. There are extant data on LRE that include breakdowns by disability category, but not based on participation in the state alternate assessment. The surveys include items related to the topic of FAPE for students who take alternate assessments. For example, the State School-Age Survey includes items about whether the state offers an alternate diploma that is aligned with the state requirements for a regular high school diploma, see Section F. The District School- Age Survey includes Section F, which focuses on alternate diplomas, including an item about supports to teach grade-level content for students working toward a state-defined alternate diploma (item F6). See item D7 in the School Survey which asks about information provided to parents/guardians and school-age students with the most significant cognitive disabilities regarding alternate assessments.

Comment:

Universal Design for Learning (UDL)

A question should be added to the data collection asking schools and districts whether they are implementing UDL. While IDEA does not require the use of UDL in schools, UDL is essential to providing a free, appropriate public education (FAPE) in the least restrictive environment for students, allowing them to access the general education curriculum. Additionally, many states have indicated in their ESSA plans that they are implementing UDL as a means to facilitate inclusion and ensure students have access to grade-level standards. This survey presents an opportunity to determine whether UDL is being implemented as planned in schools across the country.

The UDL language in ESSA plans is reported in this document:

https://docs.google.com/document/d/1NSs9N V1sNuNwO2aEEJ3HXf2Y17HGW_yvjY370

y7Gn4A/edit

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. The study team included additional items or response options related to UDL. State School-Age survey includes item G4, which asks if UDL is covered in professional development. Item G9 on the State School-Age survey asks about state provided supports regarding use of UDL. Item P2 asks about using IDEA Other State-Level Activities Funds to support professional development focused on UDL. A specific item about whether they were implementing UDL was not added as it can be extrapolated from the other UDL items. The State Preschool-Age survey includes two items on UDL - item E5 about the supports for use of UDL and O2 about the use of IDEA Other State-Level Activities Funds to support professional development on UDL. The District School- Age survey includes item F6 which asks about supports to help teachers adapt curriculum, including incorporation of UDL principles.

Comment:

Any study on IDEA implementation should encompass the vast body of information available through these and other sources on both Part B and Part C of the Act. For example: ● Annual Performance Reports (APR) submitted by every state. ● State Performance Plan/Annual Performance Report (SPP/APR) Analysis ● Annual Reports to Congress on the Implementation of the IDEA ● Annual State Determinations and Annual LEA Determinations ● Differentiated Monitoring and Support reports ● Civil Rights Data Collection administered by ED's Office for Civil Rights ● National Center on Educational Outcomes (NCEO) annual reports on participation and performance of students with disabilities on state assessments ● Center for Appropriate Dispute Resolution in Special Education (CADRE) annual reports on dispute resolution by states ● Reports on critical IDEA implementation issues produced by the Government Accountability Office (GAO) ● Reports produced by the National Council on Disability (NCD) on IDEA, including a 2018 series ● National Assessment of Educational Progress (NAEP) ● Reports by the Education Commission of the States, including a 2019 report providing a 50-State Comparison of K-12 Special Education Funding³ ● Reports by the Congressional Research Service

Response:

The study team appreciates the time and attention given to reviewing and commenting on the proposed data collection effort. We agree that there are many extant data sources that have rich information regarding the implementation of IDEA, and we plan to draw on these other sources where we can. In addition, in the course of developing our instruments we examined our content systematically with an eye toward other possible sources for similar data so that we could reduce respondent burden and use these. That said, there are challenges with over-reliance on other sources of data for the type of comprehensive analysis of IDEA implementation across states, districts and schools. Data sources vary in the timeframes covered in their collections, and the availability of the data itself. For example, the Civil Rights Data collection is conducted every two years, and the data capturing the 2017-2018 school year will not be available until 2020. Where we can, we will draw on these sources to supplement the information we're capturing in the IDEA surveys but having a consistent instrument for capturing identical information from all stakeholders (states, districts, and schools) on critical topics will permit

the type of in-depth and rich data valuable to the future of IDEA.