



## Sample Parent Comments for State ESSA Plans

*Each state is tasked with the interpretation and implementation of the Every Student Succeeds Act (ESSA) federal law. To assist you in working with your state officials, these sample comments on state plan development and implementation were developed and can be submitted, in whole or in part, at stakeholder input meetings or via email to your state department of education. You may wish to modify the points you highlight based on your individual state's situation. Please alert NDSC at [ricki@ndscenter.org](mailto:ricki@ndscenter.org) regarding your state activity.*

*Information about any stakeholder input meetings and how to submit written comments in your state can be found in a list compiled by NDSC at <http://bit.ly/25cMbyZ>. For more details about the issues addressed in this document see NDSC General Talking Points at <http://bit.ly/2c03Fln> and the NDSC State Plan Advocacy Guide at <http://bit.ly/2a9boI9>.*

### COMMENTS ON ESSA STATE PLAN DEVELOPMENT

I am a parent of a student (or Self-Advocate) with Down syndrome .....  
*ADD YOUR BACKGROUND INFORMATION HERE*

I am submitting the following comments regarding the development of our ESSA state plan because it is imperative for the future of our state's children that we implement ESSA in a manner consistent with its purpose: "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps."

These comments reflect key aspects of ESSA interpretation and implementation. I urge you to consider them in the development of the state plan. Also, I am willing to serve as a parent representative or resource as you conduct your work.

#### **Meaningful Consultation with Stakeholders**

- At least one parent of a student with a disability and one representative of a disability advocacy organization should be included on the ESSA state plan development committee and any work groups.
- Notice of input opportunities regarding the ESSA state plan should be disseminated to the major disability advocacy organizations in the state.

- Stakeholders should be provided with 60 days to review and comment on the draft of the ESSA state plan. The 30 days required by statute is the minimum—we can do better to ensure meaningful input on such complex provisions.

## Accountability

- Minimum subgroup size (N-Size): There are national studies recommending 10 or lower as a minimum subgroup size. Higher numbers undermine disability subgroup accountability. For example, a national study demonstrated that a state with an N-size of 30 would not count more than 20% of students with disabilities in most aspects of its accountability system.
- Consistently underperforming subgroups: Schools should be identified as “consistently underperforming” when any subgroup of students fails to meet the state- defined academic goals and interim measures for two years.
- Summative rating: Every school should be given a summative rating that reflects the performance of the school overall, for all indicators and for each individual subgroup (no combined subgroups). A breakdown of this data on a “dashboard” can be used in addition to the summative rating.
- Indicators in the rating system: No school that would have been identified as in need of targeted or comprehensive support and improvement on the basis of ESSA’s required indicators (student achievement/growth, high school graduation, and progress towards English language proficiency) should cease to be identified because of success on the other indicator(s) of school quality that the state can select. The focus must be on academic achievement.
- 95 percent participation rate requirement: When fewer than 95 percent of students (and each subgroup of students) are included in the state assessments, it should be reflected in a significant way in the school rating and a plan should be implemented to ensure that the school meets the participation rate requirement in the subsequent year.
- Comprehensive support and improvement: States are permitted under ESSA to broaden the categories of schools that are identified for comprehensive support and improvement. A category should be added for schools that have already been identified for targeted support and improvement for three years because of consistently underperforming subgroups.

## Standards and Assessments

- Definition of students with the most significant cognitive disabilities: The state IEP team guidelines should include a definition that expressly states it is not based on IQ or disability category or educational setting. The focus should be on whether the student requires extensive direct individualized instruction and substantial supports to achieve measureable gains on the challenging state content standards for the grade in which the student is enrolled.
- Training on state guidelines for alternate assessment participation: Training should be provided to parents, teachers, schools and districts on how to

appropriately identify those students with the most significant cognitive disabilities who will participate in the state alternate assessment The training should also explain that participation in an alternate assessment does not determine a student's placement (IDEA) or his/her opportunity to work towards a regular high school diploma (ESSA).

- Cap on participation in alternate assessment: Procedures must be put in place to prevent the inclusion of more than 1 percent of students, statewide, in the alternate assessment.

### **Equitable Access to Effective, Experienced and Qualified Teachers**

- Definition of effective teacher: Evidence of effectiveness should include: 1) preparation that includes extensive clinical experience with a demonstration of instructional skill; 2) passage of a performance assessment in order to be certified or to complete a preparation program; and/or 3) a level of state certification that reflects demonstrated instructional effectiveness.
- Definition of experienced teacher: Any teacher with less than three complete years of experience should be considered "inexperienced."
- Qualifications for special educators: Although ESSA only requires a bachelor's degree - in any subject - our children deserve better. Teachers who are considered "special education teachers" should have been prepared with research-based instructional strategies in special education teacher preparation programs. If they do not have these qualifications they should be considered "out of field teachers."

### **Supporting All Students**

- Reduce Aversive interventions: Strategies should be included in the state plan to end the use of restraint and seclusion in non-emergency situations.
- Reduce Removal from general education classroom: Strategies should be included in the state plan to significantly reduce—
  - the use of suspension and expulsion, and
  - the percentages of students in certain disability categories, including intellectual disability, who are not being educated in general education classrooms, in spite of decades of research demonstrating the benefits of inclusion for them and their classmates.
- Increase Universal Design for Learning: A focus on implementing Universal Design for Learning should be included in the state plan to ensure that instruction and assessment are addressing the needs of diverse learners. UDL is recognized as a best practice in ESSA and the Higher Education Opportunity Act.