

Collaboration to Promote Self Determination
Advancing Economic Opportunities for Citizens with Significant Disabilities

December 16, 2011

EXECUTIVE COMMITTEE

Autistic Self-Advocacy Network

Autism Society

National Down Syndrome
Congress

National Down Syndrome Society

National Fragile X Foundation

**2011 PARTICIPATING
ORGANIZATIONS**

American Network of Community
Options and Resources (ANCOR)

APSE

Association of University Centers
on Disabilities

Autistic Self-Advocacy Network

Autism Society of America

National Association of State
Directors on Developmental
Disabilities Services

National Disability Institute

National Down Syndrome
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Physician-Parent Caregivers

Service Employees International
Union (SEIU)

TASH

Melody Musgrove
Director
Office of Special Education Programs
United States Department of Education
550 12th Street, S.W.
Washington, DC 20202

Re: Pending Collection No. 4736: IDEA State Performance Plan/Annual Performance Report (SPP/APR) Indicators

Dear Dr. Musgrove:

Thank you for the opportunity to submit comments regarding the SPP/APR Indicators. As national organizations focused on improving the lives of individuals with significant disabilities, we want to take this opportunity to thank you for your continued leadership on behalf of the millions of youth living with intellectual and developmental disabilities (ID/DD).

As you know, the Collaboration to Promote Self Determination (CPSD) seeks innovative public policy reform to promote inclusive education practices, effective transition strategies that lead to integrated employment and post-secondary education outcomes for youth with ID/DD, meaningful asset development, and strong long-term supports and services for people with intellectual and developmental disabilities. CPSD believes that data collection is extremely important for the following reasons: data allow measurement of outcomes and their impact, enable the determination of whether or not efforts are effective, and permit standards to be re-adjusted upwards as they are attained.

The Individuals with Disabilities Education Act (IDEA) clearly states that the primary focus on federal and state monitoring activities shall be on "improving educational results and functional outcomes for all children with disabilities."¹ Toward that end, data are critical to assure that:

- 1) Parents have accurate and timely information in order to be meaningful partners in the special education process;
- 2) Diverse stakeholders working towards system change have access to the information that will form the basis for their efforts; and
- 3) Local education agencies (LEAs) are accountable for implementation of the IDEA and for meaningful outcomes for students with disabilities on an ongoing basis.

CPSD does not support the elimination of indicators as a means of paperwork reduction. When an indicator is eliminated, it is also removed from the process for determining whether states meet the requirements of IDEA. In addition, the public will not necessarily be able to easily find the alternate data source. There are ways to address redundant data collection without eliminating the indicator. For example, the APR could list the indicator, refer to another document where the data is already collected and list any improvement activities. A link to the

¹ 20 USC 1416 (a) (2) (A); 34 CFR §§300.600-300.604

alternate source of the data should be provided so anyone reading the APR can quickly find the data. Therefore Indicators 16 and 17 should not be eliminated. Instead, they should be listed in the APR with a link to the alternate data source.

CPSD also supports OSEP's desire to have an increased focus on outcomes. The best way to accomplish this goal is to elevate performance indicators to the same level of importance in the determination process as compliance indicators. We are concerned not necessarily with the indicators themselves, but with the manner in which OSEP uses the annual performance results (APR). By not putting appropriate weight on the performance indicators in its determinations regarding how well IDEA Part B has been implemented, and by advising state education agencies not to do so when monitoring local education agencies, OSEP undercuts the inherent value of the indicators. The lack of clarity and uniformity of the requirements applied in measurement of the indicators also undercuts their value.

Any reform efforts need to include not only better outcomes and results for students with disabilities but also an enhanced ability to measure those outcomes and results. Valuable time, resources, and money are spent on data collection. Such effort can only be well spent if it leads to action. OSEP should consider whether targets are met for performance indicators not just whether valid data is collected. Districts should be provided with incentives to improve their performance and should be held accountable if they do not.

CPSD firmly believes that indicator 14, coupled with indicators 5 and 13, represent important indicators in determining whether or not education systems are truly preparing students with the most significant disabilities for successful transition outcomes from youth to adulthood. As such, we urge and support OSEP to undertake efforts in the future to elevate these three indicators in terms of weight, significance, expectation, incentives, requirements, and overall performance measurement.

CPSD also believes that the data measures used in reporting these indicators need to be modified so as to ensure that the data captured is adequately reflected in a manner that allows for a more comprehensive evaluation of school performance in terms of outcomes of students with the most significant disabilities. As such, CPSD respectfully proposes the following modifications to these three critically important indicators:

- ***Amend the requirements with respect to Indicator 13 and 14 so as to better understand the true transition outcomes of students with disabilities by IDEA category.*** SPP Indicator 13 is related to Secondary Transition and measures the percent of youth aged 16 and above with an individual education program (IEP) that includes coordinated, measurable annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. This is a compliance indicator, and data is collected and reported by the district/charter the state education agency (SEA). SPP Indicator 14 is related to Post-School Outcomes and measures the percent of youth who had individual education plans (IEPs), are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. The current data collection requirements around Indicators 13 and 14 only apply to an aggregate group of students with all disabilities.. The data should also be reported to the Department of Education and targets should be set by IDEA disability category so as to allow a more comprehensive analysis on the effects of transition services on post-school outcomes. Additionally, such data would enable stronger research to be conducted outside of the Department of Education that could better inform public policy moving forward. It would not require more effort or burden for SEAs to provide the data and set improvement targets for Indicators 13 & 14 by disability, and would result in a richer data set that could greatly inform public policy and the field in terms of evolving practice and prioritization of resources related to transition.
- ***Additionally, require similar stratification of data related to least restrictive environment (LRE) in Indicator 5 by disability.*** Studies have shown the benefits of inclusive education on academic, social and employment outcomes for students with disabilities and have also shown benefits for students without disabilities. CPSD believes that Indicator 5, which is intended to address student placement in the least

restrictive environment (LRE), is another powerful indicator given the strong influence of LRE on transition outcomes of students with severe disabilities.² However, Indicator 5 currently requires only a reporting of LRE data for students with disabilities, and does not provide a true picture of LRE data by type of disability. As such, CPSD would like to see existing data collected on LRE stratified by IDEA category to better evaluate whether schools are increasing student placement in LRE across disabilities over time. Because this data is already collected, CPSD is simply requesting that states be required to establish targets for improving LRE by category.

In addition to these recommendations, CPSD also firmly supports the comments submitted by the Council of Parent Attorney Advocates (COPAA) and recommend the following as additional necessary steps toward SPP data collection reform:

- **Use all of the indicators, both compliance and performance, in making determinations.** Failure to do so results in only a partial picture of a district's level of compliance and does not address the fundamental purpose of monitoring, which is to determine if students are actually benefiting from the educational services they are receiving. OSEP has issued guidance stating that the focus of monitoring should be on compliance, not performance. We believe this is a misguided and short-sighted approach that undoes many years of work by education experts, state education agency personnel, advocates, and OSEP staff to build a robust monitoring system focused on outcomes, a system that recognizes that compliance and performance belong together. Data collected for SPP/APR purposes must be meaningfully used by the Education Department to identify states, and by states to identify local education agencies, that are in need of enhanced monitoring, technical assistance and, ultimately, enforcement.
- **Import data from other sources, if possible, to save time, then add drill-down measures to make the data more meaningful.** OSEP should adopt a focused monitoring model that incorporates principles, indicators, incentives, and sanctions, and that includes a "look behind" or "drill down" process to analyze data. For example, in determining if students are successfully included, it would be important to look at suspension rates and whether IEPs include supplementary aids and services and programmatic modifications and supports, not just at the number of students in general education.
- **Provide consistent, meaningful definitions and targets.** It is important that data collection be transparent and that comparisons be similar so that apples are compared with apples and oranges with oranges. Often, no data have been collected, or the sample size has not been large enough for an informed decision to be made as to whether or not a state has met its SPP goal. Consistent measures are important so that data are reflective. For example:
 - States have different mean and standard distribution for each race. Eight percent of all Caucasian students are students with disabilities, while 12% of all Black students are students with disabilities. However, the standard deviations of the groups are different, with Blacks having a much higher standard deviation. As a result, the disproportionate representation of Black students in special education is hidden in the IDEA Part B numbers. Allowing state education agencies to define disproportionality themselves is a problem. We recommend that OSEP coordinate with the Office for Civil Rights to develop meaningful definitions and target ranges.
 - Allowing states to set their own performance standards has led to some states identifying, and OSEP approving, miniscule increases in performance. For OSEP to approve a target simply because it is greater than zero makes a mockery of Congress' intent to require "rigorous and meaningful" standards. CITE.

² White, J., & Weiner, J. S. (2004). Influence of least restrictive environment and community based training on integrated employment outcomes for transitioning students with severe disabilities. *Journal of Vocational Rehabilitation*, 21, 149-156.

- Progress needs to be meaningful, and it must be achievable in a reasonable amount of time. Although it is not unreasonable to expect incremental progress rather than immediate complete transformation, the increments must be achievable in the foreseeable future. It is not appropriate for OSEP to accept an annual improvement rate that is so low that the target will not be achievable in the school lifetime of a young student.
- **Computerize data and make data available more easily and sooner.** States are required to report to the public annually on the performance of each local education agency and early intervention services agency in the state on the targets in the state performance plan. These reports should be more easily publicly available to the broader public in a format that is easy to access. Both NCLB and IDEA reports should be available in one location on the state's website, and OSEP should link to the reports on its own website. Guides, fact sheets, and a glossary of terms should be provided to assist the public in understanding the reports.

We appreciate the opportunity to provide OSEP with our comments. We believe that true education reform requires bold and courageous leadership within the U.S. Department of Education. As such, CPSD appreciates in advance your efforts to improve the existing data collection requirements so as to truly incentivize focused efforts among states and local school districts with respect to improving outcomes of students with the most significant disabilities. Please feel free to contact us if you would like to discuss these comments or if you have any questions.

Sincerely,



Serena Lowe
Executive Director
CPSD



Barb Trader
Co-Chair, Education Working Group
CPSD



Madeleine Will
Founder & Chair of Executive Committee
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