



National Association of State Directors of Special Education, Inc.

King Street Station I, 1800 Diagonal Road, Suite 320, Alexandria, VA 22314

Tel: 703/519-3800 \$ Fax: 703/519-3808 \$ TDD: 703/519-7008 \$ www.nasdse.org

February 27, 2012

The Honorable John Kline
Chairman, House Education and Workforce Committee
U.S. House of Representatives
2181 Rayburn House Office Building
Washington, DC

Dear Chairman Kline:

On behalf of the National Association of State Directors of Special Education (NASDSE), I am writing to provide feedback on the two ESEA reauthorization bills that you have introduced, H.R. 3989, the *Student Success Act* and H.R. 3990, the *Encouraging Innovation and Effective Teachers Act*. NASDSE is the national nonprofit organization that represents the state directors of special education in the states, the District of Columbia, the Department of Defense Education Agency, Federal territories and the Freely Associated States.

NASDSE appreciates your efforts to move forward the long-overdue reauthorization of the Elementary and Secondary Education Act. We view the legislation you have introduced as a step forward in this process. While we appreciate your efforts to provide flexibility to both state and local education agencies, I want to highlight in this letter several areas of concern that we have with these two bills.

1. We have grave concerns about making the alternate assessment based on alternate academic achievement standards available to students with the most significant cognitive disabilities without regard for the number of students who may be assigned to take these assessments. We are concerned that as a result, some students, for whom this assessment would not be appropriate, would be required to take it and that as a result, the depth of their knowledge and academic skills would not be recognized. At the same time, we recognize that some school districts by virtue of the nature of their programs (e.g., a district may consist of a single school that educates only students with significant disabilities) may have larger concentrations of these students. We therefore strongly recommend that as you go forward with marking up this bill, you consider re-instituting a cap on the number of students who could take these assessments while at the same time allowing those school districts that have exceptional situations to request a waiver from their state education agency. We believe that this compromise would address many of the concerns that you have heard about providing more flexibility in regard to which students take which assessments.

On a similar note, we are glad that your bill does not include language that would permit the use of a student's individualized educational program (IEP) to be used as an assessment tool. This is entirely inappropriate because the IEP was never designed for this purpose and we urge you to strongly oppose any efforts to include a proposal of this nature in any ESEA legislation. We strongly oppose any type of amendment offered in this regard.

2. We continue to have concerns about teacher evaluations, particularly as they pertain to those personnel who have primary responsibility for students with disabilities. Assessments that are designed to evaluate student knowledge and/or progress are not currently designed to also evaluate teacher effectiveness. We are concerned that a policy of evaluating teachers based on student test scores is ahead of any research, especially as it pertains to teachers of students with disabilities, that indicates that such assessments are a valid measurement of teacher effectiveness. NASDSE strongly supports teacher evaluations and believe that they should include all teachers. At the same time teacher evaluation systems need to take into account the various roles that teachers assume: for example, in a small school district, a special education teacher may divide her time between an elementary school and a high school. Teacher evaluation systems need to account for these various roles. In addition, evaluation systems should also include other school personnel who provide strong support for students, including guidance counselors, school social workers and speech-language pathologists – especially if the evaluation systems include a monetary award system.
3. NASDSE also strongly opposes a proposed amendment to Rep. Kline's bills that would establish charter schools for teacher training. We do not believe that these unaccredited institutions with personnel lacking experience or expertise in teacher training could produce teachers who meet the high standards that would prepare them to teach ALL students, including students with disabilities or ELL students.

We are disappointed by the lack of any focus on professional development. We strongly support mentoring and other teacher support programs to ensure that teachers are prepared to teach all of the students in their classrooms and we believe that support for these kinds of programs should be included in ESEA.

Further, your bill eliminates any requirements that entering teachers have minimum qualifications to enter a classroom. We believe that the federal law should require all states to set qualifications and licensing standards for highly qualified teachers.

4. We also oppose the removal of the Maintenance of Effort requirement. While we recognize that state and local economies have not fully recovered from the recession, we believe that education must remain the highest priority for government and that without this requirement, the assurance that all students – including low income students – will have access to a high quality education.
5. NASDSE also opposes language in the Local Academic Flexible Grant section that would support the use of ESEA funds for private school vouchers. NASDSE believes that vouchers support a tiny group of students and that if there are concerns about the strength of public schools, that public funds should be used to strengthen these schools rather than removing the very funds that could be used to do so.
6. Finally, we support the continuation of a strong accountability system – one that identifies all struggling learners and is capable of providing the supports and services that these students need to make academic progress. To that end, we believe that systems of multi-tiered interventions or Response to Intervention (RtI) and the implementation of Universal Design for Learning (UDL) approaches should be fully supported under ESEA.

Taken together, we believe that both H.R. 3989 and H.R. 3990 fail to provide the strong support for all students that the ESEA has provided in the past. We look forward to continuing to work with you and all members of the Committee to strengthen these bills to address the above concerns and ensure strong measures of accountability. Without these issues being addressed,

NASDSE would be unable to support either bill.

We strongly urge that Republicans and Democrats come together to produce a bipartisan bill as has been done in the past to produce a measure that retains strong accountability and support for all students and teachers.

Please feel free to contact NASDSE's director of government relations, Nancy Reder at nancy.reder@nasdse.org or at 703-529-1506 if you have any questions.

Sincerely,

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

Bill East, Ed.D.
Executive Director

cc: Members of the Education and Workforce Committee