



The Council of Parent Attorneys and Advocates, Inc.
Protecting the Legal and Civil Rights of Students with Disabilities and Their Families

May 8, 2017

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Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management

U.S. Department of Education

400 Maryland, Ave, SW, LBJ, Room 226-62

Washington, DC 20202-4537

RE: Comments on Part B- ED-2017-ICCD-0010

Submitted online at <https://www.regulations.gov/comment?D=ED-2017-ICCD-0010-0001>

The Council of Parent Attorneys and Advocates (COPAA) is the premier advocacy organization for the 6.5 million children with disabilities eligible for special education services under the *Individuals with Disabilities Education Act* (IDEA) and the over 700,000 additional students with disabilities protected by Section 504 of the Rehabilitation Act of 1973 (Section 504).

We write to provide comments to the proposed changes to the IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR). Our comments are as follows:

Indicator 1 (Graduation)

Proposed: Allows States the flexibility of reporting data for children with disabilities using either the four-year adjusted cohort graduation rate (ACGR) required under the ESEA or an extended-year adjusted cohort graduation rate under the ESEA, if the State has established one.

Comment: States should be required to continue to report the four-year ACGR as required under the ESEA/ESSA as the primary element of Indicator 1. Reporting on an extended-year adjusted cohort graduation rate could be added as an option if the State has established an extended-year ACGR. Not all states have established an extended-year ACGR.

Rationale: The Every Student Succeeds Act (ESSA) requires all states to set four-year ACGR goals for all students and for each required student subgroup. States can, if appropriate, also set goals for an extended-year ACGR. Therefore, allowing states to report EITHER a four-year or an extended year ACGR in their state performance plan/annual performance report would not align with ESSA. States should continue to be required to set annual targets for the four-year ACGR and report performance against those targets annually. Annual targets (known as “measurements of interim progress” under ESSA) should be the same as the annual graduation rate targets under Title I of the ESEA.

ESSA allows states to develop Alternate Diplomas for students with the most significant cognitive disabilities and count students who earn the Alternate Diploma in their four-year ACGR. This new provision provides States with an opportunity to take credit for this small subset of students with disabilities within their graduation results. This new provision serves to heighten the importance of the four-year ACGR as it relates to students with disabilities. While use of an extended-year ACGR is allowed under ESSA, the focus in the SPP/APR should remain primarily on the four-year ACGR for students with disabilities consistent with the ESSA requirement in § 200.30(f)(1)(ii)).

Indicator 2 (Drop-Out)

Proposed: Require all States to use a single measurement in reporting drop-out data – the same measurement used as part of the annual determinations under section 616 of the IDEA.

Comment: COPAA supports this change.

Indicator 3A (Statewide Assessments – AYP/AMO)

Proposed: Eliminates this indicator because the ESEA, as amended by ESSA, no longer requires States to report on Adequate Yearly Progress (AYP) or Annual Measurable Objectives (AMOs).

Comment: This indicator should not be eliminated. It should be revised to align with ESSA's requirement for States to set long-term goals and measurements of interim progress for proficiency on State assessments for all students and for all student subgroups, including students with disabilities.

Rationale: Eliminating the performance of students with disabilities within the SPP/APR on statewide assessments suggests that this is not a critical component to measure, report and understand as part of the States' SPP/APR. Understanding how students with disabilities are performing against the State-set goals and measurements of interim progress toward the goals is essential to having a complete picture of academic progress for this group of students. Furthermore, it is hoped that achievement of annual targets on statewide assessments will, at some point, be incorporated into the Results Matrix used for annual determinations in addition to the performance of students with disabilities on the NAEP. It is important to also keep in mind that most States have state identified measurable results (SIMR) within their state systemic improvement plans (SSIP) focused on improving the performance of students with disabilities on State assessments.

Indicator 3C (Statewide Assessments – Proficiency Rate)

Proposed: Eliminates reporting students' performance on alternate assessments based on modified academic achievement standards. Regulations that took effect in September 2015 discontinued the use of alternate assessments based on modified academic achievement standards for eligible students with disabilities.

Comment: States should continue to report on the proficiency rates for children with IEPs scoring at or above proficient against grade level standards and alternate academic achievement standards.

Indicator 9 (Disproportionate Representation)

Proposed: States are required to choose to use a minimum n/cell size to include only districts that meet the State's minimum n for one or more group in both the numerator and the denominator.

Comment: COPAA supports this change but encourages ED to work with States to assure N/cell sizes are not too large given that research shows n size can be as low as 10 and continue to be statistically reliableⁱ.

Indicator 10 (Disproportionate Representation in Specific Disability Categories)

Proposed: Revises the measurement to require States to specify in their definitions: (1) the calculation method(s) being used (*i.e.*, risk ratio, weighted risk ratio, e-formula, etc.); 2) the threshold at which disproportionate representation is identified; and, as appropriate; (3) the number of years of data used in the calculation; and (4) any minimum cell and/ or n-sizes (*i.e.*, risk numerator and/or risk denominator).

Comment: Consistent with COPAA comment on Indicator 9 re: N/cell size.

Indicators 8 (Parent Involvement) and 14 (Post-School Outcomes)

Proposed: Suggests States consider providing more detailed information about the State’s effectiveness in collecting data that are representative of the demographics of children who receive special education services (Indicator 8) or youth who are no longer in secondary school and had IEPs in effect at the time they left school (Indicator 14). Requires States that have not addressed representativeness or have reported that the response data were not representative to include strategies for improving the representativeness of the data in the current year’s SPP/APR, rather than next year’s SPP/APR, to increase the timeliness of the State’s development and implementation of such strategies.

Comment: COPAA supports that States must provide detail about the effectiveness in collecting data representative of the demographics of children who receive special education (Indicator 8) AND youth who are no longer in secondary school and had IEPs when they left school (Indicator 14). COPAA also supports that States that have not addressed representativeness must include strategies for improving representativeness of data in the current year’s SPP/APR.

COPAA is aware of States making minimal efforts to assure representativeness in data for Indicator 8. With ESSA’s new focus and requirements for transparency of key education data, it is imperative that IDEA requirements be equally transparent. Vulnerable populations of students with disabilities [and their families] who may also be poor, or an English Learner, from a minority community or a combination thereof must be adequately represented in the data collected for IDEA indicators.

COPAA appreciates this opportunity to comment on proposed changes to State requirements on the SPP/APR.

Sincerely,



Denise Marshall
Executive Director

COPAA is an independent, nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA members nationwide work to protect the civil rights and secure excellence in education on behalf of the 6.5 million children with disabilities in America. COPAA’s mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning, as well as full participation in his or her community.

ⁱ National Center for Education Statistics (2010). Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting. SLDS Technical Brief Guidance for Statewide Longitudinal Data Systems (SLDS), December 2010, Brief 3.