



NDSC-NDSS EDUCATION ALERT

July 16, 2016

Action Needed on Proposed Federal Accountability Regulations for ESSA SUBMIT COMMENTS BY AUGUST 1

The U.S. Department of Education (ED) has published proposed regulations for the Every Student Succeeds Act (ESSA), which address the area of accountability – that is, how States and local education agencies (e.g. school districts) will report the academic performance of all students and be held accountable to improve the performance of students who are not making sufficient progress on the grade-level State academic content standards. Groups and individuals are invited to submit public comments on the proposed regulations, which ED will use to complete the final accountability regulations. **The National Down Syndrome Congress (NDSC) [has submitted extensive comments](#) in response to the proposed accountability regulations, and the National Down Syndrome Society (NDSS) is supporting these comments. We request that you submit your own comments by the August 1 deadline so that the voices of the Down syndrome community are heard loud and clear.**

Why is it important to submit comments?

This set of proposed regulations addresses how ESSA implementation plans and report cards at the State and local education agency (LEA) levels must be developed in order to hold schools and LEAs accountable for the achievement of all students, including students with intellectual and developmental disabilities. States must use ESSA funding in a way that is consistent with the law's purpose: "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." **The language about academic expectations for students with disabilities in ESSA is very strong and can be used to improve implementation of the Individuals with Disabilities Education Act (IDEA), if the federal regulations help focus States and LEAs on their responsibilities to these students.**

National organizations representing teachers unions, school boards, administrators, and superintendents are encouraging their members to fight against the strong accountability regulations that we want. It is important that OUR voices are heard from the other side!

How and where to submit comments

The due date for public comments is August 1, 2016. NDSC and NDSS are asking you to submit comments to ED that support the NDSC comments. The Notice for Proposed Rulemaking (NPRM) [is here](#). Underneath the title of the NPRM, to the right, there is a green box that says "Submit Formal Comments." Click on this box to get to the comment form.

How detailed do you need to get in your comments?

It is entirely up to you. We realize that these issues are complicated, and not everyone is comfortable going into extensive detail. At a minimum, we encourage you to express support for NDSC's comments a few simple sentences. Here is an example:

My name is Alex Jones, and I am the father of a 3rd grade student with Down syndrome in Cleveland, Ohio. I fully support the comments submitted by the National Down Syndrome Congress as they align with ESSA's purpose: "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." I want local and state education agencies to be held accountable for my child's progress. Thank you for your consideration!

Additional items to address in your comments

In addition to expressing support for the NDSC comments, you may also want to thank ED for the many proposed regulations that support strong accountability and make a specific request for one or more of the most important changes that are needed in the final regulations, which are listed below. NDSC's recommendations for these changes, including the context, are described in the [Summary of the NDSC Accountability Regulation Comments here](#). These nine recommendations and many other critically important comments and recommendations can be found in the full text of the NDSC Comments on the Accountability NPRM [here](#).

The final accountability regulations should include:

- **Alternate Achievement Standards**- a clear link between alternate assessments and enrolled grade content in any reference to achievement standards
- **Meaningful stakeholder consultation** –a requirement for membership from the disability community on State and LEA plan development committees and outreach to disability groups regarding other stakeholder input opportunities.
- **Consistently underperforming subgroups**- a requirement that States use a definition for "consistently underperforming subgroup" that keeps the bar for achievement high, is not based on a comparison to other students, and has a two-year time frame

- **Transition from targeted to comprehensive support and improvement-** a change to the regulations that will require, or at least encourage, States to identify schools with consistently underperforming subgroups for comprehensive support and improvement after three years, instead of keeping them indefinitely in targeted support and improvement
- **Funding for support and improvement-** a better balance in the funding levels that schools get when they are identified for targeted support and improvement as compared to the much larger amount schools get when they are identified for comprehensive support and employment
- **95% participation rate rule for assessments-** options for how States can factor in a failure to meet the 95% participation rate requirement that are stronger than most of those in the proposed regulations
- **Minimum subgroup size (n-size)-** a requirement that States must justify their n-size if it will be greater than 10 to help ensure that schools have to count their disability subgroup unless it has fewer than 10 students with disabilities.
- **Diploma definition-** clarification that a diploma based on a student meeting his or her IEP goals, will not be considered a regular high school diploma, even if those goals are based on the grade-level State content standards
- **Segregation of students with disabilities-** the addition of “the segregation of students with disabilities in separate classes and schools” to the list of school practices that should be reduced in order to improve school environments and post-school outcomes

Want to impact the development of your State’s ESSA plan?

NDSC has developed a State Plan Advocacy Guide to help parents make detailed recommendations on their State ESSA plan. You can [find the guide here](#).

Please contact Ricki Sabia (ricket@ndsccenter.org) or Heather Sachs (hsachs@ndss.org) with questions. We encourage you to drop us a quick email and let us know when you submit comments so that we can be sure to thank you for your efforts!

Recognizing the importance of education policy and how it will affect our constituents, you may receive informational emails, called Education Alerts, and Action Alerts from both the NDSC and NDSS. Our two organizations are committed to working together on education issues, including ESSA implementation, IDEA-related issues and other education matters. NDSC’s Senior Education Policy Advisor, Ricki Sabia, will lead this collaboration, and will work closely with Heather Sachs, NDSS Vice President of Advocacy & Public Policy, coordinating education policy strategy to best serve the entire Down syndrome community.