



NDSC-NDSS EDUCATION ALERT

September 2, 2016

Action Needed on Proposed Federal Academic Assessment Regulations for ESSA SUBMIT COMMENTS BY September 9, 2016

In late July, NDSC and NDSS issued a joint alert about proposed accountability regulations for the Every Student Succeeds Act (ESSA). Thank you to everyone who submitted comments on these regulations by the deadline. More recently, the U.S. Department of Education published another two sets of proposed regulations that address the area of assessment. Groups and individuals are invited to submit public comments on these proposed regulations, which will be used to complete the final assessment regulations.

One set of proposed regulations (on "Academic Assessments") has a broad impact on both general and alternate assessments in all states. The other set of regulations (on "Innovative Assessment Authority") will only impact certain students in up to seven states. **The National Down Syndrome Congress (NDSC) has submitted [comments](#) in response to both sets of proposed assessment regulations, and the National Down Syndrome Society (NDSS) is supporting these comments. However, we are only asking you to submit your own comments for the proposed regulations on Academic Assessments, since they will have far more impact on every student's education and we need the voices of the Down syndrome community to be heard loud and clear.**

Why is it important to submit comments?

The proposed regulations on Academic Assessments clarify statutory provisions regarding how states must develop ESSA assessments, and how participation in the general or alternate assessment may impact your children. Included in these proposed regulations are parameters for your state's definition of "students with the most significant cognitive disabilities," which will be used in guidance for IEP team decision-making regarding participation in the alternate assessment. This set of regulations was

created by a “negotiated rule-making committee.” The committee included representatives from various education stakeholder groups, including educators, administrators, school boards, parents and civil rights organizations. The National Disability Rights Network represented the disability community.

NDSC was very active behind the scenes helping the disability and other civil rights representatives understand and advocate for issues related to students with Down syndrome, and other developmental and intellectual disabilities. The committee reached consensus about the wording of the proposed regulations on Academic Assessments. Although we didn’t get everything we wanted, we did win many important battles. NDSC will use the public comment opportunity to protect the most important parts of these proposed regulations and to urge the U.S. Department of Education to quickly develop detailed non-regulatory guidance and technical assistance to help the states implement key assessment issues.

The NDSC request for guidance and technical assistance has a focus on ESSA alternate assessments provisions and their impact on students who participate in these assessments. The Education Task Force for the Consortium for Citizens with Disabilities (CCD-the largest coalition of national disability organizations) has agreed to support our detailed request. Both NDSC and NDSS are members of the CCD Education Task Force.

There will be groups and individuals submitting comments in an effort to weaken what was gained in the negotiated rulemaking process and/or to take issue with NDSC’s request for federal guidance to the states. It is important that OUR voices are heard from the other side!

How and where to submit comments

The due date for the public comments is September 9, 2016. NDSC and NDSS are asking you to submit comments to the U.S. Department of Education that support the NDSC comments.

The Notice for Proposed Rulemaking (NPRM) for the Academic Assessment proposed regulations 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. Underneath the comment box there are a number of questions. The only one that you are required to answer is the last one, “Category.” There is a scroll down menu from which you can select “parent/relative” (or select “community organization” if you are commenting for a group).

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 in a few simple sentences. In addition, it is always helpful to add information on how your personal story relates to these regulations.

Here is an example:

My name is Mary Jones, and I am the mother of a 7th grade student with Down syndrome in Portland, Oregon. I want to thank the Department for these proposed regulations and express my support for the comments submitted by the National Down Syndrome Congress (NDSC), which 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."

You can also add paragraphs that make the following points:

All these regulations are important, but I especially want to express support for the proposed regulations providing clarification that all students must be instructed and assessed on the state academic content standards for the grade in which the student is enrolled. Even though the expectations for achievement on that content will be different for the alternate assessment, these regulations are essential to ensure that ALL students with disabilities have the opportunity to make progress in the general education curriculum for the grade in which they are enrolled and be educated in classrooms with their non-disabled peers, to the maximum extent possible.

I also think it is critically important for the U.S. Department of Education to quickly issue non-regulatory guidance and provide technical assistance to help states implement the assessment provisions in ESSA, especially those that impact students who take alternate assessments. The guidance and technical assistance requested in the comments submitted by NDSC and the Consortium for Citizens with Disabilities will improve implementation of ESSA and the Individuals with Disabilities Education Act. Thank you for your consideration!

Please contact Ricki Sabia at ricki@ndscenter.org or Heather Sachs at hsachs@ndss.org with any questions.

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.