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November 13, 2017

Jennifer Bell-Ellwanger
U.S. Department of Education
400 Maryland Ave., S.W. Room 6W231
Washington, D.C. 20202

RE: Docket ED-2017-05-0078: Secretary's Proposed Supplemental Priorities and Definitions for Discretionary Grant Programs

Dear Ms. Bell-Ellwanger,

The Council for Exceptional Children (CEC) is a professional association of educators dedicated to advancing the success of children with exceptionalities. We accomplish our mission through advocacy, standards, and professional development. On behalf of the Council for Exceptional Children, we write to respond to the notice published in the *Federal Register* (82 FR-47484) on October 12, 2017 concerning the Secretary's Proposed Supplemental Priorities and Definitions for Discretionary Grant Programs.

PRIORITIES:

Proposed Priority 1 – Empowering Families to Choose a High Quality Education that Meets Their Child's Unique Needs:

- CEC is **opposed** to Proposed Priority 1 and recommends its removal. CEC is concerned that the Secretary's first priority is to "maximize" "educational choice" for students, which includes enabling access to private educational programs, otherwise known as vouchers. This priority undermines the Department's commitment to providing high-quality education to students. Private school vouchers do not ensure equal access to education and do not serve the students most in need of educational opportunities. Instead, vouchers divert desperately-needed resources away from public schools, which accept and serve all students, including students with disabilities. The Department should not reward states for adopting voucher programs that fail students, parents, and taxpayers. The government would better serve children of this nation by using public funds to make our public schools stronger.
- Public education is a great equalizer of an ever more diverse student population. But research indicates vouchers and other publicly supported private education have resulted in racial, ethnic, economic, religious, gender, and disability segregation.
- CEC opposes the use of public funds for private education for the following reasons:
 - **No guarantee of equal access to private schools for students with disabilities.** A hallmark of public education is that it is available to all students through open enrollment practices. No students are excluded from public school. Private schools do not provide that guarantee, even if they accept public funds. Mission-based entrance policies which describe students who "match" a private school's mission are often discriminatory against children and youth with disabilities. There is evidence of discriminatory practice within this context based on race, disability, and socioeconomic status. Any educational organization receiving public funds must be required to offer equal access to its programs.

- **No guarantee of accountability.** Public schools must meet federal requirements regarding implementation of an individualized education program (IEP) and comply with regulations that ensure equitable access and opportunity for students with disabilities.
- **No guarantee of a free appropriate public education (FAPE) and procedural safeguards.** When parents decide to enroll their child in a private school using public funds (voucher, tuition tax credit payment, savings account, scholarship), they lose the right to special education services and due process rights afforded under the Individuals with Disabilities Education Act (IDEA). These include implementation of an IEP, related services, mediation, dispute resolution, and other due process rights. Many parents may not be aware that they are in effect discarding their parental rights and, in doing so, also discarding their child's right to a FAPE.
- **Subsidizing private schools with public funds does irreparable harm to students with disabilities.** Access to equitable public opportunities and positive educational outcomes are based on a strong local, state and federal investment in public education. Use of public dollars to pay for private education decreases the funding available to ensure a strong public school system, which is essential to quality educational opportunities for all students, including students with disabilities. A parallel system of education publicly funded in the private sector is unsustainable for taxpayers and harmful to students with disabilities.

Proposed Priority 5 – Meeting the Unique Needs of Students and Children, including those with Disabilities and/or with Unique Gifts and Talents

Overall:

- Revise the title of the priority to read “children and youth,” which is commonly accepted terminology.

Gifts and Talents:

- CEC along with its Division, The Association for the Gifted, fully support the language in (c).
 - "(c) Developing opportunities for students who are gifted and talented (as defined in section 8101(27) of the Elementary and Secondary Education Act, as amended), particularly students with high needs (as defined in this notice) who may not be served by traditional gifted and talented programs, so that they can reach their full potential, such as providing a greater number of gifted and talented students with access to challenging coursework or other materials."
- There is a clear national need to develop the talent of the more than 3 million high-ability learners in the United States, whose performance is falling behind that of students in other industrialized nations. It is well documented that students with gifts and talents have learning needs requiring specialized educational services if they are to reach their potential. The students hurt most through this scenario are those high-potential students in underserved urban and rural districts who go unidentified and unserved. This under-investment in excellence has resulted in a new and widening achievement gap—the gap between minority and economically disadvantaged students who are gifted and talented and their more advantaged, high-ability peers. Researchers have documented a growing gap on both statewide assessments and on the National Assessment of Educational Progress (NAEP) for students with gifts and talents that, at current achievement rates, will take decades to close.

Disabilities:

- CEC is pleased the Department included children and youth with disabilities as a priority among the eleven priorities identified.
 - For over 40 years, the U.S. Congress and the U.S. Department of Education have stood in partnership with state and local governments, teachers and other service providers, higher education, researchers, parents, and others to ensure the successful implementation of the IDEA. IDEA guarantees the civil rights of all children and youth with disabilities and their families, ensuring high-quality, evidence-based practices including individualized specialized services to support children in their development and education and assist them in achieving positive educational outcomes and results.
 - IDEA Part D, a national grant program supporting the provision of high-quality services including professional preparation and development, technical assistance and dissemination, parent information and media and technology investments under girds the implementation of IDEA.
- CEC recommends adding a new section in this (d) priority that reads:
 - Ensuring the provision of the identification, cultivation, and continued support of a highly effective workforce. Focusing on efforts directed at the following:
 - Recruitment of a diverse and highly effective workforce. Preparation of a diverse and highly effective workforce equipped to integrate 21st-century skills, tools, and strategies into its educational practice emphasizing the use of performance-based preparation standards.
 - Retention of a diverse and highly effective workforce.
 - Innovative methods for restructuring the responsibilities of general and special education teachers, specialized instructional support personnel, and school administrators as well as continued funding to conduct high-quality personnel preparation research.

A highly effective workforce includes personnel who have a responsibility for the developmental, academic, and behavioral growth of children and youth in special education (e.g., special, gifted, and general education teachers; paraprofessionals; early childhood interventionists; specialized instructional support personnel; and administrators).

Proposed Priority 8 – Promoting Effective Instruction in Classrooms and Schools

- CEC recommends adding a new section in this priority that reads:
 - Ensuring the provision of the identification, cultivation, and continued support of a highly effective workforce. Focusing on efforts directed at the following:
 - Recruitment of a diverse and highly effective workforce. Preparation of a diverse and highly effective workforce equipped to integrate 21st-century skills, tools, and strategies into its educational practice emphasizing the use of performance-based preparation standards.
 - Retention of a diverse and highly effective workforce.
 - Innovative methods for restructuring the responsibilities of general and special education teachers, specialized instructional support personnel, and school administrators as well as continued funding to conduct high-quality personnel preparation research.

Proposed Priority 10 – Encouraging Improved School Climate and Safer and More Respectful Interventions in a Positive and Safe Educational Environment

- CEC supports this priority as it recognizes the important impact a safe and positive school climate has on the personal development and academic achievement of all students. Research has shown that schools implementing supportive and positive school climate strategies are more successful in creating environments conducive to learning.
- CEC along with its Division, the Council of Administrators of Special Education recommend:
 - (b) "Developing a positive climate for learning by promoting strong relationships among students, faculty, and staff."
 - Change (c): "Promoting an open protective learning environment that positively acknowledges and supports diversity, based on disability, race, ethnicity, religion, and gender identity."
 - Add: "Expanding relationships among schools, families, and community services to address all students' social, emotional, and mental health needs and improving educational outcomes."
 - Add: "Addressing, through evidence-based, systemic practices, the educational and mental health needs of students engaged in and victims of bullying, violence, and disruptive behaviors."
- Amend the background information by adding the following language (in **bold**): ...Additionally, victimization rates have greatly declined between 1992 and 2015, falling from 181 per 1,000 students to 33 per 1,000 students. Thus, schools are becoming physically and emotionally safer for students; however, **schools continue to report use or discipline practices that disproportionately impact children or students with high needs, including students with disabilities and students of color and more needs to be done to stop bullying, harassment and the use of aversive behavioral interventions that compromise student health and safety such as seclusion and restraint** and ensure that every child is **treated with dignity and respect so they** can learn in a safe environment.
- Amend priority (a) by adding the following language (in **bold**): (a) Creating positive and safe learning environments **that support the needs of all students, including students with disabilities, and effectively address and prevent the disproportionate discipline of students of color and students with disabilities**, including by providing school personnel with effective strategies **that include frameworks such as positive behavioral interventions and supports (PBIS) developed within a comprehensive, professionally-developed plan of behavioral accommodations, supports, and interventions.**

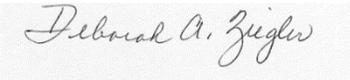
NEW PRIORITIES:

- CEC along with its Division for Early Childhood recommends the Department add a new Early Learning Priority to provide for projects focused on all young children and their families and the early intervention, special education and other early childhood learning, and education opportunities designed to meet their individual needs and promote their optimal development.
- CEC along with its Division for Early Childhood recommends using the phrase "early learning and education" throughout the priorities instead of "education." For instance, in Proposed Priority 4, Priority 7 and Priority 10, the Department acknowledges the importance of literacy, problem solving, interpersonal and social skills to support instruction and school climate. All of these priorities can benefit from and be strengthened when introduced and supported in early learning opportunities starting at birth.

- CEC along with its Division for Early Childhood recommends expanding the priorities to emphasize the critical role and involvement of families in their own child’s growth, development and learning as well as in the policy and systems development essential for successful outcomes.
- The proposed priorities use the language “where possible, incorporates evidence-based activities, strategies and interventions.” CEC strongly recommends that discretionary grants programs only promote evidence-based approaches.
- CEC recommends incorporating the use of universal design for learning throughout the priorities as appropriate but, specifically in Priorities number 5, 7 and 8.

CEC appreciates the opportunity to provide comment on these important priorities. If you need any clarification or additional information on these comments please contact Deborah A. Ziegler, Director of Policy and Advocacy, debz@cec.sped.org. CEC looks forward to the final priorities to disseminate to CEC members. CEC stands ready to assist the Department in ensuring successful implementation of the priorities for children with exceptionalities.

Sincerely,

A handwritten signature in cursive script that reads "Deborah A. Ziegler". The signature is written in black ink on a light-colored, slightly textured background.

Deborah A. Ziegler Ed.D.
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