



♥ Ensuring a Place at the Table for Every Family

December 19, 2018

Johnny Collett
Assistant Secretary, OSERS
U.S. Department of Education
Washington, DC 20202

RE: Results-Driven Accountability & OSERS “Rethinking” Conceptual Framework

Dear Assistant Secretary Collett:

On behalf of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), we are submitting these comments in response to the request for input regarding OSEP’s Results-Driven Accountability and OSERS’ proposed “Rethink.” National PLACE and our 60 local, state and national member organizations, including Parent Training and Information Centers and Community Parent Resource Centers, are committed to ensuring that families and family-led organizations are at the table when decisions regarding children and families are being made, and that our voices meaningfully influence those decisions. We have reviewed the US Department of Education’s OSEP Results-Driven Accountability provisions as well as the “Rethink” principles and, in general, are concerned that the concepts of parent/family involvement, parent/family engagement, parent/family empowerment, are not mentioned in the five “Rethink” bullets, and that family-led organizations such as Parent Centers are not mentioned at all. The position of National PLACE is that informed, knowledgeable, and empowered families must be at the heart of every initiative from every federal, state and local agency that serves children, youth and families, such as early intervention, special education, and vocational rehabilitation. National PLACE also believes that the most effective and efficient way to educate, engage, and empower families is through supporting family-led organizations whose primary commitment is to family empowerment and who bring the knowledge, skills, experiences, and expertise that only peers can bring to the work. Thus, both the Results-Driven Accountability process and the “Rethink” framework must include the meaningful involvement of family-led organizations including but not limited to OSEP-funded parent centers. Our more detailed comments follow.

Results-Driven Accountability

General Comments

As noted by comments of The Advocacy Institute, a member of National PLACE, “Any review or evaluation of the current processes involving the functions of the Office of Special Education Programs (OSEP) must be both informed and constrained by section 616 of IDEA, which lays out the monitoring, technical assistance, and enforcement responsibilities of the U.S. Department of Education (ED) (See <https://sites.ed.gov/idea/statute-chapter-33/subchapter-II/1416>). In updating these responsibilities in the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA), Congress made clear its intent to refocus ED’s work in such a way that would lead to improved results for students with disabilities. As the Senate report stated

“The revision of section 616 represents a significant departure from past practice of Federal monitoring and enforcement of IDEA. For the first time, the statute provides the Secretary with clear authority to take action against a State when there has been a persistent lack of progress in the area of student achievement. The new focus on substantive performance indicators under section 616 contrasts with previous statutory obligations to collect data that primarily addressed demographic issues. The purpose of these provisions is to shift the Federal monitoring and enforcement activities away from SEA and LEA administrative process issues that have historically driven compliance monitoring, to a system that primarily focuses on substantive performance of students with disabilities.”¹

National PLACE recognizes that the Results-Driven Accountability framework was developed to support a focus on results for students with disabilities and the most effective and efficient use of US Department of Education and technical assistance resources. Families and the family-led organizations that work with them support this focus on results and on effective and efficient use of resources. However, we are seriously concerned that the RDA process has (a) not led to the intended improved outcomes, and (b) resulted in fewer opportunities for stakeholders such as families, youth with disabilities, and family-led organizations to impact the compliance and monitoring process.

Further, with regard to compliance and monitoring, as the recent report from the National Council on Disability, *Federal Monitoring and Enforcement of IDEA Compliance*, points out, the “current system of monitoring and enforcement, while moving toward a more balanced approach of compliance and results, often fails to address noncompliance in a timely and effective manner, and utilize all of the options available to address issues.”²

¹ Senate report to accompany S. 1248 <https://www.gpo.gov/fdsys/pkg/CRPT-108srpt185/html/CRPT-108srpt185.htm>

² National Council on Disability, (IDEA Series) *Federal Monitoring and Enforcement of IDEA Compliance*, 2018, Author, available at <https://ncd.gov/publications/2018/individuals-disabilities-education-act-report-series-5-report-briefs>

Parent/Family and Parent/Family-Led Organization Engagement in RDA

State Performance Plan/Annual Performance Report/State Systemic Improvement Plan

National PLACE members have noted significant frustration with the weak provisions for family engagement, and the non-existent provisions for family-led organization engagement, in the SPP/APR/SSIP process. And even the weak language that exists for family engagement is often ignored or deemed to be met by involving the State Interagency Coordinating Council or Special Education Advisory Panel even if just cursorily. There is no requirement for states to involve their OSEP-funded parent center, and there is no requirement for states to pay attention to their stakeholders' recommendations in any aspect of the SPP/APR/SSIP. **National PLACE strongly recommends** mandating the meaningful involvement of parent centers in all aspects of the SPP/APR/SSIP process, and requiring states to report on what parents/families, parent centers, and other stakeholders recommended and what the state decided to do, including the extent to which the state agreed to implement those recommendations.

Further, **National PLACE recommends** that OSERS/OSEP require all technical assistance providers to reach out to the OSEP-funded parent centers when they will be coming into their state to (a) make them aware of the TA that is being provided, (b) ask them for any qualitative or quantitative data or other relevant information that may illuminate the situation and help their TA be more effective, and (c) find out how they are already involved either with the state or in their own Parent Center work on the area in which TA is being provided. We also recommend that OSERS/OSEP require all TA providers to encourage the state EI or special education lead agency to involve the OSEP-funded parent center in the TA event(s), and help their TA providers be more effective in ensuring that the state agencies understand the value-add of parent center participation and the importance of bringing in parent centers at the earliest stages rather than waiting until the state is "ready." "Critical friends" are essential to the improvement process.

Monitoring and Enforcement

National PLACE agrees with the findings and recommendations of the recent National Council on Disability report, *Federal Monitoring and Enforcement of IDEA Compliance*³. The report provides the history of OSEP's monitoring and compliance activities. The decision to dispense with verification visits was found to be problematic by the stakeholders interviewed for the report, and **National PLACE strongly agrees** that verification visits are critical components of an effective monitoring and enforcement system. Verification visits provide the opportunity for OSEP to meet with and hear directly from intended beneficiaries of IDEA and other laws related to OSERS'/OSEP's responsibilities as well as as the parent/family-led organizations that inform and support them.

³ National Council on Disability, (IDEA Series) Federal Monitoring and Enforcement of IDEA Compliance, 2018, Author, available at <https://ncd.gov/publications/2018/individuals-disabilities-education-act-report-series-5-report-briefs>

National PLACE encourages OSERS/OSEP to review the report and its recommendations for ED, all of which can be achieved through changes to current practices. **We support:**

- Utilization of OSEP’s full authority to withhold federal funds and make referrals to DOJ for enforcement as permitted by IDEA;
- Establishment of a formal procedure for submission of complaints to ED and OSEP;
- Continuing and accelerating efforts to improve validity and reliability of systems of data gathering and analysis, including requesting relevant data from parent centers that may provide both critical and relevant quantitative and qualitative information;
- Shortening the length of time between SPP/APR submission and release of determinations and other findings so that parents/families and parent/family organizations, self-advocacy organizations, and other advocates can make more effective use of the determinations and findings in advocating for systems improvement;
- Providing clear instructions that enable parents/families, parent/family-led organizations, self-advocacy organizations, advocates, and other stakeholders to locate OSEP’s response to each state’s SPP/APR and any actions required by the states;
- Providing links to the information each state is required to make available in OSEP’s SPP/APR online portal to improve parent/family, parent/family-led organization, self-advocacy organization, advocates, and the public’s access to LEA determinations; and
- Providing comprehensive guidance to SEAs on investigating and enforcing state complaints from parents/families, parent/family-led organizations, self-advocacy organizations, advocates, and others, including corrective actions for denial of FAPE.

National PLACE also agrees with the comments of our member, The Advocacy Institute, that there is insufficient information available to parents/families, parent/family-led organizations, self-advocacy groups, and the general public, regarding Differentiated Monitoring and Support (DMS). The description available at www2.ed.gov/fund/data/report/idea/dmsrpts/index.html does not provide sufficient information for our constituency – parents/families and parent/family-led organizations – to understand how the system works and how they can be engaged in helping to identify the states that should be receiving universal, targeted, or intensive monitoring and support. We also note that OSEP does not consider the results of Indicator 8 (parent/family engagement) in any aspect of its determinations, and it should. Parent/family engagement is at the heart of IDEA and the IEP process.

National PLACE strongly recommends that OSEP require that DMS reports be posted on States’ websites so they are accessible to parents/families, and that OSEP directly share them with the State’s Parent Centers (PTIs and CPRCs), Protection and Advocacy/Disability Rights agency, and other stakeholders in the state. **Further, we recommend** that, if DMS “engagement activities” involve some degree of technical assistance – generally provided by one or more of the OSEP funded TA centers – OSEP require the engagement of Parent Centers, other family-led organizations, and other advocates and outside stakeholders who could prove helpful in implementing improvements.

Just as importantly, implementation of activities to improve results must not be left in the hands of the States, an approach that that relies too much on the States' willingness and capacity to implement improvement activities with fidelity.

Rethinking Framework

Mission

"To improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the nation."

National PLACE supports that aspect of the OSERS Mission focused on improving early childhood, educational, and employment outcomes, and on raising expectations for all people with disabilities. However, ***we have concerns*** about stating that the mission includes raising expectations *for* their families, their communities and the nation. Raising expectations *for* infants, toddlers, children, youth and young adults with disabilities can only occur *if* we raise the expectations *of* families, communities, early childhood providers, educators, schools, and districts, and other providers and government agencies. Raising expectations *for* and *of* is necessary, but not sufficient, to improve outcomes. Thus, ***we recommend*** adding that part of OSERS mission is to *improve services* to all people with disabilities and their families.

Principles

OSERS' principles indicate that "OSERS will rethink anything and everything to ensure that we are in the best position to achieve our mission.

- Address deeply embedded and complex issues
- Question systems that do not facilitate the kind of improvement we know is necessary
- Confront structures that limit opportunities for individuals with disabilities
- Change policies and practices that put the needs of a system over the needs of the individual
- Challenge mindsets that appear intent on preserving the status quo."

National PLACE supports many of these principles. We strongly agree that the barriers to positive outcomes for children, youth and adults with disabilities are deeply embedded and complex and must be addressed. We also agree that it is essential to question systems and confront structures that do not facilitate the kind of improvement we know is necessary and that limit opportunities for and outcomes of individuals with disabilities. We support changing the policies and practices of systems that fail to meet the needs of individuals with disabilities. And we support challenging mindsets that preserve the status quo when the status quo is not meeting the needs of people with disabilities and their families.

However, we note that there are aspects of the “status quo” – such as the requirements for family participation in the IFSP and IEP process, for LRE/inclusion in school, for meaningful transition planning and services, and many other provisions in IDEA, Section 504 of the Vocational Rehabilitation Act, and other laws and regulations – that continue to be important and that should not be eliminated or weakened. Not everything that is “status quo” is negative.

Conceptual Framework – Support, Flexibility, Partnership

Support

National PLACE strongly endorses the commitment of OSERS to support states in their work to raise expectations and improve outcomes for individuals with disabilities, including demonstrating commitment to high expectations for each individual with a disability, providing differentiated support to states based on their particular needs, and continuously improving your systems to support states. Again, ***we recommend*** an amendment to *improve services to* and outcomes for individuals with disabilities. High expectations alone are not sufficient.

However, ***we are very concerned*** that the Support component does not include supporting the other critical aspect of raising expectations and improving services to and outcomes for individuals with disabilities – support for parents/families and the family-led organizations that support them. Historically, the most effective way to ensure that children with disabilities, or those who face other challenges due to discrimination, etc., has been through educated and engaged parents who have been prepared to effectively partner with professionals and advocate on behalf of their children. IDEA’s focus on funding family organizations such as Parent Training and Information Centers and Community Parent Resource Centers to prepare and support parents has resulted in millions of families being better prepared for these roles. Thus, the support component must include support for families and Parent Centers.

We would recommend rewording this component of the framework as follows (suggested edits are in italic):

“OSERS will support states, *families/parents of and people with disabilities, Parent Centers, and other OSERS-funded entities*, in their work to raise expectations *and improve services to* and outcomes for individuals with disabilities.

Demonstrate commitment to high expectations for each individual with a disability

Provide differentiated support to states, *families/parents of and people with disabilities, Parent Centers, and other OSERS-funded entities*, based on their particular needs

Continuously improve our systems to support states, *families/parents of and people with disabilities, Parent Centers, and other OSERS-funded entities.*”

National PLACE further recommends that OSEP examine its current practices, including funding of projects that provide information and technical assistance to families of infants, toddlers, children and youth with disabilities, and youth with disabilities. *Authentic family and family-led organization engagement requires much more attention and funding.*

Flexibility

National PLACE has serious concerns with this component of the conceptual framework. As noted by our member The Advocacy Institute, “flexibility may in fact be one of the factors standing in the way of improvement.” For example, the flexibility that OSEP provided to states regarding identification of significant disproportionality has led to virtually no states identifying any districts with significant disproportionality despite the stark reality of disproportionality in identification, classification, placement, discipline, graduation, drop-out, etc. Further, while *support* and *partnerships* are essential components of improvement and implementation science, “*flexibility*” does not rise to this level of importance. Thus, **we do not support** having “flexibility” as one of three primary components of the conceptual framework. Sadly, it is the experience of far too many parents, families, and family-led organizations that states and districts too often do not themselves have high expectations for children and youth with disabilities and do not prioritize significantly improving outcomes for them. It is not our experience that states are always in the best position to determine implementation of their programs or pursue innovation that meets the needs of children and youth with disabilities and their families.

While National PLACE supports innovation, increasing flexibility for states does not represent our perspective on how to best achieve the goal of improved outcomes. Many of the existing requirements on states, districts, schools, and EI programs, all developed within the federal regulatory framework that provides for public review and input, are essential to ensure family involvement, equity, and protection of the rights of infants, toddlers, children, youth, and young adults with disabilities and their families. Many of what is perceived as “red tape” that stands in the way of “flexibility” and “innovation” are in place because of parent and parent organization advocacy, and **National PLACE opposes** their elimination.

Further, in our opinion, particularly with regard to the meaningful engagement of families and family-led organizations, including OSEP-funded parent centers, in all aspects of early intervention, special education, and transition to adult life, not only has OSERS/OSEP not “overreached,” but in fact has not used the full extent of its authority.

Partnership

National PLACE supports the components of the conceptual framework related to Partnerships, but also believes that those components do not go far enough. It is, of course, critical that OSERS partner with parents and families, and diverse stakeholders to raise expectations and improve outcomes for individuals with disabilities.

We particularly appreciate that parents and families are highlighted and not subsumed by the overall concept of “stakeholders,” as parents and families and their children are the intended beneficiaries of OSERS’/OSEP’s services. However, ***we are concerned*** that the conceptual framework does not mention Parent Centers, OSEP’s investment in family engagement in the early intervention, special education, and transition to adult life processes, as a key partner. ***We strongly recommend*** a revision of this component of the conceptual framework to specifically include Parent Centers and other family-led organizations in the introduction to the component and in each of its provisions. Our recommended edits are in italics:

OSERS will partner with parents and families, *Parent Centers and other family-led organizations*, and *other* diverse stakeholders to raise expectations and *improve services to and* outcomes for individuals with disabilities:

Value the unique and diverse perspectives and expertise of parents, *Parent Centers and other family-led organizations*, and other stakeholders

Engage with parents, *Parent Centers and other family-led organizations*, and other stakeholders through meaningful and effective collaboration

Learn from individuals with disabilities and those closest to the individual, *as well as the family-led and self-advocacy organizations that support them*, as we rethink how to best serve them.

Conclusion

In conclusion, we appreciate the opportunity to comment on the Results-Driven Accountability process and the OSERS “Rethink” framework. ***We urge*** a reconsideration to address and integrate the importance of informed and involved parent/family and parent/family-led organization engagement throughout each and every aspect of RDA and the “Rethink” framework. Further, ***we reiterate*** our underlying principle: any priorities or decisions made about our children’s education must be conducted with the active and meaningful participation of representatives of parents of infants, toddlers, children, youth and young adults served by US ED-funded programs as well as the family/parent organizations that provide them with information and support and represent their interests. For any questions or for additional information about this letter and its recommendations, please contact me, the Executive Director of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), at dautin@parentsatthetable.org.

Sincerely:



Diana MTK Autin, Executive Director
On behalf of National PLACE

National PLACE Members – National

Advocacy Institute

National Federation of Families for Children’s Mental Health

Parent to Parent USA

National PLACE Members – State & Local

Advocates for Children of NYC (PTI)

AFCAMP (Hartford, CT) (CPRC)

Arkansas Waiver Association (CPRC)

ASK Resource Center (Iowa) (PTI)

Association for Children’s Mental Health (Michigan)

Association for Special Children and Families (NW New Jersey) (CPRC)

Bayada (New Jersey)

Community Inclusion and Development Alliance (NYC) (CPRC)

Connecticut Parent Advocacy Center (Connecticut) (PTI)

Exceptional Children’s Assistance Center (North Carolina) (PTI)

FACT Oregon (Oregon) (PTI)

Families Together (Kansas) (PTI)

Family Connection of South Carolina (PTI)

Family Matters PTI (Illinois) (PTI)

Family Network on Disabilities (Florida) (3 PTIs)

Family Resource Center on Disabilities (Chicago Metro Area, Illinois) (PTI)

Family Soup (California)

Family Voices of California

Family Voices of New Jersey

Family Voices of Wisconsin

Federation for Children with Special Needs (Massachusetts) (PTI)

FIRST Parent Center (North Carolina) (CPRC)

Formed Families Forward (Virginia) (CPRC)

INCLUDEnyc (New York City) (PTI & CPRC)

Long Island Advocacy Center (Long Island, New York) (PTI)

Louisiana PTI (PTI)

Maryland Coalition of Families

Matrix Parents (California) (PTI)

Mission Empower (Buffalo, NY) (CPRC)

Mississippi Coalition for Citizens with Disabilities (PTI)

Open Doors for Multicultural Families (Washington) (CPRC)

Parent Connection (S. Dakota) (PTI)

Parents CAN – Napa Valley Child Advocacy Network (California)

Parent Education Advocacy Training Center (PEATC) (Virginia) (PTI)

Parent Education and Advocacy Leadership (PEAL Center) (Pennsylvania) (PTI)

Parents Helping Parents (San Jose, California) (PTI)

Parent Information Center (Delaware) (PTI)

Parent Network of Western NY (Buffalo) (CPRC)

Parents Let's Unite for Kids (Montana) (PTI)
Parents Place of Maryland (PTI)
Parents Reaching Out (New Mexico) (PTI)
Parent to Parent of Georgia (Georgia) (PTI)
Parent to Parent of NJ (New Jersey)
Partners Resource Network (Texas) (3 PTIs)
PEAK Parent Center (Colorado) (PTI)
Pyramid Parent Center (New Orleans) (CPRC)
Rhode Island Parent Information Network (PTI)
Rowell Family Empowerment (California)
SPAN (New Jersey) (PTI)
Starbridge (New York State) (PTI)
STEP-Support and Training for Exceptional Parents (Tennessee) (PTI)
Support for Families (San Francisco, California) (PTI, CPRC)
Washington PAVE (PTI)
West Virginia Parent Training & Information (PTI)
Wisconsin FACETS (PTI)
Wyoming Parent Information Center (PTI)