



Survival Coalition

of Wisconsin Disability Organizations

131 West Wilson Street, Suite 700, Madison, Wisconsin 53703
(608) 267-0214 voice/tty • (608) 267-0368 fax

February 14, 2012

Superintendent Tony Evers
Dept. of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841

Re: Comments on DPI's Draft ESEA Waiver request

Dear Superintendent Evers:

As you are probably aware, the Survival Coalition of Disability Organizations is a broad based coalition of over 40 disability organizations in Wisconsin, which work on disability related public policy issues to improve the lives of people with disabilities throughout Wisconsin. Although some of our members did complete DPI's on-line survey regarding its draft ESEA waiver, the Survival Coalition believes that the survey did not allow us to provide the comprehensive response that we feel is necessary to ensure accountability for students with disabilities. Therefore, we are sending these comments to you in the hope that you will amend certain aspects of the waiver. We would appreciate the inclusion of our comments, along with all other stakeholder comments, in your submission of the ESEA waiver request to the U.S. Dept. of Education.

Overall, we do want to make clear that we support DPI's desire to obtain a waiver from the onerous provisions of the ESEA which will go into effect in 2013, and which we do not feel will help provide a better education to children with disabilities. In addition, there are many aspects of DPI's draft waiver which we support. However, there are also many aspects that we either oppose or believe need to have far greater detail in order for us to consider supporting them. We have outlined both the aspects of the waiver which we support as well as those that concern the Survival Coalition below, in the order in which the waiver is drafted.

Overview of SEA's Request for the ESEA flexibility

- We strongly support the emphasis on Universal Design for Learning (UDL) Principles.
- We support the proposed use of Dynamic Learning Maps as the alternate assessment based on alternate achievement standards (AA-AAS) and applaud Wisconsin's participation in this national consortium. However, we believe that DPI should not emphasize that these alternative assessments should be used on 1% of all students, as this perpetuates a myth that there is no need to make individualized determinations for children with the most significant disabilities who should be involved in this type of assessment. In addition, in Wisconsin, 1% of students do not take the AA-AAS currently, in fact the number is lower and 1% should not become a new target. Current U.S. Department of Education (USDOE) WI data assessment data (2009-2010) shows the percent of students with disabilities (SWD) on AA-AAS: 8.8% in Reading; 8.9% in Math. It is also important that Wisconsin refer to this group of students who may take the AA-AAS consistently throughout the application as "students with the most significant disabilities."

Principle 1.B–Transition to College-and Career-Ready Standards

- We support the fact that one of the guiding principles that "drive the work of DPI": "Every Student has the Right to Learn" includes reference to the essential elements of the Common Core Standards, which "will be the foundation of instruction and assessment for student with significant cognitive disabilities..."
- While we support the creation of a "Standards, Instruction and Assessment (SIA) Center," we are concerned over the failure to identify the timeline during which it will be created. We also support the fact that the SIA Center will create materials to support teaching and learning for all students, including SWD. While we approve of the fact that DPI is interested in partnerships with higher ed. faculty, we are concerned that there is no detail as to how this partnership (which currently does not exist) will be created. We understand there is a model for DPI and institutions of higher education partnerships utilized by DPI's State Personnel Development Grant (SPDG) that has demonstrated system change initiatives and promising outcomes.
- We support increasing Math and Science High School (HS) credit requirements from 2-3. However we are concerned about the failure to identify the need to obtain legislative approval and that this may not happen in waning days of the current legislative session.
- We are pleased that DPI is going to field test use of new cut scores, but we are concerned that draft waiver has not stated when this will happen or in what manner.

- While we support the concept of Reducing Duplication and Unnecessary Burden, there is no reference to including federally required IDEA (special education) data in this unified system. It is critical that IDEA data be included in any unified data system.

Principle 1.C–Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments that Measure Student Growth

- We strongly support DPI’s participation in the SMARTER Balanced Assessment Consortium, which supports the concept of “regardless of disability” in referencing Common Core Standards Assessment.
- We support DPI’s decision to move toward “quick turnaround of results” for assessments.
- We offer qualified support for “Optional comprehensive and content-cluster measures that include computer adaptive assessments and performance tasks, administered at locally determined intervals.” This is because we do not understand why these are optional and the draft is unclear as to how or when this will be done and whether the computer adaptations are designed for SWD.
- Wisconsin’s waiver request should provide detail on how the state will transition students taking the alternate assessment on alternate academic achievement standards (AA-AAS) to common core standards. The application should also state that teachers of students who participate in the AA-AAS are specifically included in all training and rollout of the common core standards, and in every other facet of Wisconsin’s proposal that applies to all other students, including teacher evaluation.
- Any accommodations offered on these assessments should be the same as the national standards. Wisconsin’s’ waiver proposal should include a plan for reviewing and matching current accommodations policy with new accommodations which will be implemented with new assessments. This is particularly important because USDOE reported data shows 58% of Wisconsin SWDs using test accommodations on the general assessment in reading and 61% using accommodations in math - (2009-2010).
- Finally, the waiver application should be clear that the model being used to measure student growth for any purpose includes students who take the AA-AAS – i.e. students with the most significant disabilities.

Principle 2.A–Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support

- We strongly support an accountability system which will apply to schools, including charter and voucher schools which receive public funding, as DPI proposes.

- We support the draft options for priority schools including turnaround expert and targeted school reform or closing.
- We support the proposal calling for prioritizing improvements at the district level if the diagnostic review “demonstrates that systemic challenges at the LEA level contributed to identification as a Priority School.”
- We support charter schools entering into a performance agreement with DPI if identified as a priority school.
- While we support private voucher schools entering into performance agreement if identified as a priority school or exiting the program, we are concerned that the waiver is silent about disability participation or assessment in these schools, especially given the known dearth of SWD who participate in the current voucher program.
- We are very concerned that the draft waiver states that the overall accountability index system is currently under development and that School and District Report Cards will be developed over the coming year in consultation with stakeholders. We cannot support such a vague statement. If USDOE approves this waiver despite its vagueness, then we insist that parents, advocates and educators of SWDs be invited to be active participants in developing this accountability index.
- We are very concerned about the draft proposal to waive supplemental education services, which states that these services can be waived if a “majority” of parents wish to waive them, and that districts must show evidence of subgroup parent involvement, including parents of SWD. Our concern is that there is no mechanism identified for how a majority of parents can be obtained and what the nature of subgroup parent consultation must be. See also Sec. 2.D. regarding priority schools which has this same concern.
- While we support the draft waiver’s proposal for “individualized instruction and align with individual student needs identified through balanced assessments, including the needs of SWDs,” we are concerned that there is no mention of the necessary inter-relation with a student’s IEP. The same is true regarding the proposal for written parental consent on student’s “instructional learning plan” where there is no mention of inter-relation with student’s IEP. See also Sec. 2.D. regarding priority schools which has this same concern.
- We support the draft waiver’s call for DPI-contracted turnaround experts in persistently low performing schools to complete a School Improvement Diagnostic Review (SIDR), which includes identification of the processes and practices to serve SWDs. However, we are concerned that there is no mention of analysis of behavior management or

discipline practices required in this review which is critical to turning a school around. See also Sec. 2.D. regarding priority schools which has this same concern.

- While we support the identification of LEA level systemic challenges if “a large proportion of district schools are identified as priority schools,” we are concerned that the term “large proportion” is not defined in the waiver.
- Regarding Recognizing High Performing Schools, while we support, identification of increases in math and reading performance and closing achievement gaps, we do not believe that reading and math should be lumped together, and we are concerned that there is no reference to behavior and/or discipline practices.

2.B–Set Ambitious but Achievable Annual Measurable Objectives (AMOs)

- We are very concerned that while individual subgroup performance is reported, the waiver proposed not to use it for overall accountability calculation. Wisconsin’s proposal for accountability should not be watered down by reporting subgroups for some calculations and not others.
- We are concerned that a methodology has not yet been determined to calculate Priority Area and Overall Scores.
- We support the draft waiver’s proposal that schools may receive unacceptable-performance flags if any single subgroup misses the target in math or reading test participation rate and that the target test participation is 95%.
- We are very troubled that the draft waiver considers it acceptable to have any dropouts in elementary school, let alone not flagging those schools which have fewer than 2% dropouts. We also believe that flagging at 10% in high school is too high and that should be lowered to 5% if it is indeed the state’s goal to graduate every child. Finally, we believe it is extremely important that the calculation for dropouts be disaggregated by subgroup.
- Regarding the 3rd Grade Reading accountability, we believe that falling 2 standard deviations below the statewide average is insufficiently rigorous as that is the old methodology for determining if students had a significant learning disability. In addition, subgroup performance in this area should also be a cause for a flag.
- Regarding the “Stars” heading, we believe there is a typo when it states that stars awarded for rate of college credits in HS and postsecondary enrollment within 16 months of “college” (probably should be HS) graduation, and AP participation and performance. In addition, we believe stars should be awarded for a high post-HS employment rate.

- We support adding a district flag if 1 or more schools is persistently failing to meet expectations.
- While we strongly support the reduction of the “Cell Size” from 40 to 20 for accountability purposes, we remain concerned that a large number of small and rural schools will not be held accountable under this system, particularly for subgroups. We have requested previously that DPI report the number of Wisconsin schools that would not be reporting for accountability purposes on SWD with a cell size of 20. In addition, N size calculation parameters should not apply, and do not need to apply, to dropout and graduation rate calculations. The purpose of n-size is to get statistically relevant information but for these measures which have an absolute calculation there is no need for this caution. Smaller schools that cannot meet an n size of 20 for a subgroup should not be eliminated from these important calculations and review.
- We support that “DPI intends to request funds for EXPLORE, PLAN, ACT and WorkKeys,” but we are concerned that the draft waiver does not state from whom or how much.
- We fail to understand and therefore do not support the fact that students are not tested in 9th, 11th or 12th grades, so high schools won’t be included in the growth gap.
- We are concerned that in discussing “The Graduation Gap” there is no reference to the vocational diploma (Senate Bill 335) which has broad support in the Wisconsin Legislature and is pending passage this session.
- Wisconsin is right to give credit to the 6-year graduation rate, but the 4-year rate must be calculated to have priority. These rates must not be added together and divided to find an average. We want students to graduate in four years if this is possible.
- We are concerned that in the “On-Track Indicator,” the only priority measurement is attendance. Behavior and discipline should also be measured, especially as a component of attendance.
- Finally, it is extremely important that AMOs be set between schools verses between subgroups. A measure that is focused on comparing subgroups within a school may mean some students may never reach proficiency.

2.C.–Reward Schools

- We are concerned that in the proposed “ENHANCEMENTS TO WISCONSIN’S EXISTING RECOGNITION AND REWARDS” there is no mention of cost for “additional state resources, including staffing for funding” for Spotlight Schools Diagnostic Reviews (SPDR).

2.D.–Priority Schools

- See comment under Sec. 2.A. above discussing “Waiving Supplemental Education Services.”
- See comment under Sec. 2.A. above discussing “Alternative Requirements.”
- See comment under Sec. 2.A. above discussing “Parent Involvement.”
- While we support the “Assurances” statement on p. 3, we are concerned that there is no mention of the relationship to children’s IEP.
- Regarding School Improvement Diagnostic Reviews, we support inclusion of universal screening and progress monitoring. However, we are concerned that there is no mention of behavior management and discipline practices
- We fully support the paragraphs on pp. 6-7, entitled -RtI, Extended Learning Time, Highly Skilled Educators, Highly Skilled Leaders, Positive and Safe Learning Environments, Family Engagement, and After 3 Years of Implementation.
- We are concerned that Tables 2.3 and 2.4–Timeline for Implementation of Priority School Activities all budget items listed TBD. Without a real budget, this is difficult to support.
- We cannot tell if high schools are included in the priority school program, and if not, this would concern us.
- We are concerned that exit criteria are not clearly articulated in the draft waiver proposal.

2.E.-Focus Schools

- We support subgroup proficiency rates in reading and math being used for Focus Schools. We are not in favor of a definition of a Focus School that includes the biggest gaps between subgroups within a school as a student then becomes a victim of where he/she resides. A better measure is to compare subgroups with the lowest achievement.
- We support the plan to “Access Core Instruction in Reading and Math.” However, we are concerned about the draft waiver proposal’s continued failure to focus on behavior.
- Given our comments regarding a need to focus on behavior and discipline, we are pleased to see the discussion of PBIS.

- We support the Increased Prescriptive and Directive Requirements section.
- While we support the stated “RATIONALE FOR FOCUS SCHOOL REQUIREMENTS” which calls for RtI as a means to “appropriately serve all students,” we believe the draft waiver needs to explain how RtI helps kids with disabilities. The intent of RtI should continue to be reducing inappropriate referral to special education.
- We have a grave concern that the Students with Disabilities section, pp. 10-11, only focuses on lowering identification rate and fails to mention increasing rates of learning.
- Once again, we are concerned that no exit criteria are listed.
- We are concerned that there is only a focus on schools because there also needs to be a focus on subgroup achievement.
- We strongly suggest that Wisconsin’s waiver proposal adopt a plan to move toward standards-based IEPs as a strategy to improve the performance of students with disabilities who are already determined as IDEA eligible. This is a highly effective way to ensure that SWDs are being educated in accordance with the statewide common core standards.

2.G.–Build SEA, LEA and School Capacity to Improve Student Learning

- We are concerned that there is no mention about subgroup specific expertise.
- We are concerned that Table 2.5–Monitoring Activities of School and Student Performance, describes SEA monitoring “as necessary” for priority schools and “yearly with more frequent communication as necessary” for focus schools which is too vague to support.
- We support prioritizing district level improvements if school diagnostic review demonstrates systemic LEA challenges.
- We are concerned that Principle 4: Reducing Duplication and Unnecessary Burden moves away from school plans to district-wide plans. Both are necessary.

3.A.-Develop and Adopt Guidelines for Local Teacher and Principal Evaluation and Support Systems

- We are concerned that in the Development of the Framework, no parent or special education groups were involved.

- We are concerned that in the section on Student Achievement discussing principal evaluation, there is no discussion of SWD.
- While we support that within the Evaluation Process an educator will not be allowed to remain at the developing level “indefinitely”, we are concerned that no time frame is identified for exiting such educators out of the profession.

We appreciate the opportunity to provide you with this feedback. Feel free to contact us if you have any questions or wish to discuss our concerns.

Sincerely,

Survival Coalition Co-Chairs

Beth Swedeen, WI Board for People with Developmental Disabilities; 608-266-1166;

Beth.Swedeen@wisconsin.gov

Tom Masseur, Disability Rights Wisconsin; 608-267-0214; Tom.Masseur@drwi.org

Maureen Ryan, Wisconsin Coalition of Independent Living Centers, Inc; 608-444-3842;

moryan@charter.net

(Primary Contacts on this issue area:

Jeff Spitzer-Resnick & Lisa Pugh, Disability Rights Wisconsin (608) 267-0214)

CC: Senator Luther Olsen
Representative Steve Kestell