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November 13, 2017

Jennifer Bell-Ellwanger
U.S. Department of Education
400 Maryland Avenue, SW, Room 6W231
Washington, DC 20202

Docket ID: ED-2017-OS-0078

Dear Ms. Bell-Ellwanger:

The Learning Disabilities Association of America (LDA) appreciates the opportunity to submit comments regarding the Secretary's proposed supplemental priorities and definitions for discretionary grant programs (*Fed. Register, Oct. 12, 2017*). LDA – a national volunteer organization representing individuals with learning disabilities, their families, and the professionals who serve them – has worked for 50 years to ensure children with specific learning disabilities are properly identified and receive appropriate services to enable them to fully benefit from these educational opportunities, graduate from high school, and meet their postsecondary goals.

LDA believes all Department of Education grant priorities should meet the letter and spirit of federal education laws. Further, we believe the Department has a critical role in providing appropriate oversight of and technical assistance for grantees, and grantees must be accountable for the use of federal funds. LDA supports a federal Department of Education that assumes its responsibility to ensure programming, including discretionary grants, that improves educational outcomes for all young children, youth, and postsecondary students, with adequate federal investment resulting in enhanced, high-quality research-to-practice.

Toward those ends, LDA offers the following recommendations on the proposed grant priorities.

Proposed Priority #1:

LDA opposes this priority.

The Secretary's Proposed Priorities state the Department "will place a renewed focus on our core mission: serving the most vulnerable students, ensuring equal access for all students, protecting their path to a world class education, and empowering local educators to deliver for our students." However, the proposed priority focuses on private and home schooled students and private education providers. By design, private school voucher programs do not provide equal access for all students, including students with disabilities. Private schools also do not afford students with disabilities the same quality and quantity of services provided in public schools, including services mandated under students' individualized education programs (IEP). As a result, students with disabilities are systematically excluded from voucher programs.

While we fully support families' right to decide what school their child will attend, we have clearly stated our support for using public funds only for public education. Projects funded through the U.S. Department of Education should focus only on strengthening the public education system, rather than the definition of "educational choice" in this notice. This definition and the proposed priority clearly focus on "private or home-based educational programs or courses, including those offered by private schools, private online providers, private tutoring providers, community or faith-based organizations, or other private education providers." Terms used in the priority, such as "innovative models of educational choice," must comport with the aforementioned definition, which clearly displays a preference for the use of public funds for private education. For these reasons, we believe this priority is inappropriate and should be removed.

Proposed Priority #2:

LDA has some concerns about this proposed priority in its current form. While "efficiency and effectiveness" are laudable goals, this priority focuses on reducing compliance to achieve those goals. LDA believes a critical function of the U.S. Department of Education is to ensure compliance with statutory and regulatory requirements of all federal education laws.

In addition, rather than "streamlining education" and "providing increased value to...taxpayers," grantees of the U.S. Department of Education should be focused on increasing the quality of public education. While ensuring taxpayer dollars are well-spent and providing cost-effective ways to deliver quality education are important goals, the priority's emphasis should be on improving education.

LDA recommends:

- Providing a clear definition of "innovation" that focuses on improved delivery of educational services and instruction, rather than decreasing compliance and accountability.
- Rewriting (a), (c), and (d), as indicated below; retaining (b); and, removing (e):
 - (a) "Implementing strategies that ensure education funds are spent in a way that increases their efficiency and effectiveness to achieve improved educational outcomes."
 - (c) "Addressing how paperwork and administrative functions can be streamlined to ensure more time is spent on high-quality instruction and provision of educational services."
 - (d) "Demonstrating innovative paths to improved outcomes, focused on improving delivery of educational services and instruction."

Proposed Priority #3:

LDA supports this important priority, with several recommendations. At the outset, we recommend clarifying that career and technical education programs, as described in the notice, are available and appropriate for all students, including students with disabilities.

Career and technical education (CTE) programs are at the forefront of efforts to increase students' knowledge and skills and offer excellent opportunities for students with disabilities to prepare for higher education and employment. CTE programs are offered through both secondary and postsecondary educational institutions and prepare students through programs of study and career pathways for lifelong career success. The Carl D. Perkins Career and Technical Education Act (Perkins) is the federal vehicle for CTE. However, key Perkins concepts, such as the "CTE program of study" are not used in this priority and should be added.

In addition, references throughout this priority to "in-demand industry sectors and occupations" are inappropriate and should be eliminated. This term has a very narrow meaning under the Workforce Innovation and Opportunity Act (WIOA). This has resulted in some places in identification of only a

few statewide priority industries, which may or may not be the employment sectors most readily available or in need of talent in a given local area. A broader definition should be utilized to identify a broader set of career skills and employment pathways appropriate to the area and students. If maintained, this phrase should be accompanied by “such as” or “as appropriate” as in the House Perkins reauthorization bill, H.R. 2353.

LDA recommends:

- Removing references throughout to “in-demand industry sector or occupations.”
- (b) Add reference to “programs of study,” as implemented under the Perkins Act.
- Combine paragraphs (b) and (d) to read as follows:

“Developing or expanding innovative programs of study, as implemented under the Carl D. Perkins Career and Technical Education Act, or career pathways leading to recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act of 2014) focused on career and technical skills for in-demand industry sectors or occupations and employment of credential holders. Students may obtain such credentials through a wide variety of education providers, such as: Institutions of higher education eligible for Federal student financial aid programs, non-traditional education providers (e.g., apprenticeship programs or computer coding boot camps), and other providers of self-guided learning, and providers of career and technical education.”

Proposed Priority #5:

LDA is pleased to see a priority supporting educational success for students with disabilities. We recommend the following changes and additions:

- Rewrite (a): "Ensuring students with disabilities are taught to challenging academic standards and receive high-quality instruction and specialized instructional support services that are meaningful and appropriately ambitious in light of each student's circumstances...."
- Add: "Developing curricula and instruction based on the principles of universal design for learning (UDL)."

Proposed Priority #6:

LDA supports the intent of this priority. However, we recommend removing (i), as this references the "educational choice" definition (See comments on Proposed Priority #1).

Proposed Priority #7:

We appreciate the focuses on integrating literacy instruction into content areas and teacher training and professional development. However, there must be alignment between this priority and "comprehensive literacy instruction" as outlined in the Literacy Education for All, Results for the Nation (LEARN; Title II, Part B, Subpart 2, Every Student Succeeds Act). Comprehensive literacy instruction, birth through Grade 12, is a critical foundational building block for students with disabilities, as they work to access all the content areas. The National Center on Improving Literacy has been established to increase access to and support the use of evidence-based approaches to instruct students with literacy-related disabilities and can be a critical resource in ensuring comprehensive literacy instruction is increasingly used in schools.

LDA recommends the following changes:

- (a) "Promoting birth-Grade 12 comprehensive literacy instruction (as defined in Title II, Part B, Subpart 2, Every Student Succeeds Act) supported by strong evidence (as defined in 34 CFR 77.1) that increases the literacy skills of all struggling students, including students with disabilities, and supporting educators with the knowledge, skills, professional development...."

- (d) “Integrating literacy instruction into content-area teaching beginning in the elementary grades and continuing in the middle and high school grades after establishing a strong early foundation using practices supported by strong or moderate evidence (as defined in 34 CFT 77.1)”
- Add: "Increasing the number of students reading at grade level by third grade, with a focus on children or students with high needs (as defined in these priorities)."
- Add: “Promoting support at a State and local level for early care and learning programs, including parenting support programs, to build foundational early language and literacy skills, together with close coordination between such programs and elementary education programs that differentiate interventions and practices for different age groups.”
- Add definition of "comprehensive literacy instruction," as found in Title II, Part B, Subpart 2, Sec. 2221(B)(1), Every Student Succeeds Act.

Proposed Priority #8:

LDA appreciates the focus on strong teachers and leaders. However, there is one glaring omission in this priority: specialized instructional support personnel (SISP). This category of personnel – known in ESSA as SISP and currently in the IDEA as "related services personnel" – includes school social workers, psychologists, and counselors; school nurses; occupational and physical therapists; speech language pathologists and audiologists; and creative arts therapists. These individuals support educational achievement through direct services to students and support to teachers and leaders. SISP are particularly critical in supporting students with disabilities' academic and social and emotional success and preparing them for postsecondary education and employment.

We also support including special education teachers specifically, as there are serious shortages in the field, as well as among SISP professions.

We recommend the following changes:

- Clarify through an additional definition that "educator" means "general and special education teachers, specialized instructional support personnel, and school leaders."
- (c) "Promoting innovative strategies to increase the number of students who have access to effective educators (as defined in these priorities) in (i) public schools generally; (ii) public schools located in communities served by rural local educational agencies; or, (iii) public schools with a large proportion of low-income students."
- Add: "Increasing the opportunities for high-quality preparation of, or professional development for, special education teachers, specialized instructional support personnel, and special education higher education faculty."

Proposed Priority #10:

LDA believes a positive school climate and positive learning environment are critical to ensuring all students, including students with disabilities, feel safe and supported and are ready to learn. There are proven evidence-based programs that achieve this result, including Positive Behavioral Interventions and Supports (PBIS), cited in the Every Student Succeeds Act. PBIS has been highly effective in addressing "disruptive behaviors" through a systemic approach that teaches mutual respect and appropriate behaviors from early childhood through high school. Other approaches, such as restorative justice programs, have also proven highly effective in ensuring a positive learning environment for all students.

LDA recommends:

- (a) "Creating positive and safe learning environments, including by providing all school personnel with effective strategies, such as positive behavioral interventions and supports and restorative justice programs."

- (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, gender, 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, including the use of qualified school professionals such as school social workers, psychologists, counselors, and nurses."

LDA is always pleased to serve as a resource to the Department. As you move forward to finalize these priorities, please feel free to contact Myrna Mandlawitz, LDA Policy Director, mrmassociates@verizon.net, to assist you with this and other Department activities.

Thank you for your careful consideration of these comments.

Sincerely,



Patricia M. Lillie
President