



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

June 17, 2008

Mr. Zollie Stevenson, Jr.
U.S. Department of Education
400 Maryland Avenue, S.W.
Potomac Center Plaza, Room 3W230
Washington, DC 20202-6132

RE: ASHA Comments on April 23, 2008 NCLB NPRM

Dear Mr. Stevenson:

The American Speech-Language-Hearing Association (ASHA) is pleased to have the opportunity to respond to the U.S. Department of Education's (ED's) notice of proposed rulemaking (NPRM) on Title 1 of the No Child Left Behind Act in the April 23, 2008 *Federal Register*. The American Speech-Language-Hearing Association is the professional and scientific association representing over 130,000 speech-language pathologists, audiologists and speech-language and hearing scientists qualified to meet the needs of the estimated 49 million (or 1 in 6) children and adults in the United States with communication disorders.

Over half of ASHA members work in educational settings. This issue affects the audiologists and speech-language pathologists who provide services to students with communication disorders in these settings. ASHA members who work in a school-based setting provide services to over 1.5 million students with speech-language or hearing as their primary disability (27th Annual Report to Congress). Speech-language pathologists and audiologists provide services to more than half of all children served under the Individuals with Disabilities Education Act (IDEA) program when those with speech-language or hearing as secondary or tertiary disabilities are included. Speech-language pathologists and audiologists also provide services, including pre-referral and consultative services, to children in the regular education setting served under the No Child Left Behind Act (NCLB). The high incidence of speech-language or hearing disabilities requires a large, highly qualified pool of speech-language pathologists and audiologists to meet the needs of these students.

ASHA applauds ED for clarifying and strengthening current Title 1 regulations of NCLB in the areas of assessment, accountability, public choice, and supplemental services. We support the proposed changes in Sec.200.2 that make clear that districts will have the option of using multiple measures in the assessment process, and the proposed changes on supplemental educational service and public school choice in Sec.200.39. Also, ASHA supports the integration of a growth model option in Sec. 200.20 that incorporates student academic growth in the state's definition of Adequate Yearly Progress (AYP). For students with disabilities it is critical for assessment to be conducted in consideration of the baseline ability of a student and of progress made on IEP goals.

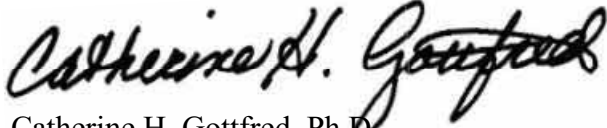
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ASHA respectfully submits these comments on the NCLB proposed rule to assist ED in providing the needed guidance to state and local decision makers to implement NCLB. Should you have questions about our comments, please contact Catherine Clarke, ASHA's Director of Education and Regulatory Advocacy, at 202-624-5953 or by e-mail at cclarke@asha.org.

Sincerely,

A handwritten signature in black ink that reads "Catherine H. Gottfred". The signature is written in a cursive style with a large, prominent "G" at the end.

Catherine H. Gottfred, Ph.D.

President

Draft Comments on NCLB Notice of Proposed Rule Making

by the

American Speech-Language-Hearing Association

Title 1-Improving the Academic Achievement of the Disadvantaged;

Proposed Rule - Federal Register (Vol. 73, No. 79) April 23, 2008

Section 200.2 State Responsibilities for Assessment

Comments:

In general, ASHA supports the changes in this section that makes clear that districts will have the option of using multiple measures in the assessment process for all students, including students with disabilities. It is especially important, as indicated, that the state's assessment system measure the full range of cognitive complexity in the state's academic content standards, and would include items measuring higher order thinking skills as well as knowledge and recall items to assess the depth and breadth of mastery of a particular content domain.

Sec. 200.7 Disaggregation of Data

RECOMMENDATION: ASHA recommends the addition of the requirement to provide disaggregation data by disability category as indicated by the bold italics language below:

(a)(2)(ii) ***(D) Disaggregation of data by disability category***

Rationale: ASHA encourages the department to require SEAs and LEAs to disaggregate data for AYP not only for students with disabilities but by disability category as well, including the student with multiple disability category. Speech and language impairments are the second most common primary disability of students receiving special education and related services under IDEA. Neither ASHA nor the Department of Education knows the composition of students with disabilities meeting or not meeting AYP. This data is useful to help schools, school districts, states, teachers, and special education service providers expeditiously adapt to the results of annual testing.

Section 200.19 Graduation Rate

Comments:

ASHA supports the concept of generating a standard definition of “graduation rate.” However, it may be helpful to more clearly specify that students with disabilities or students with significant medical issues not graduating within the standard number of years would not be a reason for a district to be penalized and deemed not to have met federal standards for graduation rate and/or AYP. It would be appropriate for any student with special needs who might require additional time to meet graduation standards to be given that option. If students with special needs are making progress towards meeting the graduation requirements they should qualify for the alternate definition of graduation. This may include students with an IEP, 504 or with other well documented significant medical issues.

Section 200.20 Making adequate yearly progress

Comments:

ASHA supports the integration of a growth model option in Sec. 200.20(h)(2) that incorporates student academic growth in the state’s definition of AYP. For students with disabilities it is critical for assessment to be conducted in consideration of the baseline ability of a student and of progress made on IEP goals. This approach would be consistent with the goals of IDEA, as well as the premise of these provisions that these students cannot reach grade-level achievement standards within the same time frame as their nondisabled peers. In addition, implementation would be reasonable and practical from both an instructional standpoint and an assessment standpoint.

Section 200.22 National Technical Advisory Council

ASHA supports the establishment of a National Technical Advisory Council to advise the Secretary on technical issues related to the design and implementation of state standards including assessment and accountability standards. In addition to experts in the field of education, the Secretary should consult with experts in special education and related service fields such as school psychology, audiology, and speech-language pathology.

Sec. 200.39 Responsibilities resulting from identification for school improvement.

Comments:

ASHA supports the proposed regulations in this section on supplemental educational service and public school choice. We concur that making information regarding an LEA's implementation of the public school choice and SES requirements available and transparent to the public would hold LEAs accountable for implementing these requirements and lead to greater student participation. It would also assist parents in making informed choices for their children. Some

ASHA members have become supplemental educational service providers through their state education agency.

Section 200.44 Public School Choice

Comments:

ASHA agrees with the Department's proposed revision to the school choice provision which would require the LEA to provide parents with adequate time (14 days) prior to the beginning of the school year to exercise their option of changing schools from one identified as needing improvement or restructuring, to another school within the district that has met AYP requirements. Parents should also be provided with enough information regarding the availability and quality of services for students with special needs to make an informed choice/decision.

Section 200.47 SEA responsibilities for supplemental educational services

RECOMMENDATION: ASHA recommends the addition to this section of the LEA requirement below in bold italics:

Require LEAs to document to SEAs how they plan to monitor the effectiveness of SES providers.

Rationale: This provision will ensure that each LEA providing SES services will be held accountable for the provider qualifications and provide assurances that instruction meets academic content and achievement standards and addresses the individual needs of the participants.

Section 200.56 Definition of highly qualified teacher

Comments:

While ASHA supports the maintenance of highly qualified teachers, other professionals providing direct instruction to students should also be highly qualified according to the standards of their profession. ASHA recommends that speech-language pathology and audiology professionals providing services to students with communication disorders attain highly qualified status through the achievement of national certification or through eligibility for national certification.