



Docket ID ED-2014-OPE-0057

January 15, 2015

Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary Duncan:

We are writing to respond to the Department of Education's proposed regulations regarding teacher preparation issues that were published in the Federal Register on December 3, 2014. While we support the goal of these regulations -- to develop and distribute more meaningful data on teacher preparation program quality -- we have multiple concerns that lead us to believe that the goal will not be achieved through this proposal and that this proposal is likely to generate significant unintended consequences for some of our nation's most challenged students -- students with disabilities.

Together, The Higher Education Consortium for Special Education (HECSE) and the Teacher Education Division (TED) of the Council for Exceptional Children represent special education experts in higher education who are preparing tomorrow's special educators, general educators, researchers and those who will prepare subsequent generations of educators. HECSE is comprised of 65 universities with doctoral programs in special education. Our member institutions are at the forefront of teacher education, research and development in special education. TED is one of 17 special interest groups comprised of CEC members who are dedicated to the preparation and development of future special educators. Over 2500 strong, TED members lead and support teacher education on behalf of students with exceptional needs and their families. Together HECSE and TED represent the voice of those preparing the next generation of special educators -- teachers, leaders, researchers and higher education faculty.

HECSE and TED support accountability for preparation programs. We are eager to know how our graduates perform in the field and how we can improve our programs. Access to valid and reliable data that inform program improvement is central to our work. Today we work with our PK-12 partners to ensure that we have regular feedback about the performance of our students. Many of us are utilizing valid and reliable teacher performance assessments to help determine candidate readiness to enter the classroom. We are also accountable to our states and our institutions and must meet program approval requirements at the state level and within the academy. We regularly seek and utilize feedback from

these sources, as well as our recent graduates. Additionally, many of our member institutions are approved by NCATE, TEAC or the newly developing merger of these two accreditors, CAEP; thus, our programs are aligned with national standards and engage in ongoing assessment to ensure high quality educator preparation and continuous program improvement.

As professionals in the field of special education, we always seek additional data that are valid and reliable and will inform program improvement, and we are eager to work with you to accomplish that goal. However, the proposal the Department has put forward will not lead us to meet this goal, but will distract us from the critical reform work we are involved in and will generate perverse incentives for special education programs.

We review our key concerns below.

Lack of state capacity and resources

The Department's cost estimate of \$42.1 million over 10 years to carry out this proposal is a vast underestimate. Annually assessing the quality of 25,000 separate programs using the data collection required is a massive undertaking. Very few, if any, states have the data systems that would be needed, nor the resources to develop them. The result would be sloppily designed data systems with questionable results which would be used to inform high stakes decisions.

Federal Overreach

Currently states and institutions are key decision makers in determining program quality. Some states and institutions utilize professional accreditation and others rely on state-determined program approval mechanisms. By mandating a federal rating system and the indicators used to judge the quality of programs, the federal government would be intruding on the jurisdiction of states and institutions of higher education.

Efficacy of Indicators for Rating System

The proposal puts forward four indicators of program effectiveness that states must use in determining program quality (student learning outcomes, placement and retention rates, graduate and employer surveys, accreditation or state program approval with specific variables measures). While these indicators all represent areas of data which would be useful for programs in terms of feedback, they do not necessarily represent a composite assessment of program quality. Rather than building state and institutional capacity to develop the data collection instruments required and test their validity and reliability, the proposal foresees rushing into high stakes decision making based on the data collected. In addition, many factors outside the purview of preparation influence these indicators, such as conditions in schools where graduates are employed such as resource capacity, working conditions and concentration of high need students. Holding preparation programs accountable for matters beyond their influence is problematic.

Unfair Impact on Special Education Programs

Because the regulatory proposal relies heavily on K-12 student test scores and approaches such as value-added, special education programs would be inappropriately negatively affected. Special education students, as a group, score lower than other groups. This is problematic for many reasons and those reasons need to be further understood and addressed, but the proposed regulatory system offers nothing to further that understanding or to address that challenge. Rather, the regulations could result in low evaluations for good programs, which could mean loss of federal and potentially state funding and potential program closings.

In addition, programs would be rated based on the employment and retention rates for graduates. We know that special education teachers have a high turnover rate. This high turnover rate is linked to working conditions in the schools, demands of the job and excessive paperwork, not to the quality of preparation programs. Making this link is not supported by research and makes erroneous assumptions about the relationship between the quality of preparation and the retention of new teachers.

Finally, providing inaccurate information about program quality will not serve potential candidates as they consider what preparation they may want to pursue. They may make decisions based on ratings that do not actually reflect the quality of the program nor capture the program qualities they are seeking.

Exacerbation of the Shortage of Special Education Teachers

Special education is one of the most critical shortage areas in our nation. Every year school districts struggle to fill their openings with well-prepared teachers. Many states have resorted to lowering standards because the shortage is so acute. This regulatory proposal would exacerbate that shortage. Some colleges and universities may reduce or eliminate their special education preparation programs rather than risk low ratings that could result from metrics that do not validly represent program quality. Furthermore, since this proposal would deny TEACH grants to programs that receive low ratings, fewer students would pursue special education as a field. TEACH grants have been used by thousands of special education candidates to support them in their preparation. With those funds no longer available and/or uncertain in their availability, candidates may choose other fields or majors. In addition, employers who seek to hire special education teachers may be misinformed by ratings that do not truly reflect the effectiveness of the graduates of the program, nor the metrics of greatest interest to the employer.

Impact on Special Education Students and Their Families

Those with the most to lose from this proposal are special education students and their families. With the specter of a shrinking pool of well prepared special education teachers and expanded shortages, students and families will be poorly served. Students with disabilities and their families deserve well prepared effective teachers. Rather than building the capacity of preparation programs to deliver these teachers, this proposal would undermine reforms and innovation underway by focusing attention on metrics that are not representative of excellent programs and utilizing resources which could best be used in continued program improvement.

In closing, we recommend that you work with those in the field to recraft this proposal so that it will support and expand the innovation underway in teacher preparation. We need to ensure that every teacher, be they special education or general education, is fully prepared to teach all students in their classroom. We are eager to work with you to develop and strengthen initiatives that will have this result.

As you know, the Congress will be addressing the reauthorization of both the Elementary and Secondary Education Act and the Higher Education Act this year. We believe that a proposal with the magnitude of the one that you have put forward needs to be considered within the context of reauthorization. A full dialogue with all stakeholders is warranted.

We would be happy to provide you with additional information. We can be reached at katharine.shepherd@uvm.edu or prater@byu.edu.

Sincerely,



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TED President