

November 2, 2011

Mitchell Chester, Ed.D.
Commissioner of Elementary and Secondary Education
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Re: Massachusetts ESEA Flexibility Proposal

Dear Commissioner Chester:

In response to your request for feedback on the Massachusetts ESEA Flexibility Proposal, we are writing to suggest that the Department of Elementary and Secondary Education (DESE) consider including in its proposal reference to instructional strategies that incorporate the principles of Universal Design for Learning (UDL). UDL is an educational framework – developed with the support of the U.S. Department of Education (USED) – that addresses learner variability through the use of multiple means of representation, multiple means of student engagement, and multiple means of student action and expression. This framework has the potential to benefit *all* students, including those not currently served well by our education system.

CAST is a research and development organization based in Massachusetts that works to expand learning opportunities for all individuals, especially those with disabilities, through UDL. CAST's work on UDL has led to the development of a growing field of educators, curriculum developers, and researchers that impact educational policies and practices throughout the United States. USED has funded CAST to lead seven national centers and national consortia including: the National Center for Accessing the General Curriculum (1998-2003); the National Instructional Materials Accessibility Standard (NIMAS) (2004-2009); the Accessible Instructional Materials (AIM) Consortium with 15 State departments of education (2007-2010); the National Accessible Instructional Materials Center (2009-Present), and the Center on the Use of Emerging Technologies to Improve Literacy Achievement for Students with Disabilities in Middle School (begins 2012).

In addition, CAST has had a long track record of supporting implementation on the use of educational technologies to improve access, participation and progress in the general curriculum for students with disabilities. In Massachusetts, CAST has worked with many schools and administrators and is presently engaged in a large UDL implementation project supported by the Gates Foundation. Since 2007, CAST has also been providing UDL courses to educators as part of the Massachusetts FOCUS Academy through the Massachusetts Online Network for Education (MassONE). To date, over 400 educators have registered for these courses. Many (hundreds) have also come to CAST or to Harvard for live trainings and workshops in UDL.

The importance of UDL as an educational framework was underscored in the 2008 passage of the Higher Education Opportunity Act (HEOA), which included a federal definition of the term

“UDL.”¹ The HEOA also mentioned UDL in the context of teacher preparation programs.² The ESEA reauthorization bill that was recently approved by the U.S. Senate Committee on Health, Education, Labor and Pensions similarly included several references to UDL.³ Moreover, UDL was highlighted in USED’s National Education Technology Plan, 2010.⁴

The use of instructional strategies consistent with the principles of UDL is further supported by guidance issued by USED regarding ESEA flexibility proposals. According to this guidance, each State educational agency (SEA) requesting a flexibility waiver must describe how it will meet certain principles, the first of which is the development of college- and career-ready expectations for all students. The guidance also specifies that high-quality flexibility proposals will identify activities designed to ensure that all students gain access to and learn content aligned with college- and career-ready standards by addressing questions such as:

Does the SEA intend to provide professional development and other supports to prepare teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new standards? If so, will the planned professional development and supports prepare teachers to teach to the new standards, use instructional materials aligned with those standards, and use data on multiple measures of student performance (e.g., data from formative, benchmark, and summative assessments) to inform instruction?⁵

Instructional strategies that support the principles of UDL have the potential to address the above questions. For example, UDL can form the basis of high-quality professional development opportunities that prepare teachers to help *all* students – including English Learners, students with disabilities, and low-achieving students – attain college- and career-ready standards. UDL can also be used to design flexible instructional materials that promote high academic standards and include embedded supports that meet the needs of diverse learners. Moreover, UDL can guide the development of various measures of student achievement, including formative assessments that shape subsequent instruction.

As currently drafted, several statements in DESE’s ESEA Flexibility Powerpoint suggest connections with the principles of UDL. For example, Slide 6 specifies that two of the objectives of the MA Waiver Proposal are to: (1) “Maintain Massachusetts’ track record in setting high standards & expectations”; and (2) “Identify schools that need the most assistance in the aggregate and for student subgroups, and recognize high achieving and improving schools.” As a framework, UDL can help schools in need of assistance maintain high expectations, while concomitantly working to improve the achievement of struggling learners in the aggregate as well as with respect to the student subgroups. Instructional practices that support UDL can also be used as an intervention to assist “Priority” and “Focus” Schools (Slides 16-17) and as a measure to identify “Commendation” Schools (Slide 18).⁶

¹ 20 U.S.C. § 1003(24).

² See, e.g., 20 U.S.C. § 1022d(a)(1)(F).

³ For a copy of the Manager’s Amendment of the bill, see <http://help.senate.gov/imo/media/doc/ROM118313.pdf>.

⁴ See USED, National Technology Education Plan, 2010, available at <http://www.ed.gov/sites/default/files/netp2010.pdf>.

⁵ USED, *ESEA Flexibility Review Guidance*, at 6-7; USED, *ESEA Flexibility Frequently Asked Questions*, at 17-18.

⁶ For an additional connection to UDL, see Slide 21, discussing the need for “[i]nterventions [to be] aligned to conditions for school effectiveness, e.g., social, emotional, and health supports; family-school engagement.”

A number of other States have been actively promoting UDL. A review of State policies conducted by CAST found that 39 States had mentioned Universal Design or Universal Design for Learning in their education documents, including 23 States that addressed UDL in their Race to the Top applications. In 2010, the State of Maryland passed into law the Universal Design for Learning bill (HB 59/SB 467), which established a Statewide Task Force to explore the incorporation of UDL principles into Maryland's education systems.⁷ A similar bill was recently introduced in the New York State Legislature (NYS Assembly, A8196, 2011).

Yesterday, Governor Patrick made an announcement about the high performance of Massachusetts students on the National Assessment of Educational Progress (NAEP) exam, while acknowledging the work that still needs to be done with respect to improving the performance among the student subgroups.⁸ UDL is a framework that has the potential to advance these efforts.

Thank you for the opportunity to comment. We would be happy to meet with you to discuss how UDL can help improve the achievement of students in Massachusetts and how CAST can support DESE in accomplishing this goal.

Sincerely,

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⁷ The Task Force issued a report in 2011, *available at* http://www.udlcenter.org/sites/udlcenter.org/files/Route_for_Every_%20Learner_Report_NSQ_%2032511.pdf.

⁸ See <http://www.mass.gov/governor/pressoffice/pressreleases/2011/11111-naeps-results-released.html>.