

February 25, 2016

James Butler
U.S. Department of Education
400 Maryland Avenue SW
Room 3W246
Washington, DC 20202

Re: Nomination of Ron Hager

Dear Mr. Butler:

I write today as the Executive Director of the National Disability Rights Network (NDRN) and on behalf of the undersigned organizations to nominate Ronald M. Hager, Senior Staff Attorney to the Negotiated Rulemaking Committee for the Every Student Succeeds Act (ESSA). NDRN is also pleased to offer support for the nomination of Bill (William) Hussey Director, Exceptional Children Division, NC Department of Public Instruction/NASDSE Board of Directors and Leslie Margolis, Esq., Government Affairs Committee, Former Board Member, Council of Parent Attorneys and Advocates (COPAA).

Mr. Hager is pleased to be nominated and looks forward to serving on the Committee. He is available for all of the meetings and is committed to actively participating in good faith in the work of the Committee. I provided oral advice and recommendations in response to the RFI published December 22, 2015 in the Federal Register at the January 11, 2016 regional meeting held in Washington DC and NDRN provided written comments as well. Mr. Hager actively participated in drafting our comments.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies for individuals with disabilities. The P&A and CAP agencies were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Piute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP agencies are the largest provider of legally based advocacy services to people with disabilities in the United States. One critically

important area of legally based advocacy performed by the P&As is focused on the education of students with disabilities. Indeed, during the time that the No Child Left Behind (NCLB) Act was in effect, the P&As collectively worked on nearly 180,000 education related cases.

With nearly 40 years of experience in disability and education law, Mr. Hager is recognized nationally as an expert in the legal aspects of education. Over the course of his career, Mr. Hager has litigated education cases, served as a Clinical Professor at the State University of New York at Buffalo Law School, served as a co-chair of the New York State Bar Association's Committee on the Rights of People with Disabilities, was the President of the Board of Directors of Autistic Services, Inc. in Western New York and served on the Board of Directors of a federally funded parent training and information center.

In his current capacity as a Senior Staff Attorney at the National Disability Rights Network, Mr. Hager provides critical training and technical assistance to the P&A/CAP Network on education and assists in overseeing training and technical assistance to CAP. Mr. Hager also is part of the National Assistive Technology Advocacy Project team and is a frequent speaker and author on disability and assistive technology related issues.

We feel strongly that Mr. Hager would provide enormous expertise, insight and knowledge on the Negotiated Rulemaking Committee in the area of civil rights--students with disabilities. First, based on his years of litigation experience and membership on several boards, Mr. Hager is a seasoned and skilled negotiator. As a member of a number of coalitions, including the Consortium for Citizens with Disabilities, he has worked collaboratively with many national disability related organizations and is well able to fairly represent the disability community.

Mr. Hager also possesses the skills called for in the Federal Register Notice. He has a deep knowledge and understanding of the assessment process as it relates to students with disabilities. He is well aware of issues surrounding the participation of students in alternate assessments and the 1% participation limit. He is aware of and has written on the problems of receiving accommodations on district and state wide assessments which may "invalidate the test," which also has implications for students in districts which may select nationally recognized high school assessments. Mr. Hager was a member of the group that met with Smarter Balanced and PARCC as they developed their accommodation policies. Because of his assistive technology experience, he is also well aware of the potential problems that students with disabilities may have when they take computer adaptive assessments.

While, Mr. Hager does not have specific experience with provisions concerning the supplement and not supplant requirements, he is aware of the requirements in the ESSA as he worked on them during Congressional consideration of the legislation, and he has worked on a similar issue—the maintenance of effort requirements in IDEA. Finally, given the breadth and depth of his experience, Mr. Hager would be able to fully

and actively participate in any other topics which may be selected for negotiated rulemaking. In sum, Mr. Hager would be a true asset to this committee and would help ensure fidelity of implementation of ESSA for all students, including students with disabilities.

Mr. Hager works for the National Disability Rights Network. NDRN's address is 820 First Street NE, Suite 740, Washington, DC 20002. His email is Ron.Hager@NDRN.org and his phone number is 202-253-5252 (cell). Although Mr. Hager works in Washington, DC, he still lives in Western New York State and regularly commutes into DC. His home address is 4384 Reiter Road, East Aurora, NY 14052.

If you have any questions or need any additional information, please do not hesitate to contact Eric Buehlmann, Deputy Executive Director for Public Policy, at 202-408-9514 or eric.buehlmann@ndrn.org.

Sincerely,



Curt Decker, J.D.
Executive Director

Evidence of supporting state and territory organizations:

- Alabama - Alabama Disabilities Advocacy Program
- Alaska - Disability Law Center of Alaska
- Arizona - Arizona Center for Disability Law
- Arkansas - Disability Rights Arkansas
- California – Disability Rights California
- Colorado - Disability Law Colorado
- Connecticut - Office of Protection and Advocacy for Persons with Disabilities
- District of Columbia - Disability Rights DC
- Florida - Disability Rights Florida
- Georgia – Georgia Advocacy Office
- Guam - Guam Legal Services
- Hawaii - Hawaii Disability Rights Center
- Idaho - DisAbility Rights Idaho
- Illinois – Equip for Equality
- Indiana - Protection and Advocacy Services
- Iowa – Disability Rights Iowa
- Kansas - Disability Rights Center of Kansas
- Kentucky - Kentucky Protection & Advocacy
- Maine - Disability Rights Maine
- Maryland - Maryland Disability Law Center
- Massachusetts - Disability Law Center

Michigan - Michigan Protection & Advocacy Service, Inc.
Minnesota - Minnesota Disability Law Center
Mississippi - Disability Rights Mississippi
Missouri - Missouri Protection & Advocacy Services
Montana – Disability Rights Montana
Native American - Native American Disability Law Center, Inc.
Nebraska - Disability Rights Nebraska
Nevada - Nevada Disability Advocacy & Law Center, Inc.
New Hampshire - Disability Rights Center, New Hampshire
New Jersey - Disability Rights New Jersey
New Mexico - Disability Rights New Mexico
New York - Disability Rights New York
North Carolina - Disability Rights North Carolina
North Dakota - Protection & Advocacy Project
Northern Marianas Islands - Northern Marianas Protection & Advocacy Systems
Ohio - Disability Rights Ohio
Oklahoma - Oklahoma Disability Law Center, Inc.
Oregon - Disability Rights Oregon
Pennsylvania - Disability Rights Pennsylvania
Rhode Island - Rhode Island Disability Law Center Inc.
South Carolina - Protection & Advocacy for People with Disabilities, Inc.
South Dakota - South Dakota Advocacy Services
Tennessee - Disability Rights Tennessee
Texas - Disability Rights Texas
Utah - Disability Law Center
Vermont - Disability Rights Vermont
Virginia - disAbility Law Center of Virginia
Virgin Islands - Disability Rights Center of the Virgin Islands
Washington - Disability Rights Washington
West Virginia – West Virginia Advocates, Inc.
Wisconsin - Disability Rights Wisconsin
Wisconsin Family Assistance Center for Education, Training and Support
Wyoming - Wyoming Protection & Advocacy System, Inc.

Evidence of supporting national organizations:

Council of Parent Advocates
Collaboration to Promote Self Determination
National Association of State Directors of Special Education