



July 16, 2015

The Honorable Lamar Alexander  
Chair, Senate HELP Committee  
455 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Senate HELP Committee  
154 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the undersigned organizations that are part of the Consortium for Citizens with Disabilities (CCD), we thank you for your continued leadership and dedication to reauthorizing the Elementary and Secondary Education Act (ESEA) as the bill was debated on the Senate floor. As you are aware, under the current version of ESEA, students with disabilities, who make up 13 percent of public school enrollment, have been given the opportunity to make academic progress alongside their peers. Since 2002, we have witnessed the powerful role policy and best practices can have in shaping the future college and career opportunities for America's six million students with disabilities. As the Senate's bill moves toward a vote on final passage we are writing to let you know that CCD cannot support passage of the bill in its current form. Improvements must be made in order to preserve the policies that have provided students with disabilities to make significant academic advancements before the current bill is signed into law. Please see CCD's previous communications and long-standing principles on reauthorization at <http://c-c-d.org/fichiers/CCD-2013-ESEA-Principles.pdf>. We urge you to ensure the ESEA is a strong law, based on ensuring high expectations and the equality of opportunity that prepare all students, including those with disabilities, to become economically self-sufficient and able to fully participate in their communities.

CCD is pleased to see the following provisions included in the final bill: providing meaningful requirements for state-set academic standards; full inclusion of students with disabilities as a disaggregation category; ensuring the Alternate Assessment is based on Alternate Academic Achievement standards; capping the participation in the Alternate Assessment at 1 percent; prohibiting development of any other alternate standards; and including related language supporting access to a regular high school diploma regardless of a student's assessment. We are also pleased to see improvements made during floor debate.

However, CCD notes the following provisions are still missing from the ECAA and believes they must be added to the bill prior to being signed into law:

- **Student Group Accountability:** The many positive protections for students with disabilities included in this bill will be meaningless without strong student group accountability. CCD has repeatedly asked that you add provisions assuring the academic achievement of student groups through: state-set goals; the differentiation of schools whose students do not meet the academic indicators; and, a provision that triggers intervention and support for student groups when academic goals are not met after 2 consecutive years, so teachers and schools have access to the

training and resources needed to improve student performance. Without criteria to trigger interventions, student groups could be permitted to languish for years in situations that provide inadequate instruction and support. This policy must apply to all schools and not just a limited percentage of schools, to assure that the public has an accurate sense of how students with disabilities are performing in every school across the state, as well as which schools need assistance by the district or state. After schools and districts strive to support student groups, if sufficient progress is not made after 3 years, States must take steps to help districts and schools close any and all gaps in performance. Finally, the Secretary of Education must have authority to ensure the academic outcomes measures in state accountability procedures are substantial and are the primary variable when the effectiveness of schools is being rated.

If states and LEAs do not set challenging goals for all student groups, there are no triggers for requiring interventions to address low achievement and close the achievement gap. As a result, countless students will struggle and be invisible within this façade of an accountability system, and they and the educators who work with them will never receive the intervention and support they need to be successful.

- **N Size:** The ESEA must include requirements for the SEAs and LEAs and schools to report results for all student groups with the only exception being if an “n” size in a cell falls below 10. CCD has provided data from a recent Institute for Education Sciences study showing that such an N size is both practical and statistically reliable. (See: *Letter to Alexander, January 30, 2015*)
- **Full Teacher Certification:** A requirement that teachers are “fully” certified must be added to a final ESEA. Students with disabilities are disproportionately taught by teachers who are not fully prepared to be teachers. With the elimination of the “highly qualified” provision, the only requirement teachers must meet in the ECAA is that they are state certified. States have multiple levels of certification, some of which do not reflect full preparation or full qualification, such as temporary or provisional certification which are not adequate to teach students with a range of diverse learning needs in today’s classrooms.
- **Early Childhood Funding:** Dedicated funding to assist states in increasing investments to expand high-quality inclusive early learning opportunities for all children beginning at birth must be comprehensively included in the ESEA. These investments must ensure access to appropriate supports and services so that children with disabilities can fully participate in high quality early educational programs in their communities.

As the ECAA debates continues, we urge you to support only those policies that ensure the civil rights of students with disabilities are protected and reinforce high expectations for students with disabilities through policies that best prepare them for future postsecondary and career opportunities. Thank you for considering our comments to help ensure the next ESEA law creates opportunities for all students to succeed. Please do not hesitate to contact us with any questions.

Sincerely,

ACCSSES  
American Association on Health and Disability  
American Foundation for the Blind  
ANCOR

Association of University Centers on Disabilities  
Bazon Center for Mental Health Law  
Brain Injury Association of America  
Council for Learning Disabilities  
Council of Parent Attorneys and Advocates  
Disability Rights Education and Defense Fund  
Easter Seals  
Epilepsy Foundation  
Higher Education Consortium for Special Education  
Institute for Educational Leadership  
Mental Health America  
National Association of Councils on Developmental Disabilities  
National Association of State Head Injury Administrators  
National Center for Learning Disabilities  
National Disability Rights Network  
National Down Syndrome Congress  
National Down Syndrome Society  
Perkins  
TASH  
Teacher Education Division of the Council for Exceptional Children  
The Arc of the United States

cc: Members of the U.S. Senate

*The Consortium for Citizens with Disabilities is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. For additional information, please contact:*

Lindsay E. Jones, National Center for Learning Disabilities	202.628.2662	ljones@nclcd.org
Laura Kaloi, Council of Parent Attorneys and Advocates	202.349.2310	lkaloi@wpllc.net
Kim Musheno, Association of University Centers on Disability	301.588.8252	kmusheno@aucd.org
Eileen Dombrowski, Easter Seals	202.347.3066	edombrowski@easterseals.com
Cindy Smith, Nat'l Association of Councils on Dev. Disabilities	202.506.5813	csmith@nacdd.org