

January 30, 2015

The Honorable Lamar Alexander  
Chair, Senate Health Education, Labor and Pensions Committee  
455 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander:

I write on behalf of the Association of University Centers on Disabilities and thank you for the opportunity to provide feedback on the Every Child Ready for College or Career Act of 2015 (ECRCCA), amending the Elementary and Secondary Education Act (ESEA).

The Association of University Centers on Disabilities (AUCD) represents 67 University Centers for Excellence in Developmental Disabilities (UCEDD) and 43 Leadership Education in Neurodevelopmental Disabilities (LEND) programs. *Vanderbilt University* and the *University of Tennessee* each house one of each of these programs. These centers train professionals to work with students with disabilities, conduct research to improve instruction for students with disabilities, and provide training, technical assistance and dissemination of the most effective practices to educators, the general public and policymakers.

Reauthorization of NCLB must address the problems inherent to the current version of the law, including the heavy-handed categorizing of schools as failing if the schools do not meet prescribed goals as set by the 2001 reauthorization. However, any reauthorization of the law must continue to include high expectations for students with disabilities, assessments procedures to document student progress and availability of that data to parents and communities to determine the effectiveness of schools, and accountability systems that ensure students with disabilities have access to the general curriculum and instruction that is challenging and meets their needs.

AUCD believes the current draft bill as written will severely weaken key provisions in the current law that support students with disabilities. The two main ways the draft bill impacts students with disabilities are the changes to annual statewide testing and the elimination of the cap on alternate assessments on alternate standards.

1. Annual statewide testing in reading and math is critical to measuring achievement gaps among groups of students, student growth toward state standards and toward state graduation requirements as well as school/district/state effectiveness. AUCD strongly urges you to maintain annual assessments of all students in grades 3-8 and once in high school in reading and math and ***include all students with disabilities in state and district-level assessments.***
2. The Senate draft bill does not cap the use of alternate assessments on alternate achievement standards for students with the most significant cognitive disabilities at 1% of all students (which is about 10% of students with disabilities) per current law; therefore, schools will be able to give the alternate assessment and count the student scores as proficient *without limits*. This reduces expectations for students with disabilities and could take far too many students off track for earning a regular diploma. There must also be an assurance that deciding to assign a child to an alternate assessment will not preclude him/her from the opportunity to achieve

1100 Wayne Avenue  
Suite 1000  
Silver Spring, MD 20910  
t: 301-588-8252  
f: 301-588-2842  
www.aucd.org

Leslie Cohen, JD  
*President*

Olivia Raynor, PhD  
*President-Elect*

Julie Anne Fodor, PhD  
*Past-President*

A. Anthony Antosh, EdD  
*Past-Past President*

Karen Edwards, MD, MPH  
*Secretary*

Harold Kleinert, EdD  
*Treasurer*

Brent Askvig, PhD  
*Member at Large*

Cynthia Ellis, MD  
*Member at Large*

Celia Feinstein, MA  
*Member at Large*

Bruce Keisling, PhD  
*Member at Large*

Philip Wilson, PhD  
*Member at Large*

Shannon Caldwell  
*Council on Community Advocacy*

Dawn Olson, BS  
*Council on Community Advocacy*

Jody Pirtle, PhD  
*Council on Technology and Innovation  
in Interdisciplinary Service*

Kelly Roberts, PhD  
*Council on Research and Evaluation*

Thomas Uno, EdS  
*Multicultural Council*

Amy Sharp, PhD  
*Community Education and  
Dissemination Council*

Michelle Schladant, PhD  
*National Training Directors Council*

Andrew J. Imparato, JD  
*Executive Director*

a regular diploma. AUCD strongly urges the Committee to limit alternate assessment to 1% of students assessed, since research shows that far less than 1% of students fall into the significant cognitive disability category.

AUCD also encourages the Committee to make the following changes to the bill so that ***all*** children can succeed:

- Ensure that parents are informed when their child is taking an alternate assessment and when taking the alternate assessment will result in their child not being eligible to earn a high school diploma;
- Use the term “*provide* access and progress in the general education curriculum for the grade in which the student is enrolled” instead of “*promote* access and progress in the general education curriculum;”
- Remove the option for LEAs to create and use their own assessments;
- Ensure that any assessments are peer-reviewed and held to the professional assessment standards of being reliable, valid, and rigorous for the purposes of measuring students achievement with accommodations for students with disabilities;
- Require SEAs and LEAs to report results for all subgroups with the only exception being if an “n” size in a cell falls below 10;
- Require states to set high school graduation rate goals and annual targets for all students and student sub-categories and require support to be provided if one or more categories do not meet annual targets;
- Require SEAs and LEAs to intervene when schools or districts identify achievement gaps between students with disabilities and the general population of students;
- Ensure that students with disabilities be kept on track to graduate high school and have the access to the general curriculum;
- Provide support to States and school districts to ensure that teachers have the skills and knowledge necessary to instruct diverse learners;
- Prohibit the use of restraints and seclusion in non-emergencies that do not threaten physical safety;
- Create grant programs that provide SEAs and LEAs with support to implement school-wide positive behavioral interventions and supports;
- Maintain funding for competitive grant programs that support and address the social/emotional, physical and mental health needs of students;
- Ensure that all assessments and curricula are designed and implemented using universal design for learning and that all assessments are fully accessible;
- Prohibit the transfer of funds between Titles II and IV; and
- Retain maintenance of effort provisions.

Your collaborative work as Ranking Member of the HELP Committee during the 113<sup>th</sup> Congress addressed many disparities for people with disabilities and fostered increased access to the great opportunities of this country. We thank you for those efforts, particularly your work in passing the Workforce Innovation and Opportunity Act. We look to you as the new Chairman of the HELP Committee to continue your leadership and to work with in a bipartisan fashion to address the needs of people with disabilities.

Thank you for considering our views. If you have any questions or need more information, please contact Kim Mushveno, Director of Public Policy at 301-588-8252 ext. 222 or [kmusheno@aucd.org](mailto:kmusheno@aucd.org). We look forward to working with you as the reauthorization of ESEA moves through the committee process and, hopefully, to passage.



Andrew Imparato  
Executive Director, AUCD

cc: HELP Committee Members