



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

March 22, 2010

Chairman Tom Harkin
731 Hart Senate Office Building
Washington, DC 20510

RE: Opposition to use of IEP as accountability tool under ESEA

Dear Chairman Harkin:

The CCD Task Force on Education is made up of almost 60 national organizations concerned about the education of students with disabilities and the participation of parents in the educational process. The Task Force is comprised of organizations that represent educators, related services professionals, direct service providers, advocates and parents. We are also joined in this letter by organizations from the Justice for All Action Network (JFAAN) due to the significance of the issue.

We continue to support the promise of the Elementary and Secondary Education Act -- currently known as No Child Left Behind (NCLB) -- that every child can achieve greatness thanks to a quality education. Because of the alignment of the Individuals with Disabilities Education Act (IDEA) and ESEA, special education students are expected to have a highly qualified teacher, access to the general curriculum, and the individualized supports and accommodations necessary to achieve high academic standards. School districts and states are required to measure student achievement using appropriate assessments and report this progress as part of the ESEA accountability system.

We understand that some organizations are promoting a policy in which the Individualized Education Program (IEP) would be used as the primary accountability tool under ESEA for students eligible for special education supports and services. The undersigned organizations urge you to reject this policy.

Section 614 of the 2004 amendments to the IDEA clearly enumerates the content of each IDEA eligible student's IEP. Each IEP must contain the following:

- (1) a statement of the child's present levels of academic achievement and functional performance
- (2) a statement of measurable goals designed to meet the child's needs that result from the child's disability
- (3) a description of how the child's progress will be measured
- (4) a statement of the special education and other services to be provided to the child
- (5) an explanation, if any, as to why the child will not participate with non-disabled children
- (6) a statement of individual accommodations necessary to measure academic and functional performance
- (7) the projected date the beginning of services; and
- (8) transition services and planning for school to life transition.

As you can see, the IEP is a tool that serves multiple functions as it monitors the services and supports provided to the student. IEPs are not designed or used as tools for holding schools accountable for whether students with disabilities are taught to the academic content and achievement standards established by the state for all students.

IEP teams do not make curriculum decisions. Rather, the IEP is a legal document used by schools and parents to determine what services and supports are necessary for an individual child with a disability to have access to the classroom, to the curriculum, and to reach his or her potential.

Thank you for considering our views.

ACCSES

Alexander Graham Bell Association for the Deaf and Hard of Hearing
American Association of People with Disabilities (JFAAN)
American Association on Intellectual & Developmental Disabilities
American Dance Therapy Association
American Foundation for the Blind
American Music Therapy Association
American Occupational Therapy Association
Association of University Centers on Disability
Autism National Committee
Autistic Self Advocacy Network (JFAAN)
Bazelon Center for Mental Health Law
California Foundation for Independent Living Centers (JFAAN)
Children and Adults with Attention Deficit-Hyperactivity Disorder
Council of Parent Attorneys and Advocates
Council for Exceptional Children
Council for Learning Disabilities
Disability Rights Education and Defense Fund
Easter Seals
Learning Disabilities Association of America
Mental Health America
National Alliance on Mental Illness
National Association of School Psychologists
National Association of State Directors of Special Education
National Association of the Deaf (JFAAN)
National Center for Learning Disabilities
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society
National PTA
National Rehabilitation Association
National Spinal Cord Injury Association
School Social Work Association of America
TASH
Teacher Education Division of the Council for Exceptional Children
The Advocacy Institute
The Arc
United Cerebral Palsy Association
United Spinal Association
Urban Special Education Leadership Collaborative

For further information, please contact any of the individuals listed below.

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