



November 7, 2017

Jason Botel
Acting Assistant Secretary, Office of Elementary and Secondary Education

Kim Richey,
Acting Assistant Secretary, Office of Special Education and Rehabilitative Services

Patrick Rooney
Deputy Director, Office of State Support, Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202

Dear Acting Assistant Secretary Botel, Acting Assistant Secretary Richey and Deputy Director:

The Consortium for Citizens with Disabilities (CCD) Education Task Force writes to request your attention to important issues regarding alternate assessments for students with the most significant cognitive disabilities administered during the current (2017-2018) school year.

The CCD Education Task Force advocates for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD Task Force sees these principles as critical elements in a society that recognizes and respects the dignity and worth of all its members.

As noted in your May 16, 2017 memo to state directors of assessment, Title I and special educationⁱ, any state that anticipates that it will exceed the 1.0 percent cap on the number of students who participate in alternate assessments aligned with alternate academic achievement standards (AA-AAAS) for any subject, may request that the U.S. Department of Education (ED) waive the cap for that subject, pursuant to ESEA section 8401, for one year. State waiver requests to exceed the cap for any subject for one year must be submitted to ED at least 90 days prior to the start of the state's testing window.

As states begin to submit their requests for a one-year waiver of the 1.0 percent cap in ESEA section 1111(b)(2)(D)(i)(I) for the 2017-2018 school year, the CCD Education Task Force requests that ED undertake a thorough effort to ensure an open and transparent process

regarding these requests. Specifically, we ask that ED post the following information to a dedicated page on the ED.gov website in a timely manner and a fully accessible formatⁱⁱ:

- state waiver requests including all supporting information as required by ESEA section 8401 and 34 CFR 200.6(c)(4),
- all correspondence between states and ED regarding submitted waiver requests, and
- all decisions regarding waiver requests including official notices to states.

We also encourage ED to review with scrutiny the justification(s) provided by states to exceed the 1.0 percent cap, the impact on students with disabilities, especially as it relates to their access to the general curriculum in the regular classroom, and plans states will undertake to come into compliance with the law's requirements. CCD has weighed in consistently and worked with ED since 2003 to ensure the policies impacting students with the most significant cognitive disabilities are supported by accurate data, the latest research, and best practices. We urge ED to continue to evaluate state waiver requests with the necessary rigor to ensure consideration is given to the impact waiver approvals will have on the students with disabilities.

The Education Task Force is confident that you will agree with the need for a transparent process regarding these waiver requests. We appreciate your attention to this important matter. Please contact us if you have any questions or comments about this request.

Sincerely,

CCD Education Taskforce Co-Chairs:

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ⁱ May 16, 2017 Memo to State Assessment Directors, State Title I Directors, State Special Education Directors regarding Requirements for the Cap on the Percentage of Students who may be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards available at <https://www2.ed.gov/admins/lead/account/saa/onepercentcapmemo51617.pdf>

ⁱⁱ All web pages and documents meet the accessibility standards established by Section 508 of the Rehabilitation Act available at <https://www.section508.gov/>