



**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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