



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

February 23, 2015

The Honorable Robert (Bobby) Scott
2101 Rayburn House Office Building
Washington, DC 20151

Dear Ranking Member Scott:

On behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD), we write to thank you for your unequivocal support for the potential of every student with a disability. The leadership and commitment you have shown in developing the substitute bill in the reauthorization of the Elementary and Secondary Education Act (ESEA) is significant and on behalf of the six million students with disabilities attending public school across the U.S. we fully support your offering the substitute on the House floor when ESEA is debated.

Your substitute bill includes a number of provisions that are critical for the academic success of student with disabilities. These provisions are fully aligned with the core ESEA principles that CCD has outlined as priorities for students with disabilities in the ESEA reauthorization. The key provisions we'd like to highlight and specifically thank you for including are:

- Limiting the Alternate Assessment based on Alternate Achievement Standards to 1% of students assessed by grade and by subject;
- Ensuring that parents give consent to and are involved in the decision that their child will be assessed using an alternate standard and be administered an alternate assessment, as well as assure that parents are informed about any effects that taking the alternate assessment may have on their child's academic preparation to earn a regular diploma;
- Ensuring that students who take the Alternate Assessment based on Alternate Achievement Standards are not precluded from attempting to complete the requirements for a regular diploma;
- Prohibiting the development of additional alternate assessments including an alternate assessment on a modified achievement standard;
- Requiring states to set high school graduation rate goals and annual targets for all students and student categories and require support to be provided if one or more categories do not meet annual targets;
- Requiring SEAs and LEAs to report results for all subgroups with a requirement that the "n" size may not exceed 15;
- Requiring SEAs and LEAs to intervene when schools or districts identify achievement gaps between students with disabilities and the general population of students;

- Providing support to states and school districts to ensure that teachers have the skills and knowledge necessary to instruct diverse learners;
- Prohibiting the use of restraint and seclusion in non-emergencies that do not threaten physical safety;
- Maintaining funding for competitive grant programs that support and address the social/emotional, physical and mental health needs of students including the use of positive behavioral supports and interventions;
- Prohibiting the elimination of maintenance of effort provisions.

CCD thanks you for intentionally including the requirement to limit the Alternate Assessment based on Alternate Achievement Standards (AA-AAS) to 1% of students assessed by grade and by subject. By doing so, your bill would update and codify an existing policy that states have used since 2003 to appropriately determine when a student with the most significant cognitive disabilities may need to be assessed against an alternate achievement standard. Incidence data reflects that less than one percent of all students have the most significant cognitive disabilities (which correspond to roughly 10% of students with disabilities). Without this limitation, we fear that schools may inappropriately assign students to the alternate assessment. Data show that assignment to an AA-AAS may lead to reduced access to the general curriculum and limit a student's access to earn a regular diploma. Many children with intellectual, cognitive, and other disabilities can achieve grade level standards with regular assessments, particularly with appropriate accommodations, universal design for learning, and full accessibility. Additionally, your requirement that states must set performance targets [in reading and math] as well as set graduation goals -- and then provide state or district designed intervention when students are not meeting state-set targets -- provides an appropriate level of accountability to help states assure that all students and student groups are expected to make meaningful gains.

CCD also thanks you for including the Keeping All Students Safe Act in your substitute bill. The U.S. Department of Education Office of Civil Rights released a 2011-12 report that revealed 70,000 students were physically restrained and 37,000 were secluded. The report also noted that nearly 4,000 students with disabilities were mechanically restrained which follows an alarming trend that students with disabilities are disproportionately physically restrained more often than their peers, at a rate of over 70 percent. The use of restraint, seclusion and aversive interventions are an infringement on the civil rights of children.

In addition to the provisions we mention, your bill also rightly articulates additional policies that fully support what we know – that many students with disabilities can achieve grade-level work when given access to high quality instruction – especially when they are taught by qualified teachers and instructional support personnel and provided appropriate accommodations for both instruction and assessment. Together, the provisions of your bill fully support that students with disabilities have equal opportunity to access the general curriculum and achieve a standard high school diploma with their peers.

Again, the CCD Education Task Force appreciates your ongoing commitment and leadership to assure that every student with a disability is an integral part of the school and state accountability systems so he or she can be successful in school and in life. Thank you for your endeavors as you seek to successfully reauthorize ESEA.

Sincerely,

American Association on Health and Disability
American Congress of Community Supports and Employment Services
American Foundation for the Blind
Association for University Centers on Disability
Autism National Committee
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Brain Injury Association of America
Council for Learning Disabilities
Council of Parent Attorneys and Advocates
Easter Seals
Lutheran Services in America Disability Network
Mental Health America
National Association of Councils on Developmental Disabilities
National Association of State Head Injury Administrators
National Center for Learning Disabilities
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Congress
Perkins
The Arc
The Epilepsy Foundation

cc: The Honorable John Kline
The Honorable John Boehner
The Honorable Nancy Pelosi

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:

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