



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

February 6, 2012

The Honorable John Kline
Chairman
House Education and Workforce Committee
2181 Rayburn House Office Building
Washington, DC 2015

Dear Chairman Kline:

We write on behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD) to oppose both draft Elementary and Secondary Education Act (ESEA) bills you released. While we have many concerns with the draft bills, we are writing today with regard to three fundamental issues that seriously undermine the progress and academic achievement of students with disabilities. They are:

- The lack of subgroup accountability
- The lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA-AAS)
- The rollback on teacher quality

Subgroup Accountability

As you know, students with disabilities have made considerable gains thanks to the current focus of the ESEA on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. We believe these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. To do so ignores the real challenge facing our education systems - that too many schools are not providing an educational experience that enables all students with disabilities to make academic gains.

Furthermore, we still believe that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards.

Elimination of the Cap on Alternate Assessment on Alternate Achievement Standards

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments – known as the alternate assessment on alternate achievement standards -- are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the legal rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment virtually encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

Teacher Quality

Your bills eliminate all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom *and* who prove themselves effective once there.

Additionally, your bills lack any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The proposals eliminate the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the proposals fail to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

Finally, these bills represent a significant step backwards in the area of transparency, particularly with respect to providing parents with information about their child's teachers. Where current law requires districts to inform parents when their child was taught for four or more weeks by a teacher who lacked full certification and/or subject matter competency, your proposal eliminates this required disclosure. In so doing, it eliminates parents' access to information that is critical to allowing them to hold their schools accountable for providing students with the resources they need to learn.

We urge you to revise your bill to unequivocally support high achievement for all students, especially students with disabilities. We would be happy to discuss this further as you prepare to introduce your bills and the process moves forward.

Sincerely,

American Association of People with Disabilities
American Dance Therapy Association
American Foundation for the Blind
Association of Assistive Technology Act Programs
Association of University Centers on Disabilities
Autism National Committee
Bazelon Center for Mental Health Law
Council of Parent Attorneys and Advocates
Council for Exceptional Children
Council for Learning Disabilities
Disability Rights Education and Defense Fund
Easter Seals
Higher Education Consortium for Special Education
Learning Disabilities Association of America
Mental Health America
National Association of Councils on Developmental Disabilities
National Association of School Psychologists
National Association of State Directors of Special Education
National Center for Learning Disabilities
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society
School Social Work Association of America
Teacher Education Division of the Council for Exceptional Children
The Advocacy Institute
The Arc of the United States
The National Alliance on Mental Illness

CC: Ranking Member George Miller
Members of the House Education and Workforce Committee

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:

Katy Beh Neas, Easter Seals
Laura Kaloi, National Center for Learning Disabilities
Cindy Smith, National Disability Rights Network

202.347.3066 kneas@easterseals.com
703.476.4894 lkaloi@nclld.org
202-408-9514 cindy.smith@ndrn.org