



July 6, 2015

The Honorable Lamar Alexander  
Chair, Senate HELP Committee  
455 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Senate HELP Committee  
154 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the undersigned organizations that are part of the Consortium for Citizens with Disabilities (CCD), we thank you for your leadership and dedication to reauthorizing the Elementary and Secondary Education Act (ESEA). Under the current version of ESEA, students with disabilities, who make up 13 percent of public school enrollment, have been given the opportunity to make academic progress alongside their peers. Since 2002, we have witnessed the powerful role policy and best practice can have in shaping the future college and career opportunities for America's six million students with disabilities. We urge you to build on this progress and ensure the ESEA is a strong law based on ensuring high expectations and equality of opportunity that prepare all students with disabilities to become economically self-sufficient and able to fully participate in their communities..

CCD writes today, consistent with previous letters on ESEA (*See: CCD letter to Alexander/Murray on April 13, 2015 and CCD Letter to Alexander on January 30, 2015*) asking that the ESEA continue to: provide meaningful requirements for state-set academic standards; full inclusion of students with disabilities as a disaggregated category of students; and, other critical provisions such as ensuring the Alternate Assessment is based on Alternate Academic Achievement standards, capped at 1 percent, prohibiting development of any other alternate standards and including related language supporting access to a regular high school diploma regardless of a student's assessment. We are pleased to see bipartisan support for many of the provisions we previously recommended within the current draft of the *Every Child Achieves Act (ECAA)*. We know they will contribute to the academic success of students with disabilities.

As the ECAA moves to the Senate floor, CCD notes the following provisions are *still missing from the ECAA passed out of Committee* and must be added to the bill:

- **Student Group Accountability**: The many positive protections for students with disabilities included in this bill will be meaningless without strong student group accountability. CCD has repeatedly asked that you add provisions assuring the academic achievement of student groups through: state-set goals; the differentiation of schools whose students do not meet the academic indicators; and, a provision that triggers intervention and support for student groups when academic goals are not met after 2 consecutive years, so teachers and schools have access to the training and resources needed to improve student performance. Without criteria to trigger interventions, student groups could be permitted to languish for years in situations that provide inadequate instruction and support. This policy must apply to all schools and not just a limited

percentage of schools, to assure that the public has an accurate sense of how students with disabilities are performing in every school across the state, as well as which schools need assistance by the district or state. After schools and districts strive to support student groups, if sufficient progress is not made after 3 years, States must take steps to help districts and schools close any and all gaps in performance.

If states and LEAs do not set challenging goals for all student groups, there are no triggers for requiring interventions to address low achievement and close the achievement gap. As a result, countless students will struggle and be invisible within this façade of an accountability system, and they and the educators who work with them will never receive the intervention and support they need to be successful.

- **N Size**: The ESEA must include requirements for the SEAs and LEAs and schools to report results for all student groups with the only exception being if an “n” size in a cell falls below 10. CCD has provided data from a recent Institute for Education Sciences study showing that such an N size is both practical and statistically reliable. (See: *Letter to Alexander, January 30, 2015*)
- **Full Teacher Certification**: A requirement that teachers are “fully” certified must be added to a final ESEA. Students with disabilities are disproportionately taught by teachers who are not fully prepared to be teachers. With the elimination of the “highly qualified” provision, the only requirement teachers must meet in the ECAA is that they are state certified. States have multiple levels of certification, some of which do not reflect full preparation or full qualification, such as temporary or provisional certification which are not adequate to teach students with a range of diverse learning needs in today’s classrooms.
- **Early Childhood Funding**: Dedicated funding to assist states in increasing investments to expand high-quality inclusive early learning opportunities for all children beginning at birth must be comprehensively included in the ESEA. These investments must ensure access to appropriate supports and services so that children with disabilities can fully participate in high quality early educational programs in their communities.
- **Sufficient Secretarial Authority**: The ESEA must ensure the law is appropriately implemented and the most vulnerable students are protected. Currently, the ECAA places far too many limits on the Secretary’s authority, which history has shown places students with disabilities at great risk of being marginalized and discriminated against by states and districts.

As the ECAA debates continues, we urge you to support only those policies that ensure the civil rights of students with disabilities are protected and reinforce high expectations for students with disabilities through policies that best prepare them for future postsecondary and career opportunities. Thank you for considering our comments to help ensure the next ESEA law creates opportunities for all students to succeed. Please do not hesitate to contact us with any questions.

Sincerely,

American Congress of Community Supports and Employment Services  
American Foundation for the Blind  
American Association on Health and Disability  
American Dance Therapy Association  
Association of University Centers on Disability

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  
Disability Rights Education and Defense Fund  
Easter Seals  
Higher Education Consortium for Special Education  
Learning Disabilities Association of America  
Mental Health America  
National Alliance on Mental Illness  
National Association of Councils on Developmental Disabilities  
National Center for Learning Disabilities  
National Disability Rights Network  
National Down Syndrome Congress  
National Down Syndrome Society  
Parent to Parent  
School Social Work Association of America  
TASH  
Teacher Education Division of the Council for Exceptional Children  
The Advocacy Institute  
The Arc  
The National Council on Independent Living  
United Cerebral Palsy

cc: Members of the U.S. Senate

*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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