



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

March 25, 2010

Arne Duncan  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

RE: Opposition to use of IEP as accountability tool under ESEA

Dear Secretary Duncan:

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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cc: Anthony Miller, Deputy Secretary  
Dr. Martha Kanter, Under Secretary  
Dr. Alexa Posny, Asst. Secretary, OSERS  
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