



Commemorating 40 Years
Of Disability Advocacy
1973-2013

July 17, 2013

The Honorable George Miller
Ranking Member
House Committee on Education and the Workforce
United States Congress
Washington, DC 20515

Dear Ranking Member Miller:

On behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD), we write to thank you for your support in the potential of students with disabilities as you reauthorize The Elementary and Secondary Education Act (ESEA). The substitute amendment you will offer as an amendment on the House Floor reinforces how students with disabilities have benefitted from ESEA because ESEA requires their academic achievement to be measured and reported, and for schools to be accountable for the progress of students with disabilities. As a result, more students with disabilities have been afforded the opportunity to learn and master grade-level academic content.

Your substitute amendment includes a number of provisions that are critical for the academic success of student with disabilities. These provisions are fully aligned with the core principles that CCD has outlined as priorities for students with disabilities in the ESEA reauthorization. First, your amendment clarifies the size of subgroups to be 15 students. This number will go a long way to ensure that the students with disabilities are, in fact, included in their state's accountability system. Second, the amendment ensures that only students for whom the alternate assessment based on alternate academic standards (AA-AAS) is appropriate may have their progress measured and reported using this standard. This policy change will result in removing the barrier faced by too many students who have disabilities that do not preclude them from mastering grade-level work. This provision will ensure that these students have the opportunity to pursue a standard high school diploma.

In addition, the amendment rightly eliminates the use of alternate assessments using modified achievement standards (AA-MAS). Although there are students with disabilities who are not achieving grade-level proficiency, there is no empirical evidence to demonstrate that exempting a significant percentage of them from the grade-level academic achievement standards is the appropriate response. Many students with disabilities can achieve grade-level work when given access to high quality instruction, with qualified teachers and instructional support personnel; and appropriate accommodations for both instruction and assessment. Your amendment will give students with disabilities the opportunity to access the general curriculum and achieve a standard high school diploma.

Your amendment also affirms the use of performance targets for all students, not just those who attend the lowest performing schools. This clarification is absolutely essential for students with disabilities to ensure they are held to high expectations that are necessary for their academic success and confirms that schools must take action to address gaps in academic performance for all students. CCD is also pleased with the new policies related to early education, the use of multi-tiered systems of support and universal design for learning.

CCD also thanks you for including the *Keeping All Students Safe Act* in your substitute amendment. Data from the U.S. Department of Education shows that nearly 40,000 students were physically restrained during the 2009-2010 school year, with about 70 percent of those students being students with disabilities. This promotes a shift toward the reduction and prevention of the use of restraint and seclusion through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports. The substitute amendment makes clear that restraint and seclusion must only be used in emergencies threatening physical safety and are never a substitute for appropriate educational or behavioral support. It requires prompt parental notification and bans dangerous mechanical and chemical restraints, and those that impair breathing.

CCD encourages you to ensure that the language included regarding qualified teachers specifically requires that teachers not yet certified and being prepared through alternate teacher preparation programs may only be considered qualified when a school is experiencing a documented shortage. CCD has a longstanding record of opposing any effort to make permanent any provision that allows teachers in alternate preparation courses to be considered highly qualified under the law. There is a disproportionate negative impact on students with disabilities when their teachers are not fully prepared to teach them. CCD supports the inclusion of specific provisions that will require parents to be notified of their child's teacher qualifications and for teachers in alternate route preparation program to receive the professional development they need to teach Students with disabilities.

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. We look forward to working with you as the process moves forward to reauthorize the Elementary and Secondary Education Act.

Sincerely,



The Consortium for Citizens with Disabilities is a coalition of nearly 100 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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