



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

**February 25, 2021**

**CCD Statement on Assessing Student Learning During the Pandemic**

As the U.S. Department of Education (Department) moves forward to provide new flexibility to states regarding assessment and accountability requirements under the Every Student Succeeds Act (ESSA), the Consortium for Citizens with Disabilities Education Task Force (CCD) encourages the Department to reject any state waiver request that has the potential to marginalize or discriminate against our most vulnerable students, including students with disabilities. We will be closely monitoring state waiver requests and are looking to the Department to uphold their commitment to equity, access, and opportunity for students with disabilities.

We are reassured that the Department has emphasized the importance of data transparency and public reporting, particularly as the last year has led to a dramatic decline in the amount and quality of data available on students with disabilities across the country. In addition, CCD is pleased the Department will require statewide assessment of all students and has made clear that district tests may not be used in their place. District assessments will not provide comparable data on how students are faring across the state, are not widely accessible to students requiring accommodations, and are not available at all to students with the most significant cognitive disabilities.

However, we are particularly concerned about flexibility granted on the requirement that 95 percent of students participate in assessments. It is our expectation that states must strive to assess as many students as possible, especially as both ESSA and the Individuals with Disabilities Education Act (IDEA) require that students with disabilities are assessed annually alongside their grade-level peers. Yet, the Department's explicit allowance of states to move away from the 95 percent participation requirement of ESSA may jeopardize transparency and accuracy of key data for parents of children with disabilities. It squarely contradicts IDEA's requirement to assess all students with disabilities. The intersection of these federal education laws is intrinsic to ensuring equity for students and to assuring parents and schools have student-centric data so they can make decisions about the child together.

Parents of students with disabilities want to know more about how their children are doing academically, not less. Advocates also rely on the data from statewide assessments to ensure that policymakers and education leaders allocate resources and make decisions in the best interest of students with disabilities. This assessment data is a critical component to helping compensate for instructional loss, facilitating accelerated learning, and ensuring students receive the free appropriate public education guaranteed under the IDEA. CCD urges States to prioritize the inclusion of and setting high standards for students with disabilities and we look forward to monitoring and supporting the Department as it provides oversight and technical assistance to states so they can meet their obligations under federal law.

American Association on Intellectual and Developmental Disabilities  
American Foundation for the Blind  
American Physical Therapy Association  
American Therapeutic Recreation Association  
Autism Society of America  
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 & Defense Fund  
Easterseals  
National Association of Councils on Developmental Disabilities  
National Center for Learning Disabilities  
National Center for Parent Leadership, Advocacy, and Community Empowerment  
National Center for Special Education in Charter Schools  
National Council on Independent Living  
National Disability Rights Network  
National Down Syndrome Congress  
National PTA  
RespectAbility  
Teacher Education Division of the Council for Exceptional Children  
The Advocacy Institute  
United Spinal Association

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Special Education in Charter Schools

*The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Education Task Force of CCD monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal law such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). The Education Task Force advocates for high expectations for children with disabilities under these and other laws.*

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