



Commemorating 40 Years  
Of Disability Advocacy  
1973-2013

June 10, 2013

The Honorable Tom Harkin  
Chairman  
Committee on Health, Education, Labor and Pensions  
United States Senate  
Washington, DC 20510

Dear Chairman Harkin:

On behalf of the Education Task Force of the Consortium for Citizens with Disabilities, we write to thank you for introducing the Strengthening America's Schools Act, legislation to reauthorize the federal Elementary and Secondary Education Act (ESEA). Students with disabilities have benefitted greatly from ESEA because the law requires their academic achievement to be measured and reported. As a result, more students with disabilities have been afforded the opportunity to learn and master grade-level academic content.

The Strengthening America's Schools Act includes a number of policies that are critical for the academic success of student with disabilities. First, the bill establishes the size of subgroups at 15 students for accountability and reporting. This provision will ensure many more schools will be held accountable for the progress of the students with disabilities as a subgroup. Second, the bill 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 and allow them the opportunity to pursue a standard high school diploma. Furthermore, the bill prohibits the development of additional alternate assessments for students with disabilities outside of those assessments established in the Strengthening America's Schools Act.

In addition, the bill rightly eliminates the use of the alternate assessment based on modified academic achievement standards (AA-MAS). The use of this assessment has taken too many students who have the capacity to master grade level academic standards off track for a regular diploma. 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 the right access to high quality instruction, with qualified teachers and appropriate accommodations for

both instruction and assessment. This bill will give them the opportunity to access the general curriculum and achieve a standard diploma.

The Strengthening America's Schools Act also affirms that states must establish performance targets for all students and ensures all students meet those targets in every school. This clarification exceeds what is currently required in the ESEA flexibility waivers that focus only on the bottom 15 percent of schools and is absolutely essential for students with disabilities across the country to be held to high expectations. This provision is necessary for their academic success and confirms that schools must take action to address gaps in academic performance for all students. We are also pleased with the evidence-based policies related to early education, the explicit use of multi-tiered systems of supports and universal design for learning.

CCD has identified several provisions that should be modified to improve the bill's positive impact on outcomes for students with disabilities.

- The bill includes a policy that 95 percent of all students be assessed, including 95 percent of students in each subgroup. We believe this concept should also apply to the accountability system so that schools are required to assess 95 percent of all students including 95 percent of students in each subgroup.
- The bill makes permanent a provision to allow teachers in alternate preparation courses to be considered highly qualified. We have opposed this policy since its inception several years ago because it has a disproportionate negative impact on students with disabilities when their teachers are not fully prepared to teach them. We support 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 programs to receive the professional development they need to teach our children. We are also concerned about the inclusion of The GREAT Act because it may result in lowering the skill level of teachers who instruct students with disabilities.
- CCD would also like you to alter the timing in the bill that allows for a delay in providing locally selected interventions for students in the 85 percent of schools not identified as priority or focus schools. We prefer a policy that assures that these students receive intervention and targeted support upon the bill's enactment. Schools know who needs help with the data they have now and should be expected to take action without delay.

Again, the CCD Education Task Force appreciates your ongoing commitment and leadership to assure that every student with a disability remains part of the fabric of the state and school accountability system 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,



Katy Beh Neas



Laura Kaloi



Cindy Smith

CC: Members of the Senate Health, Education, Labor and Pensions Committee

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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