



Commemorating 40 Years
Of Disability Advocacy
1973-2013

June 18, 2013

The Honorable John Kline
Chairman
House Education and Workforce Committee
2181 Rayburn House Office Building
Washington, DC 2015

Dear Chairman Kline:

We write on behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD) to raise serious concerns with and oppose the Student Success Act (H.R. 5) in its current form. While we have many concerns with the bill, we are writing today with regard to three fundamental issues that seriously undermine the progress and academic achievement of students with disabilities. They are:

- The elimination of more than 70 programs
- The lack of subgroup accountability
- The creation of and lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA-AAS)
- The rollback on teacher quality

Elimination of Education Programs

CCD shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but CCD believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. CCD has a long standing policy of opposing any policy change that takes away resources from one federal education program and redirects those resources to another program. We believe that students with disabilities are general education students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

Subgroup Accountability

As you know, students with disabilities have made considerable gains thanks to the current focus of the ESEA on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. CCD believes these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. To do so ignores the real challenge facing our education systems - that too many schools are not providing an educational experience that enables all students with disabilities to make academic gains. Furthermore, we still believe that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards.

Elimination of the Cap on Alternate Assessment on Alternate Achievement Standards

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

Teacher Quality

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom *and* who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are

unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

Finally, the bill represents a significant step backwards in the area of transparency, particularly with respect to providing parents with information about their child's teachers. Where current law requires districts to inform parents when their child was taught for four or more weeks by a teacher who lacked full certification and/or subject matter competency, your proposal eliminates this required disclosure. In so doing, it eliminates parents' access to information that is critical to allowing them to hold their schools accountable for providing students with the resources they need to learn.

We urge you to revise your bill to unequivocally support high achievement for all students, especially students with disabilities.

Sincerely,

Three handwritten signatures in cursive script are displayed horizontally. From left to right, they read: 'Katy Beh Neas', 'Cindy Smith', and 'Laura Kaloi'. The signatures are written in black ink on a white background.

Cc: Members of the House Education and Workforce 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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