



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

September 9, 2005

The Honorable Robert Andrews  
United States House of Representatives  
Washington, DC 20510

Dear Representative Andrews:

We write to express our firm opposition to HR 2569, the No Child Left Behind Improvement Act of 2005. Far from improving the No Child Left Behind Act, the bill turns the clock back for over 6 million special education students and their families.

By enacting No Child Left Behind, the Congress and the President sent a message to our nation that every child counts. Children who speak other languages, children who have a different color of skin, children who come from impoverished backgrounds, children who have disabilities – they all count and schools will be held accountable for ensuring that they are all educated and that they make academic progress. If students don't make progress, then their school needs to devise a plan for success. This is the promise of No Child Left Behind and one of the most important reforms to special education in decades.

Any effort to eliminate a subgroup of students from the accountability umbrella established by No Child Left Behind can only weaken the accountability for all children. It also sends a clear message that the Congress believes that children with disabilities have less value, have less of a right to an education, than all other children. Students with disabilities have experienced enough discrimination in our nation. We believed Congress and the President when we were assured that no child would be left behind.

Your bill authorizes states to exclude all special education students from statewide assessments and accountability systems. Your bill authorizes states to develop alternative academic content standards for all special education students with alternative assessments aligned to students' individualized educational programs (IEPs). In short, your bill foresees a separate and unequal course of instruction, assessment and accountability for all special education students.

There are provisions currently in place -- and more under development -- that will allow states and local districts to instruct and assess a portion of special education students using alternate achievement standards, modified achievement standards

and alternate assessments. Your bill wrongly implies that all special education students cannot achieve to grade level academic standards.

If enacted, your bill would violate numerous provisions in the recently enacted Individuals with Disabilities Education Improvement Act of 2004, including the mandate for special education students to have access to the general curriculum and the requirement for special education teachers to be highly qualified. The explosion of litigation that would result from such conflicts in two federal laws would be overwhelming.

We would also like to clarify that allowing IEP reviews to be used as a substitute for the accountability provisions in the No Child Left Behind Act is not acceptable. The IEP was designed to measure the progress of an individual child, not to be used for school and system-wide accountability.

The Consortium for Citizens with Disabilities is a coalition of approximately 100 national disability organizations working together to advocate for national public policy that ensures the self determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

We would be pleased to meet with you about the critical importance of fully and appropriately including special education students in the provisions of No Child Left Behind.

Sincerely,

Alexander Graham Bell Association for Deaf and Hard of Hearing  
American Academy of Child and Adolescent Psychiatry  
American Association of People with Disabilities  
American Association on Mental Retardation  
American Counseling Association  
American Music Therapy Association  
American Occupational Therapy Association  
American Society for Deaf Children  
Association of University Centers on Disabilities  
Bazelon Center for Mental Health Law  
Children and Adults with Hyperactivity and Attention Deficit Disorder  
Council for Exceptional Children  
Council for Learning Disabilities  
Disability Rights Education and Defense Fund  
Easter Seals  
Federation of Families for Children's Mental Health  
Helen Keller National Center  
Higher Education Consortium for Special Education  
Learning Disabilities Association of America  
National Alliance on Mental Illness  
National Association of Councils of Developmental Disabilities  
National Coalition on Deaf Blindness

National Disability Rights Network  
National Center for Learning Disabilities  
National Down Syndrome Congress  
National Down Syndrome Society  
National Mental Health Association  
National Rehabilitation Association  
School Social Work Association of America  
TASH  
Teacher Education Division/Council for Exceptional Children  
The Arc of the U.S.  
United Cerebral Palsy

Cc: Members of the House Committee on Education and the Workforce