



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

October 27, 2014

The Honorable John Kline
2439 Rayburn House Office Building
Washington, DC 20515

The Honorable George Miller
2205 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kline and Ranking Member Miller,

On behalf of the undersigned organizations of the Consortium for Citizens with Disabilities (CCD) Education Taskforce, we submit the following letter to voice our significant concerns regarding the *Student Testing Improvement and Accountability Act* (H.R. 4172), and the *Tackling Excessive Standardized Testing Act of 2014* (“TEST Act”) (H.R. 5612). These bills take a misguided approach to solving the challenges facing our schools and would worsen the situation for many subgroups of students, including the nation’s six million students with disabilities. If enacted, both pieces of legislation will make it more difficult for parents, educators, and the public to know how students are performing and where and how to target intervention.

While we are certain that both legislative proposals were written with the best intentions, the disability community is acutely aware of the unintended consequences these proposals can have on our nation’s most vulnerable student populations, such as students with disabilities. In fact, while there is broad consensus that significant changes are needed to improve the Elementary and Secondary Education Act (ESEA), it is also widely accepted that yearly access to disaggregated data about student performance has led to greater transparency for families regarding the progress of their child with a disability; and has allowed educators, policymakers and other stakeholders to have actionable information to target interventions to close achievement gaps. Prior to 2001, many students with disabilities were not included in state assessments and therefore this information – from a systems perspective – was unavailable.

Unfortunately, both H.R. 4172 and H.R. 5612 would undermine this progress and limit opportunities for timely, relevant interventions to improve outcomes for all students, by eliminating annual data released to the public about the performance of students and replacing it with more sporadic data. Having regular access to information on student performance is critical to providing timely and appropriate supports and interventions. There is a great need for educators to have access to actionable, relevant, and timely information about student performance so that they can help students achieve. With transparent, easy-to-access, annual data on student performance, parents and educators are armed with the information needed to promote effective solutions to systemic issues at the school, district and policy levels. For these reasons, we cannot support proposals to remove annual statewide assessments.

Even more concerning is the concept of masking the performance of students with disabilities, which H.R. 5612 would effectively do. This legislation proposes to waive testing requirements for certain “top-performing” schools and allow those schools to assess students once every four years in both English language arts (ELA) and mathematics. To determine whether a school qualifies as “top performing,” H.R. 5612 looks at an aggregate total score of student performance. Historically, we know that when data is considered in the aggregate, the scores of high-performing students can hide the scores of low-performing subgroups of students, such as students with disabilities. Since 2001, the federal requirement to disaggregate performance and participation data by several important student subgroups has revealed the serious achievement gap that exists between students with disabilities and other groups of students. It has also led to incredible advancements in the use of formative testing to help teachers understand the ongoing learning and achievement gaps of students so that re-teaching, intervention and instructional support can be targeted directly to the students most in need. In short, this proposal would take us back to an era that encouraged and allowed schools to ignore the most at-risk groups of students in the school. Therefore, we cannot support any legislative proposal that would ignore the needs and outcomes of students with disabilities.

As we look ahead to the reauthorization of the ESEA, we urge you to recognize the critically important role of annual statewide assessments in Reading and Math in exposing the achievement gap, particularly in grades 3-8 and once in high school for students with disabilities. Arming families, educators and policymakers with yearly data of student performance is a powerful lever for school and district-wide improvement, change and recognition of well-performing educational programming. The only way we can improve outcomes for students with disabilities and other at-risk student groups is if we can regularly measure their performance and transparently provide this actionable information to educators and to the public through an accountability system that matches resources to need.

Therefore, CCD urges you to oppose any proposal that would remove requirements for annual statewide assessment of all students, such as H.R. 4172 and H.R. 5612, and continue to provide this important component to assuring accountability for students who need it the most. Thank you for considering our perspective and for your work on the education issues of our day. We would be happy to provide any further information or answer any questions. We look forward to working with you to find solutions that consider the rights and meet the needs of students with disabilities.

Sincerely,

ACCSES
Autism National Committee
Autistic Self-Advocacy Network
Conference of Educational Administrators of Schools and Programs for the Deaf
Council for Exceptional Children
Council for Learning Disabilities
Disability Rights Education & Defense Fund
Easter Seals
Higher Education Consortium for Special Education
Institute for Educational Leadership
National Center for Learning Disabilities

National Disability Rights Network
TASH
The Advocacy Institute
The Arc

The Consortium for Citizens with Disabilities is a coalition of 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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