



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

January 21, 2015

The Honorable Lamar Alexander
Chair, Senate Health Education, Labor and Pensions Committee
455 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Alexander:

We write on behalf of the Education Task Force of the Consortium for Citizens with Disabilities to express our opposition to the assessment provisions in the Every Child Ready for College and Career Act of 2015 (ECRCCA). While we have other concerns with the draft, this letter focuses on our concerns about the assessments, as we feel this topic merits its own analysis. This legislation amends the Elementary and Secondary Education Act (ESEA). We have numerous concerns with the draft, most importantly that it allows states to remove an unlimited number of students with disabilities from the general accountability system. This approach is an affront to the civil rights of disadvantaged children and would obscure achievement gaps, lower expectations, and reduce standards. Your approach would essentially wipe out a decade of progress which has allowed parents, teachers and school leaders to better understand the potential of students with disabilities. Progress for students with disabilities over the past decade has included increased knowledge about how they fare academically compared to their grade-level peers, improved access to the general education curriculum, reduced drop out rates, and increased inclusion in general education classrooms throughout the country.

The most troubling aspects of the ECRCCA are the changes to the current annual assessment system. While there is a national consensus that the No Child Left Behind Act (NCLB) is outdated and needs revisions, the policy proposed in the ECRCCA— that allows states to administer an alternate assessment based on alternate academic standards to any number of students with disabilities – is unacceptable. For a certain number of students, which is approximately 1% of all students (a number that equals approximately 10% of students with disabilities – those with the most significant cognitive disabilities), the alternate assessment on alternate academic achievement standards is appropriate and is currently used by all states. But, importantly, current regulations, limit the number of scores that can be counted as proficient by states. The language in your bill changes this. ERCCA could allow schools to take millions of students with disabilities out of the

general assessment which would also often mean off track for a regular high school diploma – something that could happen as early as 3rd grade.. We are further concerned that ECRCCA does not include a prohibition against states precluding students who take the AA-AAS from attempting to complete the requirements of a regular diploma and a requirement that IEP teams be informed of any effects of state and local policies on the student’s education resulting from taking the AA-AAS. All students with disabilities, whether they take an alternate or the general assessment deserve to be college and career ready. Unfortunately, the provisions in your draft would lower expectations for these students and ultimately limit their ability to become fully economically self-sufficient.

CCD also opposes ECRCCA’s silence on the alternate assessment based on modified academic achievement standards (2% regulation). This is an assessment that should be prohibited in the bill. CCD has advocated against the 2% policy since it was first proposed in 2004. We were pleased to see that all states applying for ESEA Flexibility agreed to terminate the use of the modified assessment and as of the 2014-2015 school year no state will administer these tests. We believe this failed and outdated policy does not support the advancements made in assessment science or build on the new assessments that are being developed and may be adopted by states that will enable the majority of students with disabilities to take regular assessments with accommodations as appropriate. Given the broad acknowledgement that the 2% was a failed policy, ECRCCA should clearly state that it eliminates the 2% policy and promote the adoption of general assessments that are valid and reliable, for all students except those with the most significant cognitive disabilities.

It is also concerning that the draft’s language does not appear aligned with important requirements in other laws. Specifically, the draft includes language that “promotes” access to the general curriculum for students with disabilities rather than “provides” access to the general curriculum as current law requires. This violates IDEA and is unacceptable. Similarly, the phrase “to the extent practicable” in the provision that says students who take the AA-AAS, are to be included in the general curriculum violates IDEA, which provides for all students with disabilities to be involved in and make progress in the general education curriculum. When coupled with the bill language that allows districts to develop additional assessments with only state approval these provisions put students with disabilities at great risk of being tested separately or inappropriately as compared to their peers and being denied meaningful access to the general education curriculum.

Everyone agrees disaggregation of data is important. The reason it’s important is because of what it tells us about the achievement gap. But data means nothing if large numbers of students with disabilities are excluded from the general assessment. CCD urges you to revise the bill in the ways we have listed here.

Thank you for considering our perspective on the assessment provision and for your work on the education issues of our day. We would be happy to provide any further information or answer any questions and look forward to submitting our full written comments on the draft to you on February 1.

Sincerely,

ACCSES

American Association on Intellectual and Developmental Disabilities

American Foundation for the Blind

American Occupational Therapy Association

Association of University Centers on Disability

Autism National Committee

Autistic Self Advocacy Network

Council for Exceptional Children

Council on Learning Disabilities

Council of Parent Attorneys and Advocates

Disability Rights Education and Defense Fund

Easter Seals

Higher Education Consortium for Special Education

Institute for Educational Leadership

National Alliance on Mental Illness

National Association of School Psychologists

National Center for Learning Disabilities

National Disability Rights Network

National Down Syndrome Congress

National Federation for the Blind

TASH

The Arc

Teacher Education Division of the Council for Exceptional Children

United Cerebral Palsy

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

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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