

April 13, 2015

The Honorable Lamar Alexander
Chair, Senate HELP Committee
455 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member, Senate HELP Committee
154 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the Council for Exceptional Children, we thank you for your leadership and dedication to reauthorizing the Elementary and Secondary Education Act (ESEA). With the pending reauthorization of the ESEA, there is an opportunity to maintain strong education policy based on high-expectations and well prepare students with disabilities and gifts and talents to become successful and independent members of society. In addition, support and resources to ensure that the field has well prepared educators is critical.

CEC asks that the reauthorization of ESEA continue to provide meaningful access to rigorous standards for all students and fully include students with disabilities and gifts and talents in our education system. We know these provisions will contribute to the academic success of all students.

The 1% Cap on the Alternate Assessment

First, CEC commends you for including in the *Every Child Achieves Act of 2015* the responsible assessment policy for students with disabilities that only allows up to 1% of all students – those who have the most significant cognitive disabilities – to take an Alternate Assessment based on Alternate Achievement Standards (AA-AAS).

Additional Areas of Support in ECAA of 2015

In addition, CEC is pleased to see that the ECAA:

- 1) Prohibits states from developing additional alternate or modified standards for children with disabilities;
- 2) Includes all students with disabilities in state and district-level assessments;
- 3) Ensures that students in every state who take the AA-AAS- are not precluded from attempting to complete the requirements for a regular diploma;
- 4) Ensures that parents are involved in the decision that their child will take an alternate assessment;
- 5) Ensure that students with disabilities are kept on track to graduate high school by requiring that students with disabilities are involved in and make progress in the general education curriculum;
- 6) Allows only for pilots of LEA assessments that are comparable, valid, reliable and include all students, with the intent that such an assessment will become a statewide test;

- 7) Maintains the requirement to include no less than 95% of all students and each student category in annual assessments
- 8) Calls for disaggregation of data by student categories in current law;
- 9) Provides support to states and school districts to ensure that teachers have the skills and knowledge necessary to instruct diverse learners;
- 10) Includes the “parent right to know” provision, requiring that parents be informed that they may request information regarding qualifications of the student’s classroom teacher;
- 11) Expands the language governing parent involvement to include extended family and guardians;
- 12) Includes provisions on charter schools (Title V, Part A) mirroring the version supported by CEC in the last Congress;
- 13) Requires states and LEAs to describe how they will implement multi-tier system of supports (e.g. RTI), universal design for learning and school-wide positive behavioral interventions and supports;
- 14) Maintains funding for competitive grant programs that address the social/emotional, physical and mental health needs of students;
- 15) Ensures that all assessments are designed and implemented to the best extent possible using Universal Design for Learning; and
- 16) Preserves maintenance of effort (MOE) provisions with some changes.

Areas of Concerns

CEC is concerned that there are other critical provisions not addressed by ECAA that will harm students with disabilities and gifts and talents. CEC recommends that ECAA should include:

- 1) Transparent data on the number of students who are being taught by teachers who are less than fully certified disaggregated by subgroups of students, including students with disabilities in order to monitor the extent to which students with disabilities, and other subgroups, are being taught by teachers with less than the highest levels of certification or licensure;
- 2) Requirements for the SEAs and LEAs and schools to report results for all subgroups with the only exception being if an “n” size in a cell falls below 10;
- 3) That all assessments and curricula are designed and implemented, not only using Universal Design for Learning, but in a way that is fully accessible to all students;
- 4) Dedicated funding to assist states in increasing investments to expand high-quality inclusive early learning opportunities for all children beginning at birth. These investments must ensure access to appropriate supports and services so that children with disabilities can fully participate in high quality early educational programs in their communities;
- 5) A prohibition of seclusion, and the limitation of restraint to emergencies that directly threaten anyone’s physical safety;
- 6) A prohibition on the transfer of funds between Titles II and IV;
- 7) Inclusion of the bipartisan *Talent Act*, S.363 to support quality education for high ability students, especially those students in underserved settings, including rural communities; and

- 8) Dedicated funding for key elements of education that help ensure student success such as programs for high ability learners such as the Javits Act.

As the debate regarding the *Every Child Achieves Act of 2015* and ESEA reauthorization continues, we commend you for your bipartisan leadership and urge you to support only those policies that reinforce high-expectations for students with disabilities and gifts and talents and best prepare them for future postsecondary and career opportunities. We look forward to working with you throughout this process to develop legislation that creates opportunities for all students to succeed. Please do not hesitate to contact me with any questions. debz@cec.sped.org

Sincerely,

Deborah A. Ziegler

Director
Policy and Advocacy and Professional Standards

CC Members of U.S. Senate