



July 13, 2015

U.S. Senate  
Washington, DC 20510

Dear Senator:

On behalf of the undersigned members of the Education Taskforce of the Consortium of Citizens with Disabilities (CCD) which advocates on behalf of the nearly six million students with disabilities, we ask that you consider our recommendations on the following amendments to the Every Child Achieves Act (ECAA) being debated this week.

**Strengthened Accountability:** CCD has communicated extensively to Chairman Alexander, Ranking Member Murray, the Senate Health, Education, Labor and Pensions Committee and every Senator on the need to strengthen the student group accountability provisions of the ECAA to assure that any school and district with groups of students failing to meet state-set academic need goals must provide targeted intervention and support after two years if not meeting their goals. (See: CCD letter to Alexander/Murray, April 20, 2015 and July 6, 2015). Additionally, States must step in and provide further support if progress is not seen after three years of district-led intervention so students do not continue to languish in ineffective programs. The many positive protections for students with disabilities included in the current ECAA will be meaningless without the strong student group accountability. We urge you to vote only for an accountability amendment that will assure schools, districts and states are required to do something to help underperforming student groups when they don't meet state standards.

**Franken-Cassidy Amendment, Title I: Disaggregate Data by Disability Student Group: SUPPORT:** CCD supports the Franken-Cassidy amendment to direct states to include the academic performance of students with disabilities, by disability category, on Annual State Report Cards. This amendment would provide critical information to the public, parents, educators, and policymakers. By providing stakeholders with a better understanding of how students with various types of disabilities are performing, better decision-making can occur about how to allocate resources to address student needs and inform families and communities about the effectiveness of schools for all groups of students.

**Casey Amendment, Title X: Strong Start: SUPPORT:** This amendment expands and improves early learning opportunities for children across the birth-to-age-five continuum. It provides access to high quality preschool for all children and specifies that all preschools should be inclusive of children with disabilities and the need for increased funding to support their early learning needs. Inclusive early childhood experiences open the doors to lifelong learning, interactions, and achievements. Quality education for inclusive lives begins in early childhood and continues throughout a child's life experiences into schools, places of employment, and the broader community. Please SUPPORT.

**Gardner-Warren Amendment, Title I: Data Cross-Tabulation:** SUPPORT: We support this amendment because using data cross-tabulated by gender, race/ethnicity, disability and other factors will ensure that State Report Cards do not mask the needs of smaller subgroups of students. It also assures that interventions are driven by data and not by assumptions and stereotypes about the needs of boys and girls in school. The ECAA already requires that all interventions be evidence-based, and data cross-tabulation would help to support that goal.

Cross-tabulating data does not require the collection of any new data and does not create any new burdens. Cross-tabulation would simply require that the data already collected and reported be presented in a format that is more helpful and useful to schools, districts and states. Please SUPPORT this amendment.

**Franken All Titles, Student Non-Discrimination Act: SUPPORT:** As our nation's primary statute promoting equal access to education, it is vital that ESEA ensures that every student is able to attend school in a safe, inclusive environment free from discrimination and harassment. We know there are far too many students, including students with disabilities who are lesbian, gay, bisexual, or transgender (LGBT) or perceived to be LGBT who are subject to well-documented, pervasive discrimination, including harassment, bullying, intimidation, and violence. The Student Non-Discrimination Act would explicitly prohibit public schools from discriminating against any student on the basis of actual or perceived sexual orientation or gender identity. We urge SUPPORT for this amendment.

**Isakson Amendment, Title I: Removing the 1% Cap on Use of Alternate Assessments: OPPOSE:** While it is unclear if this will come to a vote, CCD urges you to oppose this amendment. CCD adamantly opposes this amendment and urges you to consider that a bipartisan effort has been achieved in the ECAA by including the evidence-based use and state application of a cap of 1% [of all students which equals about 10% of students with disabilities] on the use of an Alternate Assessment based on Alternate Achievement Standards (AA-AAS) for students with the most significant cognitive disabilities. CCD urges the Senate to continue to support students with disabilities and maintain the cap established in the ECAA. Please oppose this amendment to assure all students will be held to high expectations. See the [CCD's position](#) on the 1% policy.

**Kirk-Reed-Baldwin-Brown Amendment, Title I: Resource Equity: SUPPORT:** All students should have access to a high-quality education, and schools should be able to get the resources they need to help students excel in education and in life. Unfortunately, too many students, particularly low-income, minority and students with disabilities, do not have access to the opportunities they need to graduate from high school ready for career training and/or college. This amendment addressing resource equity is a step forward to remedying persistent inequities and ensuring that all students have the opportunity to reach their full potential. CCD urges your SUPPORT.

**Scott Amendments: New Titles: Portability and Vouchers: OPPOSE:** CCD opposes the Scott amendments which seek to create portability of federal funds for students with disabilities to private schools. This portability is egregious for several reasons: First, the purpose is disingenuous in that all parents would be required to give up rights under IDEA in the name of "choice." Parents or students must not have to give up procedural or substantive requirements under the Individuals with Disabilities Education Act (IDEA), nor their right to an impartial due process hearing when the schools fails to comply. Schools that accept federal funds under voucher programs must comply with applicable federal laws, and the Individualized Education Program (IEP) must remain the cornerstone of providing individualized special education and related services designed to meet each eligible student's unique needs. Second, states cannot, by delegating the education function to private voucher schools, place students beyond the reach of the federal laws in its administration of publicly funded programs (See: 2013 Department of Justice (DOJ) issued a letter to WDPI [https://www.aclu.org/files/assets/04\\_09\\_13\\_letter\\_to\\_wisconsin\\_dpi\\_0.pdf](https://www.aclu.org/files/assets/04_09_13_letter_to_wisconsin_dpi_0.pdf) ). Third, private schools do not fall under the requirements of Title I related to accountability or otherwise. As such, Title I funds should not be used to fund them. Finally, it is inappropriate to amend IDEA as part of the reauthorization of ESEA.

**Tester Title I: Gradespan Testing: OPPOSE:** We urge opposition to any amendment which would strip the bill's current requirement for states to develop and implement annual, statewide standardized assessments in reading and math. Any proposed amendment that would decimate one of the cornerstones of the Elementary and Secondary Education Act (ESEA) via grade span testing or other onerous proposals must be stopped. We ask you to seriously consider the implications of amendments that will significantly reduce access to this information for parents, schools and communities. Unfortunately, we know that without the continued requirement for annual,

statewide assessment, access to timely, relevant interventions that can improve student outcomes will be jeopardized and will seriously undermine the progress and limit opportunities to improve the achievement of students with disabilities. Even more concerning is the concept of masking the performance of students with disabilities. Please OPPOSE this amendment or others like it.

Sincerely,

ACCSES

Bazelon Center for Mental Health Law

American Association on Health and Disability

Association of University Centers on Disabilities

Council for Learning Disabilities

Council of Parent Attorneys and Advocates

Disability Rights Education and Defense Fund

Easter Seals

Epilepsy Foundation

Higher Education Consortium for Special Education

Institute for Educational Leadership

National Association of Councils on Developmental Disabilities

National Association of State Head Injury Administrators

National Association of School Psychologists

National Center for Learning Disabilities

National Down Syndrome Congress

National Down Syndrome Society

National Disability Rights Network

National PTA

Perkins

United Cerebral Palsy

TASH

Teacher Education Division of the Council for Exceptional Children

The Advocacy Institute

The Arc of the United States

*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, visit [www.c-c-d.org](http://www.c-c-d.org).*