



2900 Crystal Drive, Suite 1000 | Arlington, VA 22202-3557
(P) +1.703.620.3660 | (Toll Free) 888.232.7733 | (TTY) 866.915.5000 | (F) 703.264.9494
www.cec.sped.org

February 10, 2012

John Kline
Chairman, Education and Workforce Committee
U.S. House of Representatives
2439 Rayburn House Office Building
Washington, DC 20005

Dear Chairman Kline:

On behalf of the 33,000 special education teachers, special education administrators, higher education faculty, related service personnel and other professionals who are members of the Council for Exceptional Children (CEC), we are writing to express our concerns with the final two bills the *Student Success Act* and the *Encouraging Innovation and Effective Teachers Act* that you introduced on the Elementary and Secondary Education Act reauthorization.

We appreciate your efforts and those of your staff, in addressing the pressing issue of the reauthorization of the Elementary and Secondary Education Act. States and local school districts need additional resources and flexibility to provide a quality education to all students, including students with disabilities. We are pleased that your legislation will eliminate the arbitrary deadline of 2014 and along with it Annual Yearly Progress. We are also pleased that your legislation will maintain the requirement to disaggregate data by subgroup and publically report on that data. But, we are troubled by the overall lack of accountability and great weakening of the federal role this legislation would represent. In particular we oppose the following:

- **Elimination of Highly Qualified Teacher Provisions:** All requirements that entering teachers meet any minimum qualifications are eliminated. This lifts a protection for our most vulnerable students, including many students with disabilities, who are often placed in classrooms with new entering teachers. Under your bill, these students fall into an unprotected loophole and simply not guaranteed a qualified teacher.
- **Lack of Focus on Professional Development:** Nothing in this legislation requires ongoing professional development, despite evidence that this is needed by the field and leads to gains in student achievement and student growth. Although Title II funds may be used to support professional development, this bill backs away from the federal government's long-standing commitment to support education professionals. This support is needed now, more than ever.
- **Increased Privatization:** CEC opposes language in the Local Academic Flexible Grant section that would allow public dollars to be invested in private schools. CEC opposes vouchers for children and youth and those with disabilities because they contradict and undermine the central purposes of civil rights laws including these measures. Vouchers deprive students of rights and protections they have while in public schools. This is especially critical for students with disabilities who lose all protections under the Individuals with Disabilities Education Act when they leave public schools and attend a private school.

- Reduced, Capped and Eliminated Funding: This legislation would mean less resources for students and schools. CEC opposes setting caps on Title I funding and eliminating Maintenance of Effort Provisions. Eliminating safeguards will not ensure accountability and achievement. States and districts need more resources in this environment and are working under ever decreasing budget measures. Ignoring the real need will not help us address the real concerns about achievement.
- Elimination of the 1% Cap: This legislation eliminates the current 1% cap on the use of scores for accountability purposes for students with significant cognitive disabilities. It is important to point out that placing a student on an alternate assessment removes them from the general accountability system. It also takes away their ability to receive a regular diploma. Experts across the field recognize that the 1% amount is important, widely accepted and well addresses the proportion of students who may need to take an alternate assessment. Yet, removing this cap might create an incentive to exclude students from the general assessment and place them on an alternate simply to increase the statistical view of achievement in a district. It is not a needed change and as such, we cannot support it.
- Reduction of Accountability for Students with Disabilities: NCLB brought students with disabilities and the educators who serve them to the table in new and important ways. Due to this increased focus and inclusion in the accountability system, students with disabilities increased participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. We believe these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement. We are concerned with the lack of focus on this area in your bill and, if enacted, what impact it may have students.

CEC looks forward to continuing to work with you to ensure that our education system raises expectations for students with disabilities and ensures that all educators are prepared to meet their needs.

Sincerely,



Deborah A. Ziegler, Ed.D.
Associate Executive Director
Policy and Advocacy Services