June 6, 2013

The Honorable Tom Harkin
Chair
Senate Committee on Health Education
Labor and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Harkin:

The Council for Exceptional Children (CEC), the largest professional organization of educators who work on behalf of 10 million children and youth with disabilities and/or those with gifts and talents, commends you on your leadership in providing our nation with a comprehensive and thoughtful reauthorization of the Elementary and Secondary Education Act, embodied in your Strengthening America’s Schools Act (SASA).

CEC supports the overall vision which underlies this important legislation. While we have a few concerns, namely the pressure its’ new requirements will place on states and local school districts, especially when resources are scarce, we are pleased that your leadership has prompted the upcoming public debate about the education of our nation’s children.

CEC views the following as critical components of SASA:

**Increased Inclusion and Protection of SWD throughout the Legislation**

As you know, 60% of students with disabilities spend more than 80% of their day in general education classrooms. As such, this legislation is more important to students with disabilities and the professionals who serve them than ever before. CEC is pleased that SASA reflects the inclusion of these students in our nation’s schools and, as such, is interwoven with references to children and youth with disabilities throughout most of its Titles. The use of this language is a powerful signal to all educators and policy makers that children and youth with disabilities are an important consideration in every educational decision. We are also pleased to see that SASA requires charter schools to plan for and implement appropriate services and supports for students with disabilities and provides mechanisms for charters to receive technical assistance to accomplish this.

**Continued Need for Accurate Information about Student Achievement**

Adequate Yearly Progress (AYP) has proven to be an unworkable structure for our nation’s schools. Despite the problems with this accountability system, the need to ensure our schools set high standards for all students’ remains. CEC supports SASA’s requirement that states, school districts and local schools continue to disaggregate assessment data by subgroup, and publically report this data. CEC also strongly supports the lowering of the “N size” of any subgroup to 15.
Assessments that Appropriately Include all Students

CEC is pleased SASA prohibits modified assessments, also known as the two percent assessment, those which are based on modified academic achievement standards. Although the U.S. Department of Education promulgated regulations around those assessments, states had a difficult time implementing them, and failed to determine exactly which students should take them. With the advent of new assessments which are being designed to address the needs of nearly all students, CEC supports prohibiting this category altogether.

Similarly, while we understand the need to include an alternate assessment for the 1% of students with the most significant cognitive disabilities, we also recognize that having any separation from the general assessment system means there is a danger that students who take the alternate assessment could be segregated in other ways. Therefore, we must ensure that they continue to receive the access to the general curriculum that IDEA requires. Due to these issues, we strongly support SASA’s approach, which includes a 1% cap on participation in these assessments and emphasizes the need to speak clearly and accurately with parents about the potential consequences of student participation in these assessments for graduation. CEC supports the many protections SASA outlines relevant to this issue.

Increased Attention to Equitable Distribution of Teachers

CEC is pleased with the many teacher equity reporting requirements included throughout SASA. It is critical that students, families, and the public have accurate, timely information regarding the qualifications of educators and that systems can ensure every student has an appropriately prepared and qualified teacher. This transparency – particularly provided in the Title I State Plans provisions – would allow for better analysis of where our less qualified, less experienced, and less prepared teachers are teaching.

Gifted and Talented Education and the Continued Need for Research

CEC was pleased that SASA included key provisions of the TALENT Act (S.512) that will positively impact high-ability students from disadvantaged backgrounds. Research has demonstrated that students from low income backgrounds are not reaching top achievement levels on state or national assessments at the same rates as their more advantaged peers. The provisions included in SASA will ensure that schools that receive Title I funding consider how to identify and serve high-ability students, a dramatic improvement compared to the current system. In addition, SASA highlights the need to continue research and development of best practices to ensure that high-ability students are identified and provided evidence-based interventions critical to academic success.


CEC supports SASA’s inclusion of many important issues which must be incorporated in ESEA for educators and schools to be effective. In particular, we are pleased that SASA incorporates many provisions addressing literacy including key provisions of the LEARN Act, S. 929, such as clear definitions of terms like, Multi-tiered System of Supports. Likewise, CEC supports the many provisions throughout that bill that target unlawful discrimination against students based on sexual orientation or
gender identity, seek to collect more information and prompt action to reduce discipline instances, strengthen support for early learning and the transition to school, emphasizes early intervening services and promotes positive behavioral interventions and supports to improve school climate.

Teacher Evaluation Systems

CEC’s members are committed to providing a high quality education to every student. As such, we support high standards for teachers and principals and believe they should have fair, accurate and rigorous evaluation systems which provide meaningful feedback to reward excellence and provide opportunities to improve where needed. Overemphasis in this area, however, may drive scarce dollars away from valuable professional development. CEC opposes the requirement that in order to receive Title II dollars, states must adopt evaluation systems based in part on student outcomes. While outcomes are an important measure, the current state of research is devoid of examples of systems that have reliably incorporated student outcomes into teacher evaluation systems – especially in the case of students with disabilities. Thus, CEC believes evaluations must be based on multiple reliable measures and indicators that support valid measurement of special education teacher effectiveness. While we are pleased that SASA acknowledges this, it is important that any system not overemphasize any one measure. Additionally, we have concerns about basing even significant portions of them on student growth until we have better measures. More research is needed in this area to better inform our policy.

Highly Qualified Teacher Provisions

As recent research has demonstrated, for students to achieve, they must have access to fully prepared and well-trained teachers – especially in special education. Because this is essential to achieving positive student outcomes, CEC opposes the bill’s definition of Highly Qualified Teacher. As currently worded, this legislation would allow any person, regardless of whether they have any training in education, to teach in schools as long as they have enrolled in an alternate route to certification program. This lax requirement minimizes the importance of preparation and training and works to de-professionalize educators and the teaching profession. While CEC supports alternate route to certification programs, especially in light of the serious personnel shortages in the field, at a minimum, the statute should require that individuals complete these programs prior to being considered highly qualified. Additionally, CEC supports language that would emphasize that alternate route to certification programs be rigorous and ensure that any unprepared teacher is properly supervised.

We appreciate your hard work and support the overall vision of the legislation. We thank you again for your considerable time and attention to the important educational questions facing our field, and we look forward to continuing to work with you to ensure that all of our nation’s children are well prepared to meet the demands of the 21st century.

Sincerely,

Deborah A. Ziegler, Ed. D.
Associate Executive Director
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Cc: Members of the Senate Health, Education, Labor and Pensions Committee