



# CEC's ESEA

## REAUTHORIZATION RECOMMENDATIONS



**Council for  
Exceptional  
Children**

The voice and vision of special education

MARCH 2010

# About the Council for Exceptional Children

*The Council for Exceptional Children (CEC) works to improve the educational success of individuals with disabilities and/or gifts and talents.*

## CORE VALUES

- The dignity and worth of all individuals.
- Social justice, inclusiveness, and diversity.
- Professional excellence, integrity, and accountability.
- Rich and meaningful participation in society for all individuals with exceptionalities.
- Effective individualized education for all individuals with exceptionalities.
- The importance of families in the lives and education of all individuals with exceptionalities.
- Collaboration and community building to improve outcomes.

## MISSION

CEC is an international community of educators who are the voice and vision of special and gifted education. Our mission is to improve the quality of life for individuals with exceptionalities and their families through professional excellence and advocacy.

## VISION

CEC is a diverse, vibrant professional community working together and with others to ensure that individuals with exceptionalities are valued and included in all aspects of life. CEC is a trusted voice in shaping education policy and practice and is globally renowned for its expertise and leadership. CEC is one of the world's premiere education organizations.

## CEC CONTACT INFORMATION

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## CEC's ESEA Guiding Principles

ESEA must support requirements for high standards and learner performance that are intended to foster high quality teaching and learning, equality of educational opportunity to learn, and improved achievement for children with disabilities and/or gifts and talents through:

- Supporting a well prepared successful educational workforce.
- Meaningful systems that encourage collaborative and supportive measurement, evaluation and reward of professional performance.
- Strengthening assessment and accountability for all children.
- Meeting the unique needs of gifted learners.
- Improving outcomes for all children through the collaboration of all educators.
- Developing improved strategies that create positive school reform.
- Providing full funding to execute the goals and provisions of ESEA.
- Systems that are carefully coordinated and balanced between ESEA and IDEA to recognize and enhance the system for assessment and accountability for a diverse population of children, including those with disabilities and/or gifts and talents.



# Introduction

For the past 30 years, children with disabilities, their families, and the professionals who work on their behalf have revolutionized the educational and workplace opportunities available to America's 6.9 million children with disabilities. Led by landmark legislation, now known as the Individuals With Disabilities Education Act (IDEA), children with disabilities have had access to an education system that builds upon their strengths and addresses their individual needs.

Over the years, as the implementation of IDEA has strengthened throughout schools across our country, children with disabilities have gained access to the general education curriculum; in many cases, learning side-by-side their nondisabled peers; and they have realized improved outcomes. This progress has been unprecedented due to the dedication and commitment of children, families, special educators, and policymakers.

The Elementary and Secondary Education Act (ESEA, No Child Left Behind in its current form) has reinforced the notion that all children should have an opportunity to learn by mandating an accountability system that shines a light on the performance of students with disabilities.

By building on the theme of IDEA, that an educational system must address the individual needs of every child, CEC believes ESEA can achieve its noble goals of providing a high-quality education to all children taught by well prepared, diverse, and successful educators; closing the achievement gap; and ensuring that all children reach a high level of achievement.



At this time of ESEA reauthorization, Congress has an opportunity to build upon the law's strengths while addressing areas of concern related to children with disabilities and/or gifts and talents. By realizing that our education system should address the individual needs of children, the unique needs of America's 3 million children with gifts and talents must also be addressed at a time when they have largely gone ignored in federal legislation. In addition, as education policy shifts to focus on all children, CEC hopes to attract attention to those children who have both a disability and are gifted, a population known as twice-exceptional.

The reauthorization of ESEA confronts many critical issues that impact millions of children, families, and educators, including policies that focus on teacher/school personnel quality; evidence-based teaching and learning; assessments of children; issues of disproportionality and diversity; establishing a viable accountability system; and systemic supports.

To this end, CEC is pleased to present a series of recommendations on how ESEA can be improved to ensure that strong safeguards for children with disabilities are in place and the educational needs of children with gifts and talents are addressed, while balancing the challenges that schools and districts confront daily. CEC looks forward to collaborating with Congress to improve and address areas of concern to ensure that the educational needs of all children is the focus of the nation's education system.

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*CEC believes that blending the strengths of both IDEA and ESEA will result in policies that directly address the challenges confronting the education community.*

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# Supporting a Well Prepared Successful Educational Workforce

**CEC recommends that Congress** recognize and support requirements that emphasize the importance of special education pedagogy that centers on the evidence-based expertise of special educators to alter instructional variables to individualize instruction for individuals with exceptional learning needs.

**CEC recommends that Congress** recognize and support requirements for well prepared successful special educators from diverse backgrounds who have a solid grounding in the liberal arts curriculum ensuring proficiency in reading, written and oral communications, calculating, problem solving, and thinking.

**CEC recommends that Congress** recognize and support requirements for well prepared successful special educators who also possess a solid base of understanding of the general content area curriculum sufficiently to collaborate with general educators.

**CEC recommends that Congress** recognize and support requirements for general education teachers, administrators, and support personnel to have knowledge and skills in evidence-based special education pedagogy.

**CEC recommends that Congress** support rigorous alternative routes to certification, and upon initial entry by teachers into the program, do not deem them to be highly qualified. CEC recommends that the following components be included in rigorous alternative routes to certification programs:

- Teachers must receive high quality pre-service training and intensive supervision that consists of structured guidance and regular ongoing support for teachers including a mentoring program.
- Teachers receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching.
- Teachers participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program.
- Teachers in alternative routes to certification programs can only remain in the program for a specified period of time, not to exceed three years.
- Teachers demonstrate satisfactory progress toward full certification as prescribed by the state.

**CEC recommends that Congress** retain the High Objective Uniform State Standard of Evaluation (HOUSSE) for special educators, new and veteran, which provides states with a multiple measure approach to determine whether a teacher is highly qualified in a given core academic subject area or in multiple subjects. The HOUSSE option needs to remain a viable option for states with an emphasis on the rigor of the process and its components.

**CEC recommends that Congress** significantly elevate the quality of instruction and learning by supporting the professional careers of educators, including early childhood educators, by building capacity via an infrastructure that ensures a continuum approach including initial preparation, induction, and continuing professional growth.



**CEC recommends that Congress** recognize and support strategies, such as high quality professional development, which will improve the ability of teachers to identify and instruct students with gifts and talents. Such strategies should align with the definition of ‘teaching skills’ within the Higher Education Opportunity Act.

**CEC recommends that Congress** encourage and strengthen mentoring and induction programs that support collaboration between general and special education. To be most effective, these programs should be designed in consultation with school personnel, including special educators and related service personnel, offer mentors or programs which are relevant to the mentee’s practice area, and encourage the use of technology.

**CEC recommends that Congress** revise the current ‘needs assessment’ requirement in Title II of ESEA for local education agencies, and all relevant data collections under ESEA to include similar requirements already listed under IDEA and complement them.

**CEC recommends that Congress** require that states and local education agencies use this needs assessment data to develop an action plan to address personnel shortages, analyze school climate, recruitment, retention, and induction/mentoring strategies.

## **RATIONALE**

Like the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) requirements for high standards and learner performance are intended to foster high quality teaching and learning, equality of educational opportunity to learn, and improved achievement for children with disabilities. Like never before, ESEA and IDEA require special and general educators to work collaboratively to ensure learning gains for all children including children with disabilities.

Special educators possess a repertoire of evidence-based instructional strategies to individualize instruction for individuals with exceptional learning needs. Special educators select, adapt, and use these instructional strategies to promote positive learning results in general and special curricula and to appropriately modify learning environments for individuals with exceptional learning/developmental needs. Moreover, special educators emphasize the development, maintenance, and generalization of knowledge and skills across environments, settings, and the lifespan.

Special educators also understand the significance of general curriculum content. Well-prepared special educators possess a solid base of understanding of the general content area curricula, (i.e., math, reading, English/language arts, science, social studies, and the arts), sufficient to collaborate with general educators in:

- Teaching or co-teaching academic subject matter content of the general curriculum to children with exceptional learning needs across a wide range of performance levels, and

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- Designing appropriate learning and performance accommodations and modifications for children with exceptional learning needs in academic subject matter content of the general curriculum.

Moreover, because of the significant role that content specific subject matter knowledge plays at the secondary level, special education teachers routinely teach secondary level academic subject matter content in consultation or collaboration with one or more general education teachers appropriately licensed in the respective content area. In those instances when a special education teacher assumes sole responsibility for teaching a core academic subject matter class at the secondary level, CEC expects the special educator to have a solid knowledge base in the subject matter content sufficient to ensure that children can meet state curriculum standards.

Implications of the highly qualified requirements for special education teachers are far-reaching. Currently, many special education teachers participate in providing instruction across core academic subject areas. Similar to the CEC position on academic content, when special education teachers assume responsibility for teaching a core academic subject, IDEA requires those special educators to have a solid knowledge base in the subject matter content by meeting the new highly qualified requirements.

While provisions in IDEA 2004 provide some flexibility in determining the qualifications of special education teachers teaching multiple subjects, meeting the standard of being highly qualified in every core academic subject is likely to present a significant challenge, especially for teachers teaching across elementary, middle, and secondary levels. The challenge for special education teachers to meet the content knowledge requirements for each core content area at each level may result in many children with disabilities receiving their primary instruction in core academic subjects in the regular classroom from the regular classroom teacher with consultation services from “highly qualified” special educators. Assuming that this shift of responsibility to regular education occurs, the skills required to meet the standard will demand effective preparation of both special and general educators.

In order to ensure that children with disabilities receive a free appropriate public education (FAPE), it will be imperative that the general education teacher receives sufficient consultation from special education teachers to enable the general education teacher to effectively provide individualized instruction for the children with disabilities in their classes. Additionally, the special education teacher often will need to provide additional practice to reinforce, maintain, and generalize children’s’ skills.

# Meaningful Systems That Encourage Collaborative and Supportive Measurement, Evaluation and Reward of Professional Performance

**CEC recommends that Congress** address the national shortage of special educators, related service personnel, and early childhood educators by making salaries, benefits, and supports competitive by improving working conditions, including collegial and administrative supports, caseloads, and paperwork responsibilities in order to recruit and retain the well prepared successful educators of diverse backgrounds that are currently needed.

**CEC recommends that Congress NOT** support the use of a single measure for any high stakes decision for determining teacher preparedness or success. In determining an individual's professional competence, multiple measures, rather than a single test score, shall be used in the decision making process to enhance the validity and reliability of decisions related to content and pedagogical competence.

**CEC recommends that Congress** fund research to determine whether financial incentives for professionals result in increased student achievement, increased retention of professionals or attract more professionals to enter special and gifted education. Specifically, Congress should fund pilot programs or demonstration grants which will lead to a better understanding of whether these programs increase teacher performance or student achievement.



**CEC recommends that Congress** consider the following if it decides to include differentiated compensation systems in ESEA:

- All educators should be meaningfully included in and eligible for differentiated compensation systems and performance incentives regardless of whether their students' participate in standardized assessments.
- Differentiated compensation systems should be locally designed with meaningful input from all educators to assure they meet the unique needs and circumstances of the educators.
- Elements of a differentiated compensation system must be open and transparent so that professionals understand the expectations for their performance and potential rewards.
- Differentiated compensation systems must be designed to increase and reward collaboration and teamwork.
- Differentiated compensation systems should support the equitable distribution of teachers in schools and districts to ensure that all students are served by professionals with an appropriate level of expertise to address the needs of the classroom.
- Financial incentives must be sustainable over time to ensure proper implementation.
- Performance compensation system must include a meaningful evaluation process.

**CEC recommends that Congress** recognize and support meaningful evaluation systems that are fair and provide educators with relevant, supportive and instructive feedback. CEC recommends that these systems include the following:

- Fund research, pilot programs and/or demonstration grants which examine the impact of evaluation models on teacher performance.
- Evaluators must be well trained in evidence-based evaluation systems and techniques.
- Evaluators must have expertise specific to the position they are evaluating – i.e. special education, psychology, occupational therapy – to ensure they understand the specific demands, needs and requirements of each position and can offer useful and meaningful feedback.

- Evaluators must use multiple measures to determine an individual's level of professional competence, not single test scores. The use of multiple measures enhances the validity and reliability of decisions related to content and pedagogical competence. These may include, visual observation, examples of student work, and interactions with families, community, peers and staff.
- Educators must have the opportunity to work with mentors and career coaches, participate in targeted, high quality, job embedded relevant professional development and to receive resources and support outside of the classroom as needed to improve.
- Evaluations must continue to be subject to fair and effective mechanisms for dispute resolution.

## RATIONALE

The nation's education system is challenged by the preparation, recruitment, and retention of special educators. Differentiated compensation is often cited as a means to address these shortages. Yet, research on performance incentive compensation systems is still nascent. Moreover, what research exists rarely includes special and gifted educators. In order to address these issues, significant efforts must be meaningfully undertaken to support the professional careers of special educators, improve working conditions, and provide incentives to retain special educators.



they teach students who are often not appropriately or completely measured by assessment systems. Moreover, they are often evaluated by professionals who have no relevant experience to their practice, and, therefore, have difficulty providing meaningful feedback and guidance for improvement to these educators.

To address these concerns, special and gifted educators must be evaluated using measures that consider their area of practice, and the validity and reliability of assessment instruments. In addition, CEC encourages Congress to ensure that any requirements applicable to evaluations systems support and encourage collaboration between professionals as well as provide avenues for consistent professional growth over time.

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**CEC recommends** that before Congress includes the use of performance incentives, it should fund research, demonstration grants and pilot programs to determine whether these systems help meet the important goals of increased student achievement, and increased recruitment and retention among educators.

CEC members seek and appreciate the opportunity to maintain high standards and improve. If Congress chooses to include performance incentive evaluation systems, CEC believes that special and gifted education professionals must be included. Yet special and gifted educators face certain challenges which must be addressed by these systems. For example, they typically provide instruction in various roles, for various amounts of time, and

# Strengthening Assessment and Accountability for All Children

**CEC recommends that Congress** ensure that **all** children with disabilities and/or gifts and talents be included in assessment systems by having the opportunity to participate in general assessments, assessments with accommodations, and alternate assessments.

**CEC recommends that Congress** ensure that assessments are universally designed and consider the unique learning needs of students with disabilities and/or gifts and talents from the beginning stages of creation. Furthermore, assessments should be vertically scaled to measure performance above and below the grade level standard.

**CEC recommends that Congress** ensure equal access and opportunity for **all** children and ensure inclusive and balanced accountability in all local and state accountability indices. The performance on assessments of children with disabilities and/or gifts and talents must have the same impact on the final accountability index as the performance of other children.

**CEC recommends that Congress** ensure that the IEP team determines how the child will participate in assessments as part of the review of the overall individualized education program and be based on individual student needs.

**CEC recommends that Congress NOT** support any policies that would lead to using the IEP for purposes of accountability.

**CEC recommends that Congress** ensure that **all** children with disabilities and/or gifts and talents be included when assessment scores are publicly reported, in the same frequency and format as all other children, regardless of how they participate in assessments.

**CEC recommends that Congress** ensure that the principles of universal design (accessibility for a wide variety of end users) are part of all assessment instruments in education. CEC recommends that the elements of universal design in assessment include an inclusive test population; precisely defined constructs; accessible, non-biased items; tests that are amenable to accommodations; simple, clear and intuitive instructions and procedures; maximum readability and comprehensibility; and maximum eligibility.

**CEC recommends that Congress** replace the law's arbitrary proficiency targets with ambitious indexed achievement targets based on rates of success actually achieved by the most effective public schools.

**CEC recommends that Congress** allowed schools to count all levels of diplomas toward graduation rates at an indexed rate for purposes of accountability.

**CEC recommends that Congress** allow states to pilot measures of progress by using children's indexed growth in achievement, as well as their performance in relation to pre-determined levels of academic proficiency. These measures need to take into account the unique characteristics of children with disabilities and/or gifts and talents. The pilots must include and carefully examine the effects on all subgroups of children.

**CEC recommends that Congress** provide a comprehensive picture of children and schools' performance by moving from an overwhelming reliance on standardized tests to using multiple indicators of student achievement including progress monitoring, in addition to these tests.

**CEC recommends that Congress** fund research and development of more effective and balanced accountability systems that better meet the goal of high achievement for all children and that consider the intended and unintended consequences for student subgroups.





## RATIONALE

CEC recognizes the important role that assessments play in documenting educational accountability, and in ensuring sound educational decisions are made toward achieving the highest possible outcomes for all children.

Developments in national and state policy are moving to more rigorous assessment and accountability systems through required testing of all children in specific grades. CEC endorses efforts to ensure children with exceptional needs, those with disabilities as well as those with gifts and talents are guaranteed the right to be included in these assessments, which conforms to the larger right to full inclusion in the overall educational enterprise. CEC is concerned, however, how children with disabilities and/or gifts and talents are included in the assessment and accountability system.

Students with exceptionalities must be assessed using measures that appropriately take into consideration their individual needs and the intended and unintended consequences of the assessment instrument and the system of accountability.

**CEC recommends that Congress** provide resources to states to develop evidence-based assessment and data collection systems that include district and school-based measures in order to provide better, timelier information about student learning.

**CEC recommends that Congress** strengthen enforcement of ESEA provisions by requiring that assessments must:

- Be aligned with state content and achievement standards.
- Be used for purposes for which they are valid and reliable.
- Be consistent with nationally recognized professional and technical standards.
- Use the principles of Universal Design for Learning.
- Be of adequate technical quality for each purpose required under the Act.
- Provide multiple, up-to-date measures of student performance including measures that assess higher order thinking skills and understanding.

**CEC recommends that Congress** decrease the testing burden on states, schools, and districts by allowing states to assess children annually in selected grades in elementary, middle, and high schools.

**CEC recommends that Congress** make a firm commitment to the continuing improvement of an evidence-based assessment and accountability system through the processes of structured monitoring, intensive ongoing evaluation, and systemic professional training based on research and practice.

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# Meeting the Unique Needs of Gifted Learners



**CEC recommends that Congress** take a strong leadership role in serving students with gifts and talents, particularly those from traditionally underserved populations by establishing a comprehensive, systematic approach to supporting the unique learning needs of these students.

**CEC recommends that Congress** expand and enhance the Jacob K. Javits Gifted and Talented Students Education Act, by supporting the National Research Center on the Gifted and Talented, building the capacity of states to provide gifted education, and increasing opportunities for field research to identify successful strategies and models for identifying and serving students with gifts and talents, with a focus on traditionally underserved populations (i.e. students who are economically disadvantaged, English language learners, and students with disabilities).

**CEC recommends that Congress** provide formula grants to states to equalize access to gifted and talented education to strengthen and support state-level activities that build the systems and capacity of state and local education agencies to meet the unique educational needs of students with gifts and talents through the identification, education and assessment of such students using evidence-based methodologies.

**CEC recommends that Congress** support gifted and talented education research, development, and dissemination to ensure that best practices research is available to classroom teachers and district and state personnel by establishing competitive demonstration grants for field-based and translational research regarding the identification and education of students with gifts and talents that implement and/or scale up successful evidence-based practices.

**CEC recommends that Congress** establish a national technical assistance and resource center on gifted and talented education that collects data, synthesizes research, produces practical guides for individuals and education agencies interested in gifted and talented education, and disseminates such information to the field through such entities as the National Content Centers, Regional Comprehensive Assistance Centers, and Institutions of Higher Education.

**CEC recommends that Congress** provide intense support for students with high-potential from “at risk” and traditionally underserved backgrounds to close the achievement gap between the highest performing students from traditionally underserved populations and their more advantaged peers, through targeted competitive grants.

**CEC recommends that Congress** consider the educational needs of children with gifts and talents and their families by providing advanced learners access to a challenging and accelerated curriculum led by well prepared, successful educators who are sensitive to the unique needs of these children.

**CEC recommends that Congress** support assessment systems which enable students to demonstrate mastery of above grade level curriculum.

**CEC recommends that Congress** due consider how a growth model approach can impact the education of children with gifts and talents, and those suspected as having gifts and talents.

## RATIONALE

Far too often, America's 3 million students with academic gifts and talents do not receive the specialized instruction and support necessary to meet their unique learning needs. Over the last twenty years, the only federal investment in gifted education has been through the Jacob K. Javits Gifted and Talented Students Education Act. While the Javits Act continues to provide critical research and implementation of best practices in gifted education, the program was not designed to systemically increase the availability of gifted education nationwide.

Therefore, CEC believes that the reauthorization of ESEA is an opportunity to build upon the successes of the Javits Act by supporting its expansion to better ensure that all high-ability students have access to services and supports which meet their educational needs.

Never has there been a more critical time to address high-ability students. Recent research analyzing National Assessment of Educational Progress (NAEP) and state assessment data indicates a growing "excellence gap" at the top levels of achievement between students who are disadvantaged and their more advantaged peers. In fact, research indicates that it will take up to a century to close the "excellence gap" among various subgroups.



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In 2009, the federal government dedicated only two cents out of every hundred dollars it spends on K-12 education to supporting gifted education, leaving states and locals to bear the financial burden. Compounding this severe under-funding, 18 states do not provide funds to support gifted education, and many more are confronting fiscal crises that make future funding uncertain. Additionally, there are inconsistencies across the states in policies to support high-ability learners, with many states leaving critical decisions to local school districts. As a result, a majority of students with gifts and talents are placed in the general education classroom with teachers untrained to meet their needs and without access to advanced services or programs. This patchwork system results in a nation of promising learners left bored and unchallenged in school.

Furthermore, the goal of ESEA – to ensure that all children reach proficiency – has ignored children with gifts and talents, who typically score above average on standardized tests. CEC believes that our public school system should provide all children, including those with disabilities, as well as those with gifts and talents, with an appropriate education that fosters growth, achievement, and post-school readiness.

CEC believes that ESEA must support assessment and accountability systems that are designed to demonstrate learning gains for all students, including high-ability students; educators must engage in professional development focused on identifying and differentiating curriculum for high-ability students; comprehensive research and dissemination; and a focus on students who have been underrepresented in gifted education programs. Investing in gifted education compliments efforts by Congress and the Administration to effectively compete in the global marketplace.

# Improving Outcomes for All Children Through the Collaboration of All Educators

**CEC recommends that Congress** fund studies to determine effective strategies of co-teaching between special and general educators. As the diversity of the student body as a whole increases, co-teaching and other collaborative special and general education arrangements have great promise for better serving all students.

**CEC recommends that Congress** reinforce the concept of Early Intervening Services (EIS) that currently exists in ESEA and IDEA by emphasizing the shared responsibility between general and special educators and the educational system to support struggling learners. Furthermore, CEC recommends that Congress include a comparable funding structure for EIS in ESEA as currently exists in IDEA where a certain percentage of funds can be used to support EIS activities, especially where instances of disproportionality in special education exists.

**CEC recommends that Congress** support the inclusion of a process based on a child's response to scientific, research-based intervention, known as Response to Intervention (RTI), in the reauthorization of ESEA. Emphasis in the law must provide guidance to general educators on their roles in implementing RTI as a school-wide intervention process and their collaboration with special educators. In addition, the responsibility of the entire educational system for its implementation must be articulated. Furthermore,

**CEC recommends that Congress** direct the U.S. Secretary of Education to develop and implement pilot programs to determine effective RTI models and processes and provide technical assistance, professional development, and dissemination of these models to the field.

## RATIONALE

As our nation's schools grow more diverse, general and special education can and should work together to ensure all students have the chance to succeed. General educators report feeling overburdened by the pressures in their classroom and co-teaching and other collaborative arrangements have great promise for easing this burden. CEC believes more research on these relationships will help shine a light on the myriad of ways teaching and learning for all students can improve.

Furthermore, CEC believes that by addressing the individual learning needs of children in the general education setting, with a particular focus on those areas where a child has exhibited difficulty in grasping the instructional content or is having behavior challenges, methods such as EIS and RTI can positively impact the child and potentially reduce the number of referrals for special education. By intervening early, children are given the opportunity to address their challenges with the support of the entire school-wide team including their families.

To implement methods and processes such as EIS and RTI, the U.S. Department of Education must support states and school districts across the country by providing research and technical assistance on effective, school-wide approaches and professional development for all educators within the school community. In addition, funding mechanisms must be established in ESEA, as they are in IDEA, to provide EIS for situations where there is disproportionality in special education. Emphasis needs to be placed on the shared responsibility of the school system for the implementation of these programs.

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# Developing Improved Strategies That Create Positive School Reform

**CEC recommends that Congress** consider educational reforms within the public school system which promote rigorous learning standards, strong educational outcomes, shared decision making, diverse educational offerings, and the removal of unnecessary administrative requirements.

**CEC recommends that Congress** only support education reform initiatives that reinforce the right of students with disabilities to access a free appropriate education provided in the least restrictive environment, as mandated by the Individuals with Disabilities Education Act.

**CEC recommends that Congress** eliminate federal requirements to remove school leadership and staff and allow removal decisions to continue to be made at the local level. Schools in need of improvement should be permitted to engage in self-improvement programs that are best tailored to individual school needs.

**CEC recommends that Congress** recognize and support school-wide initiatives including positive behavioral interventions and supports (PBIS) universal design for learning (UDL) and response to intervention (RTI).

**CEC recommends that Congress** provide incentives that address barriers to learning and opportunity to learn principles. This would include providing access to and assessment of:

- Rich and rigorous content utilizing the principles of universal design for learning (UDL) which provides multiple means of representation; multiple means of action and expression; and multiple means of engagement.
- Resources such as school facilities and supplies that support and enhance learning; appropriate class size; high-quality teachers, principals and other school personnel.
- Access to safe learning environments.

**CEC recommends that Congress** ensure that improvement plans are allowed sufficient time to take hold before applying sanctions, and sanctions should not be applied if they undermine existing effective reform efforts.

**CEC recommends that Congress** replace sanctions that do not have a consistent record of success with interventions that enable schools to make changes that result in improved student achievement, especially among children with disabilities and/or gifts and talents.

**CEC recommends that Congress** recognize differing levels of progress toward accountability matched with appropriate supports.

**CEC recommends that Congress** only support charter school policies that ensure:

- Access for all students by abiding by the same federal nondiscrimination and equal education opportunity laws that apply to traditional public schools; supporting policies that prevent discrimination based on disability status; supporting policies that do not inadvertently exclude children with disabilities.
- Students with disabilities receive a free appropriate public education provided in the least restrictive environment.
- Students with disabilities receive appropriate services and supports by supporting charter school policies that explicitly identify responsibility for providing and pay for services associated with educating students with disabilities, including building renovations and the provision of education and related services.



- Charter schools participate in the accountability system in the same way as traditional public schools.
- Charter schools and authorizers appropriately plan for identifying and serving students with disabilities by requiring charter school authorizers and applicants to provide detailed plans that include strategies to identify and serve students with disabilities and address recruitment and retention of highly qualified special education teachers and specialized instructional support personnel.
- Equitable participation of students with disabilities by monitoring charter schools to ensure their enrollment of students with disabilities is comparable with the local population. Charter schools must report data on the overall number of students with disabilities enrolled and disaggregate the data by IDEA eligibility criteria.
- Availability of research and technical assistance to promote high quality programs by authorizing and funding research on identifying and serving students with disabilities in the unique setting of charter schools; establishing a national technical center to assist charter schools in addressing the needs of students with disabilities through the dissemination of evidence-based practices, model authorizing documents, and other charter-specific information and resources.

## **RATIONALE**

Reforms in education must strengthen the public education system by promoting rigorous learning standards, positive educational outcomes, shared decision-making, diverse educational offerings, and removal of unnecessary administrative requirements. Such reforms must be rooted in the federal nondiscrimination and equal education opportunity laws which serve as the cornerstone to achieving the American Dream. As such, consideration of the diverse learning needs of all students must be addressed from the beginning of any reform initiative, rather than attempting to retrofit inclusion of students with disabilities during implementation stages.

Sanctions leveled against low-performing schools under ESEA are often arbitrary and penalize schools instead of focusing on school improvement. Under the present criteria, perennially well-respected schools with honorable academic success have been labeled as needing improvement. This should not be. Also, schools that are in need of improvement should be permitted to engage in self-improvement programs that are best tailored to individual school needs. Federal sanctions can often undermine or reverse the effect of these efforts. Extended timelines for the achievement of school reform is also needed to ensure that reforms are of high quality and are given the proper amount of time to demonstrate effectiveness.

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Prior to mandating strategies which remove educators, CEC urges the Congress to thoughtfully consider the current educational staff shortages – especially in special education – and their impact on any staff removal requirement. Currently, at least 50,000 special education teachers across the nation are not properly certified. Congress must consider these factors when mandating the firing of school leadership and staff and the reality that there may not be skilled, high quality, individuals to fill such vacancies.

Additionally, CEC urges Congress to require substantial, intensive, high-quality professional development prior to any such action. Finally, school interventions should be based on proven strategies that provide real, positive results in the classroom. Reforms should always focus on the academic achievement of children, not the degradation of staff or programs.

# Provide Full Funding to Execute the Goals and Provisions of ESEA

**CEC recommends that Congress** increase authorized levels of ESEA funding to cover a substantial percentage of the costs that states and districts will incur to carry out these recommendations and fully fund the law at those levels without reducing expenditures for other education programs.

**CEC recommends that Congress** fully fund Title I to ensure that 100 percent of eligible children are served.

**CEC recommends that Congress** funds should not be arbitrarily or automatically used for school choice or supplemental education services (SES), and that they instead be used to invest in improving schools.

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*Congress must dramatically increase funding for ESEA so that the goals of ESEA can be achieved.*

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## RATIONALE

Since No Child Left Behind's passage, school districts and states around the country have struggled to meet the basic requirements of NCLB, in large part due to the overwhelming lack of funding from the federal government. While substantial funds were appropriated for NCLB in 2002, funding for NCLB has declined since then.

Funding for Title I programs that serve diverse populations has suffered as well. Transportation costs for school choice and supplemental education services are consuming a great deal of schools' funds, and funding is almost non-existent to help low-performing schools come into compliance with the law. Further, no funds have ever been provided by Congress for the school improvement grants, a situation that forces school districts to rely on Title I funding to meet those needs.

Funding should not be arbitrarily or automatically used for school choice or supplemental education services (SES). School choice hampers the ability of low-performing schools to improve, and SES have been shown to discriminate against children with disabilities because SES providers are reluctant to serve these children, many are not prepared to instruct children with disabilities, and results cannot be readily demonstrated for those children.





The voice and vision of special education

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