



National Association of State Directors of Special Education, Inc.

225 Reinekers Lane, Suite 420, Alexandria, VA 22314

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July 16, 2013

Dear Representative:

On behalf of the National Association of State Directors of Special Education (NASDSE), which represents the state directors of special education in the states, the District of Columbia, the Department of Defense Education Agency, Federal territories and the Freely Associated States, I am writing to express our opposition to H.R. 5, the *Student Success Act*.

NASDSE has several major concerns about H.R. 5 and the potential impact that it would have on students with disabilities.

- NASDSE's biggest concern is that H.R. 5 sets such a low bar for achievement by students with disabilities by eliminating the cap on the number of students who can be counted as successful by taking an alternate assessment based on alternate academic achievement standards. The vast majority of students with disabilities do not have cognitive disabilities. They CAN be successful in learning to regular, high academic standards IF they are taught to these standards. Students who take the alternate assessments do not receive a standard diploma. Therefore, they cannot be considered to be college and/or career ready when they leave high school. What teachers need more than low expectations for these students, are strategies that will help them be successful in teaching them, as the vast majority are in general education classrooms for most of the school day. (Title II of your bill provides funds for professional development but is not specifically tied to this issue.)
- NASDSE also has concerns about the inclusion of language from the GREAT Teachers and Principals Act in H.R. 5. While this bill seeks to describe a rigorous alternate route to the development of teacher and principal leaders, the parameters of the training do not relate to the pedagogy of teaching students who have disabilities, whose first language is not English, or who come from impoverished backgrounds where sustenance care is as important as formal learning. Furthermore, states are prohibiting from credentialing these training academies.
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- While not included in the version of H.R. 5 voted out of the Education and the Workforce Committee, NASDSE urges you to reject any amendment that would authorize a voucher program or any amendment resembling a voucher program, whether it be to a private or public school. Voucher programs do a disservice to students with disabilities that is often overlooked. Students with disabilities lose the protections provided to them under the Individuals with Disabilities Act (IDEA) if their parents place them in a private school without the formal agreement of the Individualized Educational Plan (IEP) team. The students may not receive all the services outlined in their IEP in such a private school setting. Furthermore, the General Accountability Office (GAO) has documented problems with students with disabilities having access to public charter schools. With respect to 'the Title I funds following the child,' the school that a parent thinks 'looks good' on paper may not offer all of the services that a child with a disability needs (and an individual school does NOT have to provide all such services). In other words, the

IEP team at the new school may have to inform the parent that a specific service the child was receiving is not available and the parent would then have to consider another placement.

For all of the criticism that the No Child Left Behind Act has sustained, its emphasis on accountability has had a tremendous impact and focused attention on low-performing schools and students, including students with disabilities. States and local education agencies have developed and implemented more targeted strategies to improve results for these students. NASDSE is concerned that your bill, which allows states to design their own accountability systems without federal parameters, is a step back, not a step forward towards the goal of having all students leave high school prepared for either work or further study.

NASDSE therefore urges you to vote against H.R. 5.

If you have any questions regarding NASDSE's position on H.R. 5, please feel free to contact NASDSE's Director of Government Relations, Nancy Reder, at nancy.reder@nasdse.org or (703) 519-1506.

Sincerely,

A handwritten signature in cursive script that reads "Theron (Bill) East, Jr.".

Theron (Bill) East, Jr., Ed.D.
Executive Director