



Summary of NDSC Comments on HELP Committee Chairman Lamar Alexander’s Elementary and Secondary Education Act (ESEA) Discussion Draft

The vast majority of students with Down syndrome participate in their states’ alternate assessment. That is why recommendations to amend the provisions that govern these assessments are a critical focus of the comments that NDSC submitted in response to Chairman Alexander’s ESEA Discussion Draft. NDSC also recommended changes to the Discussion Draft to improve accountability for the education of all students and specifically for the disability subgroup. Those recommendations are in the second section called General Comments.

COMMENTS ON ALTERNATE ASSESSMENT PROVISIONS

- Add a 1% cap on the number of students who may participate in the alternate assessment. The 1% cap is calculated for all students, which corresponds to approximately 10% of students with disabilities. This recommendation is a change from the current 1% cap that the Discussion Draft eliminates. That cap is applied to the number of proficient and advanced scores that can be counted, whereas this cap determines the number of students who can take the assessment.
- Change language in the discussion draft that says “*promote access to the general curriculum*” to language that says “*provide access to and ensure progress in the general education curriculum for the grade in which the student is enrolled to ensure complete and consistent alignment with the Individuals with Disabilities Education Act.*”
- Change language that says students who take the alternate assessment “are included in the general curriculum, *to the extent practicable*” to “are included and make progress in the general education curriculum.”
- Add language that would require states to allow students who take the alternate assessment to attempt to complete the requirements of a regular high school diploma.
- Add language to require that Individualized Education Program (IEP) teams, including parents, are given a clear explanation of the effect of any state and local policies on the student’s education resulting from taking an alternate assessment, as well as language that parents must be informed of any effects that participating in the alternate assessment will have on their child’s academic preparation to earn a regular high school diploma.

- Change language that says parents will be *informed* about the decision that their child will take the alternate assessment, to language that says they will *participate* in this decision as a member of the IEP team.
- Add language to require a separate alternate assessment participation decision for each subject.

GENERAL COMMENTS

- Maintain annual state assessments of all students in grades 3-8 and once in high school in reading and math.
- Include all students with disabilities in state and district-level assessments.
- Remove the option for local education agencies to create and use their own assessments instead of state assessments.
- Ensure that all state assessments are federally peer-reviewed to ensure that they are reliable, valid, and rigorous for the purposes of measuring student achievement, with appropriate accommodations for students with disabilities.
- Require state and local education agencies to report results for all subgroups and include the results in accountability measures, except if the number of students in the subgroup falls below 10 (for privacy concerns).
- Require states to set high school graduation rate goals and annual targets for all students and student categories and require support to be provided if one or more categories do not meet annual targets.
- Require state and local education agencies to intervene to address achievement gaps between students with disabilities and nondisabled students.
- Ensure that students with disabilities are working towards a regular high school diploma and have the access to the grade-level general education curriculum.
- Provide support to state and local education agencies to ensure that general and special educators have the skills and knowledge necessary to instruct diverse learners, including how to use the universal design for learning principles.
- Prohibit the use of restraint and seclusion in non-emergencies that do not threaten physical safety.
- Create grant programs that help state and local education agencies implement school-wide positive behavioral interventions and supports.
- Maintain funding for competitive grant programs that support and address the social/emotional, physical and mental health needs of students.
- Ensure that all assessments and curricula are designed and implemented using universal design for learning and that all assessments are fully accessible.
- Prohibit the transfer of funds between ESEA Titles II and IV.
- Prohibit the elimination of maintenance of effort provisions, to ensure adequate state and local funding for education.