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Educate. Advocate. Empower.

December 3, 2015

Dear Chairman Alexander, Ranking Member Murray, Chairman Kline, Ranking Member Scott:

The National Down Syndrome Congress (NDSC) is a member-sustained, nonprofit organization, which works to promote the interests of people with Down syndrome and their families through advocacy, public awareness, and information. We write this letter in regard to passage of S. 1177, the Every Student Succeeds Act (ESSA), to reauthorize the Elementary and Secondary Education Act (ESEA). NDSC has vigorously advocated during this ESEA reauthorization for students with Down syndrome, as well as joined coalitions with other disability and civil rights organizations, to help ensure equal access to a high-quality education for all students, especially those who have historically been underserved.

NDSC has long supported ESEA because of its focus on accountability and achievement for students in key subgroups, including students with disabilities. Although we have serious concerns about certain provisions of S. 1177, we support its adoption. We are especially wary about the level of discretion the ESSA cedes to the states to determine how and when to hold districts and schools accountable for improving student achievement. Nonetheless, NDSC believes that ESSA is stronger than the ESEA waivers that states are currently using, especially with respect to the requirement that data will be reported separately for each student subgroup, including students with disabilities.

NDSC also writes to express great appreciation for the improvements that have been made in ESSA specifically for students with significant cognitive disabilities. ESSA seeks to prevent the overuse of alternate assessments with a cap on participation. ESSA also includes provisions for students who participate in alternate assessments that promote involvement and progress in the general education curriculum, as well as preparation for postsecondary education or employment. In addition, participation in an alternate assessment will not preclude students from attempting to complete the requirements for a regular high school diploma.

ESSA also goes farther than current law by incorporating concepts of Universal Design for Learning so that all students can benefit from greater accessibility in instruction and assessment and by requiring state plans to address how they will reduce incidents of bullying and harassment, overuse of discipline practices, and reduce the use of aversive behavioral interventions (such as restraints and seclusion).

[Individualized support, reassurance and resources](#)

Thank you for your bipartisan leadership and partnership to complete the work on ESSA.

While the improvements made in the law represent a very important step, we understand that without strong state accountability plans the new provisions may not have the intended result. NDSC urges you to support the funding and regulatory process necessary to assure schools can follow through on the promise of ESSA which is: 'to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.' NDSC, and the families and professionals it represents, intend to remain vigilant as ESSA is implemented and stand ready to collaborate with federal, state and local agencies.

For further information, we invite you to contact Ricki Sabia, NDSC Senior Education Policy Advisor at ricki@ndscenter.org.

Sincerely,

A handwritten signature in black ink that reads "David Tolleson". The signature is written in a cursive style with a long horizontal flourish at the end.

David Tolleson
Executive Director

A handwritten signature in black ink that reads "Marilyn Tolbert". The signature is written in a cursive style with a long horizontal flourish at the end.

Marilyn Tolbert
President