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Dear Chairman Sanders and Ranking Member Cassidy

The National Down Syndrome Congress (NDSC) appreciates the opportunity to respond to the Senate Health, Education, Labor, and Pensions (HELP) Committee's request for input on policies that the Committee should consider during the reauthorization of The Education Sciences Reform Act, The Educational Technical Assistance Act and the National Assessment of Education Progress Authorization Act, from early learning to postsecondary education in P.L. 107-279. NDSC is the country's oldest national organization for people with Down syndrome, their families, and the professionals who work with them. We provide information, advocacy and support concerning all aspects of life for individuals with Down syndrome, and work to create a national climate in which all people will recognize and embrace the value and dignity of people with Down syndrome.

The Committee asked some directed questions about the reauthorization. However, NDSC is providing input to ensure that across all the provisions included in the reauthorization there is specific attention paid to students with significant cognitive disabilities who take their state alternate assessments, as well as students who plan to attend or currently attend postsecondary programs for students with intellectual disabilities.

Background

As part of the National Center and State Collaborative work funded by the U.S. Department of Education (ED) a study was done by surveying 15 states and 39,837 students. This study, *Where Students with the Most Significant Cognitive Disabilities Are Taught: Implications for General Curriculum Access*, examined the extent to which students who took the state alternate assessment in the 2010-11 school year had access to general education settings.¹ It was found that across all states, less than 3% of students had as their primary placement a general education classroom. The study asks the following question: how can we expect students with the most significant cognitive disabilities to have meaningful access to the general education curriculum when such a small percentage are educated in the general education classroom?

<http://www.ncscpartners.org/Media/Default/PDFs/Resources/NCSC%20LRE%20Article%20Exceptional%20Children%20EC%201670%20APA.pdf> Since this study was published the Every Student Succeeds Act has made it clear that these students should participate in and make progress in the enrolled grade level general education curriculum, not just have access.

¹ *Where Students with the Most Significant Cognitive Disabilities Are Taught: Implications for General Curriculum Access* (Kleinert, Harold; Towles-Reeves, Elizabeth; Quenemoen, Rachel; Thurlow, Martha; Fluegge, Lauren; Weseman, Laura; Kerbel, Allison *Exceptional Children*, v81 n3 p312-328 Apr 2015)

The TIES Center on Inclusive Practices and Policies for Students with Significant Cognitive Disabilities, which was funded by a grant by ED from 2017-2022, continued to find that these students are almost always segregated. The TIES Center used intensive, targeted and universal technical assistance to try to address the barriers to inclusion and meaningful participation in the general education curriculum. The resources they have created need to reach general educators and administrators, as well as special educators.

We know that similar struggles for inclusive early childhood education also occur, which sets these students up for segregated placements in K-12 and beyond.

Students with intellectual disabilities, including those who take their state alternate assessment, should be prepared to transition to a postsecondary program, if that is their goal. According to the Think College website (<https://thinkcollege.net/>) there are at least 317 postsecondary programs for students with intellectual disabilities across the nation. However, most of the research and practice for transition under the Individuals with Disabilities Education Act and the Workforce Innovation and Opportunity Act does not address the transition needs of these students.

Recommendations for Reauthorization of P.L. 107-279

- Students with disabilities, including those who take their state alternate assessments, should be expressly mentioned in the activities and duties in the law that address preparation of general educators, and administrators, as well as special educators. They should also be mentioned in the research being done to improve academic outcomes.
- A follow-up study to the one cited earlier from the National Center and State Collaborative would be very beneficial to determine what, if any changes, have occurred since that time with respect to the segregation of students who take alternate assessments and their lack of access to the general education curriculum. This is especially important because so many states have been exceeding the cap on students who take this assessment and some have been denied waivers because their numbers are going up rather than down. We also know from the waiver request demographic information that often a disproportionate number of these students are students of color. For more on the state waiver requests see <https://www.advocacyinstitute.org/ESSA/ESSA-OnePercentCapByState.shtml>. This research study could be added to the duty in Sec 177 for the National Center for Special Education Research (NCSER), which mentions academic achievement and placement for students who take alternate assessments, which currently says: (6) examine State content standards and alternate assessments for students with significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate education settings, and improved post-school results. The word impairment should also be updated to say disability.
- Sec 177 (a) (16), which currently says, address the unique needs of children with significant cognitive disabilities, could add more specific language that would result in activities aimed at vastly increasing the percentage of these students who are being educated in the general education classroom, as well as identifying and addressing barriers to providing evidenced based instruction that would help them make progress in the general education curriculum for the enrolled grade.
- Students with intellectual disabilities should be included in any activities and duties in the law related to transition to postsecondary education. For example, they should be added in Sec 177 (a)(7) under the duties for NCSER, which currently says: (7) examine the

educational, developmental, and transitional needs of children with high incidence and low incidence disabilities as well as Sec. 177(a)(10) which says: (10) examine and improve secondary and postsecondary education and transitional outcomes and results for children with disabilities.

- Parents should receive information about postsecondary programs for students with intellectual disabilities and the skills needed to attend them. This duty can be added to the current Sec 177(a) (15), which says: help parents improve educational results for their children, particularly related to transition issues.
- Sec. 177(a)(12) talks about the concepts of universal design, but this should be updated to reference the Universal Design for Learning (UDL) framework. Universal design is primarily about physical access, whereas the UDL framework goes beyond that to provide the cognitive access that is so important for students with intellectual disabilities.
- The Committee asked for specific changes to the efficiency and effectiveness of Federal Technical Assistance Centers to improve their utility to State and local Education leaders and policymakers. There is a lot of excellent work being done by TA Centers for students with disabilities, including the excellent work of the TIES Center, which is not making it to a wide enough audience. There should be an effort to increase dissemination of materials and resources across TA Centers so that the work addressing students with disabilities is sent out through the TA networks that reach many more general educators and administrators. Without this work reaching the administrators and general educators there will never be improvement in the inclusion of students with intellectual disabilities, especially if they take the alternate assessment.
- Data regarding the National Assessment of Educational Progress (NAEP) can have implications for assessment development and can lead to increased accessibility for students. However, it is important to note that students with the most significant cognitive disabilities who are assessed via the state alternate assessment do not participate in NAEP and additional efforts should be made to study the assessment process for students who do not participate in NAEP.
- Promote collaboration between the National Center for Education Research and NCSER to encourage complementary research agendas. The Institute for Education Sciences should work to support a research agenda that maintains the unique priorities of each Center while creating joint lines of research.

Thank you for taking our recommendations into consideration, If you have any questions please contact Ricki Sabia, NDSC's Senior Education Policy Advisor, at ricki@ndscenter.org.

Sincerely,



Richelle (Ricki) Sabia