



## *National Association of State Directors of Special Education, Inc.*

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April 14, 2015

The Honorable Lamar Alexander  
Chair, Senate HELP Committee  
455 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Senate HELP Committee  
154 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

As the HELP Committee begins its deliberations on the Every Child Achieves Act of 2015, I write to share some comments on behalf of the National Association of State Directors of Special Education (NASDSE), the nonprofit organization that represents the state directors of special education in the states, the District of Columbia, the federal territories, the Freely Associated States and the Department of Defense Education Agency.

NASDSE thanks you for your leadership in working together to craft a bill to reauthorize the Elementary and Secondary Education Act (ESEA). We believe that the No Child Left Behind Act (NCLB) – in spite of its well-documented flaws – helped America's 6 million students with disabilities by shining a bright light on their progress – or lack thereof – and our first priority for a new bill is to continue to maintain that focus. Your proposed bill includes many of the key elements that will help continue the progress students with disabilities are making.

NASDSE commends you for including in your bill language that only allows up to one percent of all students – those who have the most significant cognitive disabilities – to take an alternate assessment based on alternate achievement standards. This cap is critical to ensuring that students with disabilities will remain on track to graduate from high school prepared for postsecondary education and/or a career. We therefore urge that you oppose any efforts during the bill's markup that would raise or eliminate this cap.

Most students with disabilities do not have cognitive disabilities and through the inclusion of proven strategies such as multi-tier systems of support (MTSS), positive behavioral instructional supports (PBIS) and universal design for learning (UDL) – all of which you have recognized and included in your bill, students with disabilities can learn and achieve at the same levels as their peers. NASDSE did take note, however, that UDL is made mention of solely in regards to assessments. We urge you to make a technical amendment to ensure that UDL is a strategy that can be used for instruction as well.

NASDSE supports inclusion of language from the LEARN Act in your bill and we are opposed to any amendments that would eliminate that language.

We also appreciate that you did not include portability language in your bill. NASDSE is opposed to portability language in ESEA as we believe that it defeats the original purpose of ESEA, which was to put additional federal funds into schools with high concentrations of low-income students to provide additional supports and services to them. Likewise, we oppose proposed amendments to your bill that would amend the Individuals with Disabilities Education

Act (IDEA) to provide portability for students with disabilities and we strongly urge you to state your unequivocal opposition to any such amendments.

With the elimination of the 'highly qualified' provision from NCLB, the only requirement teachers must meet is that they are state certified. Therefore, NASDSE believes that the bill should include the requirement that teachers are 'fully' certified for the position they are holding.

NASDSE would also like to see provisions added to the bill that would prohibit the use of seclusion and put strict limitations on the use of restraints so that they are used only in emergencies where physical safety is threatened.

NASDSE appreciates and welcomes the recognition that students with disabilities are general education students first and foremost, but are concerned about two amendments that have been proposed by Senator Cassidy. Neither of these amendments recognizes the needs of ALL students with disabilities. They only address the needs of one subset of students (those with specific learning disabilities, and even more specific, students with dyslexia). NASDSE opposes the senator's proposed amendment to Title II Part D of your bill that would amend the LEARN Act language that you have drafted. NASDSE would support the senator's proposed amendment to Title II Part A, if and only if, the proposed amendment were broadened to include all students with disabilities and recognize the important role that specialized instructional support personnel can have in identifying any student with special needs so that appropriate supports and services can be provided.

Finally, NASDSE supports an amendment being proposed by Senator Franken that will promote educational stability for children in foster care and help ensure that foster children too will achieve to their highest potential.

Again, NASDSE thanks you for your strong leadership to move ESEA reauthorization forward and we look forward to continuing to work with you and your staff on this most important legislation.

Please feel free to contact NASDSE's Director of Government Relations, Nancy Reder, at [nancy.reder@nasdse.org](mailto:nancy.reder@nasdse.org) if you have any questions.

Sincerely,



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

cc: Senate HELP Committee members