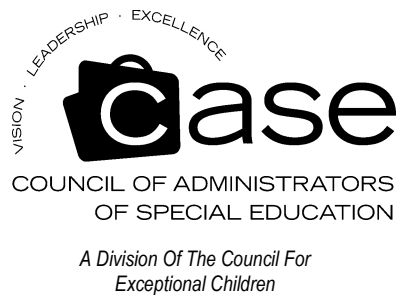


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May 14, 2010

The Honorable Tom Harkin, Chairman  
The Honorable Mike Enzi, Ranking Member  
Committee on Health, Education, Labor and Pensions  
United States Senate  
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Enzi:

The Council of Administrators of Special Education, Inc. (CASE) is pleased to offer the following recommendations for the reauthorization of the Elementary and Secondary Education Act (ESEA). CASE is a non-profit professional organization which provides leadership and support to approximately 5,000 members by influencing policies and practices to improve the quality of education. CASE is a division of the Council for Exceptional Children (CEC), which is the largest professional organization representing teachers, administrators, parents, and others concerned with the education of children with disabilities.

Over the past few years, CASE has joined with other well recognized national organizations such as National Association of State Directors of Special Education (NASDSE), National Education Association (NEA), American Association of School Administrators (AASA), Forum on Educational Accountability (FEA) and the National Associations of Elementary and Secondary School Principals (NAESP/NASSP), for the purpose of improving some of the most essential provisions of the current No Child Left Behind (NCLB) Act.

CASE believes it is extremely important that the goals and provisions of the ESEA and the Individuals with Disabilities Education Act (IDEA) are carefully aligned to promote success for ALL students. CASE continues to believe it is important for these two very significant laws to send consistent messages in terms of expectations as it relates to assessment and accountability measures of student growth and administrator and teacher effectiveness.

It has been eight years since the enactment of the NCLB Act and CASE finds many reasons to celebrate. CASE believes NCLB opened the door for greater attention, inclusion and advancement of students with disabilities. The goal of closing the achievement gap continues to be a laudable one, and NCLB has helped create a sense of urgency around systems change. Together the standards-based outcome movement and the use of scientific, research-based instruction and strategies have led to demonstrable improvements in student performance. Of particular importance to CASE is the inclusion of students with disabilities in state accountability systems.



Council of  
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of Special Education

The voice and vision of special education

Despite the many positive effects of NCLB, CASE's enduring concerns are highlighted under the following five main areas of focus for ESEA Reauthorization and summarized in the form of recommendations:

**1. Improving Student Achievement** – Improving student achievement requires a comprehensive, systematic approach connecting assessment, research-based curriculum, instruction and strategies that drive decision-making for students. Response to Intervention (RtI) incorporates all of those important components through a multi-tiered instructional support system.

RtI is a data-driven process of research-based instruction and interventions focusing on academic and behavioral supports that promote the achievement of *all* students. Districts and states which have incorporated RtI, implemented it with fidelity by highly qualified teachers, have begun to see the positive effects as evidenced by student achievement results on various assessment measures.

**CASE recommends:**

- Incorporating the important components of Response to Intervention into the language of the ESEA reauthorization.
- Increased focus on curriculum aligned with common core standards and the effective use of evidence-based intervention strategies that address individual student needs.
- Language promoting collaboration among general and special educators to provide effective, consistent instruction reflecting the scope of the general education curriculum in the least restrictive environment should be used throughout the law.
- Continuous support and funding for embedded quality professional development and coaching for *all* educators connecting sound research-based educational practices to assessment, instruction, and collaboration.

**2. Systems of Data Collection and Management to Ensure Accountability and Effective Measurement of Student Performance and Achievement**

The IDEA regulations regarding the Individualized Education Program (IEP) process should be aligned with ESEA accountability measures that address the needs of students with more significant disabilities. IDEA regulations include a statement of the student's present levels of academic achievement and functional performance, how the student's disability affects the student's involvement and progress in the general education curriculum, and a statement of measurable annual academic and/or functional goals set for each student to achieve. *All* educators and administrators should be held accountable for student growth.

ESEA should mandate that these measurable IEP goals that incorporate evidence-based interventions should be fully incorporated when making decisions regarding assessment of students with disabilities. The IEP and the articulated areas of need are essential factors in determining which assessments are most appropriate for students with disabilities. Critically important to maximizing student growth is the use of effective data systems and measures which provide useful information that drives instructional practices for students with disabilities under both the IDEA and the ESEA. Developing individualized measurable goals to assess student growth is paramount.

**CASE recommends:**

- Any assessment required by ESEA should be administered to students with disabilities within the parameters specified in the students' IEPs. Accommodations stated on the IEP and used throughout the year should be allowed during testing.
- Use of student progress and achievement data to inform instruction and appropriate interventions and educator and administrator effectiveness.
- Use of effective measures of achievement for all students in determining adequate yearly progress (AYP), recognizing the important balance between multiple measures of achievement (no single assessment should be the sole source of information for accountability purposes), flexible use of growth models, and other individual progress monitoring measures that assess student achievement over time.
- Effective use of data as an integral part of a multi-step problem solving approach to determine instructional strategies that will address student needs through appropriate evidence-based interventions.
- Accountability systems that would incorporate support and technical assistance for improvement, including financial support, as well as targeting assistance to schools and districts most in need of improvement.
- Use of alternate assessment tools specifically designed to measure progress of students with more complex functional and life skill needs. These assessment tools should recognize the reality of the needs of those students with the most significant cognitive disabilities.
- Maintaining the proposed 2% policy allowing students with disabilities to be assessed against "modified achievement standards" and the 1% policy allowing children with severe cognitive disabilities to be assessed against alternate achievement standards using alternate assessments.
- Funding that provides increased technology supports for greater application in classrooms of universal design for learning (UDL) that will improve opportunities for all students to access and participate in general education classrooms.
- Funding for research and development of more effective assessment and accountability systems that utilize multiple measures and growth models and funding to determine how a growth model can be implemented in a responsible, effective manner to better meet the goal of high academic achievement.

### 3. Improving Administrator and Teacher Effectiveness

There is a strong correlation, supported by research, between effective leaders and teachers and student achievement. Less is known about the link between administrator effectiveness, the instructional practices of teachers, and student outcomes. The need for high standards for all pre-service and inservice educators, administrators and teachers alike, coupled with greater flexibility for teachers and special educators covering multiple subject areas in meeting the highly qualified definition, are essential.

CASE believes educator effectiveness depends on the support of highly qualified administrators. Effective and responsive leadership is critical to the recruitment and retention of highly qualified teachers and student achievement.

#### **CASE recommends:**

- Continued support for the High Objective Uniform State Standard of Evaluation (HOUSSE) for all special educators, including a standard measure for “highly qualified” in either a specific core subject or in multiple subjects with greater flexibility for multiple subject teachers and special educators in meeting the highly qualified teacher definition.
- Increased federal support for pre-service and in-service training for administrators that reflect the mandates for implementation of scientific, research-based strategies for increasing student performance as well as the increased demands for assessment and accountability.
- Funding and technical assistance incentives for higher education institutions and state and local education agencies as they collaborate on administrator and teacher training initiatives aligned with ESEA goals. This would include provisions for developing rigorous, valid, alternative routes to licensure that meet the national standards as well as high quality professional development, mentoring programs, and preparation in evidenced-based special education pedagogy.
- State and local district collaboration on administrator and teacher induction, retention and mentoring programs that include professional development on universal design for learning (UDL) and positive behavior interventions and supports (PBIS).
- Funding supports for ongoing professional development and coaching for teachers and administrators to enhance effectiveness of instruction and improve outcomes for all students. This includes research-based school-wide approaches such as PBIS and UDL.
- Development of criteria for standards and performance-based compensation for educators and administrators that include differentiated options (for student performance and outcomes) in various positions among special education and specialized instructional support personnel across the field of education.
- Funding for ongoing research to study the relationship between effective administrator and educator status and improved student outcomes. Specifics on the linkage between administrator and teacher preparation and individualized instruction for individuals with disabilities is essential in order to develop a solid understanding of how training affects student performance in the general education curricula (e.g., proficiency in reading instruction, written and oral communications, calculating, problem solving, and thinking).

#### 4. College and Career Readiness Standards

The importance of effective transition planning with a strong correlation to the students' annual IEP goals and educational activities that provide greater opportunities for student achievement are crucial to students' post-secondary education program and career success. The participation of students and their families and related service agencies outside the local education agency in transition planning and programming is needed to facilitate successful transition to post-secondary life.

##### CASE recommends:

- Use of a longitudinal data system that includes transcript data, college readiness test results, and post-secondary career assessments that provide a comprehensive overview of student, district and state transition planning performance.
- Use of a longitudinal data system throughout the student's secondary school program that connects student achievement, strengths, and needs to comprehensive transition plans that guide and support postsecondary educational and career planning for students with special needs.
- Increased funding to support transition activities and a wide array of academic and vocational opportunities for students. These funds are essential to the successful implementation of student transition plans, allowing for a greater focus on more comprehensive planning, accountability and improved outcomes.
- Changing AYP calculations to include those students earning a diploma or **completing** other approved educational programs in more than four years. Some students with disabilities on "multi-year" IEPs require more than four years to graduate from high school. The IDEA provision stating students with disabilities may remain in school until they graduate with a regular education diploma or through the age of 21 with IDEA protections afforded to them (§300.102(a)(3)) should be incorporated into ESEA to maximize transition success and ensure students are not penalized if they need additional time to meet graduation requirements.
- Recognition of other state-approved and awarded diplomas in addition to the standard or advanced diplomas.

#### 5. Funding and Resources for Effective Implementation of ESEA Reauthorization

CASE greatly appreciates the significant funding for state and local school districts from the American Recovery and Reinvestment Act (ARRA) over the past year, allowing investments in new programs, improved technology, advanced data collection systems and enhanced professional development programs that will continue to positively impact learning for *all* students.

##### CASE recommends:

- Full ESEA funding at authorized levels. Federal commitment to financial resources and technical assistance to fully achieve the goals of ESEA will ensure states and districts can continue the important areas of effective implementation. It is evident that states and local districts cannot continue to assume the increasing burden of funding federal mandates given current severe budget reductions at the state and district levels.

In summary, CASE supports a comprehensive, integrated approach to reauthorizing ESEA that includes evidence-based instruction and interventions, meaningful measures of student growth, accountability of educators and administrators geared toward effective instruction with a long term focus on student experiences and achievement that support post-secondary goals and increased student growth and success.

CASE also believes it is essential that ESEA and IDEA be carefully aligned. The main focus must continue to be on meeting the needs of individual students and providing the necessary training and supports for educators and administrators to accomplish that goal. The funding and resources to meet the goals set forth in ESEA reauthorization will be critically important to provide states and districts with the valuable tools for effective implementation.

CASE urges Congress to consider these recommendations, so students with disabilities will continue to receive an individualized education addressing their unique needs while profiting from rigorous, evidence-based instruction monitored and measured effectively through the states' accountability systems.

Thank you very much for the opportunity to provide input on important legislation that will affect ALL students and ALL school districts. We would be pleased to serve as a resource to you and your staff as the process develops. Please feel free to contact me or our Executive Director, Dr. Luann L. Purcell, if CASE can answer any additional questions or be of further assistance in any way.

Sincerely,



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