

## The Arc of Texas

### Senate Education Committee Interim Charge 3

Tuesday, July 20, 2010

Good morning, I am Rona Statman, the Director of Family Support Services for The Arc of Texas. The Arc of Texas is the State's oldest and largest non profit organization advocating on behalf of individuals with intellectual and developmental disabilities to be fully included in their communities. I am here today to talk about training for both regular and special education teachers to support students with disabilities to be involved in and progress in the general education curriculum and to ensure students with disabilities are prepared for further education, employment and independent living .

The **Individuals with Disabilities Education Act (IDEA) 2004**, found that "30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having **high expectations for such children,**" **educating them in the regular classroom so they can "meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children and be prepared to lead productive and independent adult lives, to the maximum extent possible."** (Section 1400(c)(5)(A))

Congress also found that " **the education of children with disabilities can be made more effective if all school personnel who work with children with disabilities receive "high quality, intensive" professional development and training to ensure that they have "the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible."** (Section 1400(c)(5)(E))

The stated "**Purposes**" of **IDEA 2004** are to "ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services **designed to meet their unique needs and prepare them for further education, employment and independent living.**" (Section 1400(d)(1)(A))

In addition the No Child Left Behind Act requires states to "meet the educational needs of low-achieving students [including] children with disabilities..." and "close the achievement gap between high- and low-performing children and "ensure access of children to effective, scientifically based instructional strategies and challenging academic content. (Section 6301(3), Section 6301(9))

IDEA provides that States must have in place procedures assuring that students with disabilities are educated in the **Least Restrictive Environment (LRE)**, "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." (20 U.S.C. §1412(5)(B))

Students must receive special education services from highly qualified teachers. A highly qualified teacher has full State certification (no waivers), holds a license to teach, and meets the State's requirements. Special educators who teach core academic subjects must meet the highly qualified teacher requirements in NCLB and must demonstrate competence in the academic subjects they teach. (Section 1401(10))

However many schools lack sufficient and/or trained educators and support personnel to provide an appropriate education in the least restrictive environment. Special education services must be provided by properly qualified, prepared, and supported teachers, related services personnel, and other staff. A majority of Texas students with disabilities spend more than 50% of their school day in general

education classrooms.

In Texas students with disabilities are assigned an instructional arrangement. In 2008-2009 301, 880 out of a total of 452,000 students with disabilities were educated in the mainstream general education instructional arrangement, which means they spent 100% of their day in a general education classroom. The Mainstream instructional arrangement allows children with disabilities and their teachers to receive direct, indirect, and support services that are necessary to enrich the regular classroom and enable success. Mainstream support services must include, but not be limited to, collaborative planning, co-teaching, small group instruction with children in special education and regular education, direct instruction to children in special education, or other support services determined necessary. In addition 84,039 students with disabilities were assigned to the Resource Room instructional arrangement which means they spend more than 50% of their school day in a general education classroom. That leaves only 67,000 students with disabilities out of 452,000 who spend the majority of their school day in a special education classroom. When these students are in the general education classroom they need ongoing support and accommodations to ensure their success.

In order to ensure all students with disabilities receive a free appropriate public education we must ensure both regular and special education teachers are prepared to provide appropriate instruction and supplemental aids and services to students with disabilities: The Council for Exceptional Children recommends that federal and state laws support a well prepared successful educational workforce. The CEC recommends that congress and the states:

recognize and support requirements that emphasize the importance of special education pedagogy that centers on evidence based expertise of special educators to alter instructional variables to individualize instruction for students with disabilities

recognize and support requirements for well prepared successful special educators from diverse backgrounds who have a solid grounding in the liberal arts curriculum ensuring proficiency in reading, written and oral communications, calculating, problem solving and thinking

recognize and support requirements for well prepared successful special educators who also possess a solid base of understanding of the general content area curriculum sufficiently to collaborate with general educators

recognize and support requirements for general education teachers, administrators and support personnel to have knowledge and skills in evidence based special education pedagogy

support rigorous alternative routes to certification and upon initial entry by teachers into the program, do not deem them to be highly qualified, and require the following :

teachers receive high quality pre service training and intensive supervision that consists of structured guidance and regular ongoing support for teachers including a mentoring program

teachers receive high quality professional development that is sustained, intensive, and classroom focused in order to have a positive and lasting impact on classroom instruction before and while teaching

teachers participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program

teachers in an alternative route to certification can only stay in the program for a specified period of time not to exceed three years

teachers demonstrate satisfactory progress toward certification as proscribed by the state

retain the Highly Objective Uniform State Standard of Evaluation (HOUSE) for special educators, new

and veteran, which provides states with a multiple measure approach to determine whether a teacher is highly qualified in a given core academic subject area

elevate the quality of instruction by supporting the professional careers of educators, including early childhood educators, by building capacity in an infrastructure that ensures a continuum approach including initial preparation, induction, and continuing professional growth

encourage and strengthen mentoring and induction programs that support collaboration between general and special education. These programs must be designed in consultation with school personnel, including special education and related services personnel, offer mentors or programs which are relevant to the mentee's practice area and encourage the use of technology

support effective strategies for providing co-teaching between regular and special educators. As the diversity of the student body as a whole increases, co teaching and other collaborative special and regular education arrangements have promise for better serving all students

reinforce the concept of early intervening services and emphasize the shared responsibility between general and special education and the educational system to support struggling learners

support a response to scientific research based intervention known as RTI and provide guidance to general education on their roles in implementing RTI as a school wide intervention process and their collaboration with special educators and articulate the responsibility of the entire educational system for its implementation

Texas should utilize available resources to develop demonstration pilots, grants, incentives, technology, training academies, distance learning, online training, mentoring and private consultation and technical assistance for staff development and training to ensure highly qualified regular and special education teachers with appropriate training, expertise and knowledge provide uniform and consistent services and supports, including behavior, communication, and social skills training needs for students with disabilities. School districts should have mechanisms to share information and successful models of providing special education services. School districts, colleges, and universities must prepare teachers and related services personnel to help students with disabilities access and progress in the general education curriculum in inclusive school programs.

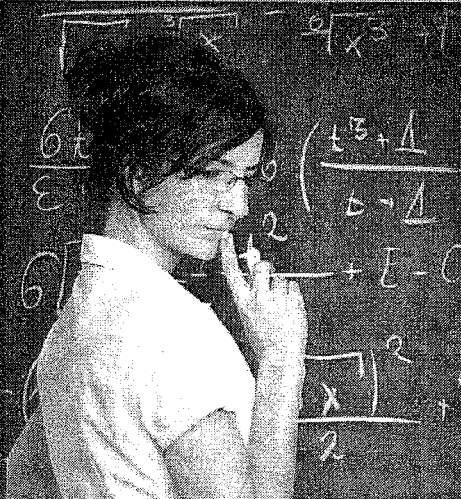
Thank you for your time and attention to teacher education and training for students with disabilities.





# CEC's ESEA

## REAUTHORIZATION RECOMMENDATIONS



**Council for  
Exceptional  
Children**

The voice and vision of special education

MARCH 2010

# About the Council for Exceptional Children

*The Council for Exceptional Children (CEC) works to improve the educational success of individuals with disabilities and/or gifts and talents.*

## CORE VALUES

- The dignity and worth of all individuals.
- Social justice, inclusiveness, and diversity.
- Professional excellence, integrity, and accountability.
- Rich and meaningful participation in society for all individuals with exceptionalities.
- Effective individualized education for all individuals with exceptionalities.
- The importance of families in the lives and education of all individuals with exceptionalities.
- Collaboration and community building to improve outcomes.

## MISSION

CEC is an international community of educators who are the voice and vision of special and gifted education. Our mission is to improve the quality of life for individuals with exceptionalities and their families through professional excellence and advocacy.

## VISION

CEC is a diverse, vibrant professional community working together and with others to ensure that individuals with exceptionalities are valued and included in all aspects of life. CEC is a trusted voice in shaping education policy and practice and is globally renowned for its expertise and leadership. CEC is one of the world's premiere education organizations.

## CEC CONTACT INFORMATION

For more information, please contact Deborah A. Ziegler, Associate Executive Director for Policy and Advocacy Services at [debz@cec.sped.org](mailto:debz@cec.sped.org), 1-800-224-6830, or 703-620-3660, x406.

## CEC's ESEA Guiding Principles

ESEA must support requirements for high standards and learner performance that are intended to foster high quality teaching and learning, equality of educational opportunity to learn, and improved achievement for children with disabilities and/or gifts and talents through:

- Supporting a well prepared successful educational workforce.
- Meaningful systems that encourage collaborative and supportive measurement, evaluation and reward of professional performance.
- Strengthening assessment and accountability for all children.
- Meeting the unique needs of gifted learners.
- Improving outcomes for all children through the collaboration of all educators.
- Developing improved strategies that create positive school reform.
- Providing full funding to execute the goals and provisions of ESEA.
- Systems that are carefully coordinated and balanced between ESEA and IDEA to recognize and enhance the system for assessment and accountability for a diverse population of children, including those with disabilities and/or gifts and talents.



# Introduction

For the past 30 years, children with disabilities, their families, and the professionals who work on their behalf have revolutionized the educational and workplace opportunities available to America's 6.9 million children with disabilities. Led by landmark legislation, now known as the Individuals With Disabilities Education Act (IDEA), children with disabilities have had access to an education system that builds upon their strengths and addresses their individual needs.

Over the years, as the implementation of IDEA has strengthened throughout schools across our country, children with disabilities have gained access to the general education curriculum; in many cases, learning side-by-side their nondisabled peers; and they have realized improved outcomes. This progress has been unprecedented due to the dedication and commitment of children, families, special educators, and policymakers.

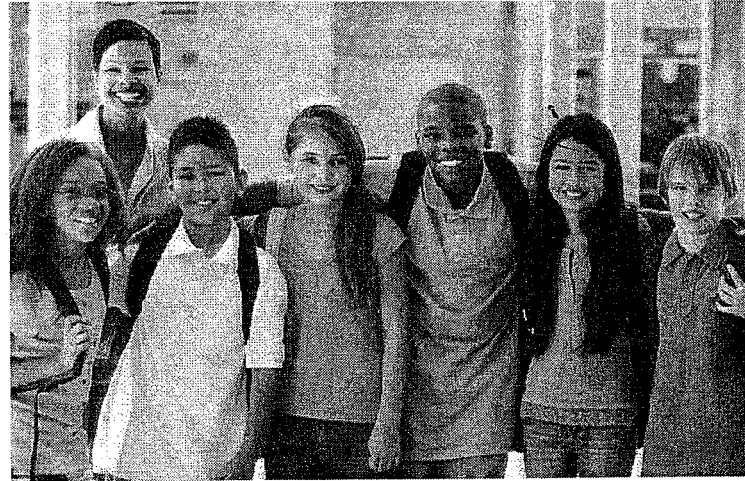
The Elementary and Secondary Education Act (ESEA, No Child Left Behind in its current form) has reinforced the notion that all children should have an opportunity to learn by mandating an accountability system that shines a light on the performance of students with disabilities.

By building on the theme of IDEA, that an educational system must address the individual needs of every child, CEC believes ESEA can achieve its noble goals of providing a high-quality education to all children taught by well prepared, diverse, and successful educators; closing the achievement gap; and ensuring that all children reach a high level of achievement.

---

*CEC believes that blending the strengths of both IDEA and ESEA will result in policies that directly address the challenges confronting the education community.*

---



At this time of ESEA reauthorization, Congress has an opportunity to build upon the law's strengths while addressing areas of concern related to children with disabilities and/or gifts and talents. By realizing that our education system should address the individual needs of children, the unique needs of America's 3 million children with gifts and talents must also be addressed at a time when they have largely gone ignored in federal legislation. In addition, as education policy shifts to focus on all children, CEC hopes to attract attention to those children who have both a disability and are gifted, a population known as twice-exceptional.

The reauthorization of ESEA confronts many critical issues that impact millions of children, families, and educators, including policies that focus on teacher/school personnel quality; evidence-based teaching and learning; assessments of children; issues of disproportionality and diversity; establishing a viable accountability system; and systemic supports.

To this end, CEC is pleased to present a series of recommendations on how ESEA can be improved to ensure that strong safeguards for children with disabilities are in place and the educational needs of children with gifts and talents are addressed, while balancing the challenges that schools and districts confront daily. CEC looks forward to collaborating with Congress to improve and address areas of concern to ensure that the educational needs of all children is the focus of the nation's education system.

# Supporting a Well Prepared Successful Educational Workforce

**CEC recommends that Congress** recognize and support requirements that emphasize the importance of special education pedagogy that centers on the evidence-based expertise of special educators to alter instructional variables to individualize instruction for individuals with exceptional learning needs.

**CEC recommends that Congress** recognize and support requirements for well prepared successful special educators from diverse backgrounds who have a solid grounding in the liberal arts curriculum ensuring proficiency in reading, written and oral communications, calculating, problem solving, and thinking.

**CEC recommends that Congress** recognize and support requirements for well prepared successful special educators who also possess a solid base of understanding of the general content area curriculum sufficiently to collaborate with general educators.

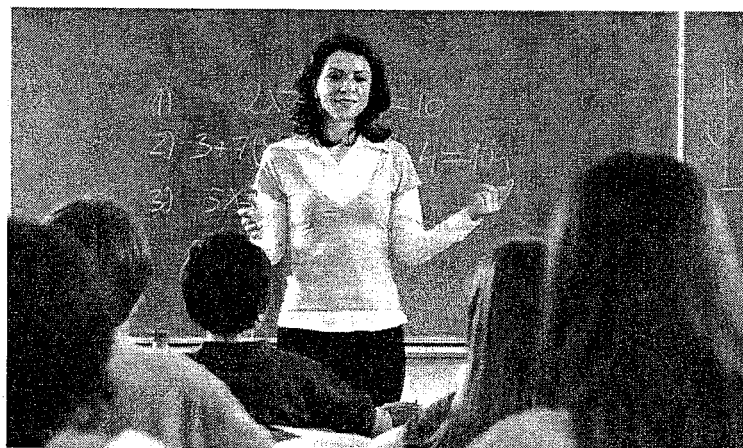
**CEC recommends that Congress** recognize and support requirements for general education teachers, administrators, and support personnel to have knowledge and skills in evidence-based special education pedagogy.

**CEC recommends that Congress** support rigorous alternative routes to certification, and upon initial entry by teachers into the program, do not deem them to be highly qualified. CEC recommends that the following components be included in rigorous alternative routes to certification programs:

- Teachers must receive high quality pre-service training and intensive supervision that consists of structured guidance and regular ongoing support for teachers including a mentoring program.
- Teachers receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching.
- Teachers participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program.
- Teachers in alternative routes to certification programs can only remain in the program for a specified period of time, not to exceed three years.
- Teachers demonstrate satisfactory progress toward full certification as prescribed by the state.

**CEC recommends that Congress** retain the High Objective Uniform State Standard of Evaluation (HOUSS) for special educators, new and veteran, which provides states with a multiple measure approach to determine whether a teacher is highly qualified in a given core academic subject area or in multiple subjects. The HOUSS option needs to remain a viable option for states with an emphasis on the rigor of the process and its components.

**CEC recommends that Congress** significantly elevate the quality of instruction and learning by supporting the professional careers of educators, including early childhood educators, by building capacity via an infrastructure that ensures a continuum approach including initial preparation, induction, and continuing professional growth.



**CEC recommends that Congress** recognize and support strategies, such as high quality professional development, which will improve the ability of teachers to identify and instruct students with gifts and talents. Such strategies should align with the definition of 'teaching skills' within the Higher Education Opportunity Act.

**CEC recommends that Congress** encourage and strengthen mentoring and induction programs that support collaboration between general and special education. To be most effective, these programs should be designed in consultation with school personnel, including special educators and related service personnel, offer mentors or programs which are relevant to the mentee's practice area, and encourage the use of technology.



**CEC recommends that Congress** revise the current 'needs assessment' requirement in Title II of ESEA for local education agencies, and all relevant data collections under ESEA to include similar requirements already listed under IDEA and complement them.

**CEC recommends that Congress** require that states and local education agencies use this needs assessment data to develop an action plan to address personnel shortages, analyze school climate, recruitment, retention, and induction/mentoring strategies.

## RATIONALE

Like the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) requirements for high standards and learner performance are intended to foster high quality teaching and learning, equality of educational opportunity to learn, and improved achievement for children with disabilities. Like never before, ESEA and IDEA require special and general educators to work collaboratively to ensure learning gains for all children including children with disabilities.

Special educators possess a repertoire of evidence-based instructional strategies to individualize instruction for individuals with exceptional learning needs. Special educators select, adapt, and use these instructional strategies to promote positive learning results in general and special curricula and to appropriately modify learning environments for individuals with exceptional learning/developmental needs. Moreover, special educators emphasize the development, maintenance, and generalization of knowledge and skills across environments, settings, and the lifespan.

Special educators also understand the significance of general curriculum content. Well-prepared special educators possess a solid base of understanding of the general content area curricula, (i.e., math, reading, English/language arts, science, social studies, and the arts), sufficient to collaborate with general educators in:

- Teaching or co-teaching academic subject matter content of the general curriculum to children with exceptional learning needs across a wide range of performance levels, and

---

*Like never before, ESEA and IDEA require special and general educators to work collaboratively to ensure learning gains for all children including children with disabilities.*

---

- Designing appropriate learning and performance accommodations and modifications for children with exceptional learning needs in academic subject matter content of the general curriculum.

Moreover, because of the significant role that content specific subject matter knowledge plays at the secondary level, special education teachers routinely teach secondary level academic subject matter content in consultation or collaboration with one or more general education teachers appropriately licensed in the respective content area. In those instances when a special education teacher assumes sole responsibility for teaching a core academic subject matter class at the secondary level, CEC expects the special educator to have a solid knowledge base in the subject matter content sufficient to ensure that children can meet state curriculum standards.

Implications of the highly qualified requirements for special education teachers are far-reaching. Currently, many special education teachers participate in providing instruction across core academic subject areas. Similar to the CEC position on academic content, when special education teachers assume responsibility for teaching a core academic subject, IDEA requires those special educators to have a solid knowledge base in the subject matter content by meeting the new highly qualified requirements.

While provisions in IDEA 2004 provide some flexibility in determining the qualifications of special education teachers teaching multiple subjects, meeting the standard of being highly qualified in every core academic subject is likely to present a significant challenge, especially for teachers teaching across elementary, middle, and secondary levels. The challenge for special education teachers to meet the content knowledge requirements for each core content area at each level may result in many children with disabilities receiving their primary instruction in core academic subjects in the regular classroom from the regular classroom teacher with consultation services from "highly qualified" special educators. Assuming that this shift of responsibility to regular education occurs, the skills required to meet the standard will demand effective preparation of both special and general educators.

In order to ensure that children with disabilities receive a free appropriate public education (FAPE), it will be imperative that the general education teacher receives sufficient consultation from special education teachers to enable the general education teacher to effectively provide individualized instruction for the children with disabilities in their classes. Additionally, the special education teacher often will need to provide additional practice to reinforce, maintain, and generalize children's' skills.

# Meaningful Systems That Encourage Collaborative and Supportive Measurement, Evaluation and Reward of Professional Performance

**CEC recommends that Congress** address the national shortage of special educators, related service personnel, and early childhood educators by making salaries, benefits, and supports competitive by improving working conditions, including collegial and administrative supports, caseloads, and paperwork responsibilities in order to recruit and retain the well prepared successful educators of diverse backgrounds that are currently needed.

**CEC recommends that Congress NOT** support the use of a single measure for any high stakes decision for determining teacher preparedness or success. In determining an individual's professional competence, multiple measures, rather than a single test score, shall be used in the decision making process to enhance the validity and reliability of decisions related to content and pedagogical competence.

**CEC recommends that Congress** fund research to determine whether financial incentives for professionals result in increased student achievement, increased retention of professionals or attract more professionals to enter special and gifted education. Specifically, Congress should fund pilot programs or demonstration grants which will lead to a better understanding of whether these programs increase teacher performance or student achievement.



**CEC recommends that Congress** consider the following if it decides to include differentiated compensation systems in ESEA:

- All educators should be meaningfully included in and eligible for differentiated compensation systems and performance incentives regardless of whether their students' participate in standardized assessments.
- Differentiated compensation systems should be locally designed with meaningful input from all educators to assure they meet the unique needs and circumstances of the educators.
- Elements of a differentiated compensation system must be open and transparent so that professionals understand the expectations for their performance and potential rewards.
- Differentiated compensation systems must be designed to increase and reward collaboration and teamwork.
- Differentiated compensation systems should support the equitable distribution of teachers in schools and districts to ensure that all students are served by professionals with an appropriate level of expertise to address the needs of the classroom.
- Financial incentives must be sustainable over time to ensure proper implementation.
- Performance compensation system must include a meaningful evaluation process.

**CEC recommends that Congress** recognize and support meaningful evaluation systems that are fair and provide educators with relevant, supportive and instructive feedback. CEC recommends that these systems include the following:

- Fund research, pilot programs and/or demonstration grants which examine the impact of evaluation models on teacher performance.
- Evaluators must be well trained in evidence-based evaluation systems and techniques.
- Evaluators must have expertise specific to the position they are evaluating – i.e. special education, psychology, occupational therapy – to ensure they understand the specific demands, needs and requirements of each position and can offer useful and meaningful feedback.

- Evaluators must use multiple measures to determine an individual's level of professional competence, not single test scores. The use of multiple measures enhances the validity and reliability of decisions related to content and pedagogical competence. These may include, visual observation, examples of student work, and interactions with families, community, peers and staff.
- Educators must have the opportunity to work with mentors and career coaches, participate in targeted, high quality, job embedded relevant professional development and to receive resources and support outside of the classroom as needed to improve.
- Evaluations must continue to be subject to fair and effective mechanisms for dispute resolution.

## RATIONALE

The nation's education system is challenged by the preparation, recruitment, and retention of special educators. Differentiated compensation is often cited as a means to address these shortages. Yet, research on performance incentive compensation systems is still nascent. Moreover, what research exists rarely includes special and gifted educators. In order to address these issues, significant efforts must be meaningfully undertaken to support the professional careers of special educators, improve working conditions, and provide incentives to retain special educators.

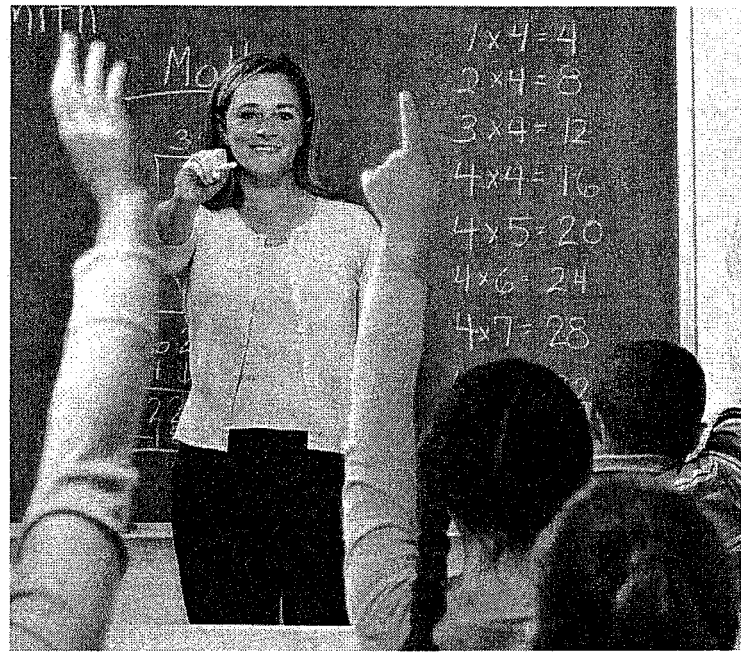
---

*The nation's education system is challenged  
by the preparation, recruitment, and  
retention of special educators.*

---

CEC recommends that before Congress includes the use of performance incentives, it should fund research, demonstration grants and pilot programs to determine whether these systems help meet the important goals of increased student achievement, and increased recruitment and retention among educators.

CEC members seek and appreciate the opportunity to maintain high standards and improve. If Congress chooses to include performance incentive evaluation systems, CEC believes that special and gifted education professionals must be included. Yet special and gifted educators face certain challenges which must be addressed by these systems. For example, they typically provide instruction in various roles, for various amounts of time, and



they teach students who are often not appropriately or completely measured by assessment systems. Moreover, they are often evaluated by professionals who have no relevant experience to their practice, and, therefore, have difficulty providing meaningful feedback and guidance for improvement to these educators.

To address these concerns, special and gifted educators must be evaluated using measures that consider their area of practice, and the validity and reliability of assessment instruments. In addition, CEC encourages Congress to ensure that any requirements applicable to evaluations systems support and encourage collaboration between professionals as well as provide avenues for consistent professional growth over time.

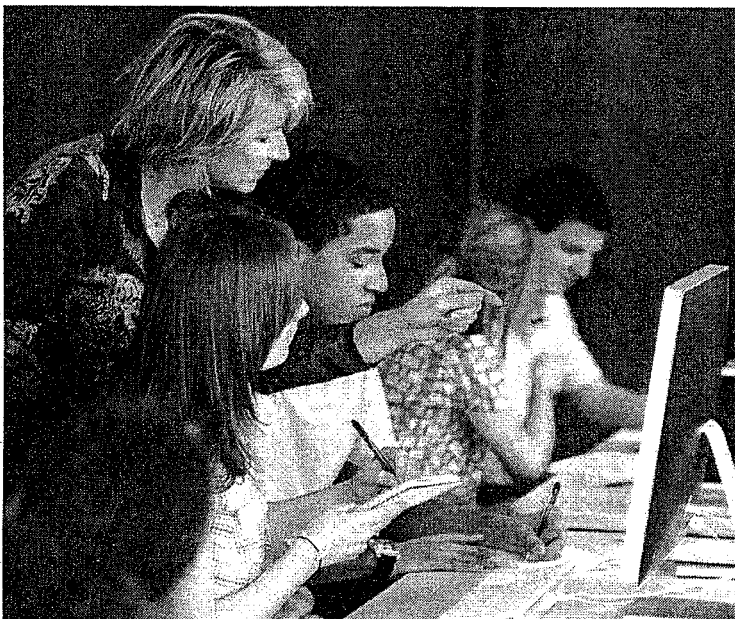
# Strengthening Assessment and Accountability for All Children

**CEC recommends that Congress** ensure that **all** children with disabilities and/or gifts and talents be included in assessment systems by having the opportunity to participate in general assessments, assessments with accommodations, and alternate assessments.

**CEC recommends that Congress** ensure that assessments are universally designed and consider the unique learning needs of students with disabilities and/or gifts and talents from the beginning stages of creation. Furthermore, assessments should be vertically scaled to measure performance above and below the grade level standard.

**CEC recommends that Congress** ensure equal access and opportunity for **all** children and ensure inclusive and balanced accountability in all local and state accountability indices. The performance on assessments of children with disabilities and/or gifts and talents must have the same impact on the final accountability index as the performance of other children.

**CEC recommends that Congress** ensure that the IEP team determine how the child will participate in assessments as part of the review of the overall individualized education program and be based on individual student needs.



**CEC recommends that Congress NOT** support any policies that would lead to using the IEP for purposes of accountability.

**CEC recommends that Congress** ensure that **all** children with disabilities and/or gifts and talents be included when assessment scores are publicly reported, in the same frequency and format as all other children, regardless of how they participate in assessments.

**CEC recommends that Congress** ensure that the principles of universal design (accessibility for a wide variety of end users) are part of all assessment instruments in education. CEC recommends that the elements of universal design in assessment include an inclusive test population; precisely defined constructs; accessible, non-biased items; tests that are amenable to accommodations; simple, clear and intuitive instructions and procedures; maximum readability and comprehensibility; and maximum eligibility.

**CEC recommends that Congress** replace the law's arbitrary proficiency targets with ambitious indexed achievement targets based on rates of success actually achieved by the most effective public schools.

**CEC recommends that schools** be allowed to count toward graduation rates all levels of diplomas at an indexed rate for purposes of accountability.

**CEC recommends that Congress** allow states to pilot measures of progress by using children's indexed growth in achievement, as well as their performance in relation to pre-determined levels of academic proficiency. These measures need to take into account the unique characteristics of children with disabilities and/or gifts and talents. The pilots must include and carefully examine the effects on all subgroups of children.

**CEC recommends that Congress** provide a comprehensive picture of children and schools' performance by moving from an overwhelming reliance on standardized tests to using multiple indicators of student achievement including progress monitoring, in addition to these tests.

**CEC recommends that Congress** fund research and development of more effective and balanced accountability systems that better meet the goal of high achievement for all children and that consider the intended and unintended consequences for student subgroups.



**CEC recommends that Congress** provide resources to states to develop evidence-based assessment and data collection systems that include district and school-based measures in order to provide better, timelier information about student learning.

**CEC recommends that Congress** strengthen enforcement of ESEA provisions by requiring that assessments must:

- Be aligned with state content and achievement standards.
- Be used for purposes for which they are valid and reliable.
- Be consistent with nationally recognized professional and technical standards.
- Use the principles of Universal Design for Learning.
- Be of adequate technical quality for each purpose required under the Act.
- Provide multiple, up-to-date measures of student performance including measures that assess higher order thinking skills and understanding.

**CEC recommends that Congress** decrease the testing burden on states, schools, and districts by allowing states to assess children annually in selected grades in elementary, middle, and high schools.

**CEC recommends that Congress** make a firm commitment to the continuing improvement of an evidence-based assessment and accountability system through the processes of structured monitoring, intensive ongoing evaluation, and systemic professional training based on research and practice.

## RATIONALE

CEC recognizes the important role that assessments play in documenting educational accountability, and in ensuring sound educational decisions are made toward achieving the highest possible outcomes for **all** children.

Developments in national and state policy are moving to more rigorous assessment and accountability systems through required testing of all children in specific grades. CEC endorses efforts to ensure children with exceptional needs, those with disabilities as well as those with gifts and talents are guaranteed the right to be included in these assessments, which conforms to the larger right to full inclusion in the overall educational enterprise. CEC is concerned, however, how children with disabilities and/or gifts and talents are included in the assessment and accountability system.

Students with exceptionalities must be assessed using measures that appropriately take into consideration their individual needs and the intended and unintended consequences of the assessment instrument and the system of accountability.

---

*Students with exceptionalities must be assessed  
using measures that appropriately take into  
consideration their individual needs.*

---



# Improving Outcomes for All Children Through the Collaboration of All Educators

**CEC recommends that Congress** fund studies to determine effective strategies of co-teaching between special and general educators. As the diversity of the student body as a whole increases, co-teaching and other collaborative special and general education arrangements have great promise for better serving all students.

**CEC recommends that Congress** reinforce the concept of Early Intervening Services (EIS) that currently exists in ESEA and IDEA by emphasizing the shared responsibility between general and special educators and the educational system to support struggling learners. Furthermore, CEC recommends that Congress include a comparable funding structure for EIS in ESEA as currently exists in IDEA where a certain percentage of funds can be used to support EIS activities, especially where instances of disproportionality in special education exists.

**CEC recommends that Congress** support the inclusion of a process based on a child's response to scientific, research-based intervention, known as Response to Intervention (RTI), in the reauthorization of ESEA. Emphasis in the law must provide guidance to general educators on their roles in implementing RTI as a school-wide intervention process and their collaboration with special educators. In addition, the responsibility of the entire educational system for its implementation must be articulated. Furthermore,

**CEC recommends that Congress** direct the U.S. Secretary of Education to develop and implement pilot programs to determine effective RTI models and processes and provide technical assistance, professional development, and dissemination of these models to the field.

## **RATIONALE**

As our nation's schools grow more diverse, general and special education can and should work together to ensure all students have the chance to succeed. General educators report feeling overburdened by the pressures in their classroom and co-teaching and other collaborative arrangements have great promise for easing this burden. CEC believes more research on these relationships will help shine a light on the myriad of ways teaching and learning for all students can improve.

Furthermore, CEC believes that by addressing the individual learning needs of children in the general education setting, with a particular focus on those areas where a child has exhibited difficulty in grasping the instructional content or is having behavior challenges, methods such as EIS and RTI can positively impact the child and potentially reduce the number of referrals for special education. By intervening early, children are given the opportunity to address their challenges with the support of the entire school-wide team including their families.

To implement methods and processes such as EIS and RTI, the U.S. Department of Education must support states and school districts across the country by providing research and technical assistance on effective, school-wide approaches and professional development for all educators within the school community. In addition, funding mechanisms must be established in ESEA, as they are in IDEA, to provide EIS for situations where there is disproportionality in special education. Emphasis needs to be placed on the shared responsibility of the school system for the implementation of these programs.

---

*As our nation's schools grow more diverse,  
general and special education can and should  
work together to ensure all students have  
the chance to succeed.*

---

# Developing Improved Strategies That Create Positive School Reform

**CEC recommends that Congress** consider educational reforms within the public school system which promote rigorous learning standards, strong educational outcomes, shared decision making, diverse educational offerings, and the removal of unnecessary administrative requirements.

**CEC recommends that Congress** only support education reform initiatives that reinforce the right of students with disabilities to access a free appropriate education provided in the least restrictive environment, as mandated by the Individuals with Disabilities Education Act.

**CEC recommends that Congress** eliminate federal requirements to remove school leadership and staff and allow removal decisions to continue to be made at the local level. Schools in need of improvement should be permitted to engage in self-improvement programs that are best tailored to individual school needs.

**CEC recommends that Congress** recognize and support school-wide initiatives including positive behavioral interventions and supports (PBIS) universal design for learning (UDL) and response to intervention (RTI).

**CEC recommends that Congress** provide incentives that address barriers to learning and opportunity to learn principles. This would include providing access to and assessment of:

- Rich and rigorous content utilizing the principles of universal design for learning (UDL) which provides multiple means of representation; multiple means of action and expression; and multiple means of engagement.
- Resources such as school facilities and supplies that support and enhance learning; appropriate class size; high-quality teachers, principals and other school personnel.
- Access to safe learning environments.

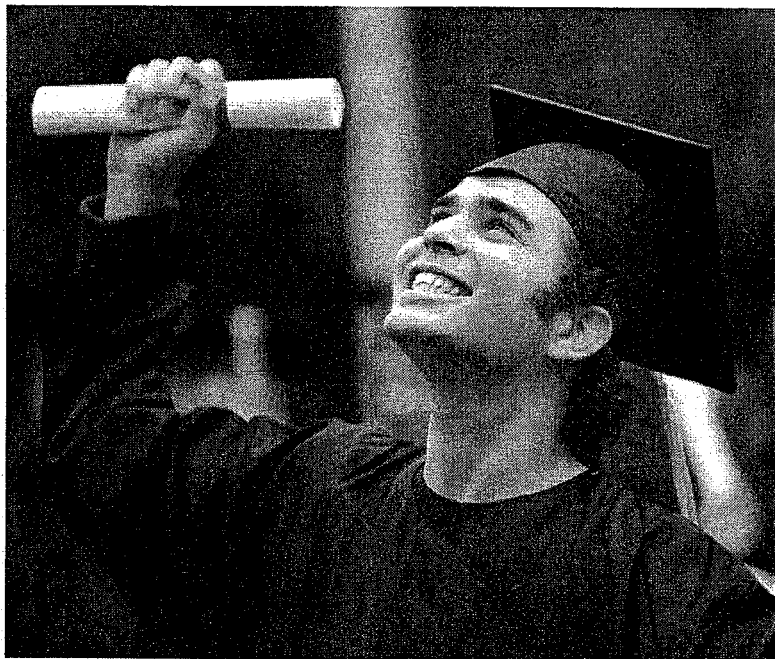
**CEC recommends that Congress** ensure that improvement plans are allowed sufficient time to take hold before applying sanctions, and sanctions should not be applied if they undermine existing effective reform efforts.

**CEC recommends that Congress** replace sanctions that do not have a consistent record of success with interventions that enable schools to make changes that result in improved student achievement, especially among children with disabilities and/or gifts and talents.

**CEC recommends that Congress** recognize differing levels of progress toward accountability matched with appropriate supports.

**CEC recommends that Congress** only support charter school policies that ensure:

- Access for all students by abiding by the same federal nondiscrimination and equal education opportunity laws that apply to traditional public schools; supporting policies that prevent discrimination based on disability status; supporting policies that do not inadvertently exclude children with disabilities.
- Students with disabilities receive a free appropriate public education provided in the least restrictive environment.
- Students with disabilities receive appropriate services and supports by supporting charter school policies that explicitly identify responsibility for providing and pay for services associated with educating students with disabilities, including building renovations and the provision of education and related services.





- Charter schools participate in the accountability system in the same way as traditional public schools.
- Charter schools and authorizers appropriately plan for identifying and serving students with disabilities by requiring charter school authorizers and applicants to provide detailed plans that include strategies to identify and serve students with disabilities and address recruitment and retention of highly qualified special education teachers and specialized instructional support personnel.
- Equitable participation of students with disabilities by monitoring charter schools to ensure their enrollment of students with disabilities is comparable with the local population. Charter schools must report data on the overall number of students with disabilities enrolled and disaggregate the data by IDEA eligibility criteria.
- Availability of research and technical assistance to promote high quality programs by authorizing and funding research on identifying and serving students with disabilities in the unique setting of charter schools; establishing a national technical center to assist charter schools in addressing the needs of students with disabilities through the dissemination of evidence-based practices, model authorizing documents, and other charter-specific information and resources.

## RATIONALE

Reforms in education must strengthen the public education system by promoting rigorous learning standards, positive educational outcomes, shared decision-making, diverse educational offerings, and removal of unnecessary administrative requirements. Such reforms must be rooted in the federal nondiscrimination and equal education opportunity laws which serve as the cornerstone to achieving the American Dream. As such, consideration of the diverse learning needs of all students must be addressed from the beginning of any reform initiative, rather than attempting to retrofit inclusion of students with disabilities during implementation stages.

Sanctions leveled against low-performing schools under ESEA are often arbitrary and penalize schools instead of focusing on school improvement. Under the present criteria, perennially well-respected schools with honorable academic success have been labeled as needing improvement. This should not be. Also, schools that are in need of improvement should be permitted to engage in self-improvement programs that are best tailored to individual school needs. Federal sanctions can often undermine or reverse the effect of these efforts. Extended timelines for the achievement of school reform is also needed to ensure that reforms are of high quality and are given the proper amount of time to demonstrate effectiveness.

---

*Reforms in education must strengthen the public education system by promoting rigorous learning standards, positive educational outcomes, shared decision-making, diverse educational offerings, and removal of unnecessary administrative requirements.*

---

Prior to mandating strategies which remove educators, CEC urges the Congress to thoughtfully consider the current educational staff shortages – especially in special education – and their impact on any staff removal requirement. Currently, at least 50,000 special education teachers across the nation are not properly certified. Congress must consider these factors when mandating the firing of school leadership and staff and the reality that there may not be skilled, high quality, individuals to fill such vacancies.

Additionally, CEC urges Congress to require substantial, intensive, high-quality professional development prior to any such action. Finally, school interventions should be based on proven strategies that provide real, positive results in the classroom. Reforms should always focus on the academic achievement of children, not the degradation of staff or programs.

# Provide Full Funding to Execute the Goals and Provisions of ESEA

**CEC recommends that Congress** increase authorized levels of ESEA funding to cover a substantial percentage of the costs that states and districts will incur to carry out these recommendations and fully fund the law at those levels without reducing expenditures for other education programs.

**CEC recommends that Congress** fully fund Title I to ensure that 100 percent of eligible children are served.

**CEC recommends that Congress** funds should not be arbitrarily or automatically used for school choice or supplemental education services (SES), and that they instead be used to invest in improving schools.



---

*Congress must dramatically increase funding for ESEA so that the goals of ESEA can be achieved.*

---

## RATIONALE

Since No Child Left Behind's passage, school districts and states around the country have struggled to meet the basic requirements of NCLB, in large part due to the overwhelming lack of funding from the federal government. While substantial funds were appropriated for NCLB in 2002, funding for NCLB has declined since then.

Funding for Title I programs that serve diverse populations has suffered as well. Transportation costs for school choice and supplemental education services are consuming a great deal of schools' funds, and funding is almost non-existent to help low-performing schools come into compliance with the law. Further, no funds have ever been provided by Congress for the school improvement grants, a situation that forces school districts to rely on Title I funding to meet those needs.

Funding should not be arbitrarily or automatically used for school choice or supplemental education services (SES). School choice hampers the ability of low-performing schools to improve, and SES have been shown to discriminate against children with disabilities because SES providers are reluctant to serve these children, many are not prepared to instruct children with disabilities, and results cannot be readily demonstrated for those children.



**Council for  
Exceptional  
Children**

The voice and vision of special education

1110 N. Glebe Rd, #300  
Arlington, VA 22201-5704  
[www.cec.sped.org](http://www.cec.sped.org)

