

# Kline ESEA Bill Discriminates Against Students with Disabilities

**Takes them off track for high school graduation, college and career readiness**

Chairman Kline's Student Success Act (H.R. 5) will let schools discriminate against students with disabilities by taking them off track to graduate high school and be college and career ready. It will slash academic expectations for students with disabilities, allowing schools to provide a poor and inadequate education with no accountability. **Please support the future of all students with disabilities and vote against the bill.**

Under current law, schools must teach students with disabilities the same challenging curriculum as everyone else. As a result, the law ensures that students with disabilities learn at grade level. The law also is designed to ensure when students fall behind that schools must give them the extra support they need. Only students with the *most significant cognitive disabilities* are supposed to take an alternate assessment on alternate achievement standards. The law allows this alternate assessment for up to 1% of all students (10% of students with disabilities).

But H.R. 5 bill would change all of this. It would allow schools to give as many students as they wish the alternate assessments by lifting the 1% cap. In reality, schools could provide vastly inferior educations, since they would not have to ensure proficiency at grade level. It would also allow states to create other alternative assessments with few conditions. Under H.R. 5 no one would be accountable for making sure that students actually learn what they need to graduate and succeed. If a child struggles to read, the school could simply use an alternate achievement standard--rather than provide the extra assistance he needs to learn to read at grade level. And if children cannot read, they cannot succeed.

The existing cap of 1% supports current practice and ongoing research into assessing students with the most significant cognitive disabilities. To ignore this data by eliminating the cap would violate the rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate standards. As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated.

Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment virtually encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve. **The bill allows schools to take millions of students with disabilities off track for a regular high school diploma as early as 3<sup>rd</sup> grade when assessment decisions are made in schools. This will relegate them to lower career and college expectations—simply because they receive special education services.**

## H.R. 5:

- allows **States and school districts to officially marginalize** every student with a disability (and their academic potential), and expect less of them by virtue of having a disability.
- **INCORRECTLY promotes that most students with disabilities can't learn or achieve** when most students with disabilities are able to learn and achieve, just like all other students, when provided appropriate services and supports.
- **promotes abuse and overuse of alternate assessments by allowing any student with a disability to be tested through these assessments.**
- will **turn back the clock** on advances made in educating students with disabilities in the past 10 years:
  - Most students with disabilities taking the general state assessment
  - Improved results in reading and math
  - Increased graduation from high school and higher college attendance rates