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## Autism National Committee, Inc.

*23 years of advocacy for children and adults with autism*

www.autcom.org

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June 9, 2013

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

Dear Chairman Harkin:

The Autism National Committee thanks you for introducing the *Strengthening America's Schools Act*, legislation to reauthorize and strengthen the Elementary and Secondary Education Act (ESEA). As a result of ESEA, students with disabilities have benefitted greatly as they have been given opportunity to learn and master grade-level academic content. *The Strengthening America's Schools Act* (SASA) will strengthen the law and help ensure a high quality education for America's 6 million students with disabilities, including those with autism.

SASA will ensure accountability for performance targets for all students and all schools, and require all subgroups, including students with disabilities to make progress. It will ensure that most students with disabilities are assessed with the same assessments as their peers, ensuring that they will receive grade-level educations and the opportunity for a regular diploma; eliminate the alternate assessment to modified achievement standards and appropriately restrict the alternate assessment to alternate achievement standards only to those students who can never take the regular assessment even with appropriate accommodations. It will require a robust data collection, improve school climate, and promote universal design for learning, early education, and multi-tiered interventions.

**Performance Targets. SASA affirms performance targets for all students—which is absolutely essential for students with disabilities to be held to the high expectations necessary for their academic success.** The bill confirms that schools must take action to address gaps in academic performance for all students, not just those in focus or priority schools (the bottom 15 percent). The bill requires all subgroups, including students with disabilities, to make annual progress towards performance targets and achievement goals, and puts in place a structure for locally-designed interventions when they do not. SASA's requirements ensure that students with disabilities climb the vital ladder of success through school to graduation and beyond. While only 10 percent of jobs in 2018 are expected to be open to high-school dropouts, high school graduation rates for students with disabilities are 66% or lower in 30 states.<sup>1</sup>

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<sup>1</sup> A. Carnevale, N. Smith, J. Strohl, Help Wanted: Projections of Jobs and Education Requirements Through 2018 at Exec. Summ. 2 (Georgetown Univ. Ctr. on Educ. & the Workforce 2010) (job openings); Alliance for Excellent Education, et al., Building a Grad Nation (Feb. 2013) (graduation rates).

**Alternate Assessments. SASA makes several important improvements to assessments so that students with disabilities are included in the same regular assessments as their peers.**  
disabilities.

- **Only students for whom the alternate assessment based on alternate achievement standards (AA-AAS) is appropriate may have their progress measured and reported using this standard.** This policy change will remove the barrier faced by too many students who have disabilities that do not preclude them from mastering grade level work. It will allow them the opportunity to pursue a standard high school diploma. Earnings for an adult with a high school diploma are \$9,000 greater on average than a dropout; earnings for a person with a bachelor's or associates' degree, even higher.<sup>2</sup> Importantly, the bill forbids the creation of alternate assessments other than the AA-AAS.
- **SASA rightly eliminates the use of Alternate Assessments using Modified Achievement (AA-MAS) standards.** While some students with disabilities are not at grade-level proficiency, there is no empirical evidence to demonstrate that exempting a significant percentage of them from grade-level academic achievement standards is the appropriate response. Many students with disabilities can achieve grade-level work when given the right access to high quality instruction, with qualified teachers and appropriate accommodations for both instruction and assessment. SASA will give them the opportunity to be educated in the general curriculum and achieve a standard diploma. Like their peers, they will have the appropriate education to succeed in college and career.

**Employers will not put applicants who cannot perform into the modified track; they likely will not hire them.** Unemployment among adults with disabilities is approximately twice that of people without disabilities, and only 17.9% of adults with disabilities participate in the workforce. And students who do not receive the education to succeed in college face a lifetime of lower earnings. A Bachelor's degree is worth \$2.8 million on average. In 2018, it is estimated that over 60 percent of jobs will require a post-secondary education. Only 10 percent of jobs will accept high school drop-outs.<sup>3</sup>

- **SASA imposes a hard cap on the use of the AA-AAS of 1% of all students assessed in a grade in the state (approximately 10% of all students with disabilities).** The AA-AAS is an accountability measure for children with the most significant cognitive disabilities who, even with appropriate accommodations and supports, would **never** be able to make grade-level academic achievement. The hard cap of 1% reflects the incidence of such severe cognitive disabilities in the population. Many children with intellectual, cognitive, and other disabilities can make grade level achievement with regular assessments, particularly with appropriate accommodations and universally designed learning. By keeping a hard cap, the bill protects these students from what could be exponentially high harm, and enables them to receive the education necessary for a regular diploma. The bill relies on rigorous standards, recognizing our nation's educational policies should not be driven by outdated and inaccurate stereotypes of children with significant disabilities as being unable to succeed and do grade-level work. In addition, for those children considered for the AA-AAS, SASA

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<sup>2</sup> A. Carnevale, S. Rose, and B. Cheah, *The College Payoff: Education, Occupations, and Lifetime Earnings* at 3 (Georgetown University Center on Education and the Workforce 2011).

<sup>3</sup> *Wanted* at Exec. Summ. 1; *The College Payoff* at 1.

ensures their parents will be part of the team making the decision and will be told its impact on receiving a standard high school diploma.

**Universal Design for Learning and Multi-Tier Assessments.** SASA requires schools to implement universal design for learning, a critical concept for ensuring success of all students by giving every student an equal opportunity to learn. The bill requires states to certify that their regular assessments are universally designed to be accessible to students with disabilities with reasonable adaptations and accommodations. It also requires all assessments to incorporate the principles of universal design. This will allow the greatest possible access for all students and help ensure student success. No student should fail an assessment because it tests his/her disability, rather than enabling the student to show what he/she knows. The stakes are far too high. We are also pleased with the new policies about to early education and multi-tiered systems of support.

**Data Collection.** SASA requires robust data collection to measure achievement and academic growth for all students to determine whether schools and districts are properly meeting their targets and preparing students to graduate college and career ready. It requires the disaggregation of data and the interaction of race, disability, ethnicity, English proficiency, and gender (as measured via cross-tabulation). This will help ensure that schools and districts work to ensure that all students make the required progress and receive the appropriate learning supports. Data collection and reporting creates sunshine that helps secure accountability, particularly for the subgroups like students with disabilities who have historically received inadequate educations.

**School Climate.** SASA requires data collection to improve school climate. This includes discipline data for all students; the incidence rates of school violence, bullying, disciplinary transfers and detentions, arrests and law enforcement referrals, and drug and alcohol abuse; and the number of school districts that implement positive behavioral supports and school-based mental health programs. The bill will also require schools to disseminate an equity score card to inform parents about their school's climate. The bill will also protect explicitly students who are lesbian, gay, bisexual, or transgender from harassment, discrimination, and violence at school, just as other children are protected.

The Autism National Committee thanks you for your leadership in introducing the *Strengthening America's Schools Act* and your long dedication to ensuring that students with disabilities are entitled to a good education in the general curriculum that prepares them for college and career success like their peers. We look forward to working with you on the bill.

Sincerely,

Jessica Butler  
Congressional Affairs Coordinator  
Autism National Committee