



## CONSORTIUM FOR CITIZENS WITH DISABILITIES

June 20, 2008

Mr. Zollie Stevenson, Jr.  
Director, Student Achievement and School Accountability Programs  
US Department of Education  
400 Maryland Ave, SW  
Washington, DC 20202

RE: Notice of Proposed Rulemaking for programs administered under Part A of Title I of the Elementary Secondary Education Act: 34 CFR Part 200/Docket ID ED-2008-OESE-0003

Dear Mr. Stevenson:

Thank you for this opportunity to provide recommendations and changes to Part A of Title I of the Elementary Secondary Education Act. The Consortium for Citizens with Disabilities (CCD) Task Force on Education is made up of almost 60 national organizations concerned about the education of students with disabilities and the participation of parents in the educational process. The Task Force is comprised of organizations that represent educators, related services professionals, direct service providers, advocates and parents.

CCD continues to support the promise of No Child Left Behind (NCLB) and has consistently worked with the Administration, Congress and others to ensure its full and effective implementation. We strive to ensure the following are upheld:

- All students with disabilities must be included in the NCLB accountability system
- All students with disabilities are general education students first
- Schools must establish environments of high expectations of academic success for all students
- The graduation rate of students with disabilities must be dramatically improved.

Graduation rates for students with disabilities vary dramatically across disability categories, from a **low of 43% for students with Emotional Disturbance** to a **high of 72% for students with Visual Impairments** (Source: Part B Exiting 2005-2006 Data) Additionally, there are vastly differing methods of calculation of graduation rates for students with disabilities across states making comparisons between states impossible. Across 50 states, the commonwealths and territories the graduation rates for special education students ranged from a high of **93.9%** to a low of **13.6%**. (Source: "An Analysis of States' Annual Performance Report Data for Indicator 1 (Graduation)" National Dropout Prevention Center for Students with Disabilities, May 2007). Regardless of how it is calculated to date, the rates for students with disabilities are far too low.

The Secretary's proposed graduation regulation creates the potential for states to pre-determine which students may or may not graduate within 4 years and would allow states to remove the students from the graduation rate accountability system. This is particularly troubling given that students with disabilities have one of the highest dropout rates among student groups. We know that making any kind of pre-determination about students' futures does not make sense and making schools responsible for this in the context of promoting better outcomes is a recipe for disaster. Therefore, policies that allow either individual students or entire categories of students to be prospectively removed from the 4-year accountability system are inherently damaging to the positive education outcomes so vital to all students.

CCD proposes an alternative that would create a calculation and reporting system that allows schools and districts to be held accountable for increasing the number of students who graduate in 4 years and for increasing the number of students who graduate in any given year (whether the student is a 4, 5 or more year graduate). We urge you to consider our proposal to calculate, report and ensure schools and districts get credit for graduating all students.

We recognize that there are unresolved issues in trying to bring uniformity to both the calculation and reporting of high school graduates. The use of high stakes exit exams, the high number of drop outs, the lack of resources in schools (e.g. lack of qualified teachers, infrequent professional development opportunities, inadequate funding) and other factors further complicate any effort to improve graduation rates for students, including students with disabilities. To that end, we urge the Secretary to review and consider our recommendations. Let's work together and with others seeking solutions to closing the achievement gap in a partnership to proactively develop regulations that will provide meaningful guidance that leads to positive outcomes for all high school students.

Sincerely,

American Foundation for the Blind  
American Occupational Therapy Association  
American Speech-Language-Hearing Association  
Association of University Center on Disabilities  
Bazelon Center for Mental Health Law  
Children and Adults with Attention-Deficit/Hyperactivity Disorder  
Conference of Educational Administrators of Schools and Programs for the Deaf  
Council for Exceptional Children  
Council for Exceptional Children – Division for Learning Disabilities  
Council for Exceptional Children – Teacher Education Division  
Council for Learning Disabilities  
Council of Parent Attorneys and Advocates, Inc.  
Disability Rights Education and Defense Fund  
Easter Seals  
Helen Keller National Center  
Higher Education Consortium for Special Education  
Learning Disability Association of America  
National Association of Councils on Developmental Disabilities  
National Association of School Psychologists  
National Association of State Directors of Special Education  
National Center for Learning Disabilities  
National Coalition on Deaf-Blindness  
National Disability Rights Network  
National Down Syndrome Congress  
National Down Syndrome Society  
School Social Work Association of America  
TASH  
The Advocacy Institute  
The Arc  
United Cerebral Palsy

For more information, please contact any of the following individuals.

Katy Beh Neas, Easter Seals	202.347.3066	<a href="mailto:kneas@easterseals.com">kneas@easterseals.com</a>
Paul Marchand, The Arc and United Cerebral Palsy	202.783.2229	<a href="mailto:marchand@thedpc.org">marchand@thedpc.org</a>
Laura Kaloi, National Center for Learning Disabilities	703.476.4894	<a href="mailto:lkaloi@nclld.org">lkaloi@nclld.org</a>
Jane West, Higher Education Consortium for Special Education and the Teacher Education Division of the Council for Exceptional Children	202.293.2450	<a href="mailto:jwest@aacte.org">jwest@aacte.org</a>