



5 Reasons Why Sen. Alexander's Education Bill Fails Students with Disabilities

February 2, 2015

Earlier this month, Sen. Lamar Alexander (R-TN) proposed a bill to reauthorize the Elementary and Secondary Education Act, or ESEA.¹ The ESEA is seven years overdue for a reauthorization. The process presents an opportunity to improve U.S. school systems for students with disabilities, or SWD. Unfortunately, Sen. Alexander's proposal fails to seize this opportunity. Instead, it proposes to reduce parent access to reliable and valid information and devolves most decisions about school quality to states, which historically have not taken action to address deficiencies in school systems. Here are five reasons why Sen. Alexander's bill harms students with disabilities:

- 1. Allows low-performing schools to languish:** Sen. Alexander's bill essentially eliminates accountability for low-performing schools. In place of the rigorous system currently in operation, states could design and implement almost any system they want with no federal checks or guardrails. As a result, many students with disabilities would be forced to attend low-performing public schools without other viable school options.
- 2. Eliminates focus on a state's students with disabilities:** Sen. Alexander's bill removes the requirement that states set both achievement and graduation targets for SWD. As a result, underperforming SWD would continue to fall behind without an accountability system that incentivizes states and districts to close achievement gaps between subgroups of students. Currently, 19 percent of SWD do not graduate from high school,² and this percentage could increase significantly given that Sen. Alexander neglected to require specific targets for states.
- 3. Allows states to use alternative assessments for an unlimited number of students with disabilities:** Sen. Alexander's bill eliminates the current regulation that limits the use of alternative assessments to only students with severe cognitive disabilities—approximately 10 percent of SWD or 1 percent of all students.³ By permitting states to give any student with disabilities an alternative assessment, many SWD would not reach their full academic potential and would fail to graduate college and career ready.

4. **Prevents parents from making informed decisions about where to send their child to school:** In order for parents to know whether their children are on track to graduate from high school ready for college or career, they need access to objective annual information about how they are progressing. Sen. Alexander’s bill offers an option whereby states would have complete flexibility when it comes to deciding when and how to measure student progress. His bill also eliminates the requirement that states use the same assessments for all students. Without equivalent data across school districts, parents would be unable to compare school performance and make informed choices about where to send their children.
5. **Opens the door to significant budget cuts:** Sen. Alexander’s bill eliminates the ESEA’s “maintenance of effort,” or MOE, provision, which requires states to maintain approximately the same spending levels from year to year. Without the MOE provision, states would have free rein to underinvest in schools. As a result, many more students with disabilities would be likely to attend schools with inadequate resources, ineffective teachers, and larger class sizes in the early grades.

Endnotes

1 *Every Child Ready for College or Career Act of 2015*, forthcoming, 114 Cong. 1 sess., available at <http://www.help.senate.gov/imo/media/AEG15033.pdf>.

2 National Center for Learning Disabilities, “Home,” available at <http://www.nclld.org/> (last accessed January 2015).

3 Letter from Consortium for Citizens with Disabilities to Sen. Lamar Alexander, January 21, 2015, available at <http://blogs.edweek.org/edweek/speced/Consortium%20Disabilities%20ESEA%20letter.pdf>.