



December 11, 2017

U.S. House of Representatives  
2176 Rayburn House Office Building  
Washington, DC 20515

Dear Chair Foxx, Ranking Member Scott and Members of the Committee:

The National Center for Special Education in Charter Schools (NCSECS) is dedicated to ensuring that students with disabilities have equal access to charter schools and that charter schools are designed and operated to enable all students to succeed. NCSECS is a leader and partner with state charter authorizers, charter networks, and charter schools across the U.S.

We write today to inform the mark-up of the Promoting Real Opportunity, Success, and Prosperity through Education Reform Act (H.R. 4508). At this time, we cannot support the bill because it lacks important provisions integral to the long-term success of students with disabilities. Therefore, we encourage the committee to consider the following recommendations:

1. **Restore and enhance Title II.** A key barrier in Pre-K-12 and higher education that prevents many individuals, including students with disabilities, from earning academic credentials and gaining the necessary skills and knowledge needed to succeed in higher education and the workforce, is the shortage of high quality general and special education teachers. To solve this problem, teacher training pipelines such as the ones established through Title II of the HEA, that generate high quality teachers and provide ongoing professional development are greatly needed. Such teacher training programs should utilize evidence-based and effective approaches such as Multi-Tiered System of Supports (MTSS) and Universal Design for Learning (UDL) into their preparation programs. Using these and other evidence-based approaches allows teachers to cater to diverse learners, and create opportunities for students with disabilities to transition to post-secondary education.

NCSECS believes a reauthorization of the HEA provides a crucial opportunity to strengthen teacher preparation programs for traditional and charter schools. Teachers require multi-faceted training programs, such as MTSS and UDL to increase access to inclusive classrooms and support the learning needs of all learners. Rather than enhance these programs H.R. 4508 eliminates incentives for such programs. NCSECS strongly urges the Committee to reconsider this approach and preserve Title II.

2. **Eliminate the safe harbor provision of the AIM HIGH Act (H.R. 1772).** Through its safe harbor provision, AIM HIGH gives colleges and universities a free pass on compliance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 when complying with the voluntary guidelines, and it exempts colleges from any monetary damages if they provide accessible material not in compliance with the guidelines. NCSECS does not support safe harbor provisions exempting entities from the requirements of federal law.

3. **Include key bills that improve the status of students with disabilities.** This year, two bills were introduced that were intentionally written to increase transition to post-secondary education and the success of students with disabilities once matriculated.
- The Respond, Innovate, Succeed, and Empower (RISE) Act (H.R. 2782) requires institutions of higher education to support students with disabilities through providing faculty training and other technical assistance, expanding UDL for colleges and universities and distance learning programs; and, improving data collection and closed captioning training.
  - The Improving Access to Higher Education Act (H.R. 3199) would increase funding for a technical assistance center that provides students and families information on disability services available in institutions of higher education; offer college and university faculty training and resources on best practices to support students with disabilities; require colleges and universities to accept an Individualized Education Program (IEP), 504 plan or prior evaluation as documentation of a student's disability when seeking accommodations in college; and require data collection efforts that provide better information for students and their families about available student support services.

The reauthorization of HEA must assure that teacher training programs are able to provide teacher candidates with the preservice educational practices such as UDL, MTSS and others that will benefit students with disabilities attending charter schools. Providing differentiated supports to students with diverse learning needs depends on hiring skilled employees who not only understand special education law, but also understand how to accommodate individual students' needs as required by law. The HEA must also promote and protect individual student rights under the ADA and Section 504.

On behalf of NCSECS, thank you for considering the above recommendations. We encourage the committee to develop a reauthorized HEA which would enable teachers to be better prepared to foster learning for the diverse learning needs of students and to ensure students with disabilities can successfully matriculate into post-secondary education and graduate prepared to go to work.

Sincerely,



Lauren Morando Rhim, Ph.D.  
Executive Director

**NCSECS.ORG**  
National Center for Special Education in Charter Schools