



National Center *for* Learning Disabilities

Statement of James H. Wendorf
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On the *Student Success* and *Encouraging Innovation and Effective Teachers* Acts (House Republican Draft ESEA bills)

The draft Elementary and Secondary Education Act bills released by Chairman Kline represent a full retreat from accountability for students with disabilities and other disadvantaged children. While NCLD commends the Committee for signaling its interest in bringing much needed change to No Child Left Behind, these bills jeopardize the academic progress made by students with disabilities over the past decade. Due to these shortcomings, NCLD strongly opposes passage of this legislation in Committee and the U.S. House of Representatives.

Chief among NCLD's concerns is that the bills fail to focus on closing the destructive achievement gaps that impact students with disabilities and other disadvantaged students. Even with its imperfections, NCLB has compelled schools to focus on whether students with disabilities were learning and achieving. Rather than require schools to address these issues, the bills retreat from setting performance goals for students and do not require any meaningful instructional interventions and supports for struggling students. The Student Success Act would turn all accountability over to the States, turning back the clock to a time when students with disabilities were not expected to graduate high school or attend college.

The Student Success Act would radically reduce high expectations for students with disabilities. The bill would eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments take students off track for a regular diploma. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the bill virtually encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

Both bills also consolidate numerous critical Federal education initiatives, extinguishing literacy and other key focuses designed to help struggling students. Worse yet, the Encouraging Innovation and Effective Teachers Act, through a block grant authority, would allow Federal education funds to be used for an unproven and risky private school voucher scheme. Vouchers would squander scarce Federal resources while terminating the right of students with disabilities to a free appropriate public education.

Lastly, while the Encouraging Innovation and Effective Teachers Act has a much needed focus on evaluation of teachers, it fails to include principals. Principals are key to the success of the students in their school. In order to improve instruction in our schools and increase learning, both teachers and principals need to be evaluated using multiple measures and evidence of student achievement. Unfortunately, like other aspects of this legislation, the bill falls short in this area.

As the process continues, NCLD urges the Committee to rethink the major components of this legislation. Just as school accountability has begun to make the difference for students with disabilities, now is not the time to turn back the clock on our children.

NCLD's mission is to ensure success for all individuals with learning disabilities in school, at work and in life. We:

- Connect parents and others with resources, guidance and support so they can advocate effectively for their children.
- Deliver evidence-based tools, resources and professional development to educators to improve student outcomes.
- Develop policies and engage advocates to strengthen educational rights and opportunities.

NATIONAL CENTER FOR LEARNING DISABILITIES, INC.

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