



Embargoed Until April 18, 2016

Disability Groups Call for Regulation on Alternate Assessment

Statement by the Consortium for Citizens with Disabilities Education Taskforce on the final session of the Negotiated Rulemaking Committee of the Every Student Succeeds Act.

Washington, DC – The Consortium for Citizens with Disabilities, the nation’s largest coalition of organizations advocating on behalf of the nation’s 6.5 million students with disabilities, is calling on the U.S. Department of Education to ensure the intent of Congress is carried out by providing meaningful regulations on the assessment provisions within the Every Student Succeeds Act.

When Congress passed the bipartisan Every Student Succeeds Act, signed into law in December 2015, it included a provision limiting the use of the alternate assessment based on alternate academic achievement standards to only students with the most significant cognitive disabilities. Those students comprise up to 1 percent of the total student population in each state.

In establishing this limitation, Congress recognized that while the alternate assessment is appropriate for students with the most significant cognitive disabilities, if students are inappropriately given the alternate assessment they are less likely to graduate with a regular high school diploma or access to postsecondary programs, both of which lead to fewer employment options.

Now, as the ESSA negotiated rulemaking committee prepares for its final meeting to discuss how to implement the law’s alternate assessment requirements, it is critical that states, school districts and, most importantly, parents and students have confidence that the U.S. Department of Education will issue regulations that ensure the alternate assessment is implemented consistently across states. This will require the Department to issue regulations that not only provide clarity on key terms, such as ‘students with the most significant cognitive disabilities,’ but that also describe the process school districts and states must follow if they have reason to exceed the 1 percent cap, in limited circumstances.

Through the Every Student Succeeds Act, Congress was clear in its intent to reserve the alternate assessment for only the 1 percent of students who have the most significant cognitive disabilities. Now, it’s the role of the Department to issue regulations that will ensure full and consistent implementation to assure students with disabilities are fully considered under the new law.

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The Consortium for Citizens with Disabilities is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society.