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**TESTIMONY  
ON THE REAUTHORIZATION  
OF  
THE ELEMENTARY AND SECONDARY EDUCATION ACT**

**Before  
The Committee on Education and Labor  
United States House of Representatives**

**September 10, 2007**

**Presented by:**

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Learning Disabilities Association of America**

Mr. Chairman and members of the Committee, the Learning Disabilities Association of America (LDA) appreciates the opportunity to provide comments on the discussion draft of Title I of the Elementary and Secondary Education Act. LDA is a national volunteer organization representing individuals with learning disabilities, their families, and the professionals who serve them. Our members have worked for more than 40 years to ensure that children with learning disabilities have access to the general education curriculum and receive the supports they need to be successful in school.

I would like to begin by thanking the Chairman, Committee members, and staff for their hard work in delivering what LDA believes is a strong start to the reauthorization process. Overall, we are pleased with many of the elements of the discussion draft and encourage the Committee to continue to work thoughtfully and deliberately, using the practical input from all interested parties.

While LDA has broad interest in all aspects of the law, in my brief time today I would like to comment on three specific items affecting students with learning disabilities:

- States' option to adopt modified academic achievement standards;
- Allowance of the use of multiple indicators to determine adequate yearly progress; and,
- Acknowledgement and use of research-based instruction and interventions, early

intervening services, and school-wide positive behavioral interventions and supports.

1. Modified Achievement Standards: Students with learning disabilities span the academic achievement spectrum. Many are able to complete grade level work within the normal school year and successfully participate, with or without accommodations, on the regular state assessments. However, for other students with learning disabilities, the rate of learning is slower and may require additional time to complete grade level work.

LDA supports challenging academic achievement standards and the option for States to adopt modified academic achievement standards for students with disabilities as necessary. That said, it will be critically important that States comply with the draft requirement to "establish and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining which students with disabilities" should be assessed based on modified standards. This provision could be strengthened by adding specific language requiring the U.S. Department of Education to provide technical assistance to States in the development of these guidelines. We view, as the greatest challenge to States' implementation, the determination of *which* students should be appropriately assessed based on these standards.

We also commend the Committee for requiring that the Secretary engage in further study, review and disseminate the results of current research, and provide ongoing information to Congress on the challenges of appropriately assessing students with disabilities. LDA recognizes that development of modified standards is an emerging area that requires more research and resources. We would welcome any additional language on research specific to developing modified achievement standards.

2. Use of Multiple Indicators: As noted earlier, students with learning disabilities, by virtue of those disabilities, do not always respond to the standard methods of instruction or assessment. In fact, students *without* learning disabilities have varied learning styles, as well. Therefore, LDA supports the use of multiple measures of achievement to ensure that all students are given adequate opportunities to demonstrate proficiency without lowering expectations for learning.

While we applaud the Committee's inclusion of multiple indicators for determining AYP, we would ask that you consider broadening the list of allowable indicators, focusing less on single test results to determine proficiency and focusing more on individual student progress.

Multiple measures of student achievement, using various methods of assessment, provide a more accurate picture of a student's strengths and weaknesses than a single score on a standardized test. Understanding these strengths and weaknesses is essential to addressing the educational needs of students with learning disabilities. However, care must be taken to ensure such use of multiple measures – for the purposes of AYP – does not have the unintended consequences of more testing burdens, rather than the more positive result of improving instruction.

3. Response to Intervention (RTI), Early Intervening Services (EIS), and Positive Behavioral Supports (PBS): LDA approached the inclusion of RTI and EIS in the 2004 reauthorization of the Individuals with Disabilities Education Act with some trepidation, since these interventions are focused specifically on students in general education, rather than students identified as needing special education. LDA supports the use of tiered interventions and early intervening services to assist struggling students and believes that these interventions rightly belong in the ESEA. We are particularly pleased, under the Local Plan provisions, that local districts must describe how assessment results will be used to provide research-based interventions, drawing a direct link between assessment and improved instruction.

LDA also strongly supports the use of positive behavioral supports and interventions. There is a considerable body of research demonstrating that improving the overall climate for learning, as well as addressing individual barriers to learning beyond purely cognitive factors, produces higher achievement. Often students with and without learning disabilities have co-occurring emotional and behavioral problems, resulting from academic frustrations. Attention to non-academic supports is critical for all students in meeting the academic achievement standards.

Finally, LDA appreciates the Committee's acknowledgement of the importance of ensuring that all students leave school ready for college or to enter the workforce with marketable skills. We would urge the Committee to include more language on transition planning, so that adequate and timely planning occurs to assist students in meeting their postsecondary goals. Strong transition planning would ensure that students are enrolled in appropriate courses, would expand their understanding of options for study, including more career and technical education options, and ensure that students clearly understand the ramifications of postsecondary planning.

Thank you for the opportunity to share these comments with you. We look forward to working with you throughout the reauthorization process.