

Isakson Amendment Discriminates Against Students with Disabilities

It is expected that **Senator Isakson** (R-GA) will offer an amendment during HELP Committee consideration of the Elementary and Secondary Education Reauthorization Act of 2011 that would allow schools to discriminate against student with disabilities by significantly lowering the academic expectations for students with disabilities. We urge you to join us in helping to defeat this amendment.

Under current law and regulations, States have established a set of assessments and modified (lower) standards for children with disabilities who are supposedly not able to achieve based on regular assessments and standards. This is commonly referred to as the 2% regulation. Under the Elementary and Secondary Education Act, States presently are permitted to only use a limited amount of these assessment *results* in their accountability systems, the results of approximately 20% of students with disabilities. There is also a similar regulation for students with the most significant cognitive disabilities which also limits the number of students assessed for accountability purposes to approximately 10% of students with disabilities. This is commonly referred to as the 1% regulation. These assessments dramatically lower expectations for students, seriously compromising their ability to be ready for a career or college upon exiting high school.

The anticipated Isakson amendment would remove the 1 and 2 percent limits on how many students with disabilities can be counted as making adequate results or sufficient progress using these two less challenging systems of standards and assessments. **This amendment would allow schools to take millions of students with disabilities off track for a regular high school diploma as early as 3rd grade when assessment decisions are made in schools, relegating them to lower career and college expectations—simply because they receive special education services.**

Low Expectations are Self-Fulfilling

*“While most staff members were able to describe or demonstrate a clear process for determining which assessments students with disabilities should take, they also consistently indicated that **if they had any doubts that a student in question might not perform well on the general assessment (TAKS) or the general assessment with accommodations (TAKS-Accommodated), they assigned that student to the TAKS-M (modified)**. In other words, the default decision-making was not based on an assumption of capability but rather on one of incapability.” – ‘Review of Special Education in the Houston Independent School District,’ commenting on modified assessments*

- The Isakson amendment **unleashes States and school districts to officially marginalize** every student with a disability (and their academic potential), and expect less of them by virtue of having a disability.
- The Isakson amendment **INCORRECTLY promotes that most students with disabilities can’t learn or achieve** when most students with disabilities are able to learn and achieve, just like all other students, when provided appropriate services and supports.
- The Isakson amendment **promotes abuse and overuse of alternate assessments by allowing any student with a disability to be tested through these assessments**.
- The Isakson amendment will **turn back the clock** on the advances made in educating students with disabilities over the past 10 years:
 - Most students with disabilities taking the general state assessment
 - Improved results in reading and math
 - Increased graduation from high school and higher college attendance rates
- The Isakson amendment directly conflicts with the U.S. Department of Education’s package of ESEA flexibility waivers which require States to phase out the modified 2% assessments over the next few years.