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August 27, 2009

The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Race to the Top Fund – Notice of Proposed Priorities, Requirements, Definitions and Selection Criteria Docket ID ED-2009-OESE-0006

The Learning Disabilities Association of America (LDA) is pleased to offer the following comments in response to the Notice of Proposed Priorities, Requirements, Definitions and Selection Criteria (*Fed. Register*, July 29, 2009) on the Race to the Top Fund. LDA, a national volunteer organization representing individuals with learning disabilities, their families, and the professionals who serve them, has worked for more than 40 years to ensure that children with learning disabilities are properly identified and receive the services they need to be successful in school and to meet their postsecondary goals.

LDA offers the following comments on the definition of *student achievement* (p. 37811):

As an example of an alternative measure of student performance for non-tested grades and subjects (subpara. b), the proposed definition cites "rates at which students meet goals in individualized education programs." **LDA strongly urges the Department to remove the phrase "rates at which students meet goals in individualized education programs" from the list of examples under the proposed definition of *student achievement*.**

LDA has extremely serious concerns about any attempts to allow the use of the Individualized Education Program (IEP) as the accountability tool for measuring performance of students with disabilities. We strongly believe that a move to use the IEP for this purpose would be a major step backward in the effort to ensure that *all* students are challenged and taught to high standards and to hold states equally accountable for the progress of *all* students.

For the following reasons, LDA would strongly oppose any efforts to include the IEP in the list of examples or otherwise suggest that the IEP could be used as the accountability tool for students with disabilities.

1. The IEP lists goals – and the services and supports needed to achieve those goals – that are designed to enable the student to "be involved and make progress in the general education curriculum." In other words, the IEP *is not the curriculum* for that student, but rather the means to access the general curriculum. IEP goals do not have to correlate with state academic content standards, but, again, are designed to provide supports for students to participate and learn to those standards.

2. Of even greater importance is the fact that the majority of students with learning disabilities have the capacity, given the appropriate accommodations and supports, to meet state academic content and achievement standards. In fact, using the IEP as the performance measure would amount to decreasing the rigor and the high standards that ESEA has established for all students.

Thank you for the opportunity to comment. Questions concerning our comments may be directed to Myrna Mandlawitz, Public Policy Director, at 202-686-1637 or mandlawitz@verizon.net.