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**The Facts: Ensuring Students With Disabilities Achieve Academic Success**

*The standards-based reform movement of the past 15 years has had significant effects on students with disabilities.* Educators recognize that nearly all students with disabilities are capable of achieving at high levels and they are being held increasingly accountable for improving the achievement of students with disabilities. However, improvements in accountability provisions have not been enough to ensure that students with disabilities achieve at the level necessary to graduate from high school fully prepared to succeed as adults. For example, in 2005, only 6 percent of eighth graders with disabilities performed at the proficient level or above on the National Assessment of Educational Progress (NAEP) in reading, compared with 33 percent of eighth graders without disabilities (National Center for Education Statistics 2005).

*Prior to 1990, students with disabilities were evaluated individually based on expectations defined by their Individualized Education Programs (IEPs).* Since then, the Improving America's Schools Act (IASA) of 1994 and the Individuals with Disabilities Education Act (IDEA) of 1997 have directed states to develop common standards that would apply to *all* students, ensuring that students with disabilities are included in assessments and accountability systems. Despite the requirements of IASA and IDEA, few states considered the performance of students with disabilities in assessing school performance and few reported such data to the public. In 2001, when the No Child Left Behind Act (NCLB) was implemented, states, districts and schools provided greater attention and instructional support to students with disabilities; however, there is still much work to be done to close the gap between students with disabilities and their non-disabled peers.

*Since the passage of NCLB, some have contended that schools that were otherwise high-performing did not make adequate yearly progress (AYP) solely because of the performance of their students with disabilities subgroup.* In fact, Commission research found that large numbers of schools did not even have to report the performance of students with disabilities because the group fell below the state N-size (the state-set minimum number of students required for subgroup accountability), and for those that did, very few did not make AYP solely because of the performance of students with disabilities. In California, for example, only 28 schools did not make AYP because of the performance of students with disabilities alone—accounting for 1 percent of all schools in the state that did not make AYP and about 0.4 percent of the total number of schools in California. Other states, including Florida, had similar results to California. Of the schools in Florida that did not make AYP, only 2 percent were solely as a result of the performance of students with disabilities—accounting for 0.7 percent of the total number of schools in Florida. The Commission has conducted an in-depth research report on this key component of accountability. View the report, “Children with Disabilities and LEP Students: Their Impact on the AYP Determinations of Schools,” at:

***In practice, states have allowed schools to omit significant numbers of students by setting large N-sizes for calculating subgroup performance.*** Used appropriately, these measures are needed to maintain statistical reliability and protect student privacy, but they can be—and have been—abused. As a result, large numbers of schools have not been held accountable for the performance of significant numbers of students. In addition, the procedures for including students with disabilities in AYP calculations need to be clearer to ensure that students are treated fairly and that these students are held to high standards—and that schools are accountable for their achievement. Appropriately including students with disabilities in accountability systems will help ensure that they receive the proper instruction and assessment needed to reach their goals.

### **The Recommendations: NCLB Should Provide Much-Needed Support to Help Students With Disabilities Succeed**

***Hold schools accountable for the achievement of all students by restricting the N-size to no more than 20 students.*** We recommend that the U.S. Secretary of Education have waiver authority to increase the maximum N-size to 30 students in cases where states can justify such a number. These policies would uphold statistical accuracy and protect privacy while closing loopholes and ending abuse.

***Improve the accuracy and fairness of AYP by allowing states to include achievement growth in AYP calculations.*** The nation has a responsibility to ensure that every child achieves at proficient levels linked to high standards. At the same time, we cannot ignore the significant progress made by some schools in raising student achievement, even if they are not yet at proficiency. Growth calculations would enable schools to receive credit for students who are on track to becoming proficient within three years, based on the growth trajectory of their assessment scores, when making AYP determinations.

***Improve the rules for including students with disabilities in AYP calculations.*** Specifically, we recommend maintaining the U.S. Department of Education’s (U.S. DOE) policy of allowing 1 percent of students in a state, those with severe cognitive disabilities, to be assessed against alternate achievement standards using alternate assessments. However, we recommend amending the U.S. DOE’s proposed policy allowing an additional 2 percent of students in a state to be assessed with “modified achievement standards” by reducing the cap to 1 percent. The Commission could not find sufficient evidence to support a 2 percent cap in this policy and believes strongly that we should use an abundance of caution when exempting students from accountability systems.

***Strengthen the procedures used for determining which students are included in these IEP categories and improving the tools and training available for IEP teams to make those decisions.*** Under current implementation, a student’s IEP team determines whether the student should be eligible to be assessed with alternate or modified achievement standards. Under our recommendations, the U.S. DOE, not just states, must issue guidelines on the proper process for selecting appropriate assessments, and states and districts must train IEP teams in the use of such guidelines. In addition, district officials must monitor the implementation of the policy to ensure that it is being applied uniformly in all schools.

***Maintain existing federal support (nearly \$400 million) for assessment development and re-target those funds to several new priorities.*** New assessment priorities should include: creating and implementing high quality alternate assessments for students with disabilities and English language learners, upgrading test delivery and scoring technology, and other needed improvements.

***Ensure that all children receive effective instruction so that they can achieve.*** The Commission recommends a change in NCLB's teacher quality focus from credentials to effectiveness. Instead of being evaluated only by their requirements for entry into the teaching profession such as certification and licensure, teachers should have the opportunity to demonstrate their effectiveness in the classroom. We recommend that teachers who produce learning gains for students and receive a positive principal evaluation or peer review be recognized as "Highly Qualified *Effective* Teachers (HQET)." The teachers that struggle initially should have access to extra help with quality professional development, targeted to their needs and designed to help them reach the effectiveness standard. This system would ensure that limited professional development and training dollars are spent effectively, too.