

7 Million Students with Disabilities Need No Child Left Behind

For too long this nation's students with disabilities have been overlooked, under taught, and left out. The No Child Left Behind Act of 2001 shone a bright light on the persistent underachievement of important subgroups of students and only then did educators begin to focus long needed attention on achievement of students with identified disabilities.

No Child Left Behind has finally brought students with disabilities into state and district-wide assessments. Despite a requirement added to the Individuals with Disabilities Education Act (IDEA) in *the 1997 amendments* requiring all students with disabilities to be included in state and district-wide assessments, it was not until the passage of NCLB that schools, school districts, and states finally began to include all students in the state's accountability system, to teach them what they have a right to learn and to report their performance.

With these requirements have come the development of accommodation policies that make it possible for students with disabilities to demonstrate what they have learned as well as alternate assessments based on alternate standards for those few students with cognitive disabilities that preclude them from attaining grade-level standards. Still, we have miles to go in developing universally designed tests, appropriate alternate assessments, and technically sound, well administered testing accommodations for those students with disabilities who need them.

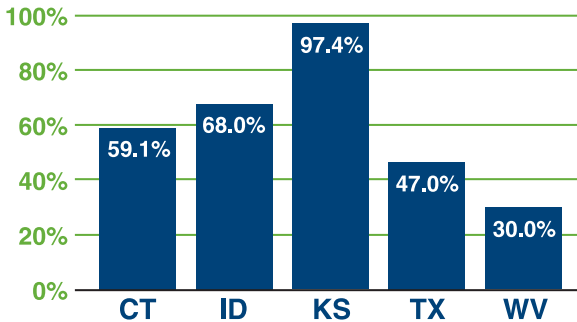
No Child Left Behind has made schools accountable for ensuring that students with disabilities have access to a challenging curriculum.

For at least 10 years IDEA has required all eligible students to be provided an individualized education program (IEP) designed to meet their instructional needs and enable

them to make progress in the general education curriculum. Yet, not until NCLB required schools and school districts to disaggregate the performance of students with disabilities did access to the same challenging academic content begin to become a reality. Still, challenges remain, particularly the unacceptably high percentage of schools that are allowed to escape publicly reporting the performance of students with disabilities because of unreasonably high minimum “n” sizes, often coupled with the use of confidence intervals.

Left Behind

Percentage of Students with Disabilities participating in general assessments, School Year 2000-2001



Source: National Center on Educational Outcomes (www.NCEO.info)

No Child Left Behind has addressed the lack of highly qualified teachers.

Despite years of federal investments in research on effective instructional practices, teacher recruitment, pre-service and in-service training, and assistive technology, not until the NCLB requirements for highly qualified teachers were amendments providing for highly qualified special education teachers added to IDEA 2004, ensuring that students with disabilities would receive instruction from both regular and special educators who have academic content knowledge in the field they are teaching. Still, for the achievement gap to be narrowed, much remains to be accomplished in promoting higher expectations for students with disabilities and implementing evidence-based teaching and instructional practices through effective and ongoing professional development.

- Roughly 10 percent of special education positions nationally — 39,140 positions — are filled by uncertified personnel who serve approximately 600,000 students with disabilities.

Source: SPeNSE, Study of Personnel Needs in Special Education 2002

- Only 57 percent of special education teachers say they are “very” familiar with their state’s academic content for the subjects they teach.

Source: Quality Counts 2004: Count Me In, Education Week 2004



“Although there is substantial evidence of States’ uneven commitment to students with disabilities learning to high standards, today there is no dispute that these students have rights under Title I of the Elementary and Secondary Education Act, as reauthorized and amended by NCLB, and the IDEA Amendments of 2004, and Section 504 to instruction designed to help them meet the same high state standards expected for all students.”

*Kathleen Boundy, Esq.
Co-Director, Center for Law and
Education, Boston, MA*

Data reported during the past five years indicates that students with disabilities were left behind or not considered in the effort to raise standards and improve instruction in our nation's public schools:

- Nearly 38 percent of students with disabilities ages 14 and older dropped out of school during the 2001-2002 school year. Only 51 percent graduated with a standard diploma in the same year.

Source: 26th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2004

- Only 35 states and the District of Columbia require schools or district report cards to include information separately on the test participation rates and performance of students with disabilities. Few states – seven and 15 respectively – require schools or districts to

report dropout and graduation rates separately for students in special education.

Source: Quality Counts 2004: Count Me In, Education Week 2004

- Grades given to secondary school students with disabilities have been found to have no correlation to real academic functioning, misleading parents about how their child is actually performing.

Source: Youth with Disabilities: The Achievements of Youth with Disabilities During Secondary School. Reports from the National Longitudinal Transition Study-2 (NLTS2) 2003



LARRY LEARNS THE HARD WAY THAT SCHOOL AND THE REAL WORLD DON'T ALWAYS SEE SUCCESS THE SAME WAY.

Reprinted with permission: Giangreco, M.F. (1998). *Ants in his pants: Absurdities and realities of special education*. Minnetonka, MN: Peytral Publications www.peytral.com

Even with the passage of No Child Left Behind and corresponding amendments to the Individuals with Disabilities Education Act in 2004, children with disabilities are most certainly left behind and affected by the lack of expectations they face in their schools:

- Only one-fifth of teachers think that “all” or “most” of their special education students can score at the proficient level on state exams.

Source: Quality Counts 2004: Count Me In, Education Week 2004

- The vast majority, 86 percent, of teachers feel that it is “unfair” to evaluate special education students on how well they master academic content standards based on test scores. Eighty-nine percent feel it is unfair to teachers to be evaluated on how well IEP students score on state tests.

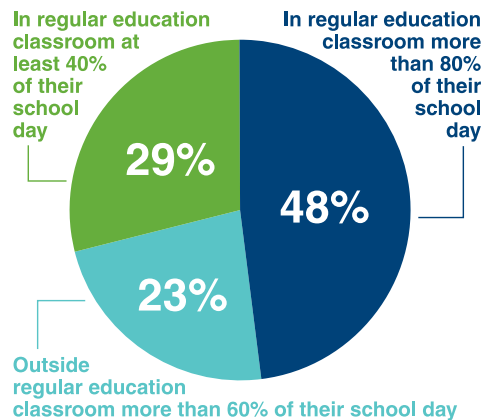
Source: Quality Counts 2004: Count Me In, Education Week 2004

- Only seven states require that the IEPs of students with disabilities address state academic content standards.

Source: Quality Counts 2004: Count Me In, Education Week 2004

Under NCLB’s “accountability” provisions school districts and individual schools must make what the Act terms “adequate yearly progress” (AYP) towards ensuring that all students achieve at least a “proficient” level on state assessments in reading and math by the 2014-2015 school year. Each state sets the standard for what constitutes “proficient,” and defines “adequate yearly progress,” per certain

Where Students with Disabilities Spend Their School Day



Source: 26th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (2004)

requirements set out in NCLB and approved by the U.S. Department of Education. To exclude students with disabilities from being included in the determination of AYP as required by NCLB, or to marginalize their participation by alternate measures, would constitute a violation of their civil rights under Section 504 of the Rehabilitation Act.



“Overall, we were left with the strong impression that NCLB has resulted in a much higher awareness of and focus on the achievement of students with disabilities.”

*Beyond NCLB: Fulfilling the Promise to Our Nation's Children, Pg. 67
The Commission on No Child Left Behind, Aspen Institute, 2007*

Children with disabilities, including those students with significant disabilities, are making progress under No Child Left Behind.

The challenge for these children, their families, and the advocates who are allied with them will be to ensure that our nation's education leaders view the education of students with disabilities to high

academic standards as an opportunity and a shared goal. As Congress prepares to examine and reauthorize NCLB, it is encouraged to stay the course on accountability for students with disabilities.

What's Working

A study of schools in Massachusetts identified eleven practices that support the educational achievement of students with special needs:

1. A Pervasive Emphasis on Curriculum Alignment with the MA Frameworks
2. Effective Systems to Support Curriculum Alignment
3. Emphasis on Inclusion and Access to the Curriculum
4. Culture and Practices that Support High Standards and Student Achievement
5. A Well Disciplined Academic and Social Environment
6. Use of Student Assessment Data to Inform Decision-Making
7. Unified Practice Supported by Targeted Professional Development
8. Access to Resources to Support Key Initiatives
9. Effective Staff Recruitment, Retention, and Deployment
10. Flexible Leaders and Staff that Work Effectively in a Dynamic Environment
11. Effective Leadership is Essential to Success

Source: A Study of MCAS Achievement and Promising Practices in Urban Special Education, UMAS Donohue Institute, 2004



“Accelerated growth toward, and mastery of State-approved grade-level standards are goals of special education.”

*U.S. Department of Education,
71 Federal Register, pg. 46,653*



The *Advocacy*
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P.O. Box 565 Marshall, Virginia 20116 Phone 540.364.0051
www.AdvocacyInstitute.org Email: info@AdvocacyInstitute.org

March 2007