

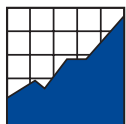
**NCLB and IDEA:**

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# What Parents

**of Students  
with Disabilities**

**Need to**



NATIONAL  
CENTER ON  
EDUCATIONAL  
OUTCOMES

***In collaboration with:***

Council of Chief State School Officers (CCSSO)  
National Association of State Directors of Special Education (NASDSE)

***Supported by:***

U.S. Office of Special Education Programs

# **NCLB and IDEA: What Parents of Students with Disabilities Need to Know and Do**

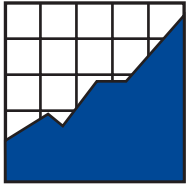
Candace Cortiella  
*The Advocacy Institute*

**August 2006**

Deb Tanner, publication design

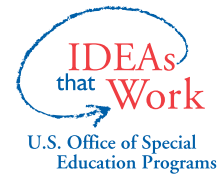
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## Overview

**The No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Act (IDEA) are two of the nation’s most important federal laws relating to the education of children. While NCLB seeks to improve the education of all children—with an emphasis on children from low-income families—IDEA focuses on the individual child and seeks to ensure specialized services for children with disabilities so that they may benefit from education.**

**Lately, these two laws have taken on new importance to parents of students with disabilities. NCLB provisions apply to all students, including those whose disabilities require special education. So it’s important that parents understand the requirements of NCLB. IDEA, in its latest update by Congress, has been more closely aligned with NCLB, making it equally important that parents become familiar with the ways the two laws have been positioned to work together to improve academic achievement of students with disabilities.**

# What is the No Child Left Behind Act (NCLB)?

The No Child Left Behind Act (NCLB) is the latest version of the Elementary and Secondary Education Act (ESEA), the nation's major federal law related to education in grades pre-kindergarten through high school. Congress first passed the ESEA in 1965 as part of the nation's war on poverty. The centerpiece of the ESEA, Title I, was designed to improve achievement among the nation's poor and disadvantaged students.

When NCLB was signed into law in 2002, it ushered in some of the most sweeping changes the American educational system has seen in decades. New requirements introduced in NCLB were intended to increase the quality and effectiveness not only of the Title I program, but of the entire elementary and secondary education system—raising the achievement of all students, particularly those with the lowest achievement levels.

NCLB is built on four basic principles:

- Accountability for results
- An emphasis on doing what works based on scientific research
- Expanded parental involvement and options
- Expanded local control and flexibility

Building on the standards-based reform efforts put into place under the previous version of ESEA, NCLB seeks to:

- Raise the academic achievement of all students
- Close the achievement gap between groups of students that historically perform poorly and their higher performing peers

**The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.**

*No Child Left Behind Act of 2001*

## What All States Must Do

NCLB requires all states that accept Title I funds to bring all students to a proficient level in reading and math by 2014. To achieve that goal, every state is required to:

- Develop challenging academic standards that are the same for every student
- Develop annual academic assessments for all students
- Ensure that there is a highly qualified teacher in every classroom
- Define the amount of academic progress that school districts and schools must achieve each year in order to reach the proficiency goal by 2014
- Ensure that schools and school districts test at least 95 percent of all students
- Determine a minimum size for required subgroups of students to be included in yearly progress calculations, based on technical considerations

**Title I programs serve 16.5 million school children. Currently all states accept Title I funds. Almost all school districts and 55 percent of all public schools accept funds through a Title I grant. Federal funding for Title I programs was almost \$13 billion in 2006.**

- Ensure the availability of reasonable adaptations and accommodations for students with disabilities
- Produce an annual statewide Report Card of performance and make the report available to the public

Annual statewide assessments (or tests) of student progress are the centerpiece of the accountability principle of NCLB. Data from these assessments, combined with other important indicators, are used to determine if schools and school districts achieve adequate yearly progress (AYP).

### **NCLB: The bottom line**

All provisions contained in NCLB are designed to hold schools, school districts, and states accountable for student achievement. By requiring that all students in the required grades participate in assessments of reading/language arts and math, schools are graded on how well students are learning the knowledge and skills defined by the content standards. By requiring that the performance of certain groups of students (subgroups) is reported, schools' grades are based on how well these particular groups of students are learning—not just the total school population. This approach holds schools accountable for the learning of all students.

Nothing in NCLB requires or even encourages states to attach “high-stakes” consequences to student achievement on large-scale assessments. Policies to make “high-stakes” decisions based on a student’s performance on a state or district-wide assessment (such as receiving a standard diploma or being promoted to the next grade) are made at the state or local level, generally by state legislatures, state boards of education, or local school boards.

**Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.**

*No Child Left Behind Act of 2001*

# What is the Individuals with Disabilities Education Act (IDEA)?

The Individuals with Disabilities Education Act (IDEA) is the federal law dealing with the education of children with disabilities. Congress first passed IDEA in 1975, recognizing the need to provide a federal law to help ensure that local schools would serve the educational needs of students with disabilities. The law originally passed was titled the Education for All Handicapped Children Act. That first special education law has undergone several updates over the past 30 years. In 1990 the law got a new name—the Individuals with Disabilities Education Act, or IDEA. The most recent version of IDEA was passed by Congress in 2004. It can be referred to as either IDEA 2004 or IDEA.

In updating IDEA in 2004, Congress found that the education of students with disabilities has been impeded by “low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning...” Significant changes to IDEA as well as a close alignment to NCLB are designed to provide students with disabilities access to high expectations and to the general education curriculum in the regular classroom, to the maximum extent possible, in order to “meet developmental goals and, to the extent possible, the challenging expectations that have been established for all children...”

**IDEA serves 6.1 million school age children and almost 1 million children ages birth to 5. Federal funding for IDEA was \$10.6 billion in 2006. These funds are distributed to all states to assist with the cost of providing special education services.**

**The purposes of this title are to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living....**

*Individuals with Disabilities Education Improvement Act of 2004*

## What All States Must Do

IDEA requires all states that accept IDEA funds to provide a free appropriate public education to all children with disabilities in the state. To achieve that goal, every state is required to:

- Establish a goal of providing full educational opportunity to all children with disabilities and a timetable for accomplishing that goal
- Identify, locate, and evaluate all children with disabilities residing in the state who are in need of special education and related services
- Ensure that all special education teachers are highly qualified
- Evaluate every child suspected of having a disability in accordance with the requirements of IDEA
- Annually develop an individualized education program (IEP) for each child with a disability
- Provide education services in the least restrictive environment—removing children from the regular education environment only when the nature or severity of their disability makes it necessary to do so



- Provide all procedural safeguards required by IDEA to children with disabilities and their parents
- Establish goals for the performance of children with disabilities that are the same as the state's definition of adequate yearly progress (AYP) and are consistent with any other goals and standards for children established by the state
- Include all children with disabilities in all general state and districtwide

assessment programs, including those assessments required by NCLB—students must be given appropriate accommodations and alternate assessments as indicated in their IEPs

The special education provided to children with disabilities must be specially designed instruction to meet the unique needs resulting from the child's disability and must enable the child to be involved and make progress in the general education curriculum.

**IDEA:  
The bottom  
line**

Requirements of IDEA are designed to ensure that all schools, school districts, and states provide a free appropriate public education to children with disabilities. IDEA focuses on the individual child—requiring the development of an individualized education program (IEP) outlining the specially designed instruction necessary to allow the child to participate and progress in the same curriculum as all children.

However, nothing in IDEA holds schools accountable for the progress and performance of children with disabilities. While IDEA allows parents to challenge the adequacy of special education services, the law does not contain any measures of total school performance for IDEA-eligible students, as is required by NCLB.

**State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.**

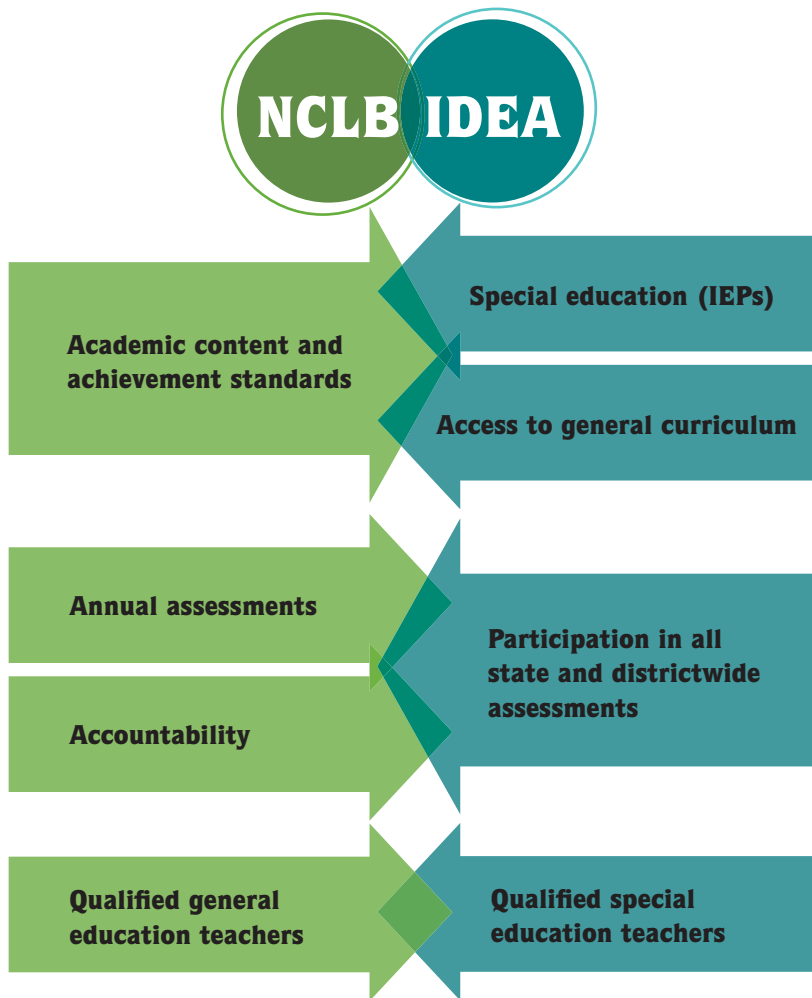
*Individuals with Disabilities Education Improvement Act of 2004*

# NCLB and IDEA: Better Together

Together, NCLB and IDEA provisions and requirements combine to provide both individualized instruction and school accountability for students with disabilities. The progress and performance of students with disabilities is now a shared responsibility of general and special education teachers. Enhanced accountability for students with disabilities has elevated them in the consciousness

of school, school district, and state level administrators. Never before have the nation's federal education laws been aligned to provide such powerful opportunities for children with disabilities.

To understand this powerful connection, let's look more closely at four key ways that NCLB and IDEA work together to improve the academic performance of students with disabilities.



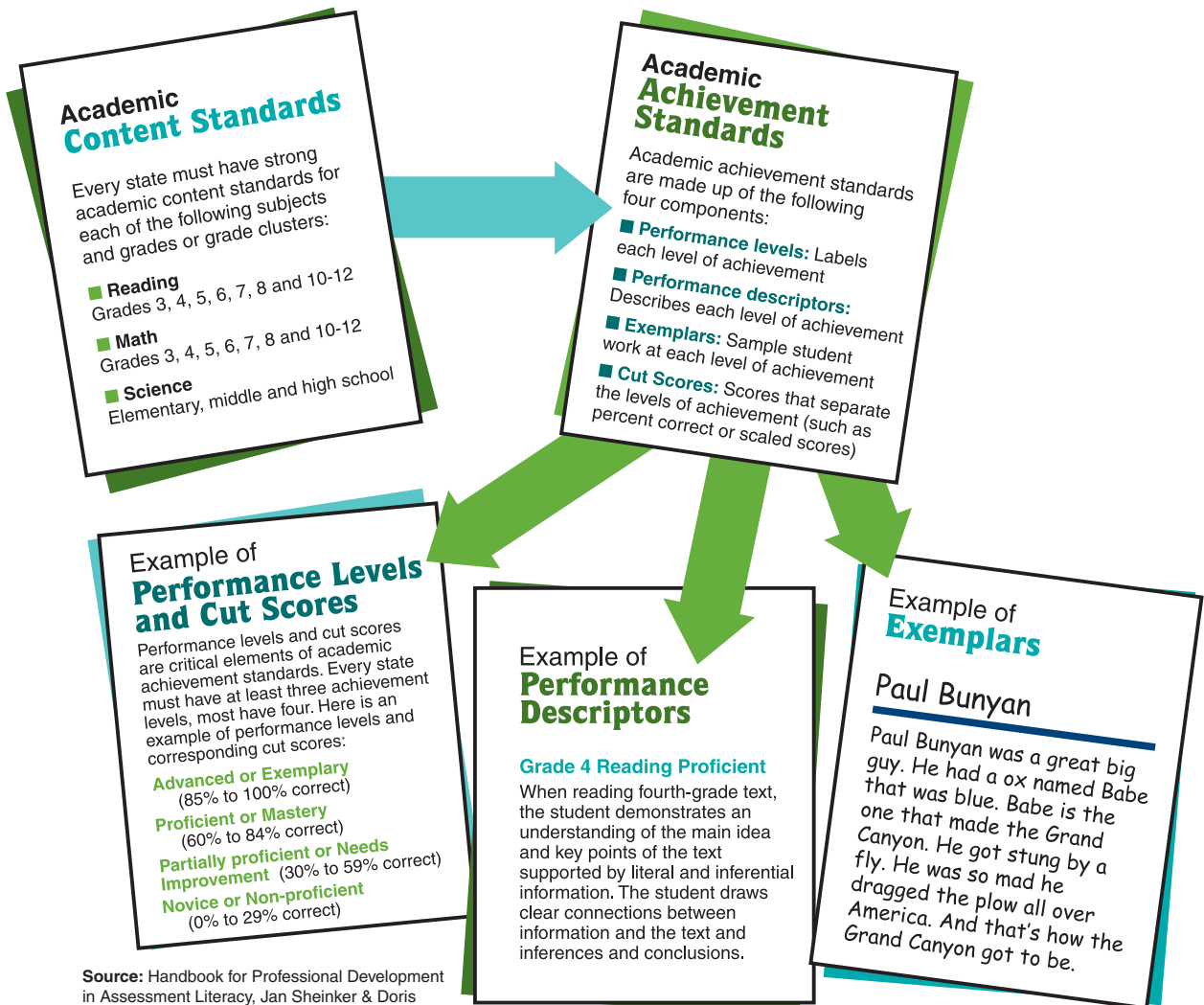
# Academic Content and Achievement Standards

## To Know

NCLB requires all states to have challenging academic content standards — what students need to know — and academic achievement standards — how well students need to know the content standards (see below for details). More importantly, NCLB requires that these content and achievement standards are the same for all students, including students with disabilities. It is this requirement that establishes high expectations for

all students regardless of the history of their performance.

IDEA requires all states to establish performance goals and indicators to promote the progress of students with disabilities. Every student must have an individualized education program (IEP) that outlines the special education services — specially designed instruction — and related services that will be needed for the student to access and progress in the



Source: Handbook for Professional Development in Assessment Literacy, Jan Sheinker & Doris Redfield (CD-ROM) (2001) CCSSO CAS-SCASS.



general education curriculum. In the case of reading/language arts and math, the general education curriculum is based on the challenging academic content standards each state has established as required by NCLB. While the IEP is a statement of what the student needs, it is not a performance document and doesn't guarantee educational progress.

NCLB's requirement for challenging academic content standards and achievement standards for all students must be aligned with IDEA's requirement to carefully plan the specially designed instruction each student with a disability needs to participate in the general curriculum and make progress toward proficiency. This alignment ensures that students with disabilities have the extra support they need to achieve the same high standards as other students.

The individualized education programs (IEPs) of students with disabilities should be connected to the state's academic content standards. This IEP linkage—sometimes called “standards-based IEPs”—ensures that students with disabilities are working toward the same state grade-level content and skills as their grade-level peers.

The location where students with disabilities receive their specially designed instruction should ensure access to the general curriculum. Access to the general education curriculum means that students with disabilities are actively engaged in learning the content and skills that define the general education curriculum. It isn't enough to simply be *placed* in the general education classroom—students must be *actively engaged in learning the content and skills that define the curriculum*.

At the same time, each student's IEP must define how the student will participate in any state and districtwide assessments, including the state assessments required by NCLB (see box). The options for assessing students with disabilities are discussed next.

**Tyler's IEP**

- **Present level of performance** (includes performance on state assessments and identifies skills and knowledge already acquired)
- **Annual goals** (includes the skills and knowledge needed to achieve proficiency on the academic standards for the current or upcoming grade level)
- **Special education services\* needed** to accomplish annual goals, make progress in the general curriculum and be educated with nondisabled students as much as possible (including frequency, location and duration of services)

\*includes research-based instruction, related services and supplementary aids and services as defined by IDEA

**Academic Content Standards**

Every state must have strong academic content standards for each of the following subjects and grades or grade clusters:

- **Reading**  
Grades 3, 4, 5, 6, 7, 8 and 10-12
- **Math**  
Grades 3, 4, 5, 6, 7, 8 and 10-12
- **Science**  
Elementary, middle and high school

**NCLB Testing Requirements**

All students in grades 3 through 8 must be tested in both reading/language arts and math. In addition, high school students must be tested sometime during grades 10-12 in both reading/language arts and math.

**Note:** Beginning in 2008, all students must also be assessed in science once during grades 3-5, once during grades 6-9, and once during grades 10-12. However, schools are not held accountable for student performance on science assessments.

# Annual Assessments

## To Know

NCLB requires every state to implement annual assessments in reading/language arts and math in grades 3 through 8 and at least once in grades 10-12. Science assessments are also required beginning in 2008. (See box on page 12.) The assessments must be aligned with the challenging state academic content standards and based on academic achievement standards that have been set by the state.

Results of this testing must be reported for the overall school and must also be disaggregated, or broken out, by specific groups of students that historically underachieve. These groups are known as “subgroups.” A student’s performance data are included in every applicable subgroup.

The performance of subgroups is only reported if the number of students in the subgroup meets or exceeds the minimum set by the state. The minimum size of each subgroup varies greatly among states.

**IDEA requires students with disabilities to participate in all state assessments. If a state has a more comprehensive assessment program than required by NCLB, IDEA requires that students with disabilities participate in those assessments as well.**

The required subgroups that must be reported are:

- Students from major racial/ethnic groups
- Economically disadvantaged students
- Students with limited English proficiency
- Students with disabilities (eligible for services under IDEA)—such students must have an IEP in place annually

The results of the testing, along with other indicators such as attendance and graduation rates, are used to determine if schools are providing substantial and continuous improvement in the academic achievement of its students and to determine if schools are making AYP.

NCLB expects that the vast majority of students with disabilities will participate in the same assessment as all other students. Some may need accommodations such as extra breaks, reading the math test, or a braille edition (see page 14). However, the academic content being tested and the achievement standard that is expected does not differ from that of all other students.

There are several options available to students with disabilities to participate in the regular assessments—the same assessments that all students take.

## Regular Grade-level Assessment

Most likely, many students with disabilities will participate in either:

- **Regular grade-level state assessment**  
or
- **Regular grade-level state assessment with accommodations**

## Accommodations for Students with Disabilities

States must provide appropriate accommodations that are needed by students with disabilities to fully participate in state and districtwide assessments. Accommodations level the playing field so that the test measures what a student knows and can do and not the effect of the child's disability.

IDEA requires every state to establish guidelines for accommodations to make sure that students use only accommodations that produce a score that is valid for school accountability purposes. For example, if the reading assessment is supposed to measure how well a student can decode text, then reading the test aloud to the student as an accommodation would result in an invalid score on the test because the accommodation would interfere with the skill being measured. If, however, the skill is comprehension of text, reading the test aloud might be a permissible accommodation.

Accommodations used in state and districtwide assessments should mirror those used in day-to-day classroom instruction and classroom tests, to the extent possible. An accommodation should never be introduced for the first time in a state assessment. The student's IEP team must make decisions about the accommodations needed on state assessments. These accommodations must be clearly listed in the student's IEP.

Accommodations are generally grouped into the following categories:

- **Presentation** (e.g., repeat directions, read aloud, use of larger bubbles on answer sheets)
- **Response** (e.g., mark answers in book, use reference aids, point, use of computer)
- **Timing/Scheduling** (e.g., extended time, frequent breaks)
- **Setting** (e.g., study carrel, special lighting, separate room)

## Alternate Assessment on Grade-level Achievement Standards

**An alternate assessment based on grade-level achievement standards (with or without accommodations)**

assesses the same content as a regular grade-level assessment and holds the student to the same expectations based on the **same** definition of proficiency. However, unlike the regular assessment, this option provides different ways for students to show what they know. Results from such an assessment are treated in the same manner as results from regular assessments. There is no limit to the numbers of students who can be assessed in this manner. This option, however, is not available in all states.

Some students with disabilities have never been taught academic skills and concepts, for example, reading, mathematics, science, and social studies, even at very basic levels. Yet all students are capable of learning at a level that engages and challenges them. Teachers who have incorporated grade level content standards into their instruction cite unanticipated gains in students' performance and understanding. Furthermore, some individualized social, communication, motor, and self-help skills can be practiced during activities based on the content standards.

*Office of Special Education Programs, U.S. Department of Education*



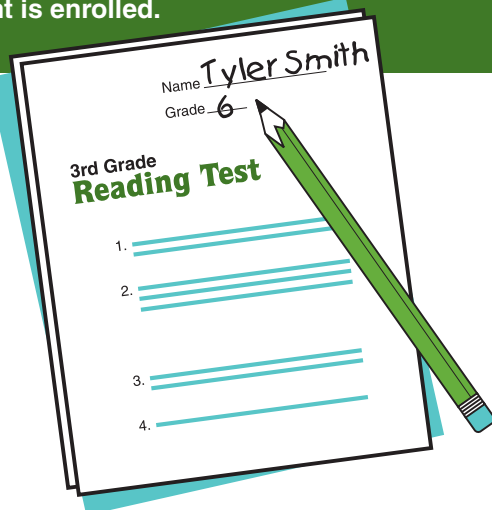
## Alternate Assessment on Alternate Achievement Standards

NCLB recognizes that some students may have significant cognitive disabilities that prevent them from attaining grade-level

An alternate assessment based on alternate achievement standards measures student progress on state grade-level content standards at a reduced breadth, depth, and complexity, and is judged against a *different* definition of proficiency. A student's participation will likely be supported by assistive technologies, prompting, or scaffolding.

## Out-of-Level Testing

Out-of-level testing generally refers to the practice of giving a student a test intended for students at a lower grade level. Out-of-level testing is often associated with lower expectations for students with disabilities, tracking such students into lower-level curricula with limited opportunities. It may also limit student opportunities for advancing to the next grade or graduating with a regular high school diploma. According to the National Center on Educational Outcomes, research does not support the use of out-of-level test scores from state assessments when measuring student proficiency on standards for the grade level in which a student is enrolled.



achievement standards, even with the very best instruction. For such students, NCLB allows an **alternate assessment based on alternate achievement standards**—in other words, an assessment that measures student progress on state grade-level content standards but at reduced breadth, depth, or complexity, and judged against a *different* definition of proficiency from the regular assessment. Instruction for these students should be linked to the same challenging academic content standards that apply to their same age peers. This linkage ensures that students with the most significant cognitive disabilities are given access to academic skills and concepts—something that has been missing from much of their instructional program until now.

As with all other assessment options, the decision that a student will participate in an alternate assessment based on alternate achievement standards is made by the IEP team—including the parents. NCLB places a limitation on the scores of students assessed using this option that can be used in a school district's AYP calculation. This limitation is based on research about students with significant cognitive disabilities—including the numbers of such students within the general population—and is designed to ensure that only those students who truly need this type of assessment are assigned to participate in this manner. Out-of-level testing (see box) is considered an alternate assessment based on alternate achievement standards, and the scores of students assessed in this manner are subject to the same limitation. Rigorous standard-setting criteria and other considerations must be met before out-of-level testing can be used as an alternate assessment based on alternate achievement standards.

Additional assessment options are under consideration at this time.

# To Do

IEP teams must make careful decisions about how a student will participate in state and districtwide assessments. A student's participation at the most challenging level will ensure that every student is being provided with full access to the general curriculum, appropriate accommodations, and high expectations.

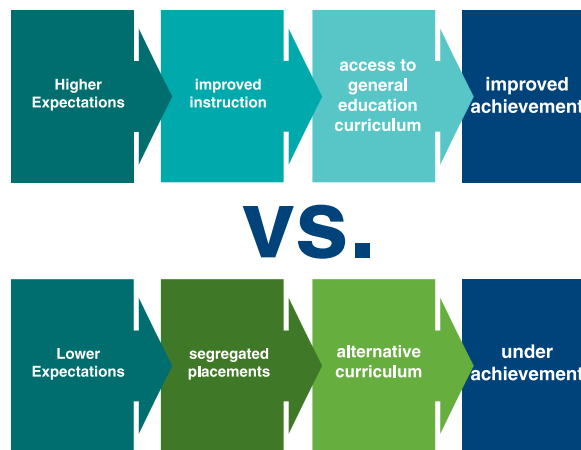
IEP teams must also make careful decisions about the accommodations a student needs in order to participate in regular assessments. State guidelines on accommodations should be reviewed and selected accommodations should result in a valid score on the test.

Accommodation decisions should not be made based on a student's disability or placement or on the school's ability to administer the accommodation.

Each state is required to establish clear guidelines for IEP teams to use when deciding if a student should be assessed using an alternate assessment based on alternate achievement standards. These guidelines should provide parameters and direction to ensure that students are not assessed based on their placement, their disability category, or their racial or economic background.

An assessment should not be selected because the student has not been exposed to the material on the test, because the student's placement has restricted access to the general curriculum, or the student's teacher isn't qualified to teach the academic content being tested. A decision should not be made based on whether the assessment option will help a school's AYP calculations.

Understanding the implications of each assessment option is a critical component of making a wise decision. Some



assessment options may eventually mean that the student will not be able to earn a regular diploma because of a state's requirements for awarding diplomas. While NCLB doesn't require or even encourage that the results of assessments

required by NCLB should be used to make decisions regarding a student's promotion or graduation, many states have policies in effect that link a student's performance on state assessments with grade promotion or graduation with a standard diploma. Also, in many states, the same high school assessment is used to make graduation decisions and to satisfy the NCLB requirement for an assessment in reading/language arts and math once between grades 10 and 12.



# School Accountability

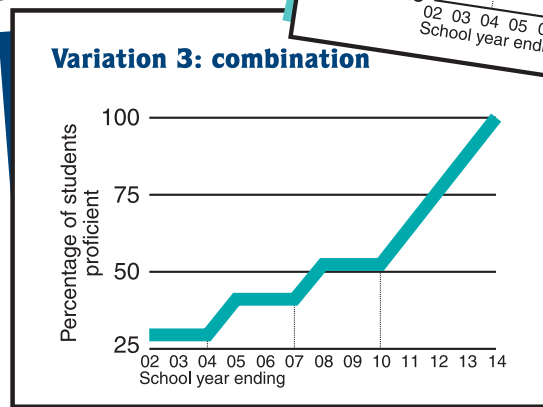
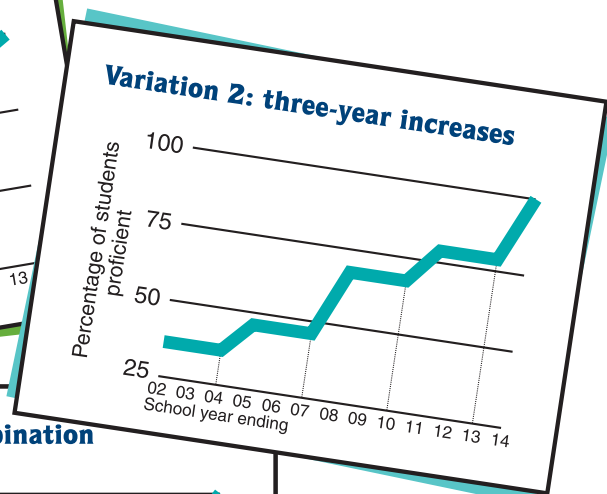
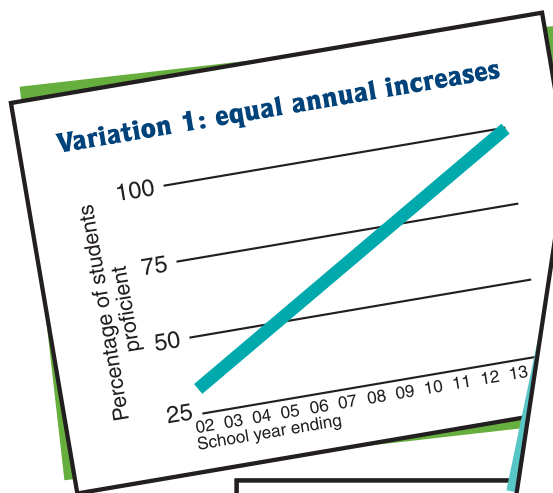
## To Know

NCLB's school accountability system is based on three components—Annual Measurable Objectives, Adequate Yearly Progress, and Report Cards. Much of what makes up AMO and AYP is set by individual states—just as the specifics of the academic content standards and academic achievement standards.

**Annual Measurable Objectives.** In order to reach NCLB's goal of all students achieving at the level of proficiency or better by the year 2013-2014, each state must set annual targets that ultimately lead to the 100% goal. These targets—called

Annual Measurable Objectives or AMOs—represent the percentage of students who must perform at the proficient level each year. As the charts below indicate, some states have AMOs that increase every year, some have AMOs that increase every three years, and some have AMOs that expect slow growth in the early years then very quick growth in the years approaching 2014.

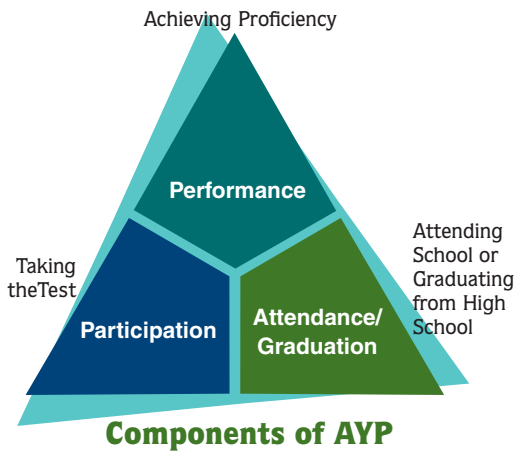
**Adequate Yearly Progress.** Adequate Yearly Progress (AYP) is the term used to describe the achievement of the AMO. The results of student assessments, both



### Three variations in state projected rates of progress from 2002 to 2014

Note: Graphs are hypothetical and do not reflect particular states.

overall and by subgroups, plus two other components, contribute to AYP—student participation and one other measure, generally attendance rates in elementary schools and graduation rates in high schools.

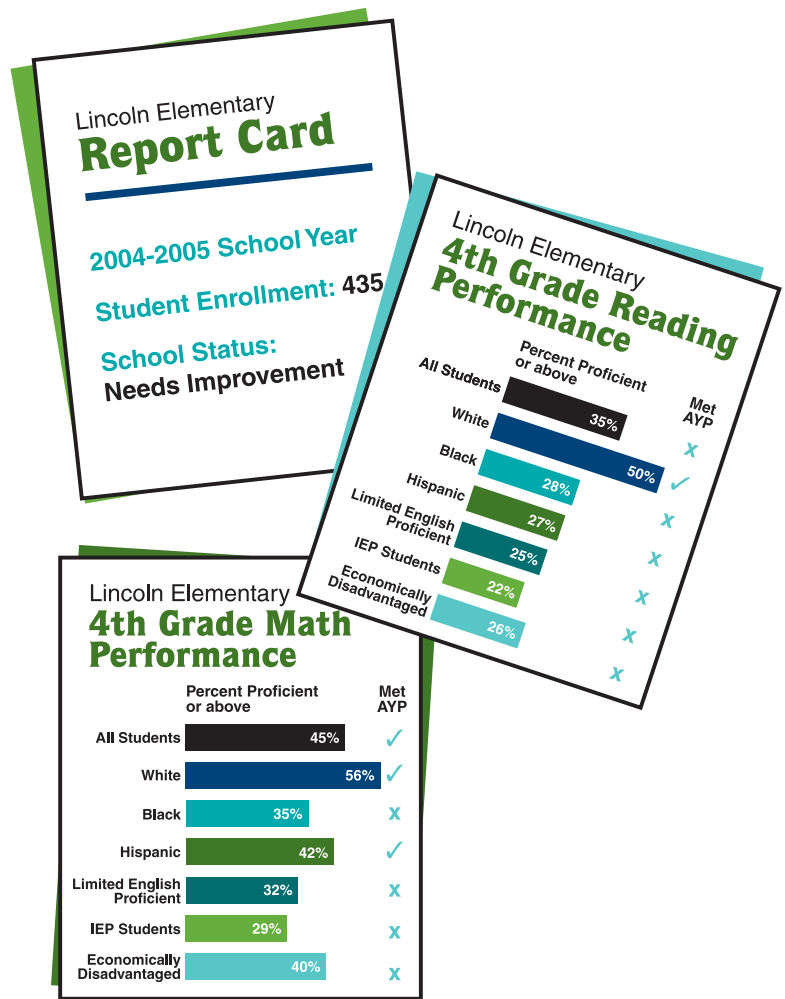


**Report Cards.** Every year, every school must issue a report card to the public that details the school's performance in each AYP element for the total school and for each subgroup of students. For schools that directly receive Title I funding, the AYP performance is also used to make determinations about offering learning alternatives to students—such as opportunities to change schools or receive supplemental instruction such as after school tutoring.

In addition to the school report cards issued to the public, parents receive a report about the individual performance of their child on the state assessments required by NCLB. These individual reports should be used by schools and teachers to plan instructional changes that will improve the student's performance. Data from the statewide assessments should be supplemented with classroom data to ensure you have a full picture of how your child is doing.

# To Do

School report cards should be used to learn how the school is performing—both in terms of overall student achievement and the achievement of students with disabilities. The NCLB requirement that schools separate out the performance of several important subgroups of students—including students with disabilities—is essential to learning what lies beneath the total school performance. Too often the total school performance indicates adequate, even outstanding, performance while certain groups of students within the school population are in fact doing very poorly. NCLB's requirement to report the performance of students with disabilities is critical to improving achievement for these students.



# Highly Qualified Teachers

## To Know

NCLB recognizes that student performance is directly linked to effective teaching. In order to improve teacher quality, NCLB introduced requirements for every teacher of core academic subjects. These requirements are intended to elevate the quality of the nation's teaching force and that quality is expected to have a positive impact on the achievement of all students.

Following this same principle, IDEA also now sets qualification requirements for all special education teachers. Additionally, for the first time, special education teachers who teach core academic subjects to students with disabilities – without the support or collaboration of a general education teacher – must be highly qualified in both the academic subject(s) and special education. This requirement is intended to provide students with disabilities who receive instruction outside of the general education classroom the same access to teachers who are qualified in academic content as all other students. While most students with disabilities spend much of their instructional time in general education classrooms (see box), those who receive instruction in academic subjects from special education teachers deserve the same opportunity to receive that instruction from teachers who are qualified.

### Core Academic Subjects

- English
- Reading or language arts
- Mathematics
- Science
- Foreign languages
- Civics/Government
- Economics
- Arts
- History
- Geography

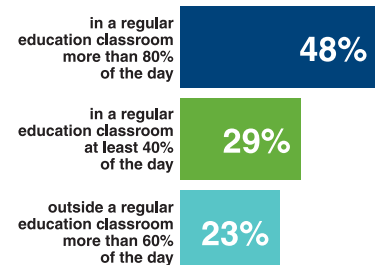
*Special education is not a core academic subject.*

## To Do

The new requirements for teacher qualifications are central to improving students' performance. While special education teachers possess a unique set of skills, such as understanding of curriculum accommodations and adaptations as well as knowledge about disabilities themselves, teaching core academic skills such as reading and math require additional training. Now, NCLB and IDEA teacher quality requirements combine to ensure that students with disabilities get quality instruction.

Parents should inquire about the qualifications of their student's teachers — both general education and special education teachers. If a student is receiving instruction in academics such as reading and math from a special education teacher, inquire about the teacher's qualifications to teach the academic content.

### 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

## Frequently Asked Questions

**Q. Why shouldn't IEP teams be able to exempt a student from taking the assessments required by NCLB?**

**A.** The full participation requirement of NCLB is a key part of the school accountability system. Only by requiring that schools include all students—including those with disabilities—in the assessments will the performance and progress of all students be of equal importance to schools. As U.S. Department of Education Secretary Spellings has said, “What gets measured gets done.” Too often in the past, students with disabilities were excluded from assessments and accountability systems, and the consequence was that they did not receive the academic attention and resources they deserved.

**Q. My child's school told me that my child will not receive a standard diploma unless he can pass the test required by NCLB.**

**A.** NCLB is strictly about school accountability. Furthermore, the federal government does not set requirements for grade promotion or graduation. Such requirements and policies are set at the state level. While some states may use the same tests to satisfy NCLB's testing requirements and make decisions about students as required by state or local policies, parents should not confuse the requirements of NCLB with those of their individual state or local school district.

**Q. Why can't adequate yearly progress for students with disabilities be determined by the attainment of their IEP goals?**

**A.** There are several reasons why IEP goals are not appropriate for school accountability purposes. In general, IEP goals are individualized for each student and may cover a range of needs beyond reading/language arts and mathematics, such as behavior and social skills. They are not necessarily aligned with state standards, and they are not designed to ensure consistent judgments about schools—a fundamental requirement for AYP determinations. The IEP is used to provide parents with information about their child's progress and for making individualized decisions about the special education and related services a student needs to succeed. Assessments used for school accountability purposes must be aligned to state content and achievement standards.

## Frequently Asked Questions

**Q. Why are some accommodations not allowed on state assessments? Shouldn't my child be given any accommodation that will help him?**

**A.** Some accommodations invalidate the test by compromising the skill that is being tested. Only by truly measuring the skill can the results of the test be meaningful and valid. These scores can then be used to make school AYP determinations and improvements to the instruction of individual students. Students with invalid scores must be counted as “non-participants” in AYP determinations.

**Q. I hear that many schools fail to make AYP only because of students with disabilities. Isn't it unfair to expect students in special education to achieve the same level of proficiency as other students?**

**A.** There is no clear evidence that schools are failing to make AYP only because of the performance of students with disabilities. The picture of AYP attainment is very cloudy in many states, due to complex state accountability formulas. Most students in special education can and should be expected to reach the same level of proficiency in reading and math as all other students—especially when provided with the appropriate level of specialized, individualized instruction, related services and accommodations. This additional support—provided to them because of their disability—is what allows them to achieve the same as other students. For the small number of special education students who may not be able to participate in the general assessments required by NCLB there are options that states have available to them. These alternates provide ample flexibility for schools and school districts. Given this flexibility, it is critical that the performance of special education students be a component of AYP achievement. Without such accountability for this and other subgroups of students, schools may not provide the necessary level of attention to the instruction of these students.

**Q. Will the requirement to include the assessment results of students with disabilities lead to schools attempting to exclude these students?**

**A.** The assessment options allowed by NCLB provide adequate alternate assessments for students with disabilities who need an alternate achievement standard to demonstrate their grade-level content knowledge and skills in reading/language arts and math. In addition, the limitations placed on the alternate assessment option do not apply at the school level, only at the district and state level. So individual schools should not have any incentives to exclude students with disabilities.

# Glossary

## ■ Accommodations

Tools and procedures that provide equal access to instruction and assessment for students with disabilities. Designed to “level the playing field” for students with disabilities, accommodations are generally grouped into the following categories:

- Presentation (e.g., repeat directions, read aloud, use of larger bubbles on answer sheets, etc.)
- Response (e.g., mark answers in book, use reference aids, point, use of computer, etc.)
- Timing/Scheduling (e.g., extended time, frequent breaks, etc.)
- Setting (e.g., study carrel, special lighting, separate room, etc.)

## ■ Adequate Yearly Progress (AYP)

Annual improvement that states, school districts, and schools must make each year in order to reach the NCLB goal of having every student proficient by the year 2014. The AYP requirement holds schools accountable for continuous progress in student achievement.

## ■ Annual Statewide Academic Assessment

Another word for student “testing,” annual statewide academic assessments are used to measure student performance and progress. Annual assessments must be aligned with your state’s challenging academic content standards and based on challenging academic achievement standards.

## ■ Achievement Data by Subgroup

Student performance data sorted into student subgroups. The NCLB requirement for this disaggregated data is designed to help school districts and schools close the achievement gap between subgroups of children who historically underachieve and their better performing peers. In order to make AYP, schools must test at least 95 percent of their students in each of the subgroups.

## ■ Disability Categories

IDEA disability categories include autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment (e.g., asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia), specific learning disability, (e.g., perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia), speech or language impairment, traumatic brain injury, visual impairment (including blindness), and developmental delay.

## ■ Free Appropriate Public Education (FAPE)

Special education and related services that are provided at public expense, under public supervision and direction, and without charge to the parent, and that meet the standards of the state education department. Special education and related services must be provided in conformity with an Individualized Education Program (IEP) as required by IDEA.

## ■ General Education Curriculum

The body of knowledge and range of skills that all students in the state are expected to master.

## ■ Individualized Education Program (IEP)

A written statement for each child with a disability that is developed, reviewed, and revised according to the requirements of IDEA.

## ■ Out-of-Level Testing (OOLT)

Out-of-level testing typically means that a student who is in one grade is assessed using a level of a test developed for students in another grade. Below-grade-level testing is almost universally what is meant when the term “out-of-level testing” is used.

## ■ Special Education

Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

## ■ Specially Designed Instruction

Ways that special education professionals adapt the content, methodology (approaches to teaching certain grade level content), or the delivery of instruction to address the unique needs that result from the child’s disability. Specially designed instruction should also ensure that the eligible child has access to the general curriculum so that he or she can meet the educational standards of the school district that apply to all children.

## ■ State, District, and School Report Cards

Annual reports that include specific information about the academic achievement of students—both overall and by subgroup—as well as information about teacher qualifications and other indicators of academic quality.



## Resources

*Making the 'No Child Left Behind Act' Work for Children Who Struggle to Learn: A Parent's Guide*, National Center for Learning Disabilities. Available at <http://www.nclد.org/images/stories/Publications/AdvocacyBriefs/MakingNCLBWork/MakingNCLBWork.pdf>

*Determining Appropriate Assessment Accommodations for Students with Disabilities*, National Center for Learning Disabilities. Available at <http://www.nclد.org/learning-disability-resources/ebooks-guides-toolkits/determining-appropriate-assessment-accommodations-for-students-with-disabilities>

*No Child Left Behind: Understanding Assessment Options for IDEA-eligible Students*, National Center for Learning Disabilities. Available at <http://www.cehd.umn.edu/NCEO/onlinepubs/NCLD/AssessmentOptions.pdf>

*Working Together For Students With Disabilities: Individuals With Disabilities Education Act (IDEA) And No Child Left Behind Act (NCLB) Frequently Asked Questions*, U.S. Department of Education (December 2005). Available at [www.ED.gov](http://www.ED.gov)

*Alternate Achievement Standards For Students With The Most Significant Cognitive Disabilities Non-Regulatory Guidance*, U.S. Department of Education (August 2005). Available at [www.ED.gov](http://www.ED.gov)