



NO CHILD LEFT BEHIND



Raising Achievement of Students With Disabilities

December 2005

Educators and families know that the vast majority of students with disabilities can achieve to grade level standards. Thanks to the No Child Left Behind Act, signed into law by President Bush in 2002, for the first time the nation is making sure that they do. By assessing students annually and breaking down results by student groups, States are held accountable for continuous improvement toward the goal of having all students read and do math at grade level and closing the achievement gap by 2014.

Last April at Mt. Vernon, Secretary Margaret Spellings promised a new, common-sense approach to implementing No Child Left Behind, and committed to using the best and latest research to ensure students with disabilities are learning and taking meaningful tests. Today the U.S. Department of Education announced proposed regulations that would enable States to improve how they measure the achievement of students with disabilities.

- States may develop modified achievement standards and give assessments to qualified students based on those standards.
- States may include "proficient" scores from the modified assessments toward determining Adequate Yearly Progress [AYP] (capped at 2 percent of the total tested population at the district and State levels).
- In addition, States may continue to include the "proficient" scores of students with the most significant cognitive disabilities (capped at 1 percent of the total tested population at the district and State levels).
- For AYP purposes, States may include within the "students with disabilities" subgroup the test scores of students previously identified as having disabilities for up to 2 years after they no longer receive special education services.
- The proposed regulation gives States credit for doing good work to raise the achievement levels of students with disabilities.

The proposed regulations are designed to meet the needs of students with disabilities who may not reach grade level within the same time frame as their peers, but who can make significant strides given the right instruction. They also contain key criteria to protect students with disabilities from being inappropriately assessed against modified achievement standards.

- States must establish guidelines for Individualized Education Program [IEP] teams to determine which students are most appropriately assessed against modified achievement standards.
- Standards must continue to hold students to high expectations; modified standards must be aligned with grade-level curriculum.
- Students assessed under modified achievement standards must receive grade-level instruction in the relevant subjects.
- Modified achievement standards may not preclude a student from earning a regular high school diploma.

The Department invites State officials, local educators and the general public to offer their opinions.

- The draft regulations will be published in the Federal Register on Thursday, December 15. The deadline for submitting comments is 75 days after publication. An informal version is currently available on the Department of Education's website, www.ed.gov.

Visit www.nclb.gov for more information on *No Child Left Behind*.

Under the No Child Left Behind Act, the immediate needs and academic potential of students with disabilities have been made a national priority.

- Test scores must be disaggregated so parents and educators can follow their academic progress.
- The Department of Education is making available nearly \$14 million in technical assistance to assist States and conduct long-term research on the assessment of students with disabilities.
- A comprehensive Tool Kit for Students with Disabilities is being compiled for educators and school officials.

No Child Left Behind has removed the final barrier to full participation in the classroom, completing the effort begun 30 years ago with the passage of the Individuals with Disabilities Education Act [IDEA].

- Under NCLB, students with disabilities have made gains in reading and math at every level (Nation's Report Card).
- Under NCLB, students with disabilities are receiving more classroom time and attention, and at-risk students are being helped at an earlier stage (Center on Education Policy).
- Students with disabilities enjoy lower dropout rates and higher rates of postsecondary enrollment and employment than students 25 years ago (U.S. Department of Education).