



# Accountability and Educational Progress for Students with Disabilities



Betsy J. Case, Ph.D.

*This paper is an excerpt from a chapter in a book to be published by Gallaudet University, in press.*

September 2005



# Accountability and Educational Progress for Students with Disabilities

## Introduction

The *No Child Left Behind Act of 2001* (NCLB), the most recent reauthorization of the *Elementary and Secondary Education Act* of 1965 (ESEA), has significantly impacted state educational systems and local school districts. While ESEA, a part of the Great Society programs initiated 37 years ago, focused on school-wide improvement, NCLB has changed the focus to the adequate yearly progress (AYP) made by students as measured by state academic achievement tests. NCLB requirements for standards, assessments, public report cards, and AYP have altered many state testing programs. Perhaps the largest changes have occurred due to portions of the law which address four underserved student subgroups: students with disabilities, English language learners, ethnic and racial minorities, and students who are economically disadvantaged.

As with any major federal initiative, there are differing perspectives on the law, particularly its provisions for assessment and accountability. Many issues are currently being considered. Is the test the sole measure? Do students have access to the curriculum being measured? How do the tests impact graduation for students with disabilities—especially the deaf and hard of hearing? How does the *Individuals with Disabilities Education Act* of 2004 (IDEA 2004) work with NCLB? What is AYP for students? How does the law apply to students with disabilities? What about other ethnic and minority groups, especially if the students in these groups also have disabilities? This paper first examines the practical implications of accountability under NCLB and then discusses how accountability applies to the education and assessment of students with disabilities.

## Understanding Accountability Under NCLB

Essentially, NCLB has seven provisions for accountability as described by the U.S. Department of Education's non-regulatory guidance (2003).



1. States are required to measure student progress in mathematics and reading/English language arts in every grade 3 through 8 and one grade in high school. By 2005–6, assessment of science achievement will also be required in three grade spans (3–5, 6–9, and 10–12).
2. States may choose or develop their own accountability assessments.
3. At least 95% of the students in each school or district must be assessed so that their progress can be measured against state standards.
4. Districts must provide empirical evidence of student progress that meets rigorous statistical and psychometric technical standards.
5. Each school and district has until the 2013–2014 school year for its students to demonstrate proficiency in reading/English language arts, mathematics, and science.
6. States and districts must report aggregated and disaggregated data in annual public report cards.
7. School districts are required to take concrete steps to assist schools that have not made AYP. Schools that do not reach AYP face sanctions that include: 1) school improvement, 2) corrective action, and 3) restructuring (i.e., changing the school’s management).

Each state must set academic content standards and student achievement standards (performance standards) that are used for accountability purposes. NCLB requires the assessments to measure at least three levels of achievement—Advanced, Proficient, and Basic—although states may establish four or more achievement standards and choose different names. The critical information that feeds into the state accountability system comes from the assessments which must be based on and aligned to the content standards, as illustrated in Figure 1.

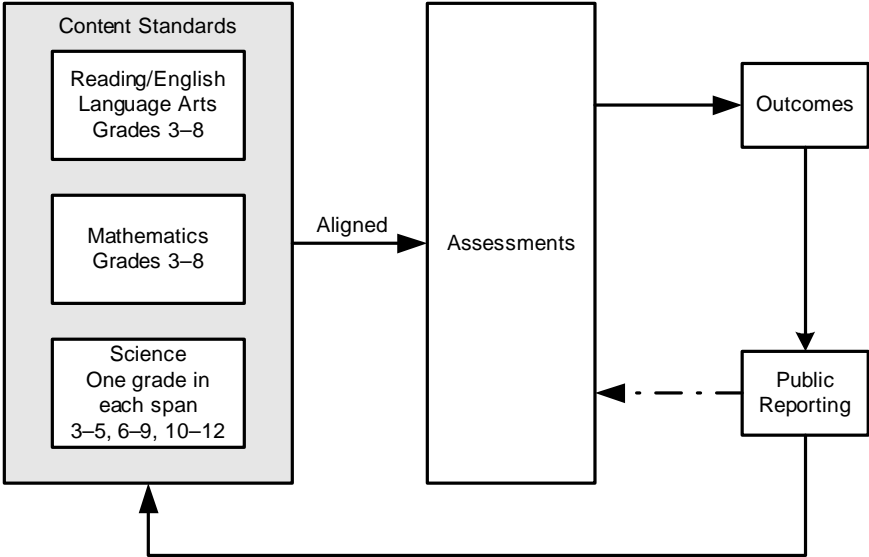


Figure 1. State content and performance standards (Lashley, 2003)

The foundation for the success of this model is the alignment of the curriculum, instruction, and assessments to the state’s content and performance standards, as illustrated in Figure 2.

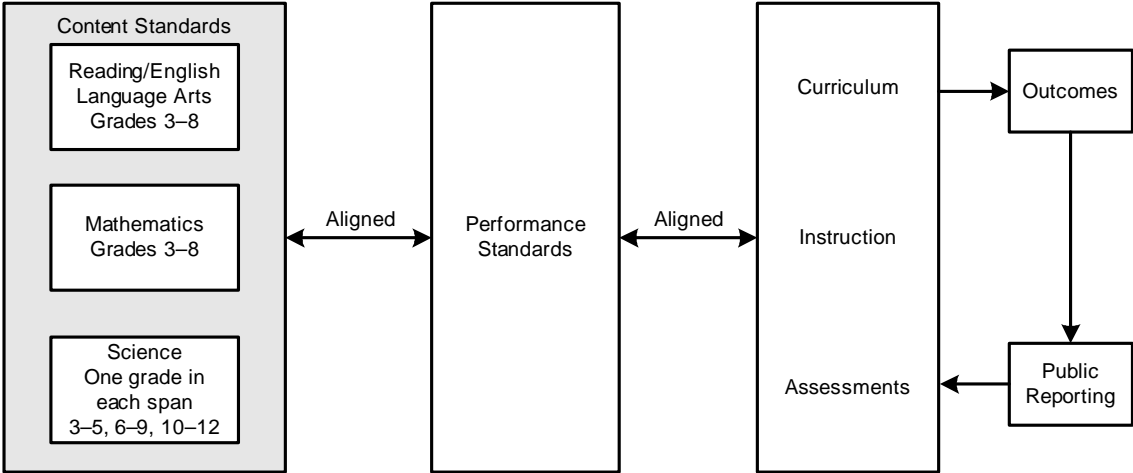
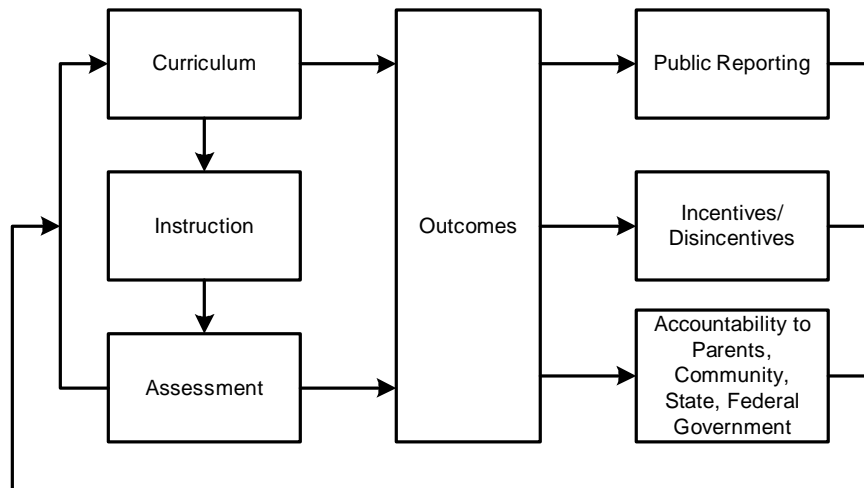


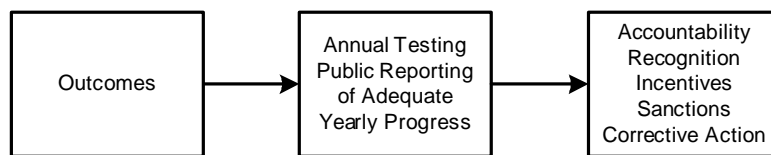
Figure 2. Alignment of components with standards (Lashley, 2003)

Other key elements are outcomes and public reporting, as illustrated in Figure 3. These elements constitute the “accountability” requirement. Outcomes are reported in terms of the state standards. Public reporting keeps parents, the state, and the U.S. federal government informed of progress or the lack thereof. Schools and districts are accountable to parents, the community, the state, and the U.S. federal government. Incentives or sanctions depend on the measured outcomes.



**Figure 3. Outcomes and public reporting (Lashley, 2003)**

The law requires empirical evidence that all students are making academic progress as measured by adequate yearly progress. This concept is central to the new law. It functions as the bridge linking annual testing with corrective action and sanctions (see Figure 4). The public reporting of AYP leads to recognition of success via rewards and incentives and sanctions for failure in the form of corrective actions.



**Figure 4. Public reporting of adequate yearly progress (Lashley, 2003)**

### Understanding Adequate Yearly Progress

As required by NCLB, each state defines what constitutes adequate yearly progress for the state’s districts and schools. A state’s definition of AYP applies to all students, including the subgroups designated by NCLB: students who are socio-economically disadvantaged, ethnic and minority groups, and students with disabilities. To avoid sanctions, a school must demonstrate AYP in its regular



student population and subgroups as measured by the state's accountability assessments. States must show yearly, linear improvement by increasing the number of regular population and subgroup population students who reach proficiency. By the 2013–2014 school year, 100% of students tested must reach proficiency in reading/English language arts, mathematics, and science.

If the regular student population or any of the subgroups does not demonstrate AYP, the school or district must take corrective steps. If schools are able to intervene and achieve AYP for two consecutive years, the sanctions can be removed. The consequences for not showing AYP for two consecutive years are the application of the following corrective actions for school improvement:

1. *Public school choice*—If a school does not make AYP for two consecutive years, parents can choose to have their child attend a different school.
2. *Supplemental services*—If a school does not make AYP for three consecutive years, the district must provide public school choice and provide supplemental services (e.g., tutoring) to low achieving students, disadvantaged students, students with disabilities, and English language learners (ELLs).
3. *Corrective action*—If a school fails to make AYP for four consecutive years, the district must implement certain actions such as changing the curriculum and replacing the principal and relevant staff.
4. *Restructuring*—If a school fails to make AYP for five consecutive years, the district must take other more drastic action, including internal restructuring of the school.

When a school makes AYP for two consecutive years, it is considered improved.

### **NCLB, IDEA 2004, and Students with Disabilities**

Students with disabilities represent a significant challenge for educators who must follow the requirements of both NCLB and IDEA 2004. These students must have an individualized education plan (IEP) that specifies how they will be provided with the curriculum, instruction, and materials to which they will be held accountable. To be included in a district's AYP calculations, they must have access either to the regular assessments (with or without accommodations) or to alternate assessments that are tailored to their special needs. Many other issues regarding students with disabilities must be considered.



- Further discussion is warranted about whether the same tests that are used in some or all cases for decisions about districts, schools, or groups of students can be used for decisions about individual students.
- A strong policy statement is required to help ensure that students are only tested on material to which they have had meaningful access.
- Any achievement tests used to determine AYP must be standardized using populations that include students with disabilities as well as all the other student subgroups to which the test will be administered.
- All students with disabilities in publicly funded programs, such as students in home schools, private schools supported by public funding, juvenile justice centers, and charter schools, must be included.
- Decisions concerning accommodations and alternate assessment for students with disabilities must be made by each student's IEP team.
- Students who complete the requirements of their IEP should be eligible to receive a diploma. That diploma may need to be accompanied by documentation regarding course work and other details of the student's education, but it should be an undifferentiated diploma.

### **Challenges within the Population of Students with Disabilities**

Another significant issue to consider is the large numbers of students who do not attend schools that will enable them to perform adequately on accountability tests. In some cases, they may face physical or cognitive disabilities that will prevent them from ever performing adequately. While these students perform far too highly to qualify for alternate assessments, the standardized tests for the regular student population are too challenging for them. NCLB includes measures that greatly increase the number of students who can perform successfully on alternate assessments used for accountability.

What can educators, as a profession, do about these students? Do special educators have a responsibility to them? How might these students be maintained in the educational system, preventing a huge increase in the undereducated segment of the nation's population? The issues are more challenging than the numbers of students that face this situation may indicate.

### **Questions on Implementation**

NCLB and IDEA 2004 raise questions concerning implementation. Students have to be taught the curriculum on which they will be tested. How are appropriate



accommodations used without invalidating the tests required? How are separate, measurable annual objectives implemented for certain groups of students, including students with disabilities, with the annual goals and objectives individually developed for each student with a disability? Will graduation rates be a part of AYP? Will there be a national definition of graduation? How will public school choice provisions be implemented to ensure that students with disabilities receive similar offerings in the parentally selected school which a child attends? If a school is in one of the phases for improvement and is required to provide supplemental services, what is the relationship of those services to the supplemental and related services required in the IEP of a student with disabilities? How will schools meet the requirement that all teachers of core academic areas be highly qualified by 2005–2006? These questions and others remain to be answered before NCLB can be fully implemented.

## Conclusion

With the enactment of NCLB and IDEA 2004, educators have received a mandate to improve the achievement of all their students. However, for the effects of this legislation to be truly inclusive, a great deal of thought and discussion remains. The students who face the most challenges also present some of the greatest challenges for educators. Classroom teachers must determine the most effective ways to provide them with an opportunity to learn and to include them in the state's assessment system while also abiding by federal law and meeting expectations for AYP. These challenges can be met by the collaboration of teachers of students with disabilities—undeniably the authoritative experts on their student's daily educational challenges—with the policy makers and researchers who make sense of the law and lead the collective efforts of the overall educational system. By identifying and understanding the questions and challenges that students and teachers face in meeting NCLB's requirements, leaders can continue to build on the strides that have already been made in the past decade. If these stakeholders in education combine their efforts, every child, even one who faces the greatest physical and cognitive challenges, will have the opportunity to reach the highest levels of academic achievement that are within his or her unique capabilities.

## References

- Almond, P., Quenemoen, R., Olsen, K., & Thurlow, M. (2000, March). *Gray areas of assessment systems. (Synthesis report #32)*. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.
- Case, B.J. (2004). *Accountability and educational progress: Including studies with disabilities and/or culturally and linguistically diverse students*. Paper presented at the China–US Conference on Educating Students with Special Needs, Beijing, China.
- Erpenbach, W. J., Forte-Fast, E., & Potts, A. (2003). *Statewide educational accountability under NCLB*. Washington, DC: Council of Chief State School Officers.
- Individuals with Disabilities Education Act Amendments of 2004, 20 U.S.C. § 1400 *et seq.* (2004).
- Lashley, C. (2003). *Accountability and special education: From practice to policy to philosophy (and back again)*. Paper presented at the annual meeting of the American Educational Research Association, Chicago, IL.
- Linn, R. L. (2003). Accountability: Responsibility and reasonable expectations. *Educational Researcher*, 32(7), 3–13.
- No Child Left Behind Act of 2001*, 20 U.S.C. § 6301 *et seq.* (2001).
- Thomason, J. (2002). *Leave no child untested*. Paper presented at the High Stakes Testing Conference at Gallaudet University, Washington, DC.
- Thurlow, M., Quenemoen, R., Thompson, S., & Lehr, C. (2003). *Principles and characteristics of inclusive assessment and accountability systems. (Synthesis report 40)*. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.
- U.S. Department of Education (2003). *Non-regulatory guidance*. Washington, DC: Author.

Additional copies of this document and related documents are available from:

Pearson Education, Inc.  
19500 Bulverde Road  
San Antonio, TX 78259  
1-800-211-8378  
1-877-576-1816 (fax)  
<http://www.pearsonassess.com>