

# **Accountability for Assessment Results in the *No Child Left Behind Act* – What It Means for Children with Disabilities**

**Prepared by the National Center on Educational Outcomes**

On January 8, 2002, President Bush signed into law the *No Child Left Behind Act* of 2001. This legislation governs elementary and secondary education in the United States. It is important legislation for students with disabilities because it ensures that they also reach high academic standards, just like other children in America's public schools today.

The *No Child Left Behind Act* contains four basic education reform principles – stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work. The accountability for results principle has the potential to significantly improve the educational results demonstrated by all children with disabilities. The purpose of this document is to clearly describe what the accountability provisions are and how they affect children with disabilities.

## **Questions and Answers**

**Question:** *What about IDEA – isn't that the education law for students with disabilities?*

**Answer:** The *Individuals with Disabilities Education Act* (IDEA) specifically governs services that are provided to students with disabilities. It provides individual accountability through Individualized Educational Programs (IEPs) developed on the basis of each child's unique needs. *No Child Left Behind* complements the provisions in IDEA by providing public accountability at the school, district, and state levels for all students with disabilities. It builds on IDEA law, which requires the participation of students with disabilities in state and district-wide assessments.

**Question:** *Why is No Child Left Behind good for students with disabilities?*

**Answer:** The accountability requirements of *No Child Left Behind* hold schools accountable for the educational results of all children – including specifically those with disabilities. 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 attention that they deserved. Access and exposure to the general curriculum for students with disabilities often did not occur, and there was no external measure to indicate whether they were learning enough to attend post-secondary educational institutions or enter the workforce. *No Child Left Behind* is good for students with disabilities because it ensures that schools are held accountable for their educational results, just as the schools are held accountable for the educational results of students without disabilities.

**Question:** *Are all state assessment and accountability systems consistent with the requirements of No Child Left Behind?*

**Answer:** *No Child Left Behind* requires states to develop plans for assessment and accountability that involve, among other things, a commitment to include students with disabilities in assessments and in accountability determinations. The U.S. Department of Education has approved the accountability plans for all fifty states, the District of Columbia and Puerto Rico, and is working to develop specific policies and determine best practices for including students with disabilities in assessments and accountability. Some of the issues involved, such as standards, assessment accommodations, and alternate assessments, are discussed in this paper.

## **Nuts and Bolts of *No Child Left Behind***

Several critical elements in *No Child Left Behind* ensure that schools are held accountable for educational results so that the best education possible is provided to each and every student. The three most critical elements to understand are: **academic content standards, academic achievement standards, and assessments**. These provide the foundation for an accountability system that ensures that students with disabilities reach high standards.

**Academic content standards** (what students should learn) and **academic achievement standards** (how well they should learn) in reading and mathematics form the foundation of the *No Child Left Behind* accountability system. Science will be added in 2007-2008. These standards define what all children should know and be able to do to be considered “proficient.” Each state (usually with the help of parents, educators, businesses, and other community members) has defined what it sees as important knowledge and skills for students to achieve at specific grade levels. These standards should be available on a state education department’s Web site and in print documents that the state has available for the public.

**State assessments** are the mechanism for checking whether schools have been successful in teaching students the knowledge and skills defined by the content standards. By 2005-2006, states must provide assessments that are appropriate for all students in grades 3-8 and once in high school, including students with disabilities. Schools also must provide the accommodations and alternate assessments that may be needed by students with disabilities. **Accommodations** are changes to the assessment materials or procedures that allow for students to demonstrate their knowledge and skills rather than the effects of their disabilities. The accommodations needed by students with disabilities are defined within their IEPs. Some examples of accommodations are simplifying or repeating directions, marking answers in the test booklet instead of on the bubble sheet answer form, taking the assessment in a quiet room or study carrel, or using frequent breaks. **Alternate assessments** are

assessments designed to measure the performance of students with disabilities who are unable to participate in state and district assessments even with appropriate accommodations. Typically, these assessments are designed for students with complex disabilities.

*School accountability* is based on measuring each school's success in educating all of its students. The primary measure is progress toward the academic content and achievement standards assessed on state assessments. The *No Child Left Behind* accountability system is defined in terms of **Adequate Yearly Progress (AYP), a way to measure the improvement in achieving standards for all students each year**. Schools and states are held accountable for improvements on an annual basis by **public reporting** (as well as individualized reporting to parents), and ultimately through **consequences** if adequate results are not achieved.

In defining what counts as adequate yearly progress, states identify the regular incremental improvement required from year to year to result in all students reaching "proficient" status (as defined by the state) within 12 years by the 2013-2014 school year. Each state's definition of AYP should be available on the state education department's Web site and in print documents that the state has available for the public. Assessment results that are entered into calculations of AYP for every school must be publicly reported, and schools that repeatedly do not make adequate progress must be identified as in need of improvement. There are many additional details about calculating AYP, such as the number of students needed to ensure reliable determinations of a school or district's performance, and the percent of students participating in assessments. These are addressed in the next Question and Answer section.

The results of state assessments for students with disabilities must be included in the determination of AYP along with the results of all other students, but they also must be considered separately. This separate consideration is often called "disaggregated results" for the disability subgroup. Similar disaggregated results are required for English language learners as a subgroup, for students with disabilities, for low socioeconomic students, and for various ethnic groups. Every group

of students must make AYP if the school as a whole is to make its AYP target. It is this separate consideration that holds the promise that no child – not even the child with disabilities – is left behind in reaching proficiency in reading and math.

### Questions and Answers

**Question:** *How does a school meet AYP requirements?*

**Answer:** States define the formulas that they will use to calculate what results a school must achieve to be considered as making adequate yearly progress. These formulas must include state assessment results including the percent of students participating in the assessments, as well as at least one other measure – graduation rates at the high school level, and another state-determined measure at the middle school and elementary levels, such as absenteeism. The same formula must be applied to students with disabilities as is applied to other students in the educational system.

**Question:** *Is anyone excluded from the No Child Left Behind requirements?*

**Answer:** No. All students are to be assessed and included in accountability determinations for *No Child Left Behind*, and results must be reported for all students and also for specific subgroups of students – each major racial ethnic group, economically disadvantaged students, students with disabilities, and students with limited English proficiency. States and districts must be able to show that at least 95% of all students, and of the students in each subgroup (including the disability subgroup), are included in assessment results in order to meet the accountability requirements. The 5% allows for absenteeism and other events not under the school's control.

**Question:** *Is there any way that a school might not be labeled as needing improvement, even though a group within the school did not meet the proficiency target?*

**Answer:** Each school has a proficiency target that is the state-defined percentage of students who must achieve proficiency if a school is to avoid being identified as needing improvement. If a school does not meet this target, it may also make AYP if the school reduces the number of students in a group considered to be “below proficient” by at least 10%. This applies for the disability subgroup just as for every other subgroup and for the total population of students in a school. This provision is sometimes referred to as the “safe harbor” provision of *No Child Left Behind*.

**Question:** *What are the group size requirements of No Child Left Behind?*

**Answer:** Whenever assessment results are used in statistical formulas, it is important to have confidence in the accuracy of the numbers. One technical concern is the size of the subgroup – the law requires that it be large enough for results to be “statistically sound” and not to reveal the identity of an individual student. States define the minimum size of a subgroup needed to obtain good assessment data for making decisions about whether a school is considered to need improvement.

**Question:** *What are the “consequences” mentioned in No Child Left Behind?*

**Answer:** States are required to develop a system of sanctions and rewards for all public schools based on AYP. States are required to identify Title I schools for improvement if they do not show adequate progress for two consecutive years. The consequences of needing improvement increase in intensity if a Title I school continues not to meet AYP goals. For example, in the first year of needing improvement, a consequence is that it receives technical assistance to address the achievement problem. In addition, students are offered public school choice, and the school must develop a school improvement plan.

If the school fails to make AYP goals an additional year, then the school must provide supplemental educational services to disadvantaged children who remain at the school. These services are provided in addition to instruction provided during the school day, and are specifically designed to increase student achievement on the assessments that measure proficiency on the achievement standards set for all students. Parents may choose these services from a list of approved providers. For students with disabilities who receive supplemental services, the services must be consistent with the student's IEP. After several years of not making adequate yearly progress, a school will engage in significant corrective action, such as replacing school staff. Web site resources listed at the end of this document provide information on specific interventions that may occur.

### **Reaching the Promise of *No Child Left Behind***

The promise of *No Child Left Behind* for students with disabilities is that they indeed will not be left behind. Instead, the promise for all students with disabilities is that they will be held to high standards that will help prepare them successfully to leave school ready to attend a postsecondary institution or be employed. This is what schools should be doing. Thus, it is important to support schools in making this promise a reality. For students with disabilities, there are three critical elements to realizing the promise of *No Child Left Behind*: (1) good IEP team decisions about assessment participation, (2) appropriate assessments via accommodations or alternate assessments, and (3) realistic views of other assessment approaches.

Each of these elements is related to assessment. Of course, there are a host of critical instructional elements that must be in place to ensure success for all students. The intent of the assessment is to make sure that the critical needed instruction occurs effectively.

**Assessment Participation Decisions.** For each student with a disability, the decision about how that student will participate in the state assessment system is made by the student's Individualized

Educational Program (IEP) team. This team should not be deciding whether the student participates at all, but instead should be making decisions about how the student participates.

**Appropriate Assessments via Accommodations and Alternate Assessments.** Students with disabilities may participate in state assessments in the same way as other students or with accommodations or by participating in alternate assessments measured against the same academic achievement standards as all students. Currently, the U.S. Department of Education is considering a federal regulation that would permit States to establish alternate achievement standards against which to measure the achievement of students with the most significant cognitive disabilities. The NPRM proposed to limit, for calculating adequate yearly progress (AYP), the percent of students who could be considered proficient as measured against alternate achievement standards to 1.0 percent of a district or State's school-age population in the grades tested in order to ensure that only truly significantly cognitively impaired students were held to different standards. This would only be a limit for purposes of calculating AYP, and not a limit on how many students could be tested with an alternate assessment.

Each IEP team member must take this decision about how the student participates in the assessment very seriously, because the decision is likely to have an effect on school accountability. The goal for IEP teams is to make sure that each and every student with a disability participates in a way that accurately portrays that student's achievement of knowledge and skills so as to hold accountable the educational system responsible for the student's learning.

**Other Assessment Approaches.** There are a number of approaches to assessment that may not be the best practice for accountability. For example, it is not the best practice for the IEP team to decide that a student should take an easier test if the school should be teaching the student grade-level skills, but has not.

**Steps to Take.** Although there are many complex issues surrounding good IEP team decisions about test participation, there are also some simple guidelines. First, strive for every possible student to

be included in the general assessment – allowing for approved accommodations as needed. Second, make accommodation decisions very carefully. Finally, insist that assessments are the best measures that they can be for all students – including students with disabilities. Ask for assessments that have universal design features – assessments that have been designed from the beginning to be appropriate for the widest range of students.

There are resources that help parents and educators learn more about making good decisions about assessment participation for students with disabilities. Although this document has provided some important guidelines, it is worthwhile to also look at other resources for information. Several good resources for further information are provided following the next set of Questions and Answers on the topics of assessments, accommodations, and alternate assessments for students with disabilities.

### **Questions and Answers**

**Question:** *What do IEP teams need to consider in making participation decisions?*

**Answer:** In keeping with the *Individuals with Disabilities Education Act (IDEA)*, IEP teams need to make individualized decisions. Yet, as they do so, they can keep in mind some general principles. The goal of accountability systems is to hold schools accountable for the educational results of students. Therefore, it is important to have accurate measure of what each student knows and can do. The job of the IEP team is to determine how best to measure what the student knows and can do.

The first decision for the IEP team to make is whether the student participates in the same assessment as most students or in an alternate assessment. In most states, the only students who participate in alternate assessments are those with significant cognitive disabilities who have instructional goals that are different from the goals of most students.

For those students who are participating in the regular assessment, the next decision is about accommodations that might be needed to demonstrate knowledge and skills. Many states have guidelines that help in making these decisions. The guidelines focus on what the

assessment requires the student to do and what instructional accommodations the student generally receives.

**Question:** *What should the IEP team do if the child needs a “modification” or “nonallowed accommodation” to participate in an assessment?*

**Answer:** Some accommodations may invalidate a test. For example, reading a test to the student may invalidate a reading test. Many states have terms for such problematic test changes, such as “modification,” “inappropriate accommodation,” or “nonallowed accommodation,” and may have policies limiting the use of the scores produced. Federal policy under IDEA allows States to give the IEP team full authority to select accommodations needed for the child to participate in an assessment, even if the accommodation invalidates the test, or, States may instruct IEP teams to only select accommodations and modifications in the administration of an assessment that the State has determined will not invalidate the results of a particular test or portion of a test. In this later case, if an IEP team were to determine that an accommodation or modification in administration needed by a child would invalidate the test results, the IEP team should determine how the child could appropriately be assessed, such as through an alternate assessment. Results from invalid tests may not count as proficient when determining whether a school has met its proficiency target. Clearly, school personnel must be aware of the policy options in their State, and IEP teams must be aware of the consequences of accommodation decisions for students with disabilities and need to ensure that parents understand the consequences.

**Question:** *Do No Child Left Behind decisions affect graduation requirements?*

**Answer:** *No Child Left Behind* is about school accountability. It does not determine whether a student with a disability will have to repeat a grade or earn a regular diploma. These “high stakes” consequences for students generally are determined by state and local laws.

## **Resources for More Information**

There are many valuable resources to help you as an educator, a parent, or a student to better understand assessments and accountability as reflected in the *No Child Left Behind Act*. The resources listed in this section are a beginning point. There will certainly be an explosion of information as states and districts begin to look at their disaggregated assessment results for students with disabilities and as these students begin to have an influence on accountability results.

*Web site of the National Center on Educational Outcomes (NCEO):* [education.umn.edu/nceo](http://education.umn.edu/nceo)

This Web site provides a wealth of information about the participation of students with disabilities in assessment and accountability systems, with brief discussions of a variety of related topics, questions and answers for each topic, and lists of online and other resources.

*Web site of the Office of Elementary and Secondary Education (OESE):* [www.ed.gov/offices/OESE](http://www.ed.gov/offices/OESE)

This Web site gives the user access to the *No Child Left Behind Act*, cross-cutting information on standards, assessment, and accountability, related regulations and guidance, as well as numerous forms of technical assistance and other resources.

*Web site of the Office of Special Education Programs (OSEP):* [www.ed.gov/offices/OSERS/OSEP](http://www.ed.gov/offices/OSERS/OSEP)

This Web site provides information on the *Individuals with Disabilities Education Act* (IDEA), and numerous technical assistance centers and other resources to help bridge the connection between the *No Child Left Behind Act* and IDEA.