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Civil Rights, No Child Left Behind, Assessments, Accountability, and Students with Disabilities

Written Comments: Rachel F. Quenemoen, Senior Fellow for Technical Assistance and Research
National Center on Educational Outcomes

Madame Chairperson and distinguished members of the Commission, and staff: Thank you for the opportunity to address the Commission. I represent the National Center on Educational Outcomes at the University of Minnesota, a federally funded technical assistance center. NCEO was established in 1990 to provide national leadership in the identification of outcomes, indicators, and assessments to monitor educational results for all students, including students with disabilities. Since its establishment, NCEO has been:

- Working with states and federal agencies to identify important outcomes of education for students with disabilities.
- Examining the participation and use of accommodations by students with disabilities in national and state assessments.
- Evaluating national and state practices in reporting assessment information on students with disabilities.
- Bridging general and special education systems as they work to increase accountability for results of education for all students.

Clearly the focus of our organization causes us to be very involved with states as they develop implementation plans for No Child Left Behind. Clearly, this is a ‘teachable moment’ on the issues we address. Although not all of the people we work with see it in this light, we believe this is a time of great opportunity for students with disabilities. So in my presentation I’d like to provide an overview of how far we have come in inclusive assessment and accountability in the past decade, and why that has been a good thing for students with disabilities! Then I’ll speak to specific challenges we think need careful thought so we can avoid unintended negative consequences of these reforms. But I’d like to do this in the context of how expectations for student achievement color our perception of what is possible, and thus what the student outcomes ultimately are. I’d like to start the presentation with two stories of individual students, students who have met truly “Great Expectations” for their success. One is a student I know well; the other is a student I know only from a newspaper story that ran in the *Boston Globe* just before Christmas.

Corey was living on the street as a 16 year old when Transition Plus staff started working with him. Corey had been receiving special education services for a learning disability for a number of years, but when he started high school in a large urban inner city school, he found the allure and belongingness of a gang as a more attractive way to fit in. His parents worked with the school to explore ways to reach Corey, and almost in desperation, turned to an alternative community-based school program, Transition Plus. Corey’s teacher/mentor Ron started working slowly to help Corey articulate his dreams for his future. When Corey trusted enough to begin sharing, those dreams seemed “unrealistic” to some people. But Ron helped Corey identify a few small steps to take to move toward those dreams, and after 3 years of hard work in the classroom and in the community, and with a lot of support, Corey was on the path to achieving those dreams, reunited with his family, free from drugs and gangs, with a high school diploma in hand, and a job to support himself. Minnesota Department of Children, Families, and Learning, Transition Systems Change Grant Video, *Corey’s Story*, 1997.

Katie Bartlett has spent all of her 17 years exceeding the expectations the world placed on her when she was born with Down syndrome. . . . Still no one was quite sure what would happen when Bartlett took the MCAS exam, now a requirement for a high school diploma in Massachusetts. This is what happened: She passed. *Boston Globe*, December 22, 2002

Think about these stories as I do a brief review of the shifts we have seen in opportunities for students with disabilities over the past decade. Then we'll come back to Corey and Katie, and one more short story of a young woman I know well.

Actually I'll begin a bit more than a decade ago. In 1975, with the passage of P.L. 94-142, the school door opened for children like Corey and Katie. I don't need to repeat here the important progress we made in the past quarter century in ensuring all students were included in the benefits of public education, so I only will note that in the 1997 amendments to the Individuals with Disabilities Education Act (IDEA) we moved the children beyond the school door, and we expected not only their participation but also their progress in the general curriculum. There was and still is some confusion in practice about just what the general curriculum is. Some argued, and still do, that the general curriculum for students with disabilities is whatever the IEP team determines it to be.

But after almost a decade of bipartisan work on standards-based reform we now have content standards in virtually every state that tell us what all children should know and be able to do, and that have reshaped and refocused curriculum and instruction in public schools. It has defined for the first time in a public way what the general curriculum must address. Discussions following the passage of No Child Left Behind have reinforced that understanding. In the appendix to the Standards and Assessment regulations, in the comment section, we read a straightforward explanation of what the expectations are: "One of the bedrock principles of the NCLB Act is that all students can learn to high standards. As a result, section 1111(b)(1) requires challenging academic content and student achievement standards that a State applies to all schools and students in the State. Similarly, section 1111(b)(3) requires a State to develop aligned assessments that the State uses to measure the achievement of all students. These requirements are accurately implemented in Secs. 200.2(b)(1) and 200.6(a) of the final regulations. Specifically, as Sec. 200.6(a)(1) indicates, a State's assessment system must provide accommodations so that a student with disabilities or a student covered under Section 504 of the Rehabilitation Act of 1973 can be held to the content and achievement standards for the grade in which the student is enrolled."

As you all know, assessment of student achievement, and the accompanying requirement of state, district, and school accountability for all students' success in the grade level content, is the centerpiece of the No Child Left Behind Act of 2001. A decade ago, most states included fewer than 10% of students with disabilities in achievement testing. That number reflected states' expectations about who could achieve and beliefs that achievement requirements could harm some students. Today, the average percentage of students in the general assessment is 85%. We've had to come a long way quickly, based on a belief that the greatest harm to students is caused by what President Bush has called the "soft bigotry of low expectations." A brief overview of a decade of change made in including students with disabilities in national and state assessments is included on the next page. Let me walk you through this summary.

Students with Disabilities in National and State Assessments National Center on Educational Outcomes (NCEO)

Web Site: www.education.umn.edu/nceo
 Phone: 612-626-1530 ••• 350 Elliott Hall 75 East River Road Minneapolis, MN 55455 ••• Fax: 612-624-0879

Past Status	A Decade of Change	Current Efforts
<p>Most states included 10% or fewer of their students with disabilities in state assessments in the early 1990s. Participation and accommodation policies were either non-existent or limiting.</p> <p>Participation rates of students with disabilities in NAEP were below 50% in most participating states. Accommodations were not allowed.</p> <p>Participation policies for national, state, and district assessments often reflected low expectations, over-protectiveness, and a lack of concern about the educational progress of students with disabilities.</p> <p>Only one state had developed an inclusive assessment system in the early 1990s – with both a general and alternate assessment.</p> <p>Negative consequences of excluding students with disabilities emerged: increased rates of referral to special education, exclusion from the curriculum, and no information on the educational results of students with disabilities.</p> <p>The Education Summit of 1989 set an agenda for education reform that called for higher expectations, rigorous educational standards, and assessments of progress for all students; this was reinforced by <i>Goals 2000</i>, <i>ESEA Title I</i>, and <i>IDEA 97</i>.</p>	<p>Participation rates in state assessments increased steadily during the 1990s; in 1998 most states had over 50% of students with disabilities in their assessments. Participation and accommodation policies have been established in every state.</p> <p>NAEP began to allow students with disabilities to use accommodations in the mid 1990s, and to include their results in 2000.</p> <p>Access to the curriculum and increased expectations emerged as a critical part of improving the performance of students with disabilities on state assessments.</p> <p>All but a few states had developed alternate assessments by 2000 for those students unable to participate in the general state assessment even with accommodations.</p> <p>Positive consequences of including students with disabilities emerged – performance increased; expectations for students rose; access to the curriculum increased; teachers more confident of ability to teach students with disabilities. Unintended negative consequences were identified.</p> <p>Students with disabilities no longer comprise the largest group of children “<i>left behind</i>” – as national and state policies and practice stress the importance of <i>counting</i> – and being <i>accountable</i> – for the educational results of <i>all</i> children.</p> <p>Culmination in the No Child Left Behind Act of 2001</p>	<p>The challenge of developing assessment systems that are inclusive of all children is spurring innovation among researchers and test developers, who are exploring universal design of assessments and other techniques for improving the inclusiveness of assessments.</p> <p>Essential research on accommodations, alternate assessment, and other assessment topics is under-way, including for example:</p> <ul style="list-style-type: none"> ▪ DIF analyses of the effects of accommodations ▪ Rethinking underlying assumptions of construct measurement, e.g., multiple modalities for “reading” ▪ Studies of alternate assessment validity and scoring reliability ▪ Examining the consequences of high stakes assessments ▪ Analyzing trends in and effects of below grade level testing <p>States have started to demonstrate promising models for reporting the performance of students with disabilities and including them in accountability.</p> <p>National centers provide support for improving standards-based curriculum, instruction, and classroom assessment for students with disabilities, including for example:</p> <ul style="list-style-type: none"> ▪ National Center on Accessing the General Curriculum ▪ National Center on Secondary Education and Transition

NCEO was established in 1990 through a cooperative agreement (H159C00004/H159C50004/H326G000001) with the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS), Office of Special Education Programs (OSEP), Research to Practice Division. Points of view expressed herein do not necessarily represent those of the Department or Offices within it.

Although we at NCEO have been working to help states improve their inclusive assessments and accountability practices, we know that the crux of ensuring that no child is left behind is in improved curriculum and instruction. We have to focus on the services, supports, accommodations, and adaptations necessary so students with disabilities can achieve at grade level. We are working with states to monitor achievement test results of students with disabilities along with all other students. We have heard from states from New York to Kansas to Washington on the success of these efforts. As the emphasis on grade level content in NCLB shows, it is not a matter of testing at lower levels to include all students in assessments, but instead it is a matter of teaching at higher levels. That leads us to the centerpiece of NCLB, system accountability.

What have we heard from states as they develop or tailor their plans for accountability under the NCLB requirements? Five state plans were approved in mid January, and the others submit plans on January 31. You perhaps have heard protests from every corner that expecting students with disabilities to achieve at high levels is unrealistic. That may be true in the short term, given that many students with disabilities are essentially caught in the middle, in school but already many grades behind. This “bubble” of students already in the system far behind their peers is tragic.

But it is also alarming to hear this outcry given what we understand about the effects of expectations on what children learn. The literature on teacher expectations on student achievement is deep and strong – what teachers expect is typically what students do. For many educators, special education labels have become code words that say “this child can’t learn.” What is frightening is that over the past 30 years that belief has become engrained even among parents, advocates, and policymakers. Last fall, during a state task force meeting where the state accountability plan was being discussed, I heard a teacher say, “Any fool knows those special ed kids can’t learn the same stuff as other kids.”

We have a colleague at NCEO, Dr. Kevin McGrew, who is one of the authors of the Woodcock-Johnson III tests of achievement. He has examined the notion that “any fool knows those kids can’t learn” by looking at the academic achievement of students of varying measured IQs, a common measurement used for eligibility for special education services. He has found, “It is not possible to predict which children will be in the upper half of the achievement distribution based on any given level of general intelligence. For most children with cognitive disabilities (those with below average IQ scores), it is NOT possible to predict individual levels of expected achievement with the degree of accuracy that would be required to deny a child the right to high standards/expectations.”

We don’t have a wealth of achievement data for students with disabilities who have been working on grade level content in the context of high expectations. Most students with disabilities have been systematically excluded from testing AND from grade level instruction, as our decade of change review shows you. So I tell the stories of students like Corey and Katie to encourage a discussion about expectations. What do you think I hear when I tell these stories?

What was your reaction? Do people who hear these stories become motivated by the successes we’ve seen with students who are expected to learn to high levels? Some do, and it is thrilling to stay in touch with parents, teachers, or school principals who can tell me how increases in student achievement seem to go right along with an increase in expectations.

But the most common reaction, among teachers, and principals, and even some parents, is this: “Well you don’t know what MY students are like. MY students aren’t like Corey, or Katie. MY students couldn’t do those

things.” I try to tell them – these ARE your students, these are NOT students I have had to comb the country to find – these are students who were expected to learn and then did, with appropriate services and support.

Sometimes my own daughter Alma presents with me on the value of high expectations for students with disabilities. Alma is in her mid 20s, and has Down syndrome. She lives with two other young women with community based supports and a job coaching support network. She is a successful young woman – but after she completes her powerpoint presentation, and takes questions from the audience, she too is met with “but you’re an exception, you’re not like MY students!” or even “you’re not like MY son or daughter.”

What’s wrong with this picture? Why is this happening over and over?

I am afraid that students with disabilities have been facing systematic and institutionalized low expectations for so long that these low expectations are internalized even by their advocates. And thus, when we are confronted by success stories, or even large-scale assessment data that suggest that achievement test scores are increasing for students with disabilities in places with concerted efforts to raise expectations, services, and supports – we say “oh, but those students aren’t like MY students.”

Whose students ARE they? And what are their teachers like? What are their schools like? Dr. Jerry Bamberg refers to some of our early literature on expectations for student achievement in the 1994 NCREL monograph *Raising Expectations to Improve Student Learning*: “Several years ago, Ron Edmonds [at Harvard's Center for Urban Studies] made a commitment to find schools that were successfully educating all children. He reasoned that if he could find one school in which all children were successful, then success should be possible for all schools. For Ron Edmonds, the belief that all children could learn was nonnegotiable - a clear demonstration of high expectations.” At that time, students with disabilities weren’t necessarily included in the definition of “all” children. It is time once again that we work to find one school in which truly ALL children are successful. Keeping standards high, focusing on a belief that all children can learn - that will help us overcome our internalized and pervasive doubts about many of our children, and ensure that kind of success is possible for all schools.