



## **No Child Left Behind Fact Sheet on Assessments for Students with Disabilities**

### **What is the No Child Left Behind Act of 2001?**

The *No Child Left Behind (NCLB) Act of 2001* is a major legislative reform of the *Elementary and Secondary Education Act (ESEA)*—the principal federal law affecting education from kindergarten through high school) that is designed to improve student achievement and change the culture of America's schools. Enacted on January 8, 2002, the 2003-2004 school year is the second year of implementation of NCLB. Title 1 of the Act focuses on improving the academic achievement for the disadvantaged.

### **What are the principal components of NCLB?**

The objectives of NCLB are built on four themes: (1) accountability for results; (2) an emphasis on doing what works based on scientific research; (3) expanded parental options; and (4) expanded local control and flexibility. Issues that significantly impact speech-language pathologists and audiologists in school settings include:

- € “highly qualified” teachers and paraprofessionals;
- € use of accommodations, modifications, and alternate assessments for students with disabilities;
- € assessment of English language learners;
- € sanctions for schools identified as in need of improvement, including the provision of supplemental services; and
- € accountability and adequate yearly progress.

### **Are schools required to include students with disabilities in testing?**

NCLB prohibits schools from excluding students with disabilities from the educational accountability system. The Act requires states to implement statewide accountability systems covering all public schools and students. Most students with disabilities should participate in the same tests taken by their peers. However, some of these students should receive accommodations/modifications, as outlined in Individuals with Disabilities Education Act (IDEA), such as increased time or the use of assistive technology to ensure that their unique needs are taken into account as they participate with their peers in the assessment process. The statute requires states to use accommodations, modifications, and alternate assessments as needed, to ensure that students with disabilities participate fully in NCLB testing. The U.S. Department of Education (ED) expects to prepare a fact sheet focusing on accommodations and modifications in the near future.

Excluding students with disabilities from testing is also a violation of IDEA. IDEA addresses the participation of children with disabilities in assessments with appropriate accommodations and modifications in administration, as necessary, as well as their participation in alternate assessments for those children who cannot participate in state and district-wide assessment programs.

### **What are the assessments and standards options for students with disabilities?**

- ∄ Students may take state assessments based on state standards
- ∄ Students may take state assessments with modification/accommodations based on state standards
- ∄ Students may take alternate assessments based on state standards
- ∄ Students may take alternate assessments based on alternate achievement standards

### **What is the 1% rule for students with disabilities?**

On December 9, 2003, ED released final regulations that established a 1 percent cap on the number of proficient and advanced scores of students with the most significant cognitive disabilities who take alternate assessments based on alternate achievement standards that may be counted in the calculation of adequate yearly progress (AYP). That is, states and school districts have the flexibility to count the “proficient” and “advanced” scores of students with the most significant cognitive disabilities who take alternate assessments based on alternate achievement standards—as long as the number of those proficient and advanced scores does not exceed 1 percent of all students in the grades tested (nationally about nine percent of students with disabilities). Without this flexibility, those scores would have to be assessed against grade-level standards and would be considered “not proficient.” A number of school districts across the country have reportedly failed to make AYP solely because of special education students.

### **What is the exemption to the 1% rule?**

On March 2, 2004, ED released new policy guidance that outlines the means by which states can seek an exemption to the 1 percent cap on the number of proficient scores from alternate assessments that may be included in calculations for determining adequate AYP under NCLB.

To exceed the exemption cap, states must provide the following information, including:

- ∄ an explanation of circumstances that result in more than 1 percent of all students statewide having the most significant cognitive disabilities and who are achieving a proficient score on alternate assessments based on alternate achievement standards;
- ∄ data showing the incidence rate of students with the most significant cognitive disabilities; and
- ∄ information showing how the state has implemented alternate achievement standards.

### **Commonly Used Terms:**

**Out of level assessments** – non-grade level instructional assessments; assessing at a lower grade level than the grade level that the student is assigned to.

**Alternate assessment** – is an assessment designed for the small number of students with disabilities who are unable to participate in the regular state assessment, even with appropriate accommodations. An alternate assessment may include materials collected under several circumstances, including (1) teacher observation of the student, (2) samples of student work produced during regular classroom instruction that demonstrate mastery of specific instructional strategies in place of performance on a computer-scored multiple-choice test covering the same content and skills, or (3) standardized performance tasks produced in an “on-demand” setting, such as completion of an assigned task on test day. To serve the purposes of assessment under Title I, an alternate assessment must be aligned with

the state's content standards, must yield results separately in both reading/language arts and mathematics, and must be designed and implemented in a manner that supports use of the results as an indicator of AYP. An alternate assessment may be scored against grade-level standards, or in the case of students with the most significant cognitive disabilities, against alternate achievement standards.

**Alternate achievement standards** – is an expectation of performance that differs in complexity from a grade-level achievement standard. If a state chooses to create alternate achievement standards, the state is not limited to setting a single alternate achievement standard. If, however, the state chooses to define multiple alternate achievement standards, it must employ commonly accepted professional practices to define the standards; it must document the relationship among the alternate achievement standards as part of its coherent assessment plan; and it must include in the 1% cap proficient scores resulting from all assessments based on alternate achievement standards.

**Additional Resources:**

U.S. Department of Education Web site on NCLB

([www.nclb.gov](http://www.nclb.gov))

Making Assessment Accommodations: A Toolkit for Educators

([www.asha.org/shop/pract\\_issues.htm](http://www.asha.org/shop/pract_issues.htm))

Thompson, S.J., Quenemoen, R.F., Thurlow, M.L., & Ysseldyke, J.E. (2001). *Alternate assessments for students with disabilities*. Thousand Oaks: Corwin Press, Inc.