



NO CHILD LEFT BEHIND



New Flexibility for States Raising Achievement for Students with Disabilities

A New Path for No Child Left Behind. President George W. Bush and Secretary Margaret Spellings believe that no child should be left behind in our efforts to ensure that our nation's elementary and secondary schoolchildren receive an education that fully prepares them for college and the workforce. The U.S. Department of Education will extend flexibility to those States that are raising achievement and are continuing to implement the requirements that are the cornerstone of the No Child Left Behind Act: that *all* students, including students with disabilities, be held to challenging content and achievement standards; that their progress be measured annually by high-quality assessments aligned with those high standards; and that schools and school districts be held accountable for achieving results.

A New Commonsense Approach to Raising Achievement for Students with Disabilities. This guidance follows up on Secretary Spellings' April 7, 2005, announcement of a new, commonsense approach to implementing the No Child Left Behind Act (NCLB), and the guiding principles that will set the parameters for flexibility. In addition to students with the most significant cognitive disabilities (the 1% already covered under Title I), research indicates that there is another group of students with disabilities, approximately 2 percent of the school-aged population, in need of modified standards and assessments who can make progress toward but also may not reach grade-level achievement standards in the same time frame as other students. Secretary Spellings and the U.S. Department of Education will work with States in both the short term and the long term to ensure they will have the flexibility needed to raise achievement for ALL students.

States Must Raise Achievement for Students with Disabilities. To be eligible for short-term adjustments to Adequate Yearly Progress (AYP), States must meet the following guidelines:

- Each State must meet Title I and IDEA requirements that are directly related to achievement and instruction for the full range of students with disabilities. These core principles include: statewide participation rates for students with disabilities, for purposes of measuring AYP, must be at or above 95%; appropriate accommodations are provided to students with disabilities who need them; alternate assessments in reading/language arts and mathematics provided to students with disabilities who are unable to participate in the regular assessment even with accommodations and results from those assessments must be reported; and a State's subgroup size for students with disabilities must be equal to that of other student groups.
- Each State must provide information on actions taken to raise achievement for students with disabilities or narrow the achievement gap and evidence that such efforts are improving student achievement.

Short-term Options. The short-term policy will allow eligible States to exercise additional flexibility in making AYP determinations for the students with disabilities subgroup for the 2004-05 school year, based on assessments administered to those students during the 2004-05 school year.

More information about the new policy and the *No Child Left Behind Act* is available at www.ed.gov.

- The U.S. Department of Education has suggested two options for AYP adjustments. One option applies only to schools or districts in eligible States that did not make AYP based solely on the scores of its students with disabilities subgroup. A second option applies to eligible states that currently assess students based on modified achievement standards. States may also offer their own ideas for the Secretary's consideration.
- The short-term options will promote more accountability for students with disabilities. Research has found that after receiving the best-designed instructional interventions from highly trained instructors, 2% of students were not able to achieve at grade-level. They were able, however, to make progress toward grade-level standards when provided high-quality instructional interventions and measured with appropriate assessment instruments. The short-term flexibility takes this research into consideration while the Department and States work to improve the assessment system for students with disabilities.
- The short-term options will continue to hold States accountable under NCLB. To qualify to exercise this flexibility this year, a State must be meeting specific core requirements of NCLB related to students with disabilities.
- The short-term options are conditional for States. In order to raise achievement for students with disabilities, only States that intend to develop alternate assessments based on modified achievement standards are eligible for short-term flexibility.

Long-term Policy. The U.S. Department of Education will issue a notice of proposed rulemaking in the near future to permit States to develop these modified achievement standards, develop aligned alternate assessments based on those modified standards, and include proficient scores of these students (subject to a 2.0 percent cap at the district and State level) in determining AYP. This rule will work to raise achievement for students with disabilities in need of modified achievement standards and assessments.

- The long-term policy will work to raise achievement for students with disabilities. The goal of these regulations is to:
 - Ensure that States hold these students to challenging, though modified, achievement standards that enable them to approach, and even meet, grade-level standards;
 - Ensure access to the general curriculum to ensure students are taught to the same high standards;
 - Measure progress with high-quality alternate assessments so parents are confident that their students are learning and achieving;
 - Provide guidance and training to Individualized Education Program teams to identify these students properly; and
 - Provide professional development to regular and special education teachers.
- The long-term policy will continue to hold States accountable under NCLB. States must continue meeting the requirements of NCLB related to students with disabilities.
- The long-term policy is supported with current fiscal year resources. To increase States' ability to provide rigorous assessments, instruction, and accountability for students with disabilities, the U.S. Department of Education will direct \$14 million starting this summer to improve assessments, help teachers with instruction, and conduct research for students with disabilities who are held to alternate and modified achievement standards and will continue to provide additional resources in the future.

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