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## Newsroom

### The No Child Left Behind Act and the Individuals with Disabilities Education Act: A Progress Report

#### Letter of Transmittal

January 28, 2008  
The President  
The White House  
Washington, DC 20500

Dear Mr. President:

The National Council on Disability (NCD) is most pleased to present you with a copy of a report entitled *No Child Left Behind Act and the Individuals with Disabilities Education Act: A Progress Report*. Thank you for your leadership on the No Child Left Behind (NCLB) Act, with its push for improved student outcomes, as well as the Individuals with Disabilities Education Act (IDEA), educators across the United States are reexamining their practice and finding ways to close the achievement gaps between groups of students. Students with disabilities are a focus of this attention as schools and states work hard to improve their academic outcomes. Policymakers are studying the ongoing implementation of both NCLB and IDEA to determine the most effective means for serving students with disabilities.

NCD commissioned this study to assist policy leaders and stakeholders in assessing the impact of NCLB and IDEA on schools, including student outcomes produced. This report provides a detailed analysis of such questions as (a) How has student achievement status changed since the laws were (re)authorized? (b) What impact have the laws had on assessment systems, accountability systems, and systems of personnel development? and (c) Which barriers are impeding the achievement of students with disabilities, and how can those barriers be overcome?

In our evaluation of NCLB and IDEA, students with disabilities appear to be doing better academically, and they also appear to be graduating with diplomas and certificates at higher rates than in prior years. Data suggest, however, that there is still certainly concern about the dropout levels of students in the states. Regardless of whether that concern is definitional or real, we ultimately need to better understand the manifestations of new rules and regulations on these students. According to our analyses, one of the most important results of NCLB and IDEA appears to be that students with disabilities are no longer ignored. At that end, NCLB and IDEA have had a significant, positive impact. Teachers, administrators, and the community are becoming aware of what students with disabilities are capable of achieving if they are held to the same high standards and expectations as their peers.

As our nation's policymakers continue their work on NCLB Act reauthorization, it is important to recognize the complex interplay among the federal law, state laws and regulations, and actual practice at the district and school levels. Some of the requirements in NCLB have had unintended consequences, and any proposed changes to the law should be carefully considered to ensure that additional unintended consequences are not created, especially for students with disabilities.

It is also important to provide flexibility with regard to student performance while holding on to the idea of meeting a high standard. High expectations with differentiated learning and instruction should be the twin foundations for the law.

Thanks to your Administration's leadership on NCLB, we are confident that the nation can continue to fight against low expectations for students with disabilities, and can continue to win.

On behalf of all students with disabilities in America, NCD stands ready to provide you and your Administration with whatever resources we have to further implement these two vital federal public education laws.

Sincerely,

John R. Vaughn  
Chairperson

(The same letter of transmittal was sent to the President Pro Tempore of the U.S. Senate and the Speaker of the U.S. House of Representatives.)

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### **Acknowledgments**

NCD also wishes to express its sincere appreciation to Scott Swail of the Educational Policy Institute (EPI) and Betsy Brand of the American Youth Policy Forum (AYPF) for their incisive research in preparing this report.

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## **EXECUTIVE SUMMARY**

This report by the National Council on Disability (NCD) documents changes in student outcomes, profess practices, and policy around the country.

In 2004, NCD issued a report called *No Child Left Behind: Improving Educational Outcomes for Students with Disabilities*, which examined the impact of NCLB and the Individuals with Disabilities Education Act ( on improving educational outcomes for students with disabilities. The report drew its conclusions and recommendations from interviews with disability policy, education, and advocacy leaders and identified s changing attitudes and behavioral shifts in K–12 education as a result of the new legislation.

This report provides both a follow-up and a more detailed reporting of the trends and attitudes about NC and IDEA over the past several years. In this study we spoke to dozens of researchers, practitioners, a state administrators from across the country about NCLB and IDEA. In addition, we conducted a study c of the largest states in the nation, representing approximately half the U.S. general population.

This report is divided into four sections. Part I provides a brief overview of trend data regarding students disabilities. Part II describes conversations with state administrators and representatives about trends a issues related to NCLB and IDEA. Part III describes similar conversations with advocates, federal officia and other stakeholders. Part IV provides recommendations based on our findings.

### ***PART I. Academic Outcomes for Students with Disabilities***

Because of the relative lack of decent academic trend data since the passage of the No Child Left Behir (NCLB) Act, there is no credible way to connect academic trends and NCLB. Even the recent Center for Education Policy (CEP) report strongly suggested caution in using the data to suggest the impact of NCLB. Frederick Hess of the American Enterprise Institute warned, “These findings should be treated very cautiously... especially trying to link this to something as amorphous as NCLB” (Hoff, June 5, 2007, <http://www.edweek.org/ew/articles/2007/06/06/39cep.h26.html?print=1>).

We relied on National Assessment of Educational Progress (NAEP) data for a discussion of trends in achievement. NAEP is commonly referred to as the “nation’s report card” and is a statistically significant that is conducted in all states.

Our findings suggest that students with disabilities are doing better in terms of placement in various acad categories. By and large, fewer students are scoring in the “below-basic” proficiency level, and more stu are scoring in the “proficient” or higher level in reading and mathematics at the fourth- and eighth-grade l However, positive change is greater at the fourth grade and dissipates by the eighth grade. Again, cauti should be noted: these findings across the 10 states studied by NCD are volatile, and the trend line is exceedingly short by statistical standards.

Throughout the past several years, the number of students with disabilities who have dropped out of sch has increased, and the number of students who are using special education services has decreased. Graduation and certificate rates, conversely, rose since the establishment of NCLB.

In summary, students with disabilities appear to be doing better academically, and they also appear to b

graduating with diplomas and certificates at higher rates than in prior years. Data suggest, however, that there is still certainly concern about the dropout levels of students in the states. Regardless of whether that concern is definitional or real, we ultimately need to better understand the manifestations of new rules and regulations on these students.

## ***PART II. Perspectives of State Officials***

NCD interviewed state-level staff members from sectors of education that were directly affected by NCLB and IDEA: assessment, data collection, curriculum and instruction, and professional development. During these interviews, staff discussed the changes that had been made at the state level to comply with IDEA/NCLB regulations, the difficulties states had in making those changes, and whether or not a discernible improvement in the academic achievement of students with disabilities had occurred as a result of NCLB and IDEA. Over the span of six months, NCD spoke with more than 35 staff members from 10 states: California, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

From the interviews it was evident that state characteristics, such as the demographic make-up, geographic distribution of the school-age population, culture, and size and number of school districts, all had an impact on each education department's ability to respond to NCLB and IDEA mandates. Responsiveness was also affected by the sophistication of each state's existing assessments and data collection systems and by the amount of work needed to be done to comply with NCLB and IDEA reporting requirements.

Implementing NCLB and IDEA at the state level has been no easy task. However, despite the difficulties states have faced in complying with the two laws, it was clear from our interviews with staff members that some positive changes are taking place. The following is a brief summary of the common themes that emerged from these conversations.

### **Academic Achievement**

- Most respondents felt that, overall, the academic achievement of students with disabilities had increased since the implementation of NCLB and IDEA, but they cautioned that an increase in test scores was not necessarily attributable to NCLB or IDEA alone.

### **Assessment**

- NCLB appears to have been effective in promoting the increased inclusion of students with disabilities on state assessments. Though IDEA '97 required states to develop an alternate assessment for students with severe cognitive disabilities, the real push for inclusion came with the NCLB rule that 100 percent of all students had to participate in state assessments.
- A positive outcome of alternate assessments has been the increase in the participation rates of students with severe cognitive disabilities on state assessments. According to state staff members, this increase is a direct result of NCLB.
- Including students with disabilities in general education classrooms and exposing them to the general education curriculum gives them the chance to perform better on assessments.
- Most state staff members we spoke with viewed the increased inclusion of students with disabilities on state assessments as a positive outcome of NCLB and IDEA.

### **Accountability**

- Every state (in our study) has taken steps to develop an accountability system that meets NCLB and IDEA requirements. Our interviews revealed how different each state was in its approach to developing and maintaining its accountability system.
- Though many improvements have been made since NCLB and IDEA began emphasizing accountability for all students, some staffers worried that some regulations could actually harm students with disabilities, such as the requirement to count as high school graduates only those students who received regular diplomas in the standard number of years.
- Respondents complained that the U.S. Department of Education's changes in policies have made it difficult to stay within the policy guidelines of NCLB. Specifically, staffers pointed out that it is unfair for the Education Department (ED) to make changes to the regulations and expect states to comply, then fail to provide guidance on what these changes entail.
- Overall, state staff members believe accountability systems are a positive result of NCLB and IDEA. Schools and districts must now pay attention to the performance of all students, which means students with disabilities are getting attention they did not have before.

### **Data Collection and Quality**

- The quality and sophistication of data collection and management systems vary from state to state and each state is at various stages of upgrading its data collection systems. It is not clear, however, whether those changes are the direct result of NCLB.
- Training is expensive, and states do not have the people or the capacity to supply one-on-one support to every district and school. Therefore, states do what they can with the resources they have.
- A number of data collection experts mentioned that the Office of Special Education Programs (OSEP) often did not give them sufficient time to implement changes to the system. Not only do states need time to make the appropriate changes to the data collection system to ensure they are collecting proper data, but also districts need advance notification to train their employees on the new requirements.
- Data experts expressed frustration with the overlap of reporting requirements among NCLB, IDEA, and the state. They suggested that collaboration, particularly between NCLB and IDEA, was needed to develop clear definitions for data collection that would result in gathering information truly useful to districts and the states.

According to our discussions, the most important result of NCLB and IDEA appears to be that students with disabilities are no longer ignored. To that end, NCLB and IDEA have had a significant, positive impact. Teachers, administrators, and the community are becoming aware of what students with disabilities are capable of achieving if they are held to high standards and expectations.

### ***PART III. Perspectives of Key Stakeholders***

Part III provides an assessment of how NCLB, after three more years of implementation, has impacted students with disabilities; the assessment is drawn from interviews with disability policy, education, and advocacy leaders, as well as with students with disabilities and their parents.

#### **Attitudes and Expectations**

- Since 2004 there has been a palpable and positive change in the overall attitude of educators toward educating students with disabilities. Educators expect students with disabilities to meet higher standards, and students with disabilities have increased access to highly qualified teachers and higher-level curricula.
- Most individuals interviewed for this report believe that the culture of high expectations for students with disabilities—and, for that matter, for all students—is taking root. They credit these attitudinal changes to NCLB and to IDEA as reauthorized in 1997 and 2004.
- When asked whether students with disabilities are considered as general education students in the current environment, individuals who were interviewed said there is much more acceptance of students with disabilities in general education, but dividing lines still exist between the two groups.
- Respondents indicated there has not been any serious backlash against students with disabilities in the accountability system.

#### **Academic Achievement of Students with Disabilities**

- There is general agreement that NCLB has helped improve the academic performance of students on standardized tests. But many people caution that it is too early to tell whether NCLB has had an impact on increasing academic achievement and skills of students with disabilities.
- Many interviewees did report that state performance reports indicate higher scores in math and English for elementary students with disabilities, but there is little improvement for students with disabilities at the high school level.
- Interviewees all agreed that NCLB has had an impact on programs for students with disabilities in that much more attention has been focused on improving the academic performance of students with disabilities. But most felt it has not translated into actual academic improvements yet because it takes time to prepare teachers and to change instruction.

#### **Reporting Disaggregated Outcome Data**

- Widespread acceptance of the importance and need to report outcome data disaggregated by subgroups now exists. When NCLB was first being implemented, there was some resistance to the provision, but three years later, almost without exception, policymakers, educators, advocates, and parents sing the praises of the disaggregated reporting requirements of the law.

#### **More Supports Needed for Students with Disabilities**

- Educators are increasingly aware of the need to provide lower-performing students with extra support to allow them to attain higher standards.
- Since 2004 students with disabilities are, according to interviewees, gaining much more access to grade-level curricula. This move began with the reauthorization of IDEA in 1997, and NCLB has continued this push for students with disabilities. Students with disabilities are also increasingly expected to take high school exit exams in states where these exams are administered, which means these students must have access to the curricula.
- If students with disabilities are going to access higher-level curricula, they need to have well-trained teachers, with strong content knowledge and pedagogical strategies, to make those curricula learnable. But the issue of the capacity of the teaching force was raised over and over again during interviews.
- Several interviewees also sounded a cautionary note about focusing too exclusively on grade-level standards to the point that the special education curriculum is ignored, which may prevent students with disabilities from learning necessary skills.

### **Schools Still Focusing on Compliance with NCLB**

- States, districts, and schools are still engaged to a large extent in compliance with the requirements of NCLB, which is preventing them from focusing their efforts on instructional change and teacher development.
- States are still in the process of designing assessment systems (particularly the alternate and modified assessments), working to meet the highly qualified teacher requirements and to provide timely notification of testing results to schools, teachers, and parents.
- Guidance from the U.S. Department of Education has often been inconsistent or slow in coming, which has slowed down the implementation at the state and district levels.

### **Culture and Belief Systems**

- Educators and policymakers increasingly believe that all students can learn to higher standards and that this perception is growing stronger all the time. However, when students with disabilities are considered, there is still some hesitation about the extent to which they can learn to grade-level proficiency standards.
- Some students with disabilities are given assessments that can be less rigorous than the regular assessments; this reinforces the idea with the public that students with disabilities cannot perform grade-level proficiency.
- Because the issue of expectations drives so much instructional practice and classroom behavior, it is important to have clarity on what should be expected of students with disabilities.

### **Capacity Building**

- Without prompting, almost every interviewee raised the issue of highly qualified teachers (HQTs) as a key provision to help students with disabilities achieve to higher standards.
- Several interviewees raised the issue of the role of higher education and teacher licensing; that is, higher education needs to revamp to meet current teaching demands.
- Interviewees stressed the need for school principals to set the tone for the entire school, first to create the culture of high expectations for all students, especially students with disabilities, and then to act as an instructional leader who can support differentiated learning strategies.
- Interviewees also mentioned the importance of training school counselors to work with students with disabilities, to help them with both course selection and transition planning.
- Capacity is desperately needed in the area of test development, especially in alternate and modified assessments. The federal government could provide development work in this area.
- Educators also need access to information about what instructional strategies help lower-performing students succeed.

### **Ensuring Access to High-Quality Instruction and Services**

- Students with disabilities can achieve to higher standards if they have access to high-quality curricula aligned to high school exit exams. However, it is clear this is not always happening. Many students with disabilities have been placed in lower-level classes that do not prepare them for high school exit exams.
- There is a concern about the quality of the high school diploma offered. In some states, only one diploma is available, and it applies to everyone. Other states offer various diplomas, but they are of lesser academic value, a clear signal that students are not being challenged.
- While students with an Individualized Education Plan (IEP) are provided with additional instruction:

supports, little attention has been paid to how students with disabilities are being involved in after-school or supplemental learning opportunities. Clearly, students with disabilities are not getting the complete access they deserve and to which they are entitled.

### **Measuring Performance**

- Almost without exception, interviewees felt that as a result of NCLB there has been too much test and it is having unintended and negative consequences on students and schools alike.
- It is clear that NCLB has put tremendous pressure on states and districts, and they are beginning to learn, through data, the full extent of how difficult it is to have every student learn to high standards.
- The closer one gets to the classroom, the more negative are the comments made about NCLB's testing requirements. At the administrative level, on the other hand, there is a sense of the value of outcome data (that is, tests) across schools.
- Interviewees shared numerous stories of states, districts, and schools that found ways to discourage or hide students with disabilities in their accountability systems. It is hard to determine how widespread these practices are, but given the small number of educators interviewed for this project, these things surfaced quite often. Interviewees told of other ways of gaming the system to ensure that students with disabilities were not counted or to prevent too many schools from being labeled as in need of improvement.
- A number of interviewees raised the issue of which students were being placed in the 1 percent and 3 percent categories for alternate assessments and whether these categories met the needs of students with disabilities.
- Interviewees also expressed three specific concerns about growth models: having clear definitions of growth models; ensuring consistency of growth models across schools, districts, and states; and guaranteeing that state education officials have the necessary resources to evaluate how growth models are being used.

### **Meeting the 100 Percent Proficiency Target**

- Of all the issues raised by NCLB, perhaps the most significant is having all students meet grade-level proficiency by the school year 2013–2014. Yet, interestingly, many school-level educators and advocates did not raise it in their comments.
- Most interviewees felt that education policy needs to recognize that some students will require more time to meet grade-level proficiency standards and that we are too bound by the traditional structure of education and the requirement to complete high school in four years.

### **Data and Reporting**

- Most interviewees who worked with data felt that there were various ways IDEA and NCLB could be brought more effectively together, from using common definitions and Web sites and forms to using common reporting infrastructures and data systems.
- Another significant discrepancy between the two laws relates to how high school graduation is measured, which has an impact on whether schools do or do not meet the adequate yearly progress provisions in NCLB and on how students progress through high school. IDEA gives much more flexibility to students with disabilities in terms of the length of time it takes to complete high school or meet the goals of the particular IEP. This time-based approach runs headlong into the NCLB requirement for high school graduation within the traditional four-year time period.
- Some interviewees felt that IDEA collected a level of detailed student data that allows for much richer analysis of instructional strategies than what is required by NCLB.

### **Parental Access to Information**

- Overall, most interviewees, including advocates, felt that the amount of information available to parents—and the public in general—had vastly increased and improved as a result both of NCLB and IDEA. Still, there was some concern about how useful some of this information is to parents.

### **Compatibility of NCLB and IDEA**

- The common opinion was that although the NCLB and IDEA complement and strengthen each other, they could be made more compatible. As suggested by one respondent, IDEA is a civil rights law and NCLB is a law to make people "mind." Several interviewees felt that because IDEA is a civil rights law, it should prevail over NCLB and that the U.S. Congress should make this clear.

## **PART IV. Recommendations**

In looking at changes to NCLB, it is important to understand that there is a complex interplay among the federal law, state laws and regulations, and actual practice at the district and school levels. Some of the requirements in NCLB have had unintended consequences, and any new changes to the law should be carefully considered to ensure that additional unintended consequences are not created, especially for students with disabilities. It is also important to provide flexibility with regard to student performance while holding on to the idea of meeting a high standard. High expectations with differentiated learning and instruction should be the twin foundations for the law.

The following recommendations are based on the advice and comments of the interviewees:

1. **Maintain high expectations for students with disabilities and continue to disaggregate outcome data by subgroups.** The most important recommendation gathered from the interviews is to maintain high academic expectations for students with disabilities and to continue to report student outcome data by subgroup.
2. **Develop the capacity of teachers to provide differentiated instruction and more rigorous curricula.** In order for students to benefit from higher-level curricula, teachers must have the content knowledge and pedagogical skills to work with a diverse group of learners, particularly students with disabilities.
3. **Create incentives to attract, recruit, and retain special education teachers.** As special education teachers retire, attention needs to be paid to how to develop the profession and to maintain adequate numbers of teachers with the skills and knowledge to work with students with disabilities.
4. **Align NCLB and IDEA data systems and definitions.** NCLB and IDEA require data collection and reporting on various student outcomes and program characteristics, but the laws use different definitions and reporting formats, which should be brought into closer alignment so that states, districts, and schools are not duplicating data collection efforts. NCLB should also be amended to require that post-school outcomes be reported because such outcomes are a critical indicator of success for all students.
5. **Ensure that students with disabilities are measured on more than just academic skills attainment.** The definition of what is assessed for students with disabilities should be broadened to include occupational, employability, and life skills.
6. **Increase funding for special education.** Helping students with disabilities access higher-level curricula requires more support services, potentially more learning time, better-trained teachers, collaborative teaching, and new instructional approaches. The current requirement to spend 15 percent of IDEA on early intervention services for non-special education students diverts funding from an already needy population.

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## INTRODUCTION

When the No Child Left Behind (NCLB) Act was signed into law in January 2002, there was a sense of optimism that the legislation would finally lead to the closing of the education achievement gap for various groups of students. For students with disabilities, the assumption was made that they would benefit by being held to higher expectations and exposed to more rigorous curricula. NCLB has, indeed, had a significant impact on the education system and students in our schools, and it has been most successful, perhaps, in bringing to light various practices and behaviors that were preventing many students from achieving at high standards. However, there is evidence that the full promise of NCLB has not yet been achieved.

In 2004, the National Council on Disability (NCD) released the report *No Child Left Behind: Improving Educational Outcomes for Students with Disabilities* that examined the impact of NCLB and the Individuals with Disabilities Education Act (IDEA) on improving educational outcomes for students with disabilities. The report drew its conclusions and recommendations from interviews with disability policy, education, and advocacy leaders and identified some changing attitudes and behavioral shifts in K–12 education as a result of the new legislation.

While NCLB was still a relatively new law and in the process of being implemented, it was clear that the intent of the law to close the achievement gap and help all students meet academic proficiency resonated with policymakers, parents, the public, and advocacy groups. Less enthusiastic, in some respects, were teachers and school leaders as they faced the on-the-ground challenge of helping every student achieve grade-level standards. Still, there was an overall feeling that the focus on helping every student achieve was overdue and would result in improved outcomes.

Many, perhaps, viewed the most dramatic and important changes to be the section of the law requiring schools, school districts, and states to report on the academic performance of student subgroups. Disaggregating data based on student subgroups, while difficult, was becoming more widely accepted by educators and strongly supported by politicians, advocates, and parents by 2004. The individuals interviewed for the 2004 report unanimously agreed that reporting student outcomes by subgroup was the most positive



and important feature of NCLB and that exposing the true performance data was essential in order to bring about instructional changes. However, despite these positive attitudes toward reporting data, many interviewees felt that the technical challenges of creating student assessments and performance reports are a burden.

At the same time, educators were understandably fearful that they would be blamed for the poor performance of students—particularly students with disabilities and English language learners, or ELLs—under the new system. A large number also believed that it was not possible for these groups of students to meet high standards. Parents, advocates, and policymakers, on the other hand, thought that holding these and other low-performing students to high expectations was critical and that the law would change cultural beliefs.

Another fear commonly expressed in 2004 was that NCLB would focus too much on testing and test preparation. Teachers and principals, in particular, began to feel increasingly pressured to improve performance on tests, limiting the time available for more creative types of learning. Special education teachers felt an additional concern, namely, that test preparation would crowd out the teaching of important life skills.

The 2004 report also previewed several major challenges that interviewees for this current study identified. First, the system lacks the capacity to meet the instructional and assessment demands placed on schools under NCLB. Second, school leaders and teachers who embrace the culture of high expectations are an underpinning for success. Third, schools need to be staffed with highly qualified teachers, especially in light of impending retirements and teacher shortages. Fourth, how can special education teachers be effectively trained to become content experts, and is that really necessary? Fifth, how can educators develop quality assessments in a timely fashion and create an effective feedback loop for teachers and parents? Last, schools, districts, and states will find technical ways to avoid being held accountable by the adequate yearly progress provisions in NCLB.

How have things changed since the earlier report? States have been hard at work since 2004 meeting the requirements of NCLB, from ensuring that all teachers are highly qualified to developing data reporting systems. While tremendous progress has been made in important areas, states and districts are still in the early stages of certain aspects of NCLB implementation, especially with regard to differentiated instruction, ensuring access to rigorous curricula, and measuring performance through alternate or modified assessments.

### **This Report**

This report was prepared to document changes in student outcomes, professional practices, and policy around the country. Because of the sheer scope of this effort, we focused primarily on a subsection of 10 states: California, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania. These states were chosen for several reasons. First, the populations of these states represent about 137 million people, or roughly half of the overall U.S. population (based on 2000 U.S. Census Bureau data). Thus, in 10 states, we can take a snapshot of how a good portion of the country operates. Second, seeing how the largest states have done in their NCLB and IDEA efforts has value because they carry, for the most part, the same intents and purposes, a larger burden than other states. And third, several of the states studied over the past year were highly recommended by experts in the field because of their use of innovative practices to cope with NCLB and IDEA and to change the way students with disabilities are educated. (Note: For those wondering why Texas, our second largest state, was not involved, it was simply because we could not get access to the people necessary to participate in this study in a timely manner.)

The study consisted of four separate components. The first component involved the collection of data—both NCLB data and other IDEA-based data collected and held by the U.S. Department of Education—from each of the participating states. These data are discussed in brief in the Introduction and are provided by state in Appendix D. The second component is a review of policy and procedures. We reviewed state education department Web sites and other sources to document the policies and practices in each of our 10 states. These are described in detail in Appendix C. The third component involved multiple discussions with state officials to discuss policy and practice issues related to NCLB and IDEA. This component of the study is described in Part I. For the fourth component, staff of the American Youth Policy Forum conducted interviews of disability stakeholders at the national and regional levels to ascertain their thoughts on the progress of policy and practice. These discussions are synthesized in Part II. We conclude the report with a series of recommendations for NCD and the disability community at large.

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## PART I. ACADEMIC OUTCOMES FOR STUDENTS WITH DISABILITIES

Calculating trends in academic achievement across states is a difficult task, not least because there are ways to look at academic achievement. One method is to use assessment data from the states to compare the proficiency levels of students; the other method is to use data from NAEP. Although the former is the method used in the recent Center on Education Policy report, *Answering the Question That Matters Most*, it is extremely problematic because each state creates its own test and also determines what its level of “proficiency” is. Critics of such analysis suggest that test scores are inaccurate measures of academic proficiency and are skewed by instructional practices (Hoff, June 5, 2007, <http://www.edweek.org/ew/a/2007/06/06/39cep.h26.html?print=1>).

There is concern that the states’ use of adequate yearly progress (AYP) data may be masking real—or lack of—change in the public schools. The setting of modest achievement goals to enable schools and districts to meet AYP standards relatively easily early on could make the future attainment of AYP very difficult (Hoff, June 18, 2007 <http://www.npr.org/templates/story/story.php?storyId=11152922>).

Regardless of the statistical measures used to analyze students’ progress, what is known is that any upward trend in achievement is difficult to attribute to NCLB or to IDEA. The Center for Education Policy (CEP) reported that while test scores for students have gone up, linking this to NCLB is delicate at best: “You have to be very careful,” said Jack Jennings of CEP. “At the same time that NCLB was taking effect, a whole lot of things [was] happening.” More directly, Jennings said that we “cannot draw a direct line between this increase in achievement and NCLB.” Frederick Hess of the American Enterprise Institute similarly noted, “These findings should be treated very cautiously, especially trying to link this to something as amorphous as NCLB” (Hoff, June 5, 2007).

Another challenge of data analysis is the relative youth of NCLB and the IDEA reauthorization of 2004. The CEP study notes that less than half the states—22 to be exact—have sufficient trend data for analysis. In our analysis of NAEP data for this report, we ran into similar challenges. Only in the last couple of years have states started to document the academic progress of all students, including those with disabilities, making trend lines extraordinarily brief. Regardless, the CEP study does provide us with data for discussion. Overall, the conclusion from the study suggests that states are improving and more students are becoming “proficient.”

For our own analysis, we relied on NAEP data to discuss trends in achievement. NAEP is commonly referred to as the “nation’s report card,” and it is a statistically significant test that is conducted in all states. Although NAEP was not designed to be used as a diagnostic instrument, it nevertheless does give us average measures of student achievement across the country. Although NAEP has limitations, we believe it is a more constant barometer of achievement in the states than AYP proficiency levels.

Exhibits 1 through 4 that follow provide NAEP data for review. Exhibits 1 and 2 focus on fourth-grade outcomes in mathematics and reading for students with disabilities. On average, the percentage of students with disabilities who scored below a basic proficiency level in mathematics declined by 6 percent in two years. Our 10-state sample ranged from a decrease of just 1 point (New York) to 17 points (Florida). However, the percentage of students with disabilities who scored below a basic level in reading increased 5 percent at the national level. Our 10-state sample ranged from an increase of 8 percentage points (New Jersey) to a decrease of 26 points (Ohio).

On the other end of the spectrum, the percentage of students who scored at the proficient level on the NAEP mathematics and reading tests increased, although moderately at best. In mathematics, the national increase in students with disabilities scoring at the proficient level increased 3 percent (from 11 to 14 percent), with California posting a 0-point increase and Ohio a 10-point increase. In reading, the national score increased 2 percent, with New York posting a 2-point decrease and Ohio, again, posting a 10-point increase.

These numbers, especially those below the basic proficiency level, illustrate the volatility in data. For instance, is Ohio truly doing that much better than the other nine states? Or is the improvement the result of the methodology by which students with disabilities are tested? At this point, we cannot infer much from the data due to the short trend lines. However, over time, these data will begin to have more meaning as testing standards, within NAEP, begin to stabilize.

*Exhibit 1 . Percentage of Fourth-Grade Students with Disabilities Scoring at the Below-Basic and Proficient Levels of the NAEP Mathematics Test, 2003 and 2005*

Exhibit 1

	Below-Basic	Proficient
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	2003	2005	$\Delta$ change		2003	2005	$\Delta$ change
UNITED STATES	50	44	-6		11	14	3
CALIFORNIA	59	56	-3		5	5	0
FLORIDA	50	33	-17		12	19	7
GEORGIA	57	46	-11		10	14	4
ILLINOIS	49	43	-6		12	15	3
MASSACHUSETTS	35	26	-9		18	21	3
MICHIGAN	41	39	-2		12	19	7
NEW JERSEY	51	43	-8		16	19	3
NEW YORK	49	48	-1		11	10	-1
OHIO	49	38	-11		9	19	10
PENNSYLVANIA	58	48	-10		11	15	4

*Exhibit 2. Percentage of Fourth-Grade Students with Disabilities Scoring at the Below-Basic and Proficient Levels of the NAEP Reading Test, 2003 and 2005*

Exhibit 2

	Below-Basic				Proficient		
	2003	2005	$\Delta$ change		2003	2005	$\Delta$ change
UNITED STATES	71	76	5		8	9	1
CALIFORNIA	78	79	1		4	5	1
FLORIDA	72	62	-10		9	10	1
GEORGIA	72	63	-9		9	13	4
ILLINOIS	69	64	-5		10	12	2
MASSACHUSETTS	59	47	-12		11	15	4
MICHIGAN	70	61	-9		6	11	5
NEW JERSEY	62	70	8		6	7	1
NEW YORK	67	68	1		9	7	-2
OHIO	80	54	-26		4	14	10
PENNSYLVANIA	76	65	-11		7	11	4

Exhibits 3 and 4 focus on eighth-grade NAEP achievement in mathematics and reading. Our findings illustrate that, on average, the percentage of students with disabilities who scored at the below-basic level in mathematics and reading decreased by 2 and 1 percent, respectively. Again, we see volatility between states. In mathematics, the percentage of students with disabilities who scored at the below-basic level ranged from a decrease of 13 percent (Florida) to an increase of 2 percent (California/New Jersey). In reading, the percentage ranged from a decrease of 11 percent (New Jersey) to an increase of 2 percent (Illinois).

The percentage of students with disabilities who scored at the proficient level was also very modest, with a 1 percent increase at the eighth-grade level in both mathematics and reading. Similarly, the ranges in these areas were also much more modest than in our other analyses.

*Exhibit 3. Percentage of Eighth-Grade Students with Disabilities Scoring at the Below-Basic and Proficient Levels of the NAEP Mathematics Test, 2003 and 2005*

## Exhibit 3

	Below-Basic				Proficient		
	2003	2005	$\Delta$ change		2003	2005	$\Delta$ change
UNITED STATES	71	69	-2		5	6	1
CALIFORNIA	80	82	2		5	5	0
FLORIDA	76	63	-13		5	10	5
GEORGIA	76	71	-5		5	5	0
ILLINOIS	72	69	-3		5	5	0
MASSACHUSETTS	59	49	-10		8	14	6
MICHIGAN	73	69	-4		5	4	-1
NEW JERSEY	66	68	2		6	4	-2
NEW YORK	68	63	-5		7	7	0
OHIO	67	62	-5		5	8	3
PENNSYLVANIA	73	68	-5		6	5	-1

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