

*No Child Left Behind and IDEA
Questions for Your Consideration:
What Can Be Done With Your Answers*

Presentation to the Virginia Council of
Administrators of Special Education

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NCLB 101: AYP

- Adequate Yearly Progress (AYP)
- Measures progress in:
 - Reading/Language Arts (English)
 - Mathematics (adds Science by 2007)
 - "Other Academic Indicator"
- NCLB uses Virginia's Standards of Learning tests, but calculates the results differently.
- Tested in grades 3, 5, 8 and end-of-course. 3 *through* 8 and end-of-course by 05-06.
- Schools can be fully accredited under Virginia standards and fail to meet AYP.

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NCLB 101: Targets and Disaggregation

Targets

- Set based on *aggregate* 01-02 (pre-NCLB) state test scores, and increase to **100% by 13-14**.

Disaggregation

- The **same** AYP targets must be met by **all** disaggregated subgroups at state, division and school level—*regardless of where they started*.
 - students with disabilities (IEPs)
 - economically disadvantaged
 - limited English proficiency
 - major racial and ethnic subgroups

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NCLB 101: Participation

- 95% of all students must participate in each assessment.
- This means 95% participation not only for the school division, but for *all* schools, and for *all* subgroups.
- Requires participation of students that have been exempt from state assessments in the past (some students with disabilities & LEP students).

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NCLB 101: Minimum "N" for Subgroup Accountability

- Threshold set by Virginia at 50 students.
- Refers to students taking the test, not the entire school or subgroup population.
- Groups and subgroups with fewer than 10 students do not report scores – *protects student privacy*.
- Groups and subgroups with fewer than 50 students report scores, but schools are not held accountable for subgroup performance – *ensures AYP isn't based only on small numbers of students*.
- **Every student's score is counted** in the "all students" category, these thresholds simply help determine whether subgroups are subject to AYP.

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For 2004-05, meeting overall AYP requires achieving targets in *every* box below

AYP Target Group	English AMO	Math AMO	English Part	Math Part	"Other Indicator"
All Students	70%	70%	95%	95%	*
African American	70%	70%	95%	95%	*
Hispanic	70%	70%	95%	95%	*
White	70%	70%	95%	95%	*
Students w/dis	70%	70%	95%	95%	*
LEP	70%	70%	95%	95%	*
EconDis	70%	70%	95%	95%	*

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Question One: Does NCLB adequately integrate what we have learned through IDEA?

NCLB

- Students with Disabilities as one of many subgroups for accountability.
- Recognition of testing accommodations, but virtually all students are required to achieve the same grade level standards.
- 1% "cap" for significantly cognitively disabled students - may test using alternate standards but cannot count more than 1% toward AYP.

IDEA

- 30 year history, extensive legislation, rulemaking, and litigation.
- Concept of tailoring a student's educational experience to their particular needs: individualized education plans, developmentally appropriate assessments.

Question Two: Is the measurement of progress under NCLB appropriate for special education students?

- NCLB measures student progress on grade level assessments pegged to the same benchmark standards for all students.
- NCLB by and large does not account for "growth" or "improvement" – key is reaching a single benchmark standard (safe harbor the lone exception).
- NCLB does not measure year to year progress of the same students; instead it compares this year's third graders to next year's, and so on.
- NCLB does not account for the fact that certain students might take longer to learn the same material than others.

Question Three: Are sanctions under NCLB appropriate for special education students?

- NCLB sanctions apply to Title I schools that fail to meet AYP standards for two or more consecutive years in the same subject.
- Miss two consecutive years—public school choice.
 - How does choice mesh with such considerations as IEP placements, least restrictive environments, program availability.
- Miss three consecutive years—supplemental services.
 - Providers not required to be accessible to all students, not required to provide accommodations designated in a student's IEP.
- The choices arising out of sanctions are available to all students in a school, not just those in subgroups that fail to meet AYP.

Question Four: How do you best measure "teacher quality" among special educators?

- NCLB Highly Qualified (HQ) teacher requirements – in VA, this means fully licensed and endorsed in subject area content.
- Applies to teachers of "core" academic subjects. Special education not specifically defined into the "core."

Different approaches to "highly qualified" in a self contained class

1. Self contained special education teachers must be HQ in each subject, *in addition* to being fully certified in special education.
2. Special education students in a self contained classroom with a certified special educator must have access to HQ subject area teachers—mirror image of special education resource teachers in general education classrooms.
3. A fully certified special education teacher is by definition HQ regardless of subject endorsements.

Question Five: Were AYP targets set appropriately for special education students?

- AYP targets initially set by aggregating every student in the state and setting the benchmark at the same level for every student.
- The process did not account for the fact that different subgroups start at different levels of baseline proficiency.
- An alternative--set benchmark goals within each disaggregated subgroup, with every group on a path to 100% proficiency.

Question Six: Do NCLB policies adequately address every type of special education student?

Essentially two testing choices in Virginia:

- Regular grade-level SOL content exam with or without accommodations.

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- Virginia Alternate Assessment Program (VAAP).

- For some students VAAP is inappropriately basic, but the regular grade-level SOL content exam is inappropriate as well.
- Not much middle ground—Virginia's "plain language" math exam linked to grade level standards has been incorporated into some student's IEPs.

Question Seven: Does NCLB adequately recognize non-standard diplomas?

- Graduation rate is an "other academic indicator."
- NCLB includes a "1% cap" allowing significantly cognitively disabled student achievement under alternate standards to count toward AYP, but does not have a parallel provision allowing states to count any number of "modified standard" or "special" diplomas as successful graduates.
 - IDEA acknowledges that some students with disabilities can successfully complete high school with more time, but NCLB only deems four-year graduations as "successful."

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Question Eight: Are concerns about NCLB limited to special educators?

- Most of these questions are being asked by *all* educators.
- Extensive parallels between issues for students with disabilities and limited English proficient students.
- Potential for common solutions (e.g. "plain language" mathematics test developed for LEP also being used as an accommodation by some IEP teams).

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NCLB, IDEA and Advocacy

So what about the answers?

Everyone with a stake is somehow involved in helping answer these questions—this is where advocacy comes in.

- Teachers
- Administrators
- Parents
- Individual school divisions
- Coalitions of school divisions
- State Departments of Education
- Local, state and federal organizations
- Local, state and federal elected officials

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NCLB, IDEA and Advocacy How can you get involved?

- What can you, as a special educator, do to contribute to this debate?
- Practitioners are a KEY voice in the discussion.
- You see the data, you watch what happens in the classroom, you know the stories, you know what does and doesn't work.
- Legislators and policymakers like to hear from practitioners.

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Advocacy – Local contacts quickly lead upward

- Local contacts have associated state and national organizations:
 - **School Board members** – Virginia and National School Boards Associations.
 - **Superintendents** – Virginia and American Associations of School Superintendents.
 - **Principals** – Virginia and National Associations of Elementary School Principals, Associations of Secondary School Principals.
- These groups actively seek input from members—input becomes basis for state and federal advocacy.
- Hometown legislators—state and federal.

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Advocacy Examples

- Here are examples of the "answers" we in Fairfax have been advocating to USED, VDOE, Congress and the General Assembly...
 - Limiting availability of resources under sanctions to subgroups that do not make AYP.
 - Addressing the issue of students counting under AYP in each subgroup for which they qualify.
 - Growth Models.

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