



NATIONAL CENTER FOR LEARNING DISABILITIES

## **No Child Left Behind and Students with Learning Disabilities** *Ensuring full participation and equal accountability*

The No Child Left Behind Act of 2001 (NCLB), signed into law by President Bush in January of 2002, challenges states and school districts to intensify their efforts to improve the academic achievement of the nation's traditionally at-risk groups of public school students. NCLB's new provisions for assessment and accountability are designed to focus increased levels of attention on underperforming groups of students and begin to close the achievement gap.

For the nation's 2.9 million students with identified learning disabilities (LD) currently receiving special education services under the Individuals with Disabilities Education Act (IDEA), the challenging new provisions of NCLB create expanded opportunities for improved academic achievement. As the IDEA definition of specific learning disabilities indicates, these students have neurological differences that are *not primarily the result of mental retardation, emotional disturbance, or of environmental, cultural or economic disadvantage*. Additionally, IDEA eligibility determination criteria requires that students should *not be determined to be a child with a specific learning disability if the determinant factor is lack of instruction in reading or math or limited English proficiency*.

These definitional and qualifying criteria establish students with LD as competent to participate in general education curricula and achieve at a proficient level when provided with high quality instruction by trained professionals as well as appropriate accommodations. ***Thus, students identified and served under the IDEA category of Specific Learning Disabilities must be provided full participation and equal accountability in NCLB.***

These additional findings serve to further support our position for full participation and accountability:



- *The Twenty-fourth Annual Report to Congress on the Implementation of the IDEA indicates that 45 percent of students in the SLD category spend less than 20 percent of*

***The National Center for Learning Disabilities believes that the new provisions of NCLB provide substantial opportunities for students with learning disabilities. However, given the serious sanctions schools face for not delivering sufficient academic progress, NCLB also recognizes the possibility that students with learning disabilities and their parents might be subjected to numerous obstacles.***

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*their instructional time in special education, leaving the majority of their instruction in the hands of general education teachers.*

- *The majority of students served in the SLD category have their primary academic deficit in the area of reading, the same academic area at the core of NCLB improvement provisions.*

### Policy Recommendations

**Access to the General Curriculum:** Students with LD must have access to the general education curriculum, which must be aligned with the standards and assessments used to implement NCLB requirements, with appropriate accommodations. Teachers must be allowed the time and provided the resources to learn the new curriculum and adjust their pedagogy and teachers must use those instructional practices that have been proven to be effective in improving outcomes for students with LD. Schools should effectively employ technology to enhance learning and increase student achievement by maximizing the use of universally designed technologies and assistive technology devices and services in the classroom.

**High-Quality Teachers and Paraprofessionals:** Students with LD must receive instruction from highly qualified personnel prepared in current, validated practices tailored to their individual needs. Unfortunately, studies have shown that students with learning disabilities are often the victims of watered down curriculum and teaching approaches that are neither individualized nor proven to be effective. Teachers must be given access to ongoing professional development and should be prepared to use ongoing progress monitoring using curriculum based measurement in order to accurately identify student progress and tailor instruction accordingly. Regular and special educators must work collaboratively as part of a coherent system in planning and delivering instruction.

**Conditions of Teaching:** Teachers responsible for delivery of instruction to students with LD, both general and special education, must use validated, inclusive teaching practices including:

- instructional configurations that allow teachers to implement validated teaching practices such as modeling, scaffolding, elaborated feedback, etc.;
- coordinated instruction of skills and strategies across teachers, grades and schools;
- alignment of instructional methods with curriculum demands;
- grouping practices that reflect optimal teacher/student ratios.

**Access to Accommodations:** Students with LD must be provided accommodations to ensure their participation in State assessments. Decisions regarding accommodations must be made by the student's IEP team or placement team and should be made on the basis of individual student needs, not on the basis of labels. The accommodations that students receive on State assessments should be similar to those routinely provided during classroom assessment. Neither the State Education Agency (SEA) nor the Local Education Agency (LEA) can limit the authority of the IEP team to select individual accommodations/modifications needed by a student with LD to participate in State assessments. Monitoring for compliance of these requirements should become part of the ongoing federal IDEA monitoring system.

**Appropriate Use of Test Results:** Results of tests used to hold schools accountable for student achievement as required by NCLB should not be used solely to make high stakes decisions, such as

## No Child Left Behind and Students with Learning Disabilities, con't

grade retention and graduation, about students with LD. Since grade retention has been shown to contribute significantly to school dropout, administrators should ensure the use of multiple sources of information (such as coursework and portfolio assessments) about student performance for making decisions on such matters. This is particularly important given that “out-of-level” testing is not an acceptable means for meeting either the assessment or accountability requirements of NCLB for IDEA eligible students.

**Fair Treatment of Subgroups:** NCLB’s requirements for the disaggregation of assessment results for several subgroups of students, including students with disabilities, are designed to enhance school accountability for at-risk populations. However, the state level flexibility regarding the determination of minimum group size has led to a significant range of subgroup size. One survey of subgroup size across States found that the required minimum number ranges from 3 to 200, with 10 being the most common. The U.S. Dept. of Education should closely review the results of such a vast range in subgroup minimums with particular attention to those States that have established relatively high minimums. While the purpose for subgroup minimums – to ensure statistically reliable results and protect student identity – are appropriate, states with artificially high subgroup minimums may escape the very accountability that this provision was intended to promote.

**Parent Involvement:** NCLB creates an authority for funding of Parental Assistance Information Centers and Local Family Information Centers (LFICs) to provide training, information, and support to parents, and to individuals and organizations that work with parents, to implement parental involvement strategies that lead to improvements in student academic achievement. The information and training provided by these centers is critical to prepare parents to hold schools accountable for closing the achievement gap. These new centers should be monitored for their effectiveness in providing information related specifically to students with disabilities, including learning disabilities.

**Full Funding of NCLB and IDEA:** Policy-makers need to appropriate the authorized funding levels for both NCLB and IDEA. States and school districts need these additional funds to accomplish the aggressive improvements required by NCLB. Without adequate funding targeted to effective practices, schools might be pressured to make decisions that will harm students with learning disabilities, such as limiting access to special education eligibility.

**Monitoring NCLB Implementation:** The U.S. Dept. of Education should undertake aggressive monitoring activities to ensure full participation and equal accountability for students with disabilities, including learning disabilities, in NCLB. Additionally, studies should immediately be undertaken to track any unintended consequences of implementation that might adversely impact students with learning disabilities. Such attention can help to determine the need for additional guidance and technical assistance and minimize any negative impact resulting from implementation (e.g. reduced access to special education eligibility, lack of access to appropriate accommodation and to general curricula aligned with state standards).

## No Child Left Behind and Students with Learning Disabilities, con't

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*NCLD works to increase opportunities and improve outcomes for children and adults with learning disabilities (LD) by providing accurate information to the public, developing and disseminating innovative educational programs, and advocating for more effective policies and legislation to help individuals with LD.*