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ABSTRACT

This policy brief reviews how students with special needs have been affected by changing legislation, examines new directions in policymaking, and identifies steps policymakers can take to ensure that all students benefit from standards-based education reform efforts. Steps include: (1) bring standards-based instruction into institutions of higher education; (2) provide support for the time and effort standards-based reform requires; (3) implement local policies that support building administrators who build leadership teams to examine school policies and programs and make change happen for all students; (4) allow the use of needed accommodations to participate in assessments; (5) require more than one measure of student achievement be used to make decisions about schools, staff, or students; (6) encourage the inclusion of all students in accountability systems and expect schools to value the learning of all students by holding all levels of the educational system responsible; (7) use reporting procedures that acknowledge school differences and compare schools with similar student populations; (8) create polices that are non-punitive and give credit to schools that close the achievement gap between students with and without disabilities; and (9) implement policies that preclude schools from engaging in practices that inflate test scores. (Contains 20 references.) (CR)

POLICY BRIEF

OCTOBER 2000

STUDENTS WITH DISABILITIES AND STANDARDS-BASED REFORM

MID-CONTINENT RESEARCH FOR EDUCATION AND LEARNING

Policy Brief

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October 2000

Students With Disabilities and Standards-Based Reform

by Sue Bechard

The mandate for public education in the United States as the 21st century begins is to provide everyone with an equal opportunity to be educated. It is no longer acceptable to have two separate and unequal public educational systems in place—one for students with disabilities and one for students with no disabilities. This policy brief looks at how students with special needs have been affected by changing legislation, examines new directions in policymaking, and identifies steps state and local policymakers can take to ensure that all students benefit from standards-based education reform efforts.

There exists an ethical, moral, and legal obligation to provide students with disabilities, most of whom are already in regular classrooms nationwide, with the same opportunities to learn as students with no disabilities. In this era of critical workforce needs, all students must be provided an education that prepares them to be viable, contributing members of society.

Three decades of reform efforts

In 1974, one million children with disabilities were kept at home or institutionalized rather than included in the public school system (National Association of State Boards of Education, 1992). In 1975, Congress passed the Education for All Handicapped Children Act (Public Law 94-142). This federal legislation marked the beginning of education equity for many. It stated the eligibility criteria for special education services and described the types of disabilities addressed. The law brought needed clarity and specificity in identifying students who should receive special services. As a result, in 1976, 4.8 percent (based on estimated resident population) of students entered special education programs (National Association of State Directors of Special Education, 1993).

GUIDANCE FOR POLICYMAKERS

- Expect progress from each student.
- Make fair comparisons among schools.
- Examine current programs to identify needed changes.
- Hold everyone in the system accountable.
- Encourage complete and accurate reporting of assessments.
- Emphasize skills and knowledge for the world of work.
- Expand teacher education to include instruction on teaching students with special needs.

Throughout the 1980s, public attention turned toward educational excellence and culminated in the creation of Goals 2000 at President Bush's Education Summit in 1989. Yet, students with disabilities continued to be served in separate classrooms, taught a different curriculum, and excluded from participation in the large-scale national, state, or district assessments used to measure achievement. An estimated 5-40 percent of all students were not tested in large-scale assessment programs, excluding most students with disabilities (Erickson, Thurlow, & Ysseldyke, 1996).

Throughout the next decade, educational reform focused on accountability. Nearly all states adopted standards describing what students should know and be able to do. Higher academic achievement became the main indicator of success, and school accountability for student performance began with publicized school report cards (Kirst, 1990).

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In 1997, the federal special education legislation was reauthorized as the Individuals with Disabilities Education Act (IDEA 97), which sought to align general and special education reforms. Instead of focusing primarily on the processes and programs required by law, student participation and achievement in the general education curriculum came to the fore. The question became: Now that students with special needs are in schools and in general education classrooms, what are they learning? (Ysseldyke, Krentz, Elliott, Thurlow, Erickson, & Moore, 1998).

As the fourth decade of educational reform begins, 5.9 million students ages 3-21 in the United States qualify for special education services, an increase of over 33 percent since 1987, when reliable data first became available. This number represents between 8.6 and 14.4 percent of a given state's total student population (U.S. Dept. of Ed., 21st Annual Report, 1999). Current federally defined categories include mental retardation, hearing impairment including deafness, speech or language impairment, visual impairment including blindness, emotional disturbance, and orthopedic impairment, among others (Final Regulations, 1999, p.12421).

Greater challenges

Over the last century, the high school graduation rate soared from around 14 percent in 1910 to over 82 percent in 1998 (National Center for Educational Statistics, 2000). Among the newly enfranchised students are minorities, immigrants, and people with disabilities. Thus, the challenge for the state and local leaders charged with interpreting and implementing federal legislation is to level the playing field for students with special needs without providing them an advantage.

However, federal, state, and local policies regarding standards-based reform overall can be vague. Without a single, uniform policy, reform is being implemented in different ways across states and localities (McDonnell, McLaughlin, & Morison, Eds., 1997). Although policymakers are familiar with the three components of standards-based reform—developing standards, using assessments to measure student progress in achieving standards, and accountability to the community about success in raising achievement—they may not be aware that IDEA 97 includes these additional requirements:

Standards: Schools are required to provide access to the general education curriculum. Students with disabilities must be taught whatever all students are learning (Final Regulations, 1999, p. 12442).

Assessment: States and districts are required to include all students in state and districtwide assessments, with accommodations when necessary. For students with the most significant needs, alternate assessments that test the same domains or content areas in different ways must be developed (Final Regulations, 1999, p.12429).

Accountability: States are required to publicly report the performance of students with disabilities in large-scale assessment reports with the same frequency and detail as students without disabilities. Schools are required to document learning progress on each student's Individualized Educational Program (IEP) and communicate with parents as often as the progress of non-disabled students is reported (Final Regulations, 1999, p. 12429).

Standards compliance

First and foremost, states must show compliance to the federal legislation and require that standards apply to all students. States that refuse to do so are denying opportunities to students with disabilities to be taught the same content as other students. In a recent survey conducted by the Council of Chief State School Officers, 35 states reported that their standards apply to students with disabilities, nine states said their content standards do not apply, and four reported certain qualifiers apply (McDonnell, et al., Eds., 1997).

Some states, such as Michigan and Florida, developed a separate set of standards for students with significant disabilities. Others, such as Kentucky and Maryland, identified certain standards that apply both to students in general education and students in special education. Still, the majority of states are adopting a single set of standards for all students.

Students with disabilities can learn the essential concepts embodied in the standards. Some students may need different presentations of the information; others may need to have less detail and lower levels of difficulty. To meet the needs of these students, educators can expand the standards to reflect the most basic levels of learning. By setting flexible learning goals and by working backwards from the content standard, an educator can determine where the student is in relation to achievement of the standard and teach to the next horizon.

In a chemistry class, for example, the lesson may focus on balancing a chemical equation. Most of the students work on demonstrating the changes mathematically. A student with significant disabilities, who needs to have the content simplified, may instead give an example and explain that matter doesn't simply "go away" when undergoing a chemical reaction. The concept is the same, but the content differs.

When requiring compliance, there are implications for local policymakers and greater challenges for the team of professionals and parents who develop the IEPs for students with disabilities. They must determine the appropriate level of instruction, but the curriculum can sometimes be too narrow to adapt for students with a wide range of learning needs.

Additionally, the IEP must address other identified educational needs. For example, a student with an emotional disorder may require instruction in social skills. As the curriculum narrows to the academic content described in the standards, instruction in social skills necessary to get and keep a job is disappearing.

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Additionally, accommodations and modifications of materials and curriculum are often difficult for general classroom teachers to provide (Gajria, Salend, & Hemrick, 1994). Accommodations are changes in how the information is presented to a student or how the student responds; they vary from using technology to other supports, but all are designed to help students with disabilities achieve increased access to instruction and assessment.

Systematic assessment

For the first time, we have the opportunity to look at the achievement of students with disabilities in a systematic fashion. Yet, it is in the area of assessment that some states and districts fail to comply with IDEA 97 requirements. The hope of standards-based reform is that students will be able to use their knowledge and skills in the real world. All students must be required to demonstrate their skills and knowledge, and this is especially important for students with disabilities who often have difficulty transferring their academic skills to the workplace and the community. Some implications are becoming clear—many states

have cut their welfare roles almost in half, and most of the people who remain have disabilities (Kennedy, 2000).

Three significant outcomes of including students with disabilities in large-scale assessments are appearing:

1. There is better monitoring of the participation of students with disabilities in state and districtwide assessments (National Center on Educational Outcomes, 1999). Also, more students with disabilities are able to take the general assessments because appropriate accommodations are allowed (Mazzeo, Carlson, Voelkl, & Lutkus, 2000).
2. States that examine student performance over time, such as Kentucky and Colorado, know more about student progress and are finding that students with disabilities often show more progress more quickly than students without disabilities.
3. Teachers report that when they know they can use accommodations such as reading a test aloud, they adapt their instruction more. This leads to more accurate measurement of what students really know and more effective instruction on a daily basis.

When students need more than the allowable accommodations, states and districts must provide alternate assessments.

Challenges for policymakers lie in the complexities of assessment and accommodations. Research on testing accommodations is just beginning, and the results are often contradictory (Tindal & Fuchs, 1999). For example, students with learning disabilities may or may not benefit from reading a math test aloud depending on whether the nature of the learning disability has an impact on reading ability or on math ability. Making the correct changes in instruction and assessment is a particular challenge in the classroom, and teachers often select accommodations for students that do not provide the intended benefit (Elliott & Kratochwill, 1998).

When students need more than the allowable accommodations, states and districts must provide alternate assessments. IDEA 97 does not define what an alternate assessment must look like, but it must allow educators to gather data on students who cannot take the regular paper and pencil test. It must cover the same content areas as the primary test. Scores on alternate assessments must be publicly reported in the same way as scores from the primary test.

The states are currently in various stages of developing alternate assessments and deciding eligibility prerequisites (Thompson, Erickson, Thurlow, Ysseldyke & Callender, 1999).

- Kentucky uses a portfolio organized by the child's teacher and scored by other teachers. Only students with severe cognitive disabilities (less than 1 percent of the total student population) are eligible to participate.
- Maryland uses functional performance tasks, such as making a sandwich, which are videotaped by the teacher and scored by objective scorers. Only students identified with cognitive disabilities can participate.
- Texas allows students with disabilities to take a variety of other tests, including tests from lower grade levels and simplified paper and pencil versions of their lowest level tests. Students who cannot take any of these tests are exempted from the testing program.
- Colorado, Kansas, and Missouri are piloting standards-based performance events, such as telling a story, which are scored by the student's teacher. Students with significant cognitive disabilities and those with other communication challenges, such as autism, are eligible to take these alternative assessments.

As states continue to develop and use alternate assessments to meet the needs of students with disabilities, they should be wary of assessment systems that might lower expectations for these students. Developing assessment tools that provide meaningful, accurate information about what students with disabilities actually know and are able to do is difficult, especially since demonstrations of learning must be uniquely tailored to meet individual student needs.

Public accountability

For many years, accountability for the learning of students with disabilities was private, occurring only within the four walls of the IEP team meeting room. Now, because of IDEA 97, there is public accountability on the learning outcomes for students with disabilities (McLaughlin, 1996). In essence, the promise that accountability holds is to increase expectations, attach importance, and focus public attention on the learning of this group of students for the first time. The implications of the accountability requirements in IDEA 97 are expected to alter American education in many of the same ways as the 1970s' Civil Rights legislation changed the culture of the nation. Thoughtfully created accountability systems can provide the necessary vehicle to dovetail the intents and purposes of educational reform for all students, *really* including all students.

Public accountability carries risks, however, and many states are resisting new reporting requirements. In states where high stakes have been attached to test results, scores of the lowest performing students are sometimes minimized or hidden for fear of public repudiation. Schools in Kentucky, for instance, receive rewards or sanctions based on student test results; in Florida and New York, graduation or diploma attainment is tied to test results; and in Jefferson County, Colorado, evaluation and merit pay for principals is based on test outcomes. Given the importance of the consequences of low performance, districts and states may sense the need to manipulate test results or find loopholes in the law to allow exemptions. Colorado's recent legislation SB186, for instance, allows two exemptions from the annual school report card calculation—(1) the scores of students who are in programs to learn English for the first two years and (2) the scores of students with disabilities who participate in the alternate assessment.

Probably one of the most pernicious unintended results of high stakes accountability has been the increase in referrals to special education in an attempt to exempt students who are likely to perform poorly due to a wide range of factors (McGill-Franzen & Allington, 1993). The threat that high stakes accountability poses is to remove students with disabilities from accountability systems, thus minimizing the monitoring of their achievements and reducing the likelihood of future success.

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Promising directions

As we study the effects of reform efforts nationwide, some promising directions in policy development are apparent. Recommendations for states and communities proceeding with standards-based reform follow:

Standards:

- Bring standards-based instruction into institutions of higher education. Special and general educators alike must take on new roles and collaborate as never before. Special educators must learn new content and be able to modify it. General educators must learn the essential concepts of that content and present them at different levels to a more diverse group of students. Neither group was trained in its teacher preparation programs to do these things.
- Provide support for the time and effort standards-based reform requires. This is particularly important for special education

where demands on time are already heavy. If policies change too quickly, or if there is no support for the reconfiguration of resources that must occur, reform efforts stall. Then, the cynic who believes that, "this, too, shall pass," will be proved correct.

- Implement local policies that support building administrators who build leadership teams to examine school policies and programs and make change happen for all students.

Assessment:

- Allow the use of needed accommodations to participate in assessments. Colorado, for instance, allows accommodations to any student who has used them in instructional activities for at least three months. This minimizes the possibility that students will be referred to special education simply to qualify for testing accommodations.

- Require more than one measure of student achievement be used to make decisions about schools, staff, or students (Linn, 2000). Multiple measures are especially important for students with disabilities that could impede certain functions and ultimately their performance on an assessment.

Accountability:

- Encourage the inclusion of all students in accountability systems and expect schools to value the learning of all students by holding all levels of the educational system responsible—beginning with schools that are accountable for how all students achieve and moving ultimately to state departments of education that include special education in curriculum, instruction, and assessment work.

- Use reporting procedures that acknowledge school differences and compare schools with similar student populations, and use a consistent reporting format so that all state reports include all students.

- Create policies that are non-punitive and give credit to schools that close the achievement gap between students with disabilities and students without disabilities by requiring (1) all students' performance be included in school report cards and annual state reports and (2) the number of students who are not tested for any reason be reported.

- Implement policies that preclude schools from engaging in practices, such as seeking loopholes allowing exemptions, that inflate test scores. School evaluation indicators must include a variety of important variables beyond achievement test results. For example, when dropout rates, suspension rates, or expulsion rates also are monitored, schools are less likely to encourage students, particularly students in special education, to drop out when they do not show academic proficiency.

The challenge that standards-based education poses is one of balance—how to maintain high expectations for all students and at the same time provide necessary learning opportunities for all students. Whether we seize the opportunities or succumb to the challenges of including students with disabilities in this reform is largely dependent on state and local policies.

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Resources

For more information about the implementation of the Individuals with Disabilities Education Act, visit www.ed.gov/offices/OSER/OPSEP

Find current reports on accommodation for students with disabilities at www.coled.umn.edu/NCEO

Get up-to-date information about conferences and workshops from The Council for Exceptional Children Web site at http://www.cec.sped.org

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