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# Commission on No Child Left Behind Summary of Key Recommendations Affecting Students with Learning Disabilities

The Commission on No Child Left Behind (the Commission), a bipartisan, independent commission formed to develop recommendations for the upcoming reauthorization of the No Child Left Behind Act, released its report on February 13, 2007. The Commission spent the past year traveling across the country, hearing from students, educators, parents, administrators, state and district officials, experts and policy makers in order to develop its report, which provides 75 recommendations. For more information on the Commission and to access the full report visit the Web site of the Commission on No Child Left Behind.

While most of the Commission's recommendations will have some affect on students with disabilities – who currently make up more than 13 percent of public school enrollment - this article provides a summary of the Commission's recommendations that are specific to or will have significant impact on those students.

**Maximum Subgroup Size** Under current NCLB requirements, states must establish a minimum number of students for each of the subgroups that must be disaggregated (or separated out) and reported for determination of adequate yearly progress (AYP). These subgroups include the group of students who have IEPs. While current NCLB regulations set no limit on how large this number – frequently called N-size – can be, it is required to be large enough to provide confidentiality for students and to be statistically significant. Despite this requirement, many states have adopted an N-size that results in large numbers of schools escaping accountability for subgroups of students. The U.S. Department of Education has allowed states to use N-sizes ranging from 15 to 200.

To help correct this practice, the Commission recommends that states be allowed to use an N-size that is no greater than 20 students. States whose N-size is lower than 20 would not be required to raise their N-size; however, those using N-sizes that exceed 20 would be required to reduce the number for each subgroup to 20 or less.

Because a significant number of states have N-sizes that are substantially higher than 20, this recommended change would result in a substantial increase in the number of schools that are required to disaggregate subgroup performance and, therefore, achieve adequate yearly progress for the subgroup as well as for all students tested. Whether or not this change would result in a significant increase in schools considered to be 'in need of improvement' would depend on other changes to the adequate yearly progress calculation, such as those that follow.

The required subgroups that must be reported are:

- Students from major racial/ethnic groups
- Economically disadvantaged students
- Students with limited English proficiency
- Students with disabilities (eligible for services under the Individuals with Disabilities Education Act (IDEA). Such students must have an Individualized Education Program (IEP) in place annually)

**Same Subgroup – Same Subject** Currently, NCLB requires a school to be designated as "in need of improvement" if any subgroup in the school does not make adequate yearly progress in either reading or math for two consecutive years. For example, in year one the only subgroup that does not make AYP in math is the Hispanic students subgroup and in year two the only subgroup that does not make AYP in reading is the students with disabilities subgroup, the school is determined to be "in need of improvement."

The Commission recommends that schools be identified as "in need of improvement" if they do not make AYP for the same subgroup of students in the same subject for two consecutive years.

It is important to note that, according to the latest report on NCLB issued by the U.S. Department of Education (USED), only 23 percent of schools that missed AYP did so for only one subgroup of students. (See table below)

Source: National Assessment of Title I Interim Report: Executive Summary. Washington, DC: U.S. Department of Education, Institute of Education Sciences, 2006.

**Growth Model** The manner in which AYP is determined has been the subject of a great deal of discussion since the enactment of NCLB. The current process – referred to as a "status model" - requires that schools meet a proficiency target in reading and math for all students assessed as well as each subgroup (that meets the state's established N-size) in each required grade in order to make AYP each year. This model, many claim, does not give schools any credit for improving student performance and thus, getting a student closer to grade-level proficiency.

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The Commission recommends that a factor of student growth be added to the existing AYP process. Students would be considered as proficient if they are on track to becoming proficient within three years, based on a growth trajectory of their assessment scores. Such a determination requires a state data system capable of tracking individual student performance from year to year. Many states do not currently have such systems in place, therefore the Commission recommends that states be given four years to develop and implement such systems and also recommends that the federal government provide additional funding to assist with the development and implementation of student data systems.

**Assessments for Students with Disabilities**Current and proposed NCLB regulations allow alternative ways to test certain students with disabilities as follows:

Alternate Assessment based on Alternate Standards are permitted for students with significant cognitive disabilities. NCLB limits the number of scores of students assessed in this manner that can be counted as proficient or above to one percent of all students assessed – which equates to roughly 10 percent of all students with disabilities.

Assessment based on Modified Achievement Standards have been proposed for students with disabilities who can achieve academically but cannot achieve at grade level in the same period of time as their nondisabled peers. The limitation on scores of students assessed in this manner that can be counted as proficient or above is proposed at two percent of all students assessed – which equates to roughly 20 percent of all students with disabilities.

The Commission recommends that the existing Alternate Assessment option for students with significant cognitive disabilities be retained. However, the Commission also recommends reducing the number of scores of students assessed using Modified Achievement Standards from two percent to one percent of all students assessed. Therefore, a combined two percent of all students (roughly 20 percent of students with disabilities) could be assessed using either an alternate assessment or an assessment based on modified achievement standards. All remaining students with disabilities would be assessed using the same grade-level tests as those used for nondisabled students, with appropriate accommodations.

The members of the Individualized Education Program (IEP) team make the decision regarding how a student participates in NCLB tests. The Commission recommends requiring the US Education Department to develop a guide for IEP team members on how to select the appropriate assessment option. Further, the Commission recommends requiring that the guide be furnished to parents of students with disabilities on an annual basis and that states conduct trainings for members of the IEP team (including parents) on the assessment selection process.

**Graduation Rates**Currently NCLB requires that secondary schools include graduation rates as part of the AYP process. However, the graduation rate used is the total rate for all students and does not require that the school show improvement toward a goal.

The Commission recommends that secondary schools be required to set goals for improving graduation rates and to disaggregate the graduation rate for all subgroups of students. This new requirement, the Commission argues, would help to close the achievement gap between subgroups in graduation rates. For the subgroup of students with disabilities, those students not tested against grade-level standards would not be included in graduation rate calculations for AYP purposes (i.e., those students tested using an alternate assessment or an assessment based on modified achievement standards.)

**Migrant Students with Disabilities**Currently NCLB requires that migrant students who are at risk of not meeting state standards and whose education has been interrupted during the school year be given priority for services.

The Commission recommends retaining the requirement for prioritizing need for services using those at risk of not meeting state standards and replacing the "interruption" requirement with two new situations that would signal priority for services. These recommendations are: a child's frequency of mobility and child's status as disabled and eligible for services under the Individuals with Disabilities Education Act (IDEA).

**Early Childhood Education**Currently NCLB neither encourages nor requires any screenings or assessments of students below grade 3, except within its Reading First and Early Reading First grant programs. Yet, research has shown that early detection of insufficient basic literacy and numeracy skills are clear indicators of difficulties to come in later years.

The Commission recommends authorizing school districts to conduct developmental screenings and assessments of preschool and kindergarten students for the purpose of identifying needed instructional interventions in the areas of pre-literacy and pre-numerical skills and improving instruction and services to these groups of children. Further, the Commission recommends requiring the use of such screenings and assessments by elementary schools identified as schools "in need of improvement." If such a school does not have preschool or kindergarten, the screenings and assessments would be required for the earliest grade offered by the school.

**Next Steps**Recommendations of the Commission, along with the recommendations of national education groups,

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advocacy groups and independent organizations, now go to the U.S. Congress to be considered as it takes up the arduous task of crafting an updated No Child Left Behind Act.

Additional Resources:

[Making NCLB Work for Children Who Struggle to Learn: A Parent's Guide](#)

[Understanding Assessment Options for IDEA-eligible Students](#)

[Determining Appropriate Assessment Accommodations for Students with Disabilities](#)

[No Child Left Behind and the Individuals with Disabilities Education Act: What Parents of Students with Disabilities Need to Know and Do](#)