Measures that Matter

Next Generation State High School Assessment and Accountability: Students with Disabilities

Margaret J. McLaughlin, Amanda Hoffman, Meredith Miceli
University of Maryland, College Park

Michael Krezmien
University of Massachusetts, Amherst

Achieve
The Education Trust

Introduction

> *Having a disability in no way diminishes the right of individuals to participate or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.*
>
> *—Title 20 USC Section 1401(c) findings, The Individuals with Disabilities Act (IDEA), as amended, 2004*

Students with disabilities represent a relatively small but important group of students in U.S. high schools. The education of these students is heavily influenced by federal and state law as well as by longstanding beliefs about the purpose of education and the extreme heterogeneity of the population. Until recently, general educational policies were designed with little regard for the subgroup of students with disabilities. In part this was due to the commonly held assumption that these students were covered under their "own" law, specifically the Individuals with Disabilities Education Act (IDEA). As a result, early conceptions of standards-driven reforms, including universal standards, assessments, and accountability did not account for either the legal entitlements or unique characteristics and needs of these students.

However, over the past two decades there has been a major shift as special education advocates and policymakers have become committed to ensuring that every student with a disability has the opportunity to benefit from the new reforms. Before considering the details of the new policies and evolving practices, it is important to understand the broad policy goals that are at the foundation of all disability policies.

The Foundations of Disability Policy

All disability policies pertaining to children, youth and adults, are guided by four basic policy goals. These goals are reflected in various legal requirements but more importantly, the goals must be reflected in any educational policies. The four goals are as follows:

Individualization. Individualization is a central goal in all disability policy and arises from the very heterogeneous nature of disabilities as well as their impacts on functioning. Moreover, the core goal is that each person with a disability is to be considered individually in terms of both needs as well as strengths; further, no program should be designed based solely on categories, labels, etc. The goal of individualization requires flexibility in policies.

Integration. A second important goal is to fully include children, youth, and adults into all aspects of daily living, policy making, and other activities undertaken by individuals

without disabilities. Therefore, the goal is to make all policy "inclusive" in the same way that we want to make classrooms, schools, and communities inclusive.

Economic Independence. A long standing goal of federal policies, including Section 504 of the Vocational Rehabilitation Act (Sec. 504), the IDEA, and the Americans with Disabilities Act (ADA), economic independence intends to increase meaningful and self-sustaining employment among individuals with disabilities. Policies that both support the individual in the workplace but also increase opportunities for post-secondary education and training are the key to increasing economic independence.

Self-Determination and Self-Advocacy. This goal arises from the long history of paternalism, protectionism, and general disregard for individual choice in the treatment of persons with disabilities. Thus, newer policies reflect the need for individuals with disabilities to be involved in making decisions about their lives, the services they need as well as the policies that directly influence their lives.

Given the centrality of the above four goals to disability policies, what are the implications and recommendations for any new high school accountability model? First, they must be *inclusive*. The full inclusion of all students with disabilities in the design of any reform must be a given and needs to be more than a homily. Inclusive policies include full disaggregation and public reporting of all data, subject to confidentiality rules. Further, any assessment development needs to follow the principles of Universal Design and consider both assessment accommodations and alternate assessments. There must also be full public accountability for students with disabilities at the school, district, and state levels.

Inclusive accountability models must accommodate seemingly incompatible notions of standards, content and achievement, and individualization. There is little disagreement among special education professionals, advocates, and parents that the educational expectations for students with disabilities have historically been low and have denied these students opportunities to learn important concepts. There is also agreement that students with disabilities can benefit from "higher standards" and public accountability. However, the questions that remain are: "which standards" and "who gets to decide"? There is a fundamental tension between universal content and achievement standards and individually referenced decision making that has yet to be satisfactorily addressed in standards-driven education.

Given the concerns outlined above, the following are options to be considered in the design of a new accountability system.

Options for Inclusive New High School Accountability Models

1. The No Child Left Behind (NCLB) Model. One option to consider is to adopt the NCLB model of universal *content* standards with two (or more) types of *achievement* standards. This model is based on assessments and will require consideration of accommodation policies and creation of new alternate assessments. The option has

some appeal given that states have experience with the NCLB regulations that govern how students with disabilities are to be included. The NCLB model also offers some flexibility regarding expected *achievement* of students with disabilities through the "1%" and "2%" rules which respond to a need to ensure that all students with disabilities participate in state—and local—assessments that are aligned with grade-level subject matter *content* standards. However, as we discuss at the end of this paper, there are a great many unknowns about the effects of the current policy; the requirement of instruction in grade-level subject matter content is a significant problem—if the content is solely rigorous academic in nature.

***2. Flexible Content and Achievement Standards Model*.** A second option emphasizes curriculum and instruction appropriate for student's post-school interests by providing increased flexibility around content and achievement standards. This model might include different "sets" of both "content" and/or "achievement" standards (such as pre-collegiate, career/vocational, etc.) which define different curricula and secondary experiences. Assessments would need to be developed and/or specific student achievement indicators identified that correspond to each "set" of standards and schools and school districts would be required to report on the achievement levels within each area.

Universal content and achievement standards that focus solely on academics at the secondary level are problematic for many special education professionals, advocates, and parents. While many welcome the change from the "functional life skill" curriculum that included folding laundry or cooking and shopping, there is concern that the goal of economic self-sufficiency is threatened as states and districts divert resources from vocational and career education to implementing new more rigorous academic standards and high stakes graduation exams. This one-size curriculum does not allow for the flexibility or the self-determination that is important in educating adolescents with disabilities.

Yet, flexibility in standards is a very risky concept and could lead to the previous problems with use of IEPs that lowered standards and expectations for students with disabilities.

3. A Hybrid Model. A third option, which is the most likely to be controversial, is to consider a hybrid secondary accountability model that includes "content" and "achievement" standards in both academics and challenging vocational/career domains and flexibility within a system of "checks and balances" of multiple accountability indicators. In such a "hybrid" model, direct assessments of student achievement/performance in core subject matter and a specified number of career/vocational domains would be coupled with other educational indicators, such as graduation, course-taking patterns, and post-school outcomes. Schools and school districts would have established performance benchmarks at least at four levels (such as "Below Basic," "Basic," "Proficient," "Advanced," etc.) for each assessment and indicator, similar to what is now required under the IDEA and NCLB, and *all* data would be disaggregated by subgroup.

While all students would be included in the system, the students would be given some choice in which areas/assessments they wish to focus their best efforts or achievement based on their intended post-school goal and intended course of study. For example, students could be required to attain, at minimum, “proficiency” in some number of areas, “advanced” in a fewer number, and “basic” in others. Not all students would have to achieve the same levels of performance (i.e., “Proficient”) in each assessed area as currently expected under the NCLB model. Not only would this model recognize the diverse needs of students with disabilities, it would also be consistent with the goals of self-determination and empowerment which are central to transition of these youth from school to adult life. However, the model would require having rigorous standards in a number of domains, both occupational and career as well as perhaps the arts or similar subjects.

The addition of some post-school indicators such as employment, enrollment in two- or four-year colleges, etc., gives more purpose to the model. Different performance targets might be set for different subgroups, such as students with disabilities, for some measures. For example, graduation targets would be similar across student subgroups, while increasing scores on AP exams or enrollment in four-year colleges and universities would likely have different targets for the subgroup of students with disabilities.

Of course, there are obvious risks with creating more flexibility in the standards that are used to hold schools and students accountable. For instance, there could be a clear incentive for keeping expectations for students with disabilities low by encouraging them and their parents to pursue less rigorous academic coursework. Thus, the proposed model could be further constrained by setting district and school targets for the proportion of “Proficient” scores to be obtained by students in each subgroup, similar to the Annual Measurable Objectives under NCLB. This would protect against “tracking” all or most students with disabilities into vocational curricula and assessments. Finally, IEP teams, with the participation of the student, would decide on a course of study through a standards-driven IEP and transition planning process.

Summary. In the first section we presented the core policies that guide all disability policy development and the options for considering how to build an inclusive accountability system. In the following sections of this paper we describe in greater detail, policies and policy issues that arise when including students with disabilities in high stakes standards-driven accountability. This includes an overview of the characteristics of secondary students with disabilities and their current educational experiences, achievement, and educational outcomes. We also discuss educational laws and other policies and practices that will need to inform any new assessment and accountability models. Finally, we elaborate upon the options presented above for meaningfully including all students with disabilities in any new high school accountability model.

Who are the High School Students with Disabilities?

It is important to recognize first and foremost that when policymakers discuss the subgroup of students with disabilities, they are referring to an extremely heterogeneous group. This fact alone accounts for the particularities of the federal laws that govern the education of these students as well as the challenges of standards-driven educational policies associated with this group of students.

All secondary students with documented disabilities are covered by at least three federal laws. Sec.504 and the ADA provide important civil rights protections to these students. There is also a smaller subgroup of students with disabilities who meet the eligibility requirements under Part B of the Individuals with IDEA and who are entitled to receive special education and related services. In the former category are students whose disability does not adversely affect their ability to learn and who can progress through school *with reasonable accommodations*. These accommodations are designed to offset the impact of the disability and to permit these students access to whatever their non-disabled peers are receiving.

In contrast, students who are eligible under the IDEA receive much more than accommodations. They are entitled to a "Free and Appropriate Public Education" (FAPE) which is defined through the Individualized Education Program or IEP. Throughout most of this paper, we will be referring primarily to students with IEPs. However, when we discuss certain issues, such as those related to assessment accommodations, students covered under both Sec. 504 and the IDEA are included.

Characteristics of Students with Disabilities

Determining which students are eligible for the protections and entitlements under the IDEA is a two-pronged process. First, a student must be determined to have a disability that conforms to one of the 13 specified in the law. Then the disability must be determined to adversely affect his or her educational progress such that the student requires special education or related services. According to state data reported by the Office of Special Education Programs (OSEP), U.S. Department of Education, in 2006, over 6 million students ages 3-21 received publicly-funded special education and related services in public and private schools. Students who have IEPs are entitled to public education to their 22nd birthday unless they have graduated from high school. Only Michigan extends this entitlement past age 22; however, the state may not use federal funds for any individuals who receive services past that age.

Nationally, the number of students with IEPs varies by disability category as well as by age. Overall, about 12 percent of the 12-17 year old population in the U.S. has an IEP as do about 2 percent of the 18-21 year olds. Table 1 provides the proportion of students in each of the 13 disability categories specified in the IDEA. As you can see, students whose primary disability is learning disabilities (LD) are the largest group of students at the secondary level, followed by "Other Health Impairment," which includes students identified with Attention Deficit/Hyperactivity Disorder (AD/HD), and then

Emotional Disturbance (ED). These categories are often referred to as the "high incidence" categories.

The special education population varies across ages, rising substantially in later elementary and middle school and declining through age 21. In any given year students exit special education because the IEP team determines that the student no longer requires services. The student may still be eligible for accommodations under Sec. 504. Some of the declines in high school are due to students dropping out. However, the U.S. Department of Education indicated that about 4 percent of the secondary students ages 14-18 discontinue special education services during high school.

Table 1. Percentage of the Youth Population with IEPs by Disability Category and Age Group in 2006

	12-17	18-21
Specific learning disability	55.6%	45.6%
Speech/ language impairment	5.4%	1.8%
Mental retardation	9.5%	21.9%
Emotional disturbance	10.2%	9.1%
Multiple disabilities	2.2%	5.9%
Hearing impairment	1.2%	1.5%
Orthopedic impairment	0.9%	1.5%
Other health impairment	11.2%	7.3%
Visual impairments	0.4%	0.6%
Autism	2.9%	4.1%
Deaf-Blind	>0.1%	>0.1%
Traumatic brain injury	0.5%	0.8%
Total	2,954,320	317,489

Note: Data taken from Tables 1-5, 1-6 of www.ideadata.org. Percentages calculated.

Demographics. States are required to report on the race and ethnicity of students ages 6-21 receiving services under IDEA. Tables 2 and 3 provide the national averages for these demographics.

Table 2. Students Ages 6 through 21 Served under IDEA, Part B, by Race/Ethnicity: Fall 2006

Race/ Ethnicity	Number	Percentage
American Indian/Alaskan Native	91,492	1.53
Asian/Pacific Islander	131,099	2.19
Black (not Hispanic)	1,231,922	20.58
Hispanic	1,034,137	17.27
White	3,498,007	58.43
Total	5,986,657	100.0

Source: IDEAData.org Web site: https://www.ideadata.org/tables30th/ar_1-19.xls

Table 3. Students Ages 6 through 21 served under IDEA, Part B, by Race/Ethnicity and Disability Category: Fall 2006

	American Indian/ Alaskan Native	Asian/ Pacific Islander	Black (not Hispanic)	Hispanic	White	Total
Specific learning disabilities	1.74	1.70	20.52	21.22	54.82	100.00
Speech or language impairments	1.35	3.15	15.44	17.53	62.52	100.00
Mental retardation	1.28	2.11	32.75	14.08	49.79	100.00
Emotional disturbance	1.56	1.12	28.79	11.09	57.44	100.00
Multiple disabilities	1.36	2.70	20.91	13.23	61.79	100.00
Hearing impairments	1.26	4.98	16.25	22.71	54.81	100.00
Orthopedic impairments	0.97	3.52	14.82	20.94	59.75	100.00
Other health impairments	1.25	1.49	17.39	9.85	70.02	100.00
Visual impairments	1.36	4.23	17.18	18.04	59.18	100.00
Autism	0.74	5.35	14.36	11.56	67.98	100.00
Deaf-blindness	1.91	4.10	13.87	18.61	61.50	100.00
Traumatic brain injury	1.62	2.53	16.49	13.19	66.17	100.00
Developmental delay[a]	3.69	2.66	22.43	9.83	61.40	100.00

[a]Developmental delay is applicable only to children ages 3-9.
Source: IDEAData.org Web site: https://www.ideadata.org/tables30th/ar_1-19.xls.

These averages obscure significant variability across and within states. For instance, Hispanic students and American Indian/Alaskan Native students are over-represented in certain categories and states. However, African-American students have consistently been at two to three times greater risk than white students for being identified as having mental retardation or emotional disturbance, while Asian/Pacific Islanders have been consistently underrepresented in almost all categories.

States do not report other demographic data; however, an important source of data on the demographics and school experiences of secondary students with disabilities is the National Longitudinal Transition Study-2 (NLTS2). This is a longitudinal study which began following a nationally representative sample of 11,272 students receiving special education who were 13-16 years old in 2000. Within the NLTS2 sample, 62.1 percent were white, 20.7 percent were African Americans, 14.1 percent were Hispanic, and 2.7 percent were grouped into the other category. In addition, among this sample, 35 percent of the students with disabilities were living in households with annual incomes of $25,000 or less in 2000. In addition, 25 percent of this sample were living in single parent households.

Table 4. Parent's or Guardian's Household Income: Percentages Based on All Disabilities and by Primary Disability Category

	$25,000 or less	$25,001 to $50,000	More than $50,000
All Disabilities	35.0%	28.8%	36.3%
Learning disability	33.5%	28.6%	37.9%
Speech impairment	28.2%	28.0%	43.9%
Mental retardation	50.3%	26.8%	23.0%
Emotional disturbance	39.2%	31.8%	29.0%
Hearing impairment	26.6%	27.4%	46.0%
Visual impairment	28.6%	30.5%	40.9%
Orthopedic impairment	27.4%	29.2%	43.4%
Other Health impairment	20.6%	30.9%	48.5%
Autism	25.7%	24.5%	49.8%
Traumatic brain injury	30.8%	28.9%	40.4%
Multiple disabilities	30.4%	29.1%	40.5%
Deaf/blindness	34.7%	25.3%	40.0%

Note: Small numbers can round to 0. Statistics with too few to reliably report are excluded (fewer than 3 in a cell and 30 in a column).
Source: NLTS2 Web site: http://www.nlts2.org/data_tables/tables/8/np2H14Catfrm.html.

Table 5. Youth's Household Income:
Percentages Based on All Races/Ethnicities and by Race/Ethnicity

	$25,000 or less	$25,001 to $50,000	More than $50,000
All Races/Ethnicities	89.7%	8.0%	2.3%
White	90.5%	6.5%	3.0%
African American	89.5%	8.8%	1.7%
Hispanic	82.7%	16.8%	0.5%
Asian/Pacific Islander	100.0%	0.0%	0.0%
American Indian/Alaska Native	0.0%	0.0%	0.0%

Note: Small numbers can round to 0. Statistics with too few to reliably report are excluded (fewer than 3 in a cell and 30 in a column).
Source: NLTS2 Web site:
http://www.nlts2.org/data_tables/tables/12/np3W6_M9_Catfrm.html.

What are the Entitlements of Students Covered under IDEA?

As noted above, all students with disabilities who are eligible for services under IDEA are to be provided FAPE. The "appropriateness" standard of FAPE is a powerful entitlement that guarantees every eligible student an education that is specifically tailored to the student's individual needs and reflected in the IEP. The prevailing interpretation of "appropriate" came from the *Board of Education v. Rowley (1982)* decision, the very first U.S. Supreme Court case to consider IDEA and its provisions. This case established that the statute was not intended to *maximize* the potential of an IDEA student, but instead was intended to provide access to education that would allow the student to "benefit" from educational programs and services. The court did not define "benefit" but left that up to a student's IEP team. However, other lower court decisions concerning students with significant cognitive disabilities have determined that the benefit of education to which students are entitled must be "more than trivial". The *Rowley* decision further defined the critical elements of an "appropriate" education as one that met the procedures defined in the law (such as parental notice, mandatory timelines, etc.) and that was designed to meet an individual student's needs.

The requirement for individualized IEP goals as well as the primacy of individual decision-making dominates the IDEA as well as the other civil rights laws and is the source of the tension between standards-driven policies and the education of students with disabilities. To put this principle of individualization into perspective, we first review the characteristics of students who receive special education and related services in U.S. schools. However, the standards for judging what is appropriate have been changing as a result of recent changes to the IDEA. For one, the emphasis on the use of evidence-based practice puts greater focus on IEP teams, and schools, to use interventions that are supported by high quality research.

Another important entitlement under the IDEA is for students with disabilities to be educated in the least restrictive environment that is feasible. In the following section we discuss where students with disabilities are being educated.

Where are the Students with Disabilities Being Educated?

One of the longstanding issues in special education is the degree to which students with disabilities are educated with their typical peers, preferably in general education classrooms. The IEP team must always consider the "least restrictive environment" (LRE). In recent years, there has been a greater emphasis on monitoring state LRE rates.

Obtaining data on the degree to which secondary students with disabilities are being educated in the least restrictive environment (i.e., regular schools and classrooms) is difficult due to the nature of high school schedules. According to state reported data, almost 54 percent of the students with disabilities ages 5-21 spend 80 percent or more of their school day in regular education classrooms as opposed to special education settings. Another 24 percent spend between 40-79 percent of their day in general education. The use of these settings differs by race and ethnicity. Table 6 presents the placements by race and ethnicity.

Table 6. Educational Setting by Race and Ethnicity

	Overall % in Special Education	≥ 80%	40% to 79%	<40%	Separate School	Residential Facility	Home	Correct-ional Facility	Parent Placed
American Indian/ Alaska Native	1.55%	1.58%	1.93%	1.13%	0.86%	1.84%	1.49%	1.32%	0.38%
Asian/ Pacific Islander	2.22%	2.05%	1.94%	3.11%	2.69%	1.30%	1.79%	0.78%	1.89%
Black (not Hispanic)	20.06%	16.72%	20.54%	28.08%	28.45%	26.44%	22.24%	50.07%	7.95%
Hispanic	17.53%	16.57%	18.08%	20.98%	15.23%	8.64%	15.08%	17.40%	6.27%
White (not Hispanic)	58.65%	63.07%	57.51%	46.71%	52.76%	61.77%	59.40%	30.42%	83.51%
Total*	100%	100%	100%	100%	100%	100%	100%	100%	100%

* Column sums may not total 100 percent exactly due to rounding.
Note: Data reported for all 50 states and the District of Columbia (including BIE schools).
Source: https://www.ideadata.org/arc_toc8.asp#partbLRE, retrieved January 25, 2008.

In addition to the state data, the NLTS2 provides a picture of the schools that secondary students with disabilities attend. Among the NLTS2 sample, 93.9 percent of the students were attending regular secondary schools in 2000, while 2.6 percent were attending

schools serving only students with disabilities. About 1 percent of the students were enrolled in an alternative school, less than 1 percent attended vocational schools, and 1.5 percent were enrolled in some other type of school. For the most part, students with disabilities who attend regular secondary schools tend to be proportionally distributed across schools with different racial makeup, student mobility, proportion of students living in poverty, and proportion of students who are identified as having a disability or as English language learners.

Also, academic class sizes were slightly larger than the national average in schools attended by students in the NLTS2 sample, averaging almost 27 students, compared with national averages of 22 to 25 across academic subjects. Special education classes were, of course, smaller; resource rooms averaged 11 students and self-contained special education classes averaged 10 students. Vocational education classes in schools attended by the NLTS2 students averaged 22 students.

What Courses are Students with Disabilities Taking?

The NLTS2 also investigated course-taking among secondary students with disabilities and found that, on average, over half (59 percent) of the courses that students with disabilities took were academic in a given semester. Tables 7 and 8 present the course-taking experiences of high school students in the NLTS2 sample. Also, while the majority of courses taken by students in the NLTS2 sample were academic, Table 9 shows the percentage of courses taken in non-academic curricular areas.

Table 7. Course-Taking Experiences

	At Grade Level	Below Grade Level	Advance Placement/Honors
Academic Classes			
Language Arts	81.3%	16.6%	2.1%
Mathematics	74.1%	25.1%	0.8%
Science	83.0%	15.1%	1.9%
Social Studies	88.9%	7.4%	3.7%

Source: Exhibit 5-4, http://nlts2.org/reports/2003_12/nlts2_report_2003_12_ch4.pdf, retrieved January 25, 2008.

Table 8. Course-Taking Experiences Compared to General Education Students

	Percentage of Special Education Students	General Education
Vocational Education	61.3%	79.5%
Prevocational Education	34.2%	15.0%
Occupationally Specific Vocational Education	52.2%	64.2%
Physical Education	71.7%	58.2%
Fine Arts	48.7%	47.2%

Source: Exhibit 4-4, http://nlts2.org/reports/2003_12/nlts2_report_2003_12_ch4.pdf, retrieved January 25, 2008.

Table 9. Content of the Special Education Classes Attended by Students

	Percentage
Academic Subjects	60.8%
Study Skills	24.3%
Life Skills	8.3%
Basic Academic Skills	6.7%

Source: Exhibit 5-1, retrieved January 25, 2008, from http://nlts2.org/reports/2003_12/nlts2_report_2003_12_ch4.pdf.

Table 10. Level of Course Taught: Percentages Based on All Students with Disabilities and by Race/Ethnicity

	Below Standard Grade Level	General Education (at grade level)	Advanced Placement or Honors	n
All Disabilities	12.4	84.6	3.0	1,710
White	11.5	84.6	3.9	1,218
African American	16.5	82.8	0.8	261
Hispanic	15.2	83.6	*	168
Asian/Pacific Islander	*	91.7	*	40
American Indian/Alaska Native	*	*	*	*
Multi/Other	*	*	*	*

Note: *Too few to reliably report (fewer than 10 in a cell or 20 in a column).
Source: NLTS2 Web site: http://www.nlts2.org/data_tables/tables/10/nts2A3frm.html.

Finally, in terms of teacher qualifications, the NLTS2 data suggest that general education teachers who were providing instruction to students with disabilities were among the more experienced teachers in a school and for the most part held credentials to teach in the specific subject matter (99 percent in language arts, social studies and humanities; 93 percent in math and science).

These data reflect the increasing preference for educating students with disabilities in general education classrooms and for ensuring that the students have access to the general education curriculum, which are both major policy goals of the IDEA. However, the data also indicate that students with disabilities are less likely to be enrolled in higher level math and science courses. Not surprisingly, course-taking does differ by disability category, with more students with mental retardation and other cognitive disabilities enrolled in vocational and special classes and more students with LD enrolled in grade-level academic courses. Despite the large percentage of students with IEPs taking grade-level courses, their academic achievement is significantly below average.

Educational Outcomes for Students with Disabilities

Until recently very little was known about the academic achievement of students with disabilities, as many of these students were exempted from state and national assessments and/or their scores were not reported separately. Recent changes in federal policy that require the full participation of students with disabilities in state and local assessments and inclusion in reporting of results have yielded information regarding student performance.

Academic Performance

In addition to state assessment data, we now also have data on academic achievement of students with disabilities from the National Assessment of Educational Progress (NAEP) which began to provide accommodations in 1998. In addition, the NLTS2 administered reading and math assessments to all students in the sample.

NAEP results.
Figures 1, 2, 3, and 4 present the NAEP trends for students with disabilities at 8th and 12th grades since the students were included in the assessment.

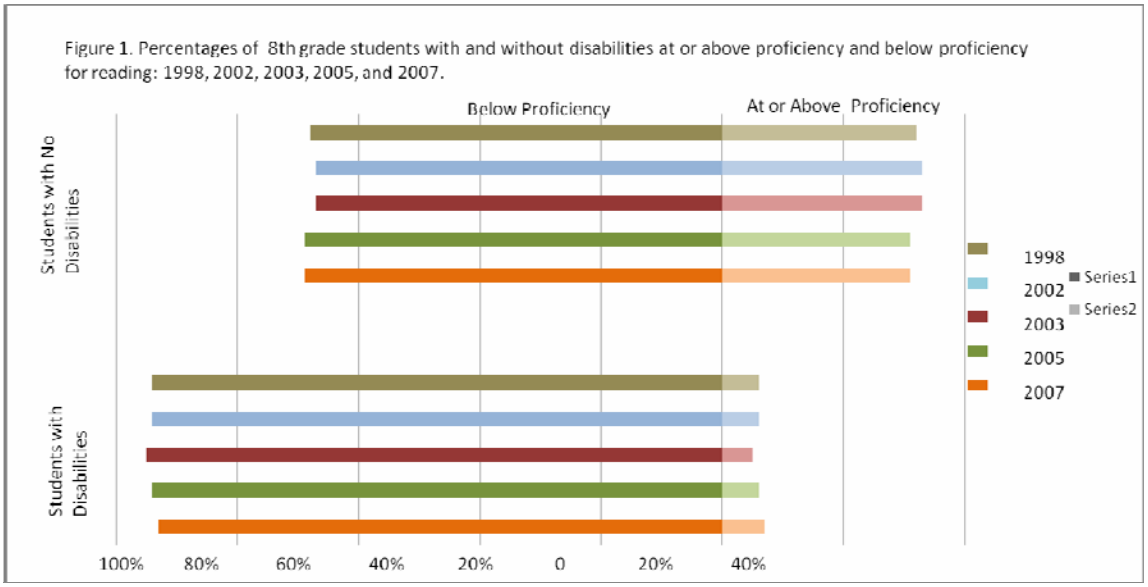


Figure 2. Percentages of 8th grade students with and without disabilities at or above proficiency and below proficiency for mathematics: 1996, 2000, 2003, 2005, and 2007.

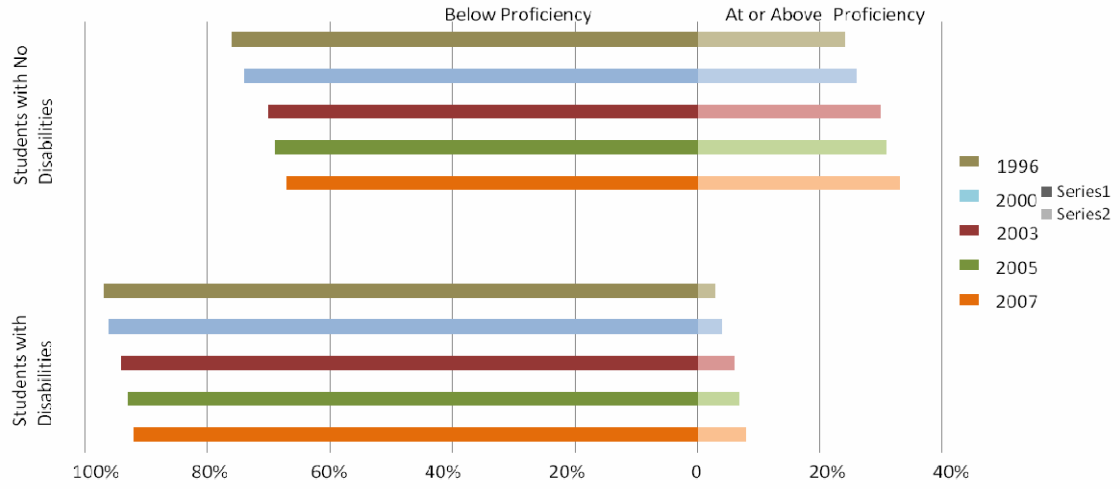
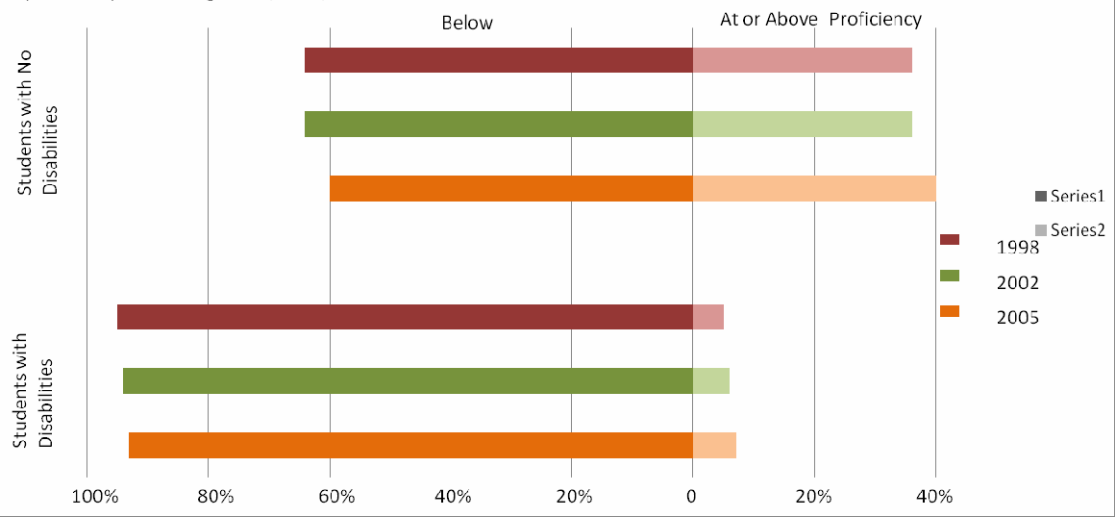
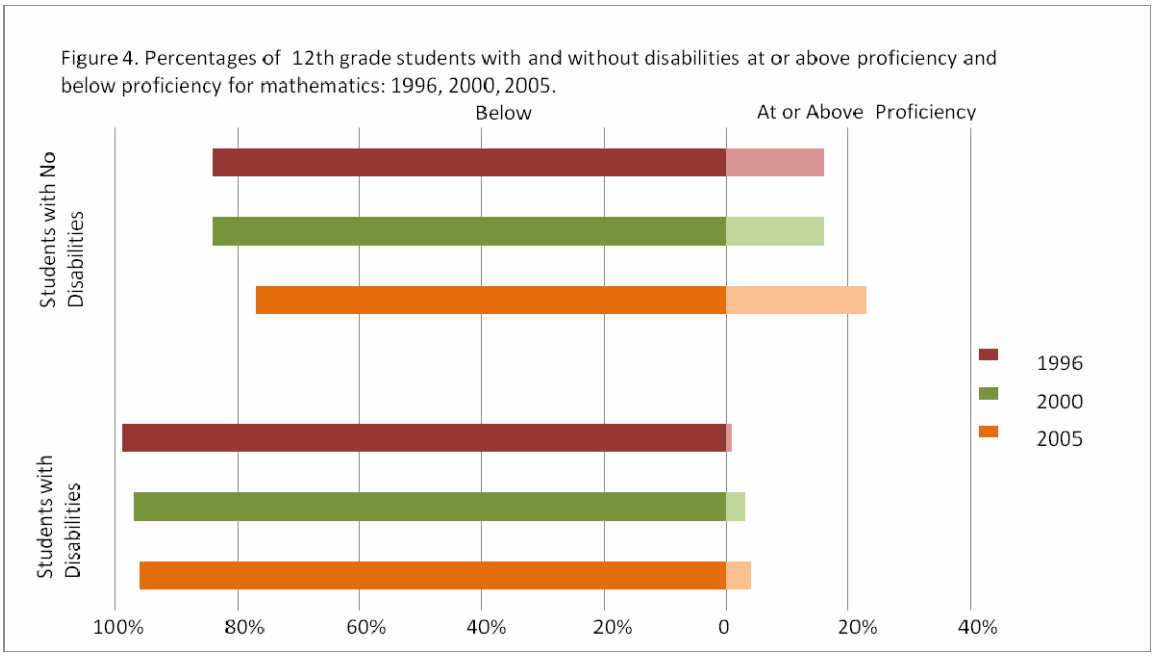


Figure 3. Percentages of 12th grade students with and without disabilities at or above proficiency and below proficiency for reading: 1998, 2002, 2005.





Evident from these data is the large gap in reading and math achievement between students with and without disabilities. Further, while some progress is evident, fewer than 10 percent of the students with disabilities score at or above "Proficient".

State NCLB assessments. Figures 5 and 6 present a summary of individual state assessment data obtained from a review of annual state reports submitted to the Office of Special Education Programs, U.S. Department of Education. The assessment data were obtained from individual state reports by researchers at the National Center on Educational Outcomes (NCEO) and then converted to a common metric based on the percentage of students with disabilities who scored at four different levels of performance (i.e., below basic; basic; proficient; and advanced). We collapsed the levels into percent of students scoring at levels below proficient, "non-proficient", and scoring at proficient and above, "proficient" .

Figure 5: Percentages of Special Education Students at Proficient and Non-proficient Levels on State Reading Assessments as Reported by NCEO

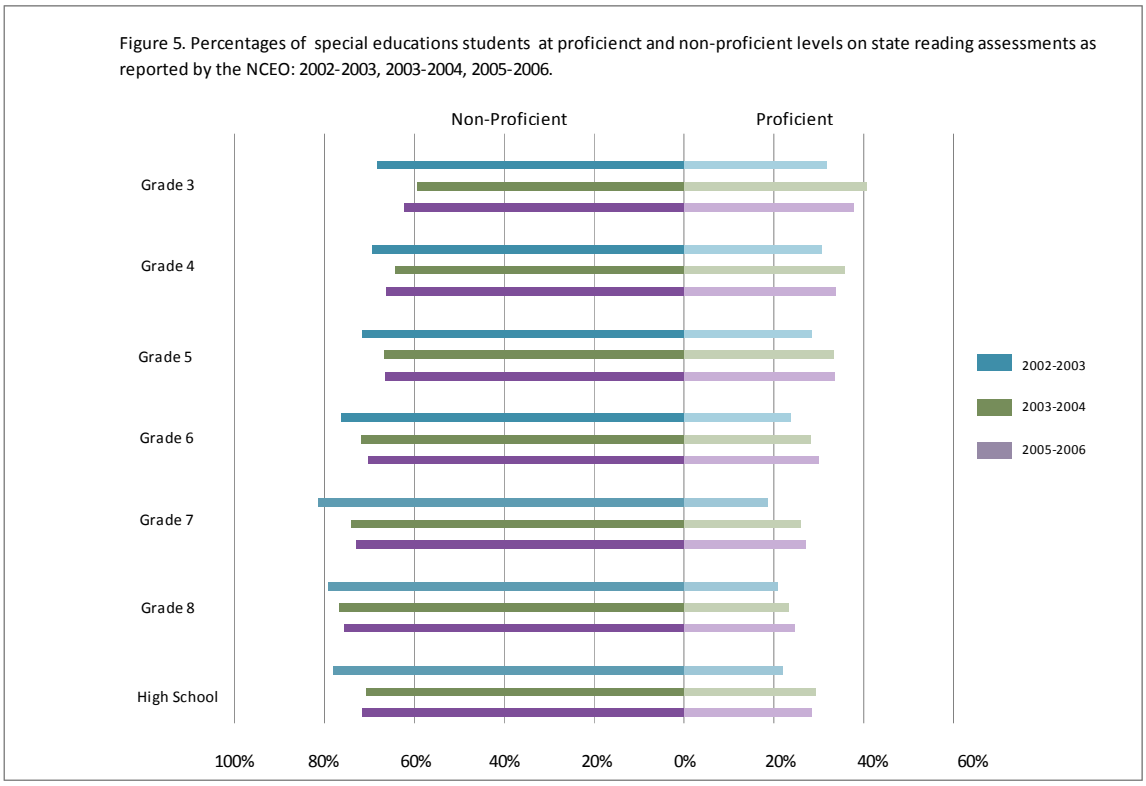
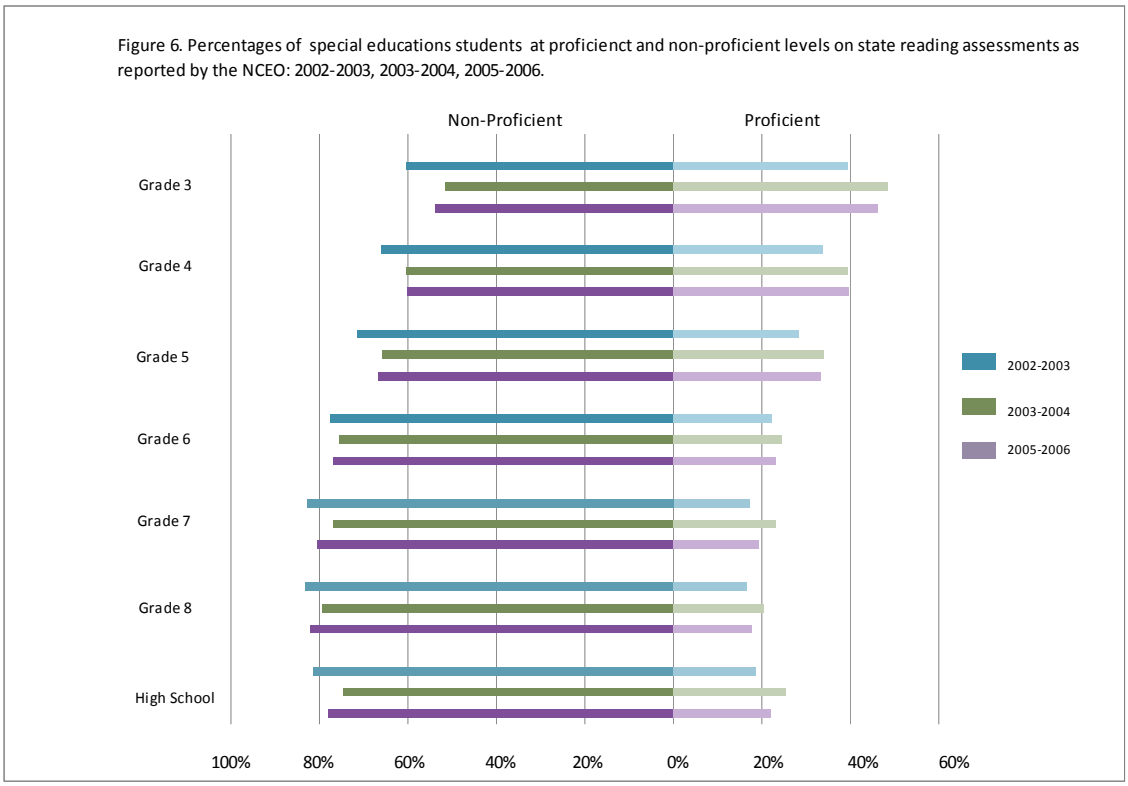


Figure 6: Percentages of Special Education Students at Proficient and Non-proficient Levels on State Math Assessments as Reported by the NCEO



Highlights from these data show that the percentage of students scoring at the "Proficient" level decreases from elementary to middle and high school, although the percentage of 12th grade students at the "Proficient level" is slightly higher than the percentage of 8th grade students for each of the three years reported. Further, the percentage of students with disabilities who were "Proficient" in reading and math is more than double that on the NAEP assessment. These data also indicate that almost two-thirds of students with IEPs used assessment accommodations.

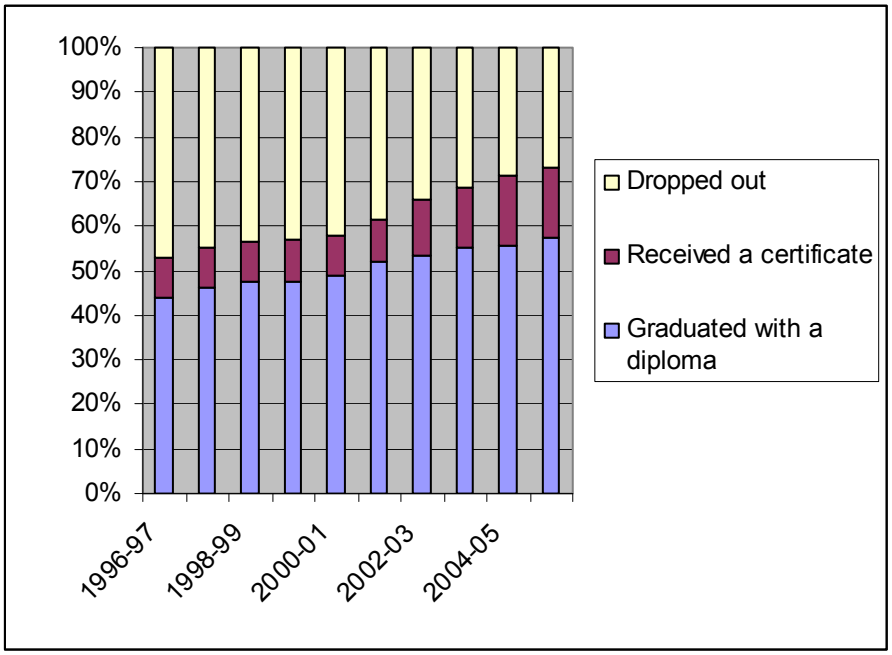
NLTS2 data. As noted earlier, the NLTS2 administered several nationally norm-referenced assessments to directly measure academic performance and student functioning in school, home, employment, and community settings. Achievement varied by disability category, but more than three quarters of the students in the sample scored below the mean on the academic assessments and about 14 to 27 percent had scores that were more than 2 SD below the mean compared to about 2 percent of the general population. Males out-performed females in math and science but there were no significant differences in the area of reading comprehension. Black and Hispanic students with disabilities also scored below other racial and ethnic groups, as did youth from households with $25,000 or less annual income.

Graduation Policies and Rates

In addition to increasing the academic performance of students with disabilities, the IDEA requires states as part of their annual reporting requirements to submit graduation and drop out rates for students with disabilities.

Graduation rates. Figure 7 presents the annual percentage of students ages 14-21 who finished high school or dropped out over the past decade. The following figure and tables contain the averages across states.

Figure 7: Percent of Exiting Students, Ages 14-21, Who Graduated, Received a Certificate, or Dropped Out: 1996-2006



Source: Calculated from https://www.ideadata.org/tables30th/ar_4-3.xls, retrieved December 3, 2007.

Table 11. Youth Who Graduated: Overall and by Primary Disability Category

	Yes
All disabilities	79.3%
Learning disability	81.7%
Speech impairment	83.9%
Mental retardation	80.4%
Emotional disturbance	61.5%
Hearing impairment	86.7%
Visual impairment	90.0%
Orthopedic impairment	87.9%
Other health impairment	81.0%
Autism	84.4%
Traumatic brain injury	86.7%
Multiple disabilities	85.3%
Deaf/blindness	90.7%

Source: NLTS2 Web site: http://www.nlts2.org/data_tables/tables/12/np3S1a_D1k_D2d_D3bfrm.html.

Table 12. Students Ages 14 through 21 with Disabilities Served under IDEA, Part B, Who Exited School by Receiving a Diploma, Certificate, Aged out, or Dropped out, by Race/Ethnicity: Fall 2005-06

	American Indian/ Alaskan Native	Asian/ Pacific Islander	Black (not Hispanic)	Hispanic	White	Total
Regular High School Diploma	1.39%	2.07%	16.47%	12.65%	67.42%	100.0%
Certificate	0.86%	1.35%	33.59%	16.05%	48.14%	100.0%
Aged out	0.93%	4.74%	20.75%	10.82%	62.76%	100.0%
Dropped out	2.32%	0.94%	28.19%	18.63%	49.93%	100.0%

Source: IDEAData.org Web site: https://www.ideadata.org/tables30th/ar_4-4.xls.

While the data presented above suggest that states are making real progress in reducing drop outs and increasing graduation requirements, interpretations are complicated by the variability across states in terms of their graduation requirements for students with disabilities.

Graduation requirements. As part of the effort to raise standards and increase accountability, states are increasing the requirements for graduation, including requiring students to pass examinations. According to a recent survey of the 50 states and District of Columbia conducted by the NCEO at the University of Minnesota in the past three years, 28 states increased their graduation requirements to receive a standard diploma for both students with and without disabilities. Idaho and Illinois increased the requirements only for students without disabilities.

In all but 3 of the 28 states that increased graduation requirements for students with and without disabilities, students with disabilities are allowed to obtain a standard diploma without completing all requirements. For example, 5 states reduce the number of credits required; 21 states allow alternate courses to substitute for course credit requirements; 10 states lower performance criteria in general; and 22 states extend the time to graduation.

Finally, the survey found that states are offering various diploma options to students with and without disabilities. All 51 state respondents reported that their state offered a standard or regular diploma to students with and without disabilities. Of these, 16 states offered honors diplomas; 6 states offered IEP/special education diplomas; 19 states granted certificates of attendance; 10 states granted certificates of achievement; 3 states offered occupational diplomas; and 10 states provided variations of these diploma options. In addition, 32 states permit IEP teams to make adjustments to graduation requirements.

To date, there has been almost no research on the impacts of the exit exams or differential diplomas on graduation rates or post-school outcomes of students with disabilities.

Post-School Outcomes

While the focus on the academic achievement of students with disabilities is relatively new, post-school outcomes, particularly rates of employment, have been scrutinized for some time. The NLTS2 provides the best and most current source of data on the post-school outcomes of students with disabilities. The study collected the first wave of post-school data in 2003 from the first cohort of students within the sample to leave high school. These students represented 28 percent of the original sample and were ages 15-19 when the study began. Outcome data were collected through telephone interviews with parents and, whenever possible, with the students themselves.

According to NLTS2, only 31 percent of the sample had enrolled in some type of post-secondary institution, compared to 41 percent of students in the general population. Among the 31 percent of students with disabilities, 6 percent had enrolled in business, vocational or technical schools, 20 percent in two-year colleges, and 9 percent in a four-year college or university. In comparison, 12 percent of the youth within the same age ranges in the general population were enrolled in two-year colleges and 28 percent in four-year institutions.

About 40 percent of the youth were employed at the time of the first follow up, which was substantially below the 63 percent employment rate among students without disabilities in the same age group. About 40 percent of the sample was working full time and about 40 percent of this group was earning more than $7.00/hour, but only a third of all those employed were receiving any benefits with their employment. About three-quarters of the youth were living with their parents two years after high school, which is similar to the general population. Further, about 1 in 10 reported participating in some type of government benefit program, such as vocational rehabilitation. Two years after high school, 16 percent of the students reported having spent at least one night in jail; 3 in 10 had been arrested at least once (a rate similar to that of youth in the general population); and 1 in 5 was on probation or parole.

Obviously, the outcomes varied by type of disability as well as by whether the student had received a high school diploma. For instance, dropouts were far less likely to be engaged in post-school work or education and were 10 times more likely than students with disabilities who finished high school to have been arrested. Among all categories, students with ED were the most likely to have dropped out; less likely to live with parents; more likely to have a child; and most likely (58 percent) to have been arrested at least once. Youth with mental retardation were the least likely to have graduated with a diploma and had the lowest employment rates among all disability categories. In contrast, over 90 percent of the students with visual or hearing impairments received a regular diploma and were twice as likely to have enrolled in some type of post-secondary school.

What do the Achievement and Outcome Data Tell Us?

One of the underlying tenets of including students with disabilities in all reform initiatives has been that these students should not be denied the benefits that are associated with the reform programs. Clearly, the expectations are that transparency and accountability for student achievement will result in greater attention to the needs of these students and will raise expectations and increase opportunities. As a result, academic achievement and other important educational outcomes were expected to improve. The data presented in the previous section represent almost a decade or more of experience with the policies, and yet, it is still difficult to discern much progress.

We do know that practices in special education have been changing, such as more students with IEPs being educated in general education classrooms, but we do not know whether these students are getting *meaningful access* to the general education curriculum. That is, students may be spending time in general education classes without appropriate accommodations or instruction that allows them to participate and learn what is in the curriculum. In terms of comparing NAEP to state assessments, we do not know the characteristics of students with disabilities included in either. For instance, the NAEP does not offer an alternate assessment and clearly excludes some students with disabilities from the assessment, thus the scores reflect a higher functioning group of

students. We also cannot make a great deal of sense of graduation rates due to the various adjustments made for students with disabilities.

Nonetheless, the data tell us something. For one, the outcome data show that schools must do much more in terms of enabling students within all categories of disabilities achieve meaningful post-school outcomes. Overall, rates of employment and wages must increase as must enrollments in post-secondary education, including two- and four-year colleges. The data also indicate that outcomes differ across disability categories. Within some categories, such as students identified as having emotional disturbance, the educational outcomes are shameful and a discredit to special and general education.

Yet, while the outcomes in all areas can and must be improved, it is not always clear how much improvement to strive for. For example, is universal enrollment in some type of post-secondary education a goal that is achievable and appropriate for all students with disabilities and who decides? Is universal academic subject matter content a "benefit" to all students with disabilities and how many of these students will master more challenging curricula if given the opportunity? While some will undoubtedly rise to the challenge and exceed our expectations, does this justify what may be an "appropriate" education for others? This has been the dilemma for students with disabilities as states and districts have implemented universal standards, assessments, and accountability and both the IDEA and Title I of the Elementary and Secondary Education Act ("NCLB") contain provisions that attempt to address these questions. In the following section we discuss some of those policies as well as other practices that may inform thinking about new accountability models.

Secondary Students with Disabilities: Policies and Promising Practices

There are several important policies relevant to assessment and accountability involving students with disabilities as well as practices that might be promising additions to an accountability model.

Title 1 and IDEA Assessment and Accountability Policies

For the students who receive special education, demands for public accountability based on student performance on state assessments represents a major shift from the traditional special education accountability model. Accountability in special education has traditionally differed from general education accountability in at least two major ways. First, the focus in special education has been on the system's compliance with specific procedures and timelines. Second, accountability for individual student performance and educational outcomes has been individualized, private, and based on student progress toward individual goals as specified in the IEP.

This began to change in the mid-90s as both the IDEA and Title 1 of Elementary and Secondary Education Act began to require that students with disabilities participate in state and local assessments and that their scores be disaggregated. However it was not until the passage of NCLB that major changes in accountability for this subgroup of students occurred through Adequate Yearly Progress measures. This provided both transparency and system accountability for these students as well as the mandate for full performance assessment participation.

Under NCLB students with disabilities can participate in state and local assessments in the following ways: participate in the general assessment without accommodations; participate in the general assessment with accommodations; participate in an alternate assessment based on *grade-level achievement* standards; participate in an alternate assessment based on *alternate achievement* standards; or participate in an alternate assessment based on *modified achievement* standards. For purposes of accountability, the number of "Proficient" scores obtained for students measured against alternate or modified achievement standards cannot exceed 1 or 2 percent of the overall tested population respectively. This translates roughly to about 30 percent of the school-age population of students with IEPs.

Alternate and modified achievement standards. The NCLB regulations pertaining to alternate and modified achievement standards illustrate the challenges of trying to include the full range of students with disabilities. It is important to note that these regulations refer only to how to define achievement and do not alter the content that students with disabilities are expected to be taught. In fact, the regulations make it clear that different achievement standards are intended for a small group of students with disabilities, a total of 3 percent of the tested population, perhaps 30 percent of all students with disabilities. Alternate achievement standards are reserved for students with significant cognitive disabilities and defined as "an expectation of performance that

differs in complexity from a grade-level achievement standard". States may adopt alternate standards as long as they are aligned with the state's academic content standards, although they may reflect prerequisite skills rather than grade-level skills and may be based on a sample of content that is linked to grade-level content. They must describe at least three levels of attainment and include descriptions of the competencies associated with each achievement level, and finally they must include assessment or cut scores that differentiate among the achievement levels.

In the case of the modified standards, the U.S. Department of Education states that this option is for "a small group of students with disabilities who can make significant progress, but who may not reach grade-level achievement in the time frame covered by their IEP." Modified achievement standards must be based on the state's grade-level content standards for the grade in which the student is enrolled and represent understanding of grade-level content. Further, being assessed against modified achievement standards cannot reduce the student's chance to receive a regular diploma.

Alternate assessments. The 1997 IDEA introduced the requirement of providing alternate assessments as an option for some students with disabilities who could not participate in large scale assessments even with accommodations. Alternate assessments may be developed based on grade-level, alternate, or modified achievement standards. The development of alternate assessments based on alternate achievement standards has been difficult for many states. Even today, a number of states have yet to receive full approval of their alternate assessments based on alternate achievement standards, and it is too early to know how many states will opt for modified achievement standards and what these assessments will look like. Much research has been conducted on how to design technically sound alternate assessments and yet there is still a great deal of flux in this area in terms of test formats and procedures.

Assessment accommodations. As noted in the introduction to this paper, students with disabilities are entitled to certain legal protections under the IDEA and Sec. 504 and are also protected under the ADA. Among these is the right to "reasonable accommodations" which include accommodations on assessments. Assessment accommodations have been controversial and have been subjected to extensive research. Each state is required to have an approved list of test accommodations as well as procedures for determining which students with disabilities require assessment accommodations. One recent survey reviewed these state policies and determined that there was a substantial amount of variability across states in terms of which assessment accommodations were permitted without implications for scoring and/or aggregation.

The research on the effects of accommodations on students' performance is extensive but inconclusive. While a wide variety of assessment accommodations are being used, the most common are extended time and multiple testing sessions. In addition, the research has demonstrated that not all accommodations benefit all students; however,

most students, with and without disabilities, benefit in terms of improved test scores from the more common accommodations such as extended time.

In addition to assessment accommodations and alternate assessments, the courts have also cited other considerations in assessing students with disabilities. Several of the most important cases, all pertaining to high stakes assessments, are summarized in Appendix A. In general, decisions rendered by the courts in these cases have specified that students must have sufficient time and opportunity to learn the material that will be assessed. While the case law pertains to assessments that have major consequences for students with disabilities, i.e., the loss of a diploma, the entitlements to accommodations and to an alternate assessment as specified within the IDEA, Sec. 504, ADA, and NCLB pertain to any state or local assessments and can include classroom assessments that are administered as part of instruction.

Transition Policies and Practices

Because of the traditional focus on post-school outcomes, the IDEA contains a number of provisions intended to enable students to make a seamless transition from secondary school to adult life. Special educators first began to focus on how to improve post-school outcomes following a series of follow-up studies of former special education students conducted during the 1980s. These studies consistently documented the poor educational outcomes of young adults with disabilities, including low graduation rates and levels of academic achievement, high dropout rates, substantial levels of unemployment and underemployment, low levels of participation in postsecondary education and training programs, economic instability, dependence, and social isolation. In an effort to address these problems, changes were made to the IDEA in 1990 to require that a transition process be implemented as part of a student's IEP. The process includes identifying post-secondary goals and outlines the course of study and other activities designed to help students reach their goals. Initially, transition focused almost exclusively on preparing students for employment and independent living. However, recently the focus has shifted to improving academic achievement and increasing enrollment in post-secondary educational institutions.

The IDEA defines transition services as a process that occurs as part of the development of the IEP and which focuses on improving academic and functional achievement of the student and facilitates the movement from school to post-school. There is a major emphasis on fostering collaboration with other vocational/technical programs, vocational rehabilitation and other agencies. Transition planning is to begin by age 16 as part of the IEP process and is to be updated annually. It must include identifying measurable post-secondary goals related to post-secondary education, training, education, employment, and independent living based on individual assessments of a student's individual needs, strengths, preferences, and interests and may include instruction, development of employment and adult living objectives. Specific services, including course of study, are required to reach the goals as specified and the plan must consider how the student will access and make progress in the

general education curriculum as well as participate in state and local general education assessments.

In general, the research related to effective transition practices has focused more on students with moderate or severe cognitive disabilities. The goal for these students is to build both job-specific skills as well as functional skills, such as learning to use public transportation. Typically, between the ages of 18-21, these students would be primarily in community job sites. However, recently there has been a movement to enroll these students in two- or four-year colleges in (mostly) non-degree programs in which students attend classes and/or participate in other individualized experiences. One source indicates that there are about 121 two- and four-year institutions of higher education across the country that have such programs.

Multiple surveys of employers of youth with all disabilities have identified factors such as “ability to get along with co-workers and supervisors” and “willingness to work” as critical to employability. The research also suggests that participation in vocational education classes, participation in paid work experiences, competence in functional academics, and personal-social, vocational, and self-determination skills, such as setting goals, making decisions, and self-advocacy, contribute to better employment outcomes among students with disabilities.

Finally, the IDEA 2004 requires local educational agencies to provide transitioning youth with a Summary of Performance (SOP). The SOP must include “a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals” (IDEA 2004, Section 614 (c)(5)(B)(ii)). The SOP is required for all youth with disabilities exiting high school, regardless of the type of diploma or certificate received. An example of a SOP is with the state of Maryland, who under their own state legislation had required the development of an Exit Document. The Maryland Exit Document is an online document that requires the school staff, with student and family input, to provide information in the following domains: course of study, anticipated educational supports, employment preferences, personal interests, personal attributes, anticipated employment supports, work history, references, and skills rating. This document was designed to provide a platform for youth to advocate not only their needs, but their strengths and preferences to employers, postsecondary institutions, and adult agencies as they attempt to reach their post-secondary goal.

Universal Design Principles

Universal Design refers to the principles and strategies for designing curriculum, instruction, and assessments that build in various accommodations or adaptations that support the needs of diverse learners. A significant number of students with and without disabilities would benefit from curriculum materials and assessments that are designed from the ground up for maximum accessibility. Principles of Universal Design as applied to assessments include:

1. Inclusive assessment population
2. Precisely-defined constructs
3. Accessible, non-biased items
4. Amendable to accommodations
5. Simple, clear, and intuitive instructions and procedures
6. Maximum readability and comprehensibility
7. Maximum legibility

For instance, a Universal Design for Learning (UDL) assessment would introduce one idea, fact or process at a time; present instruction in exact order of the sequence; provide legible text, graphs, tables and illustrations; and reduce the amount or difficulty of the text if that is not the construct being measured.

UDL pertains to curriculum and instructional materials that incorporate many of the same principles as those discussed under assessment. UDL materials enhance subject matter content through the provision of self-directed supplementary supports such as vocabulary training, comprehension-checking, and sequencing and segmenting information. Much of the research on UDL has utilized web-based applications that permit a student to move through a textbook or other material somewhat independently, accessing supplementary supports as needed.

The promise of UDL is such that the IDEA includes a provision requiring states to adopt the National Instructional Materials Accessibility Standards (NIMAS) for the purposes of providing instructional materials to blind persons or other persons with print disabilities. The latter can include any student who cannot see the words or images on a page, cannot hold a book or turn its pages, cannot decode the text, or cannot comprehend the syntax that supports the written word and who may require individualized supports to extract meaning from information that is in books. The NIMAS regulations require states to acquire curriculum materials in electronic formats that are suitable for conversion into specialized formats, including Braille, digital text, large print, etc. This will greatly influence state textbook adoption policies as well as publishers' practices. It will also mean greater potential to apply UDL principles in the classroom through specialized software applications.

Standards-Based IEPs

While all students with disabilities are fully expected to have an opportunity to learn the same content specified in state standards, the IDEA still requires an individually tailored educational plan. One effort to reconcile these two policies is the move toward creating "standards-based IEPs" which contain goals based on state-defined content standards. The "individualized" aspect of the IEP refers to the supports and services that will be provided to a given student to enable them to progress toward attainment of the standards as well as any additional non-academic goals or access skills (vocational, social/behavioral, or therapeutic) a student may require in order to achieve the standards.

This change in how IEPs are being interpreted within the context of universal standards is perhaps one of the more significant changes that have resulted from the alignment of the IDEA, NCLB, and state standards. It is also a troublesome development for teachers and parents, particularly at the secondary level where the focus on academic content goals reduces valuable time and instructional resources from teaching vocational and other more functional skills which some students require.

State Performance Goals and Indicators

Another important new practice in special education is the changes in how states are being monitored under the IDEA (Section 616). Where formerly, monitoring was focused exclusively on compliance with the procedural requirements of the law, states are now required to also report progress on 20 indicators. State Annual Performance Reports (APRs) contain information on a variety of indicators, including assessment participation and performance results for state assessments. The APR Indicators require states to report data on the following areas: (1) Graduation rates, (2) Drop out rates, (3) Assessments, (4) Suspension/expulsion rates, (5) School age LRE, (6) Preschool LRE, (7) Preschool outcomes, (8) Parent involvement, (9) Disproportionality-Child with a Disability, (10) Disproportionality-Eligibility category, (11) Child find, (12) Early childhood transition, (13) Secondary Transition, (14) Post-school outcomes, (15) Identification and Correction of Noncompliance, (16) Complaint Timelines, (17) Due Process Timelines, (18) Hearing requests resolved by resolution sessions, (19) Mediation agreements, and (20) State-reported data. The state assessment data submitted by states are summarized by the National Center on Educational Outcomes (NCEO) using a common approach to construct numerators and denominators for determining percentages of students scoring at each of the performance levels.

Under NCLB, each state is required to establish, at minimum, three performance levels—basic, proficient, and advanced—for the state assessments. However, some states report five levels (below basic, basic, proficient, advanced, very advanced). Each state has established a level of performance regarded as proficient. The data from each state were collapsed into two categories: “Proficient” and “Non-Proficient,” and were then aggregated at the national level. This includes all students taking regular and alternate assessments with and without accommodations.

High School Reform and Students with Disabilities

Of interest to this paper is a recent report of the National Association of State Directors of Special Education (NASDSE) describing high school reform initiatives that are ongoing in several states and how students with disabilities are being included in the reforms. The report features reforms in Iowa, Michigan, and Nevada and is based on interviews with state education agency representatives. All three states reportedly considered students with disabilities in the development of their reform plans from the beginning, a move fully endorsed by both general and special educators. Several strategies were identified as particularly important for including special education in the reform efforts at both the state and local district levels. Among these are integrated

professional development opportunities and task force and workgroups, such as those developing core curricula. In addition, the states were promoting specific instructional models to support students with disabilities, such as collaborative teaching, consultative instruction, and differentiated instruction, through the provision of professional development within districts. Establishing clear expectations for inclusion of students with disabilities in all aspects of the reforms including data collection and assessment were also noted.

These strategies or approaches to including students with disabilities in reform efforts are not unique to secondary schools. In fact, a great deal of research has substantiated the importance of the practices noted above as well as some additional ones. Research conducted at the University of Maryland over the past two decades has found that integrated policies and adoption of state or district wide practice or program models are necessary but far from sufficient for promoting inclusive reforms. Case studies of districts and schools that achieved "better than expected" results for students with disabilities revealed a very different model for special education. Within schools, special education was characterized as a flexible system of supports involving human and other resources. Special educators worked collaboratively with general education teachers to ensure universal access to and progress in the general education curriculum.

Interestingly, among the barriers to including students with disabilities in high school reforms cited by state administrators in the NASDSE report noted above were the lack of willingness of staff to adopt new models and accept responsibility for educating all students as well as an "over-emphasis on secondary transition goals"—leading to neglect of academics. This finding is indicative of the traditional parallel systems of general vs. special education that has existed in secondary schools for some time. Special education has focused on improving employability and the transition from high school to work. Academic subject matter has been a secondary concern and only as it supported employment. The special education service delivery models at the secondary level are becoming academic support models, such as co-teaching and consultation, in general education classrooms. This is not without controversy, as we will discuss further below.

Summary and Implications for Assessment and Accountability

Any new accountability models that might be developed will need to account for the entitlements of students with disabilities as well as for the heterogeneity of the population. Beyond that, new models need to consider what we currently know and don't know about students with disabilities in terms of both effective practices and achievement. The following two areas represent the major recommendations to consider for any new secondary accountability model.

Inclusive Policies

The full inclusion of all students with disabilities in the design of any reform must be a given and needs to be more than a homily. The principles of Universal Design should be reflected in the structure of any new policies as well as the design of any new assessments. Inclusive policies include full disaggregation of all data and public reporting of those data subject to confidentiality rules and adjustments to assessments such as accommodations and alternate assessments. Inclusive policies also must ensure accountability at the school level. Full public accountability for this group of students is essential to providing full educational opportunity.

There is however a serious issue that must be addressed in any new high school accountability model. This issue is the tension between the universal content and achievement standards and the diversity in post-secondary goals and educational needs among students with disabilities. In the following section we address that tension and propose several options for consideration.

Standards and Students with Disabilities

There can be little disagreement among special education professionals, advocates, and parents and families that the educational expectations for students with disabilities have been pervasively low and have resulted in these students being denied opportunities to learn important content and to improve their post-school outcomes. Further, there is general agreement that students with disabilities can benefit from "higher standards" and public accountability. However, the questions that remain are, "which standards" and "who gets to decide?" Universal content and the achievement standards have been discussed and debated by at least one NRC committee as well as in the secondary transition literature. Further, despite the move toward "standards-based IEPs," the field is far from endorsing the notion that individualized educational goals and transition planning should be "standards-driven". Thus, while the NRC committee concluded that the concept of "standards" was not necessarily in conflict with the entitlement to individually referenced decision making afforded to students with disabilities, it also noted that standards that "count" for schools and students must be relevant to and attainable by *all* students.

Thus, inclusive accountability models must accommodate seemingly incompatible notions of standards—content and achievement—and flexibility. The following are options that might be considered in the design of a new accountability system.

The NCLB Model

One option to consider is to adopt the NCLB model of universal content standards with two or more sets of achievement standards and alternate assessments. This model is based on assessments and will require consideration of accommodation policies and creation of new alternate assessments. The option has some appeal given that states have experience with the NCLB regulations that govern how students with disabilities are to be included. The NCLB model also offers some flexibility regarding expected *achievement* of students with disabilities through the "1%" and "2%" rules which respond to a need to ensure that all students with disabilities participate in state and local assessments that are aligned with grade-level subject matter *content* standards.

Assuming for the time being that there would be standard content that would be assessed, deciding whether we need alternate or modified achievement standards for 3 percent of the tested population is tricky. However, if we examine the data in Table 1, presented earlier in this paper, we note that 85 percent of the 12-17 year olds served under the IDEA are in categories that presume no cognitive disability. That is, they might be expected to learn what and how their typical peers do. Obviously, the current performance data of students with disabilities refute that notion, and simply raising standards is unlikely to dramatically close the achievement gap between these students and their peers. Yet, there is a great deal that we still don't know about the achievement levels and the degree to which students with disabilities have had effective instruction in the subject matter that comprises the general education curriculum. So, we can stay with universal content and achievement standards that result in a "one-size-fits all" secondary curriculum or consider how to provide flexibility within a standards-driven system.

Flexible Content Standards

Universal content and achievement standards that focus solely on academics at the high school level are problematic for some professionals and advocates and long overdue for others. It is fair to say that there is tacit recognition that the rigorous new academic standards that are guiding some states high school reforms will be unattainable by some number of secondary students with disabilities. However, some special educators and advocates believe that there is benefit in providing full access to these standards and secondary subject matter content classes regardless. The assumption is that we should not prejudge any student's capacity to learn, and if the content is important for typical high school students, then it should be important for those with disabilities. In this sense, the position is very much aligned with those of other student subgroups, such as English language learners, poor and minority students. In addition, many of those who advocate for the same content standards for

all fear that if some students are exempted from the content standards, they will be segregated and marginalized in schools and school systems.

Yet, other parents, advocates, and special educators are quite concerned that as states implement new more rigorous academic standards and high stakes graduation assessments, many opportunities for secondary students with disabilities are evaporating. The new high school curriculum and the focus on academic achievement leave little flexibility for students who may require or desire vocational/functional and similar coursework. Moreover, many of these opportunities are underfunded or eliminated as attention and resources have shifted to teaching academic coursework.

Consider some of the comments made by several parents of high school students with learning disabilities in one large school district that illustrate the frustrations:

> *"There is nothing for our children…they struggle through [courses] and learn very little."*
>
> *"There is such an emphasis on moving more kids to Honors and AP classes, that the "general" classes have become dumping grounds for problem students. We need more options."*
>
> *"I removed my daughter from [the high school and placed her in a private school]. She was miserable and getting D's and she wasn't getting anything out of [courses]."*

An additional consideration surrounding universal content standards is what research tells us about effective instruction for students who have disabilities and/or are chronic low achievers. For instance, research has shown that these students typically require explicit instruction, which means that if you want a student to learn a particular fact or skill, you must teach that skill directly and with sufficient opportunity to practice until the skill is mastered and can be applied in a number of contexts. This kind of instruction is very "intensive," meaning more time to present concepts in different situations, more individual attention, including frequent progress monitoring, feedback, and re-teaching. In addition, many secondary students with disabilities have benefited from instruction in skills and strategies that help them focus, learn, and retain content across a number of areas.

Effective instruction requires time, which has implications for how curriculum is organized at the secondary level. Both the scope or amount of subject matter content and the pacing of subject matter curriculum can pose major challenges to struggling students. "Piling on" more content requirements is counterproductive to achieving higher levels of performance. Thus, any effort to develop new standards must carefully consider how to maintain reasonableness and relevancy in breadth and in depth.

Hybrid Model

A third option, which is the most likely to be controversial, is to consider a hybrid secondary accountability model that includes both content and achievement standards both in academics and in challenging vocational/career domains as well as flexibility within a system of "checks and balances" of multiple accountability indicators. In such a hybrid model, direct assessments of student achievement/performance in core subject matter and a specified number of career/vocational domains would be coupled with other educational indicators, such as graduation, course-taking, and post-school status. Schools and school districts would have established performance benchmarks at least at four levels (such as "Below Basic", "Basic", "Proficient", "Advanced", etc.) for each assessment and indicator, similar to what is now required under the IDEA and NCLB, and all data would be disaggregated by subgroup.

While all students would be included in the system, the students would be given some choice in which areas/assessments they wish to focus based on their intended post-school goal and intended course of study. For example, students could be required to attain, at minimum, "proficiency" in some number of areas, "advanced" in a fewer number, and "basic" in others. Not all students would have to achieve the same levels of performance (i.e., "Proficient") in each assessed area as currently expected under the NCLB model. Not only would this model recognize the diverse needs of students with disabilities, it would also be consistent with the goals of self-determination and empowerment which are central to transition of these youth from school to adult life.

With respect to the other educational indicators, this is consistent with the current IDEA monitoring approach but with the addition of some post-school indicators. Also, different performance targets might be set for students with disabilities for some measures. For example, graduation targets would be similar across student subgroups, while increasing scores on AP exams or enrollment in four-year colleges and universities might have different targets for the subgroup of students with disabilities.

Of course, there are obvious risks with creating more flexibility in the standards that are used to hold schools and students accountable. For instance, there could be a clear incentive for keeping expectations for students with disabilities low by encouraging them and their parents to pursue less rigorous academic coursework. Thus, the proposed model could be further constrained by setting district and school targets for the proportion of "Proficient" scores to be obtained by students in each subgroup, similar to the Annual Measurable Objectives under NCLB. This would protect against "tracking" all or most students with disabilities into vocational curricula and assessments. Finally, IEP teams, with the participation of the student, would decide on a course of study through a standards-driven transition planning process that expands upon the emerging "standards-based IEPs."

The "expectancy effects" are not insignificant for students with disabilities or other low achieving students; there is substantial research that shows that teachers hold low expectations for students with disabilities, and low achievers and students with

disabilities tend to have low self-concepts and are vulnerable to teacher beliefs and biases. Further, research on teacher perceptions of students with disabilities suggests that teachers not only hold lower expectations for these students, but also tend to believe that student achievement is out of their control. Setting performance standards takes away some of the discretion of schools to lower expectations.

Decisions about any new high school accountability plan, regardless of whether it includes new standards or assessments or other indicators, have serious implications for students with disabilities and need to be carefully considered. In this paper we have attempted to inform those decisions with what we believe to be the information that is most pertinent to those decisions. What we did not mention is that any decisions regarding the education of students with disabilities are intensely political and driven by different ideologies and beliefs that are often associated with a particular disability category. These realities will confront policymakers regardless of which accountability model is proposed. It is probably best to expect that no single approach will have universal appeal; however, to the degree that a new approach to high school accountability builds in opportunities for individualization, there is a far greater likelihood of acceptance.

References

Cortiella, C. (2007). *Learning opportunities for your child through alternate assessments: Alternate assessments based on modified academic achievement standards.* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

Council of Chief State School Officers. (2003). *Class size in secondary mathematics, grades 7-12*. Retrieved February 29, 2008, from http://www.ccsso.org/content/pdfs/ClassSize.pdf.

Deshler, D. D., & Tollefson, J. M. (2006). Strategic interventions. *School Administrator, 63*(4), 24-30.

DeStefano, L. & Wagner, M. (1991). *Outcome assessment in special education: Lessons learned*. Menlo Park, CA: SRI International.

Flowers, C., Wakeman, S., Browder, D. & Karvonen, M. (2007). *Links for academic learning: An alignment protocol for alternate assessments based on alternate achievement standards*. Charlotte, North Carolina: University of North Carolina.

Halpern, A.S. (1990). A methodological review of follow-up and follow-along studies tracking school leavers from special education. *Career Development for Exceptional Individuals, 13*(1), 13-27.

Hasazi, S.B., Gordon, L. R., & Roe, C. A. (1985). Factors associated with the employment status of handicapped youth exiting high school from 1979 to 1983. *Exceptional Children, 51*(6), 455-469.

IDEA Data tables. (n.d.) Retrieved December 4, 2007, from https://www.ideadata.org/PartBReport.asp

Johnson, D. R., McGrew, K., Bloomberg, L., Bruininks, R. H., & Linn, H. C. (1997). *Policy Research Brief: A national perspective on the post-school outcomes and community adjustment of individuals with severe disabilities.* Minneapolis: University of Minnesota, Institute on Community Integration.

Johnson, D. R., McGrew, K. S., Bloomberg, L., Bruininks, R. H., & Lin, H. C. (1997). Results of a national follow-up study of young adults with severe disabilities. *Journal of Vocational Rehabilitation, 8*, 119–133.

Johnson, D. R. & Thurlow, M. L. (2003). *A national study on graduation requirements and diploma options for youth with disabilities (Technical Report 36).* Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes. Retrieved December 4, 2007, from http://cehd.umn.edu/nceo/OnlinePubs/TechReport36.pdf

Lazarus S. S., Thurlow, M. L., Lail, K. E., Eisenbraun, K. D., & Kato, K. (2005). *2005 state policies on assessment participation and accommodations for students with disabilities* (Synthesis Report 64). Minneapolis: University of Minnesota, National Center on Educational Outcomes. Retrieved December 4, 2007, from http://cehd.umn.edu/nceo/OnlinePubs/Synthesis64/Synthesis64.pdf

Marder, C., Levine, P., & Wagner, M. (2003). Demographic characteristics of youth with disabilities. In M. Wagner, et al. (Eds.), *The individuals and household characteristics of youth with disabilities: A report from the National Longitudinal Transition Study-2 (NLTS2).* Menlo Park, CA: SRI International. Available at www.nlts2.org

Marder, C., Levine, P., Wagner, M., & Cardoso, D. (2003). Household characteristics of youth with disabilities. In M. Wagner, et al. (Eds.), *The individual and household characteristics of youth with disabilities: A report from the national longitudinal transition study-2 (NLTS2).* Menlo Park, CA: SRI International. Retrieved February 29, 2008, from http://www.nlts2.org/reports/2003_08/nlts2_report_2003_08_ch3.pdf

McGrew, K. S., & Evans, J. (2003). *Expectations for students with cognitive disabilities: Is the cup half empty or half full? Can the cup flow over?* (Synthesis Report 55). Minneapolis: University of Minnesota, National Center on Educational Outcomes. Retrieved February 29, 2008, from http://education.umn.edu/NCEO/OnlinePubs/Synthesis55.html

McDonnell, L. M., McLaughlin, M. J., & Morison, P. (1997). *Educating one & all: Students with disabilities and standards-based reform*. Washington, D.C.: National Academy of Sciences.

McLaughlin, M. J. (2000). *Reform for EVERY learner: Teachers' views on standards and students with disabilities.* Alexandria, VA: Center for Policy Research on the Impact of General and Special Education Reform.

McLaughlin, M. J., Henderson, K. & Rhim, L. M. (September 1998). *Snapshots of reform: How five local districts are interpreting standards-based reform for students with disabilities*. Alexandria, VA: The Center for Policy Research on the Impact of General and Special Education Reform.

McLaughlin, M. J. & Thurlow, M. (2003). Educational accountability and students with disabilities: Issues and challenges. *Educational Policy, 17*(4), 431-451.

Muller, E. & Burdette, P. (2007). *High school reform: Integration of special education*. Alexandria, VA: National Association for State Directors of Special Education.

NCEO. Special topic area: Alternate assessments for students with disabilities: Frequently asked questions. Retrieved December 3, 2007, from http://cehd.umn.edu/nceo/TopicAreas/AlternateAssessments/altAssessFAQ.htm

National Center for Education Statistics. *NAEP Data Explorer*. Retrieved October 5, 2007, from http://nces.ed.gov/nationsreportcard/nde/

O'Reilly, F., Fafard, M., Wagner, M., & Brown, S. C. (September 2006). Improving results for students with disabilities: Key findings from the 1997 national assessment studies. Bethesda, MD: Abt Associates.

Polk v. Central Susquehanna Intermediate Unit 16, 853 F. 2d 171 (3rd Cir. 1988).

Pullin, D. (in press). Implications for human and civil rights entitlements: Stigma, stereotypes and civil rights in disability classification systems. In L. Florian & M. J. McLaughlin (Eds.), *Dilemmas and alternatives in the classification of children with disabilities: New perspectives*. Thousand Oaks, CA: Corwin Press.

Regional Resource & Federal Center Network. (2008). *SPP/APR Information and Material*. Retrieved February 29, 2008, from http://www.rrfcnetwork.org/content/view/248/358/

Sireci, S. G., Scarpati, S. E., & Li, S. (2005). Test accommodations for students with disabilities: An analysis of the interaction hypothesis. *Review of Educational Research, 75*(4), 457-490.

Silverstein, R. (2000). *An overview of the disability policy framework: A guidepost for analyzing public policy.* Washington, DC: Center for the Study and Advancement of Disability Policy.

ThinkCollege.Net. (2008). *Database for postsecondary education programs for students with intellectual disabilities*. Retrieved February 28, 2008, from http://www.thinkcollege.net/programs/index.php

Thompson, S. J., Johnstone, C. J., & Thurlow, M. L. (2002). *Universal design applied to large scale assessments* (Synthesis Report 44). Minneapolis: University of Minnesota, National Center on Educational Outcomes. Retrieved January 21, 2008, from http://education.umn.edu/NCEO/OnlinePubs/Synthesis44.html

U.S. Department of Education. (August 2005). *Alternate achievement standards for students with the most significant cognitive disabilities*. Retrieved February 29, 2008, from http://www.ed.gov/policy/elsec/guid/altguidance.pdf

U.S. Department of Education. (2006). *Individuals with Disabilities Education Act (IDEA) Data*. Available at https://www.ideadata.org/index.html

U.S. Department of Education. (April 2007). *Modified achievement standards: Non-regulatory guidance*. Washington, DC: Author. Available at http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc

Wagner, M., Blackorby, J., Cameto, R. & Newman, L. (1993). *What makes a difference? Influences on postschool outcomes of youth with disabilities. The Third Comprehensive Report from the National Longitudinal Transition Study of Special Education Youth*. Menlo Park, CA: SRI International.

Wagner, M., Kutash, K., Duchnowski, A. J. & Epstein, M. H. (2005). The special education elementary longitudinal study and the national longitudinal transition study: Study designs and implications for children with emotional disturbance. *Journal of Emotional and Behavioral Disorders,* 1(1), 25-41.

Wagner, M., & Levine, P. (2003). The schools attended by secondary school students with disabilities. In M. Wagner, et al. (Eds.) *Going to school: Instructional contexts, programs, and participation of secondary school students with disabilities. A report from the national longitudinal transition study-2 (NLTS2).* Menlo Park, CA: SRI International. Available at www.nlts2.org/reports/2003_12/nlts2_report_2003_12_complete.pdf

Wagner, M., Newman, L., and Cameto, R. (2004). *Changes over time in the secondary school experiences of students with disabilities. A report of findings from the national longitudinal transition study (NLTS) and the national longitudinal transition study-2 (NLTS2).* Menlo Park, CA: SRI International. Available at www.nlts2.org/reports/2004_04/nlts2_report_2004_04_complete.pdf

Wagner, M., Newman, L., Cameto, R., Garza, N., and Levine, P. (2005). *After high school: A first look at the postschool experiences of youth with disabilities. A report from the national longitudinal transition study-2 (NLTS2).* Menlo Park, CA: SRI International. Available at www.nlts2.org/reports/2005_04/nlts2_report_2005_04_complete.pdf

Wagner, M., Newman, L., Cameto, R., and Levine, P. (2006). *The academic achievement and functional performance of youth with disabilities. A report of findings from the national longitudinal transition study-2 (NLTS2).* Menlo Park, CA: SRI International. Available at www.nlts2.org/reports/2006_07/nlts2_report_2006_07_complete.pdf

Woodcock, R. W., McGrew, K. S., & Mather, N. (2001). *Woodcock-Johnson III*. Itasca, IL: Riverside Publishing