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Your Question:

You asked the following questions: (1) how do states measure academic outcomes of students in special education and how does this fit into states' accountability systems?; and (2) what are states doing to "move the needle" on academic performance of special education students (specifically state-level action)?

Our Response:

States measure the academic outcomes of the majority of students in special education similarly to students without disabilities. However, one percent of all students (specifically students with the most significant cognitive disabilities) are allowed to use an alternative assessment. We cannot conclusively state that certain special education state policies will have a specific result.

Below you will find federal statutes specifically for special education, annual testing and state accountability systems under the Every Student Succeeds Act, research on practices that may improve the academic performance of students in special education and selected state policies related to special education.

Special Education and Accountability Systems

Prior to the No Child Left Behind (NCLB) Act, states had developed standards-based accountability systems, yet students with disabilities were excluded systematically from participating in the assessments used by these systems, according to a [publication](#) from the [National Council on Disability](#). In response, the 1997 reauthorization of the [Individuals with Disabilities Education Act](#) (IDEA) required that states include students with disabilities in state assessment systems, including through the development of alternative assessments. NCLB went further by requiring (1) students with disabilities be held to the same expectations as students without disabilities, (2) schools publicly report the performance of students with disabilities, and (3) schools be held accountable for these students' performance just as any other subgroup of students.

The 2015 [Every Student Succeeds Act](#) (ESSA) is designed to support all students, including students with disabilities, in expanding educational opportunity and improving students' outcomes, according to the IDEA Series noted above.

State Accountability Systems Under ESSA

Under ESSA, [states](#) are required to develop a single statewide accountability system and use the system to make annual accountability determinations on school performance. In determining the performance of schools, [ESSA requires](#) states to use five key metrics, including proficiency on assessments and another academic indicator, which may include growth in proficiency. These metrics, along with high school graduation rates and the performance of English learners, must carry "much greater weight" in a school's overall performance. The performance of students must be disaggregated for low income students, English language learners, students from major racial and ethnic groups and students with disabilities.

Annual Testing Under ESSA

Additional Resources

- ✓ [IDEA Series: Every Student Succeeds Act and Students with Disabilities](#), National Council on Disability, February 7, 2018
- ✓ [Challenging Change: How Schools and Districts are Improving the Performance of Special Education Students](#), Candace Cortiella and Jane Burnette, National Center for Learning Disabilities, 2008
- ✓ [Equity at Scale: How Public Charter School Networks Can Innovate and Improve Services for Students with Disabilities](#), Paul O'Neill and Lauren Morando Rhim, National Center for Special Education in Charter Schools, January 2015

Under ESSA, [states](#) are required to test all students. States are required to test students in reading and math annually, in grades 3 through 8 as well as once in high school. States are also required to test students in science once in grade school, middle school and high school. Under ESSA, only [one percent](#) of students, specifically students with the most significant cognitive disabilities, can be given an alternative assessment in the state annually.

[According to the Advocacy Institute](#), ESSA and its implementing [federal regulations](#) authorize one alternative assessment for students with the most significant cognitive disabilities, the [Alternative Assessment aligned with Alternative Academic Achievement Standards](#) (AA-AAAS). ESSA prohibits states from developing any other alternative assessment for students with disabilities. All students with disabilities must participate in either the general assessment for the grade in which the student is enrolled or the AA-AAAS.

ESSA also provides states that may exceed the one percent cap the opportunity to apply for a waiver for one year. The Advocacy Institute [noted](#) at least seven states ([Arkansas](#), [Arizona](#), [Kentucky](#), [Ohio](#), [Idaho](#), [Louisiana](#) and [Massachusetts](#)) announced their intent to request a waiver from the U.S. Department of Education (USDE) to exceed ESSA's one percent cap on alternative assessments during the 2018-2019 school year. Additionally, [Georgia](#) has requested a waiver from the USDE to permit the state to exclude the results of all students assessed on the state's alternative assessment while it is field tested during the 2018-2019 school year.

[Academic Performance of Students in Special Education](#)

Many states struggle to meet the needs of their students in special education, whether it is [providing adequate financial assistance](#), [identifying students for appropriate services to meet their needs](#) or [recruiting and retaining teachers](#) in special education. Furthermore, an [article](#) in Education Week states 29 states and the District of Columbia need some help from the federal government in meeting the requirements of IDEA, according to [assessments of state performance](#) released in July 2018 by the USDE.

Research on What May Work

Research suggests that a variety of programs and practices can support improving academic performance of students with disabilities. Although we cannot speak directly to state actions that are proven to “move the needle” on academic performance of students in special education, we found the following resources that may be of assistance to you:

- Inclusion Practices
 - [Choi, Meisenheimer, McCart and Sailor](#) found schools implementing a schoolwide model of equity-based inclusive education demonstrated larger student growth on annual state math assessments relative to students attending comparable schools.
 - [Cosier, Causton-Theoharis and Theoharis](#) found engagement in the general education curriculum strongly and positively correlated with math and reading achievement for students with disabilities.
- Personalized Learning Models
 - The [case study](#) by Rhim and Lancet highlights Thrive Public Schools in San Diego and how its personalized learning model benefits students with disabilities and meets their specific needs.
 - The [case study](#) by Rhim and Lancet highlights Mott Haven Academy Charter School in New York City and how the positive school culture and behavior support systems improve disciplinary outcomes for students with disabilities.
- School Choice Systems

- [Schnaiberg and Lake](#) describe certain policy changes and investments that aim to ensure that students with special needs have access to public school choice, including:
 - Making finance and enrollment policies more equitable
 - Creating citywide financial supports for the highest-cost students
 - Boosting the capacity of special education teachers and leaders
 - Fostering program innovation, and
 - Offering grants to help create or scale-up programs to best serve high-needs students.
- Online Learning Programs
 - [Equity Matters: Digital and Online Learning for Students with Disabilities](#) informs stakeholders on emerging trends, outcomes, challenges and best practices in the field of online learning and special education.

State Policies for Students in Special Education

The following includes selected state polices on special education. Please note this is not an exhaustive list.

- In **Utah**, the Utah State Board of Education promulgated [special education rules](#), which detail general provisions for special education; identification, location and evaluation; individualized education plan development and service delivery; due process procedures; discipline procedures; students with disabilities in other settings; transitions; responsibilities of the Utah State Board of Education and local education agencies; and funding.
- In **Delaware**, the Department of Education has an [Autism Task Force](#); and a [State Systemic Improvement Plan](#), which is a six-year effort to develop, implement and scale-up the supports and resources available to students with disabilities in the state.
- In **Alaska**, the Department of Education and Early Development created a [Special Education Handbook](#), which details identification, evaluation and eligibility determination for special education, individual education programs, secondary transition, placement, student discipline, procedural safeguards, personnel, funding, compliance monitoring and agencies and resources.

For state policies on accountability systems more generally, see [ECS's 50-state comparison](#) of accountability system policies in statute, regulation and ESSA plans.