

Council of Administrators of Special Education, Inc.

Recommendations to Congress for the Improvement of the No Child Left Behind Act (NCLB)

The Council of Administrators of Special Education, Inc., (CASE) is a non-profit professional organization which provides leadership and support to approximately 5,000 members by influencing policies and practices to improve the quality of education. CASE is a division of the Council for Exceptional Children (CEC), which is the largest professional organization of teachers, administrators, parents, and others concerned with the education of children with disabilities, giftedness, or both.

CASE joins many of the other national organizations, such as CEC, National Association of State Directors of Special Education (NASDSE), National Education Association (NEA), American Association of School Administrators (AASA), Forum on Educational Accountability (FEA) and others, in support of their proposed policies and recommendations for improving some of the most essential provisions of the No Child Left Behind (NCLB) Act. CASE is especially focused on aligning the goals and provisions of the Individuals with Disabilities Education Act (IDEA) with NCLB to ensure accountability and promote success for all students.

It has been six years since the enactment of the NCLB Act and CASE finds many reasons to celebrate. The goal of closing the achievement gap is a laudable one, and NCLB has helped create a sense of urgency around systems change. Coupled with the standards movement and increased attention to the use of scientific, research-based strategies, demonstrable improvements in student performance have been noted. Of particular importance to CASE is the inclusion of students with disabilities in state accountability systems. These students are finally beginning to receive the attention they deserve! Despite the many positive effects of NCLB, numerous unintended consequences continue to surface. Some key areas of particular concern are as follows:

- ✧ **Highly Qualified Teacher Provisions**
- ✧ **Accountability and Effective Measurement of Student Performance and Achievement**
- ✧ **Response to Intervention**
- ✧ **Funding and Resources for Effective Implementation of NCLB Provisions**

1. HIGHLY QUALIFIED TEACHER (HQT) PROVISIONS

CASE recommends:

- ❖ Increased transparency in criteria for approving state plans as well as reciprocity between states regarding HQT status be increased as a means of supporting consistency, quality, and competency standards that allow teachers flexibility in moving from one state to another.
- ❖ Continuation of the High, Objective, Uniform State Standards of Evaluation (HOUSSE) provisions which provide states with multiple measures to determine whether teachers are highly qualified in given core academic subjects and to allow for flexibility at the local level in addressing the persistent special education teacher shortage and retention issues.
- ❖ Against the recommendation by the Aspen Institute to the NCLB Commission to have states require all teachers to be “Highly Qualified Effective Teachers” who demonstrate effectiveness in the classroom by implementing systems for measuring learning gains of a teacher’s students using three years of student achievement data, principal evaluations and peer reviews.

ACCOUNTABILITY AND EFFECTIVE MEASUREMENT OF STUDENT PERFORMANCE AND ACHIEVEMENT

CASE recommends:

- ❖ Aligning IDEA and NCLB requirements is essential! Individual protections of IDEA need to be incorporated into NCLB regarding the meaningful assessment of the full range of students with disabilities. NCLB should permit Individualized Education Program (IEP) teams to make “individualized” decisions regarding assessment of students based on identified IEP needs and goals.
- ❖ Flexibility to use growth models and other measures of progress that assess student achievement over time for determining Adequate Yearly Progress (AYP). Growth model results could also be used to inform instructional practices and provide individual assistance to students and appropriate professional development for staff (NEA).
- ❖ Accountability should be based on multiple measures of student learning and school success (NEA). The use of multiple academic measures, including local assessments, teacher-designed classroom assessments collected over time, portfolios, etc., to provide a more comprehensive picture of achievement rather than measure student performance on a single assessment is essential.
- ❖ The IDEA requirement -§300.320(a)(1) and §300.320(a)(1)(i)- for including functional goals and skills as part of every IEP, be aligned with NCLB accountability measures that acknowledge the reality of severe disability for certain students. This would allow the use of alternate assessment procedures that include assessment of progress made in functional and life skills taught, as reflected in their IEP.
- ❖ Adequate yearly progress calculations (AYP) for determining graduation rates should include those students earning a diploma in more than four years. NCLB must recognize that students with disabilities may graduate from high school in more than four years through a student’s “multi-year” IEP which is a protection afforded to them under IDEA (§300.102(a)(3)). NCLB should also recognize other state- approved and awarded diplomas in addition to the standard or advanced diplomas.
- ❖ Maintaining the proposed 2% policy allowing students with disabilities to be assessed against “modified achievement standards” as well as maintaining the 1 percent policy allowing children with severe cognitive disabilities to be assessed against alternate achievement standards using alternate assessments. Also, criteria for the use of the 2% by SEAs and LEAs need flexible statutory/regulatory guidelines.

2. RESPONSE TO INTERVENTION (RtI)

CASE recommends:

- ❖ RtI, in consideration with other assessments, be used as a strong prevention model that supports the achievement of all students as opposed to the more traditional reactive approach based upon the consequences of failure. In addition, it supports a student growth model rather than a status model when addressing student achievement in terms of AYP.
- ❖ Inclusion of RtI in NCLB as a proactive approach to the prevention of student failure, the improvement of student achievement, and for ensuring accountability of all teachers in the early identification and intervention for students who demonstrate poor academic performance. This would also encourage the leadership of general educators in this initiative, which is imperative for success.
- ❖ Language that promotes a UNIFIED system of education and collaborative instructional service delivery should be extensively included throughout the reauthorized NCLB regulations. This would unite general and special educators in providing effective instruction in a consistent manner that reflects the scope of the general education curriculum in the least restrictive environment.

4. FUNDING AND RESOURCES FOR EFFECTIVE IMPLEMENTATION OF NCLB PROVISIONS

CASE recommends:

- ❖ Full ESEA funding at authorized levels. Federal commitment to financial resources and technical assistance to fully achieve the goals of NCLB.
- ❖ Mandatory full federal funding of IDEA at 40 percent of the national average per pupil expenditure for every child in special education. The current funding shortfall is significantly impacting local school district budgets and diverting resources to meet other competing educational needs and preventing LEAs from developing IEPs that will truly provide students with a free and “appropriate” public education.
- ❖ Districts of a child’s residence should be responsible for the equitable participation of parentally placed private school special education students and supports the return to the principles and language of IDEA 1997 law, shifting the responsibility back to the resident’s LEA rather than the district where the private school is located (AASA).

Specific funding recommendations related to each area are as follows:

A. HQT Provisions

CASE recommends:

- ❖ Funding and technical assistance incentives for higher education institutions as well as for state and local education agencies as they collaborate on teacher training initiatives that are aligned with NCLB goals. This would include provisions for developing rigorous and valid alternative routes to certification as well as high-quality professional development, mentoring programs, and preparation in evidence-based special education pedagogy.
- ❖ Funding for ongoing research to study the relationship between highly qualified teacher status and improved student outcomes! Specifics on individualized instruction for individuals with exceptional learning needs, a solid base of understanding of the general content area curricula, and proficiency in reading instruction, written and oral communications, calculating, problem solving, and thinking is essential.
- ❖ Increased federal support for pre-service and in-service training for school administrators that reflect the mandates for implementation of scientific, research-based strategies for increasing student performance as well as the increased demands for assessment and accountability.
- ❖ Grant programs and incentives for districts to develop collaborative partnerships with colleges and universities to offer value-added licensure programs and coursework designed to incorporate HQT requirements and enhance ongoing professional development.

B. Effective Measurement of Student Performance and Achievement

CASE recommends:

- ❖ Funding for research and development of more effective assessment and accountability systems that utilize multiple measures and growth models and to determine how a growth model can be implemented in a responsible manner to better meet the goal of high academic achievement (CEC, NEA, FEA).
- ❖ Accountability systems to provide support and assistance, including the financial support for improvement and technical assistance to schools needing help, and target assistance to districts most in need of improvement (NEA).
- ❖ Providing resources to States to develop assessment systems that include district and school-based measures to provide better, more timely information about student learning (CEC).

C. RTI

CASE recommends:

- ❖ Funding provided for technical assistance and high quality professional development for both general and special educators to support the implementation of research-based strategies that improve student achievement across both the academic and social milieu.
- ❖ Resources and support for pre-service and in-service training for school administrators to promote a clear understanding of what RTI is, what a multi-tiered intervention model looks like and how it can be implemented, the supports that teachers will need in making the required paradigm shift, and the perseverance to see the shift through to implementation with integrity and fidelity.
- ❖ Funding early intervening services from ESEA funding for general education students. This would include early intervention services such as the implementation of research-based interventions to address learning and behavioral needs prior to and, ultimately, limiting the need for students to be referred for special education.

The goal of a unified system of education is not yet in place across our country, though it remains a desired target. This, coupled with a rapid exodus of building-based and district-wide administrators due to retirements, makes it extremely critical that NCLB provide regulatory guidance, resources and support for training the new and less experienced administrators in the legal and instructional framework for serving children with disabilities, English language learners, and children of poverty.

Attention to these key areas will improve the ability of states and districts to implement NCLB in a meaningful way that makes a positive difference for students. CASE urges Congress to reconsider these key provisions so students with disabilities continue to receive an individualized education which addresses their unique needs while still profiting from rigorous instruction which is monitored and reported through the states' accountability systems.

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