



How We Can Build Upon No Child Left Behind's Progress for Students With Disabilities in a Reauthorized ESEA

By Chelsea Straus

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On April 11, 1965, President Lyndon B. Johnson signed the Elementary and Secondary Education Act, or ESEA, into law with the intention of achieving “full educational opportunity” for all students.¹ While President Johnson’s vision has yet to become a reality, historically disadvantaged groups of students have made significant progress under the most recent reauthorization of ESEA: the No Child Left Behind Act of 2001, or NCLB.² In particular, students with disabilities experienced marked gains after NCLB increased academic standards and expectations for this group. As Congress once again considers the long-overdue and much-needed reauthorization of ESEA, lawmakers must take into account the improvements made by students with disabilities under provisions of NCLB.

Policy landscape for students with disabilities prior to NCLB

Less than 50 years ago, merely one in five children with disabilities received a public education.³ In 1975, Congress made its first attempt to level the education playing field for students with disabilities by passing the Education for All Handicapped Children Act. The law guaranteed “a free, appropriate public education to each child with a disability in every state and locality across the country.”⁴

In 1990, the law was reauthorized as the Individuals with Disabilities Education Act, or IDEA. At the time, 4.7 million students—11 percent of those enrolled in public schools—were students with disabilities.⁵ Enrollment of students with disabilities significantly increased following the passage of IDEA due to its mandate that schools provide a free appropriate public education, or FAPE, and its regulations for providing necessary supports and services to students with disabilities.⁶ While IDEA did help improve outcomes for students with disabilities, it did not include any provisions that set high expectations for achievement or that held schools accountable for their progress. In fact, Congress recognized that shortcoming in its latest reauthorization of IDEA in 2004, which stated that “the implementation of this Title has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.”⁷

Students with disabilities were not included in state assessments despite requirements—in both the 1994 reauthorization of ESEA⁸ and the 1997 reauthorization of IDEA⁹—mandating their inclusion. Nonparticipation in state assessments effectively removed students with disabilities from state accountability systems, which allowed states to ignore their performance. Parents were also left in the dark about their child’s academic performance without relevant state assessment results. Prior to NCLB, graduation rates for students with disabilities suffered and dropout rates soared.¹⁰

Changes following No Child Left Behind

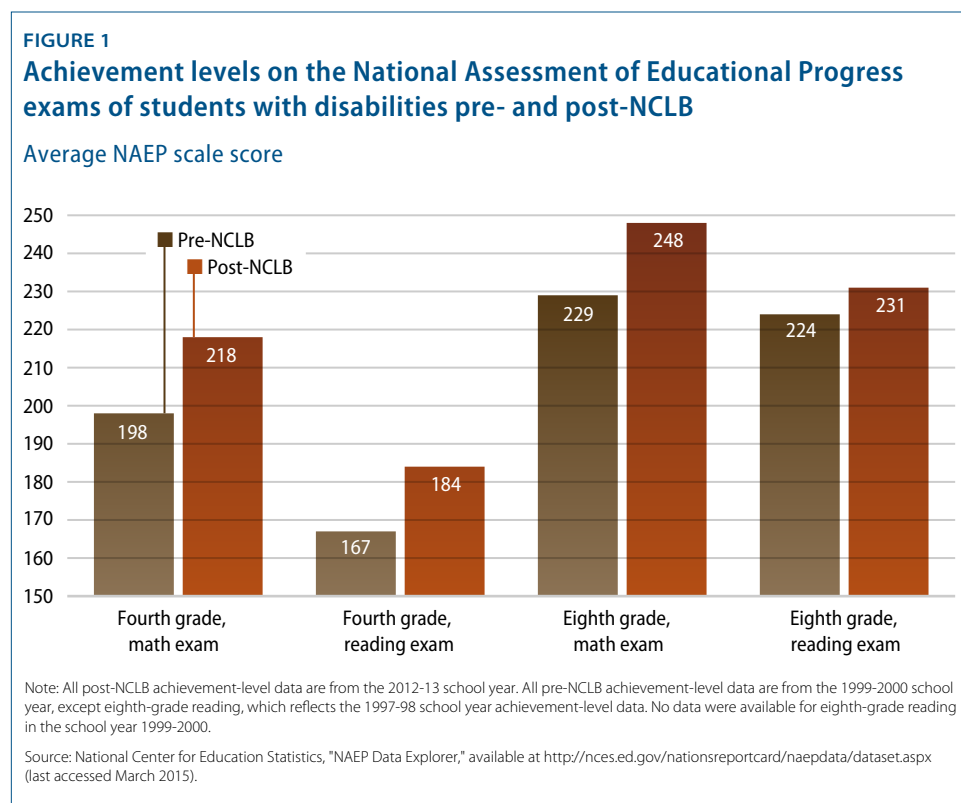
NCLB built upon the progress made through IDEA and paved the way for a new era of increased transparency and accountability for students with disabilities. NCLB included provisions to prevent schools from discounting the performance of students with disabilities by requiring all students to be held to high standards and to be included in state accountability systems. Under NCLB, lowering standards and expectations for students with disabilities was no longer permissible, and schools were required to provide parents with transparent information related to their child’s performance.¹¹

NCLB also required states to set both achievement and graduation targets for all students, including students with disabilities. These goals helped ensure that states were held accountable for the performance of students with disabilities. The law limited the use of alternate assessments on alternate achievement standards to only those with the most significant cognitive disabilities—approximately 10 percent of students with disabilities, or 1 percent of all students.¹² Administering state assessments to students with disabilities provided the data necessary to hold schools accountable for the achievement of these students.¹³

By the 2011-12 school year, 10 years after the authorization of NCLB, the number of students with disabilities in U.S. public schools rose to 6.4 million, or 13 percent of total public school enrollment.¹⁴ To gain a better understanding of NCLB’s impact on these students, we examined graduation rates; fourth- and eighth-grade math and reading scores on the National Assessment of Educational Progress, or NAEP; and dropout rates for students with disabilities. We then compared how students with disabilities fared before and after the authorization of NCLB. For post-NCLB outcomes, the most recent data available were used; for pre-NCLB data, the closest available data to the passage of NCLB were used. All NAEP scores for pre-NCLB are from the 1999-2000 school year except for eighth-grade reading, which uses data from the 1997-98 school year. All NAEP scores for post-NCLB are from the 2012-13 school year.

While we cannot demonstrate causation, the data reveal that educational outcomes for students with disabilities improved following NCLB’s policies that bolstered accountability and increased expectations for these students. Nationally, we found that:

- **The percentage of students with disabilities graduating with a standard high school diploma significantly improved after NCLB.** In 2001, 48 percent of students with disabilities graduated with a standard high school diploma.¹⁵ By 2012, the percentage of students with disabilities graduating with a standard high school diploma increased to almost 64 percent.¹⁶ Furthermore, higher percentages of students across disability categories—including 69 percent of those with specific learning disabilities, 75 percent of those with speech or language impairments, and 65 percent of those with autism—are graduating with a standard high school diploma.¹⁷
- **Large percentages of both black and Hispanic students with disabilities are graduating from high school with a standard diploma.** In 2001, merely 36.5 percent of black students with disabilities and 47.5 percent of Hispanic students with disabilities graduated with a standard diploma.¹⁸ By 2011, the percentage of black and Hispanic students with disabilities who graduated with a high school diploma increased to 52 percent and 55 percent, respectively.¹⁹
- **Students with disabilities made impressive gains in both reading and math.** From 2000 to 2013, fourth-grade students with disabilities made a 20-point gain in math²⁰ and a 17-point gain in reading on the NAEP assessments.²¹ Eighth-grade students with disabilities also experienced achievement gains: Average math scores increased by 19 points from 2000 to 2013,²² and average reading scores increased by 7 points from 1998 to 2013.²³



Students overall have experienced an upward trend in achievement since the passage of NCLB. However, gains among students with disabilities have outstripped those among their peers without disabilities. Fourth-grade students with disabilities gained 3 more points in math and 6 more points in reading than their peers without disabilities on the NAEP assessments. Similarly, eighth-grade students with disabilities improved by 6 more points in math and 1 more point in reading than students without disabilities.

While authorizing NCLB was not the federal government's first attempt to improve outcomes for students with disabilities, the law was intended to increase the educational attainment of these students by building upon IDEA. The 1997 and 2004 amendments to IDEA helped improve outcomes for students with disabilities by increasing accountability for these students.²⁴ NCLB, however, actually required schools to hold most students with disabilities to the same high standards as their nondisabled peers by mandating that schools report performance data for almost all students with disabilities on annual statewide assessments.²⁵ A much larger percentage of students with disabilities are now spending most of their time in non-special-education classrooms. In 2001, only 48 percent of students with disabilities spent 80 percent or more of their school time inside a general class. By 2010, the percentage of students with disabilities spending 80 percent or more of their school time inside a general class increased to more than 60 percent.²⁶

The dropout rate for students with disabilities also substantially decreased following NCLB's heightened standards. The dropout rate in 2001 for students with disabilities was more than 41 percent;²⁷ by 2012, the dropout rate had decreased to 20.5 percent.²⁸ Moreover, there have also been substantial improvements in dropout rates for minority students with disabilities. In 2001, 44.5 percent of black students with disabilities and 43.5 percent of Hispanic students with disabilities dropped out of school.²⁹ One decade later, these rates were substantially improved: In 2011, only 26 percent of black students with disabilities and 25 percent of Hispanic students with disabilities failed to complete high school.³⁰

As Congress attempts to reauthorize ESEA, it should be vigilant about maintaining policies under which students with disabilities have experienced participation in our education system and improved academic outcomes. Federal education policy has come a long way in terms of improving the academic achievement of students with disabilities, but it still falls far short of providing an appropriate education for all. Reauthorizing ESEA presents an opportunity to improve upon NCLB; Congress should not use the reauthorization to scale back the accountability provisions related to the inclusion of students with disabilities and return to a time when the public education system ignored their performance.

Recommendations

To continue improving outcomes for students with disabilities, Congress should include the following in a reauthorized Elementary and Secondary Education Act:

- **Limit the use of alternate assessments to the 1 percent of students with the most significant cognitive disabilities.** The majority of students with disabilities—excluding the approximately 10 percent of students with disabilities, or the 1 percent of all students, with the most significant cognitive disabilities—are able to achieve when held to college- and career-ready standards and should be included in the general assessment.³¹ Allowing states to use alternate assessments on alternate achievement standards for students other than those with the most significant cognitive disabilities would remove far too many students with disabilities from the path to a standard high school diploma. Alternate assessments often include substantially simplified content and are not aligned to grade-level achievement standards, diluting expectations for students with disabilities.³² Lifting the cap on the percentage of students who participate in alternate assessments would derail much of the progress that has been made in recent years for students with disabilities.
- **Require states to hold all students to high achievement standards.** The vast differences between graduation rates and test scores for students with disabilities pre- and post-NCLB highlight the necessity of holding traditionally underserved subgroups of students to the same rigorous achievement standards as their peers. Prior to NCLB, students with disabilities were often held to alternate, lower achievement standards, and many students with disabilities failed to graduate from high school with a standard diploma. A reauthorized ESEA must continue to require states to ensure that students with disabilities are taught to the same high standards as other students so that they will be prepared for success after graduation.
- **Provide the necessary instructional supports and services to students with disabilities.** While dropout rates have decreased and more students with disabilities are graduating with standard high school diplomas, schools need to ensure that these students receive the supports and services they need to master grade-level curriculum content as required by IDEA.³³ States should strive to increase the percentage of students with disabilities who graduate with a standard high school diploma by continuing to provide supports and services that help prevent students with disabilities from leaving the conventional academic track.

Conclusion

NCLB required that states raise standards and expectations for all students, and students with disabilities demonstrated their ability to master grade-level content and to graduate from high school ready for college and careers. As Congress moves to reauthorize ESEA, it is imperative that students with disabilities continue to be held to high standards and expectations. We cannot afford to roll back progress for students with disabilities in a reauthorized ESEA by holding these students to lower achievement standards, administering alternative assessments to students besides those with the most significant cognitive disabilities, and neglecting to provide the necessary supports and services. As Sen. Chris Murphy (D-CT) stated recently at a Center for American Progress Action Fund event, “Let’s pass a bill that gives students with disabilities the same shot at success as other kids.”³⁴ Only by continuing to level the education playing field for students with disabilities will we be able to work toward realizing President Johnson’s vision of achieving “full educational opportunity” for all students.

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Endnotes

- 1 U.S. Department of Education, "Elementary and Secondary Education Act," available at <http://www.ed.gov/esea> (last accessed March 2015).
- 2 *No Child Left Behind Act of 2001*, Public Law 107-110, 107th Cong. 1st sess. (Government Printing Office, 2002), available at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ110/html/PLAW-107publ110.htm>.
- 3 U.S. Office of Special Education Programs, *History: Twenty-Five Years of Progress in Educating Children with Disabilities Through IDEA* (U.S. Department of Education, 2000), available at <http://www2.ed.gov/policy/speced/leg/idea/history.pdf>.
- 4 Ibid.
- 5 National Center for Education Statistics, "The Condition of Education: Children and Youth with Disabilities," available at http://nces.ed.gov/programs/coe/indicator_cgg.asp (last accessed March 2015).
- 6 U.S. Office of Special Education Programs, *Twenty-Five Years of Progress in Educating Children with Disabilities Through IDEA*.
- 7 *Individuals with Disabilities Education Improvement Act of 2004*, Public Law 108-446, 108th Cong., 1st sess. (U.S. Department of Education, 2004), available at <http://idea.ed.gov/download/statute.html>.
- 8 *Improving America's Schools Act of 1994*, H. Rept. 6, 103 Cong., 2 sess. (U.S. Department of Education, 1994), available at <http://www2.ed.gov/legislation/ESEA/index.html>.
- 9 *Individuals with Disabilities Education Act of 1997*, H. Rept. 5, 105 Cong., 1 sess. (U.S. Department of Education, 1997), available at <https://www2.ed.gov/policy/speced/leg/idea/idea.pdf>.
- 10 U.S. Office of Special Education Programs, *25th Annual Report to Congress* (U.S. Department of Education, 2001), Section I, available at <http://www2.ed.gov/about/reports/annual/osep/2003/25th-vol-1-sec-1.pdf>.
- 11 National Center for Learning Disabilities, "Elementary & Secondary Education Act (ESEA)/No Child Left Behind," available at <http://www.nclld.org/action-center/learn-the-law/esea-nclb/> (last accessed March 2015).
- 12 Letter from Consortium for Citizens with Disabilities to Sen. Lamar Alexander, January 21, 2015, available at <http://blogs.edweek.org/edweek/speced/Consortium%20Disabilities%20ESEA%20letter.pdf>.
- 13 National Center for Learning Disabilities, "Elementary & Secondary Education Act (ESEA)/No Child Left Behind."
- 14 National Center for Education Statistics, "The Condition of Education: Children and Youth with Disabilities."
- 15 U.S. Department of Education, *34th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2012* (2014), available at <http://www2.ed.gov/about/reports/annual/osep/2012/parts-b-c/34th-idea-arc.pdf>.
- 16 U.S. Department of Education, *36th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2014* (2014), available at <http://www2.ed.gov/about/reports/annual/osep/2014/parts-b-c/36th-idea-arc.pdf>.
- 17 Ibid.
- 18 U.S. Office of Special Education Programs, *25th Annual Report to Congress*.
- 19 IDEAdata.org, "Exiting by Race/Ethnicity and Basis of Exit, Ages 14-21, 2010," available at <https://ideadata.org/> (last accessed March 2015).
- 20 National Center for Education Statistics, "Average scale scores for math, grade 4 by disability status of student, including those with 504 plan (IEP), year and jurisdiction: 2013 and 2000," available at <http://nces.ed.gov/nationsreportcard/naepdata/> (last accessed March 2015).
- 21 National Center for Education Statistics, "Average scale scores for reading, grade 4 by disability status of student, including those with 504 plan (IEP), year and jurisdiction: 2013 and 2000," available at <http://nces.ed.gov/nationsreportcard/naepdata/> (last accessed March 2015).
- 22 National Center for Education Statistics, "Average scale scores for mathematics, grade 8 by disability status of student, including those with 504 plan (IEP), year and jurisdiction: 2013 and 2000," available at <http://nces.ed.gov/nationsreportcard/naepdata/> (last accessed March 2015).
- 23 National Center for Education Statistics, "Average scale scores for reading, grade 8 by disability status of student, including those with 504 plan (IEP), year and jurisdiction: 2013 and 1998," available at <http://nces.ed.gov/nationsreportcard/naepdata/> (last accessed March 2015). Note: All post-NCLB achievement-level data are from the 2012-13 school year. All pre-NCLB achievement-level data are from the 1999-2000 school year, except eighth-grade reading, which reflects 1997-98 achievement-level data. No data were available for eighth-grade reading in the 1999-2000 school year.
- 24 U.S. Department of Education, *Thirty-five Years of Progress in Educating Children With Disabilities Through IDEA* (2010), available at <http://www2.ed.gov/about/offices/list/osers/idea35/history/idea-35-history.pdf>.
- 25 National Center for Learning Disabilities, "Elementary & Secondary Education Act (ESEA)/No Child Left Behind."
- 26 National Center for Education Statistics, "Table 50. Percentage distribution of students 6 to 21 years old served under Individuals with Disabilities Education Act, Part B, by educational environment and type of disability: Selected years, fall 1989 through fall 2010," available at https://nces.ed.gov/programs/digest/d12/tables/dt12_050.asp (last accessed March 2015).
- 27 U.S. Department of Education, *33rd Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2011* (2014), available at <http://www2.ed.gov/about/reports/annual/osep/2011/parts-b-c/33rd-idea-arc.pdf>.
- 28 U.S. Department of Education, *36th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2014*.
- 29 U.S. Office of Special Education Programs, *25th Annual Report to Congress*.
- 30 IDEAdata.org, "Exiting by Race/Ethnicity and Basis of Exit, Ages 14-21, 2010."
- 31 Letter from Consortium for Citizens with Disabilities to Sen. Lamar Alexander.
- 32 National Center for Learning Disabilities, "The Elementary and Secondary Education Act / No Child Left Behind: Examining Testing Requirements" (2015), available at http://www.nclld.org/wp-content/uploads/2015/03/NCLD_TestingRequirements-Final.pdf.
- 33 Office of Special Education Programs, *IDEA Regulations: Secondary Transition* (U.S. Department of Education, 2007), available at <http://idea.ed.gov/explore/view/p/,root,dynami,c,TopicalBrief,17,>.
- 34 Center for American Progress Action Fund, "Civil Rights, School Discipline, and Students with Disabilities in the ESEA: Sen. Chris Murphy and Sherrilyn Ifill of NAACP LDF examine the impact of students and policy," February 26, 2015, available at <https://www.americanprogressaction.org/events/2015/02/19/106974/civil-rights-school-discipline-and-students-with-disabilities-in-the-esea/>.