

No Child Left Behind: Implications for Special Education Students and Students with Limited English Proficiency

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The No Child Left Behind (NCLB) Act was passed by Congress with overwhelming bi-partisan support and signed into law by President George Bush in January 8, 2002. The expressed long-term goal of NCLB is proficiency in reading and math for all students by the 2013-2014 school year. The law identifies specific steps that states, school districts, and schools must take to reach that goal. Each state has been required to develop and administer annual assessments in grades 3 through 8 in reading and math and once in grades 9 through 12.

The states also have been required to develop an accountability system that includes a single definition of "adequate yearly progress." This definition includes annual targets for academic achievement, participation in assessments, graduation rates for high schools, and for at least one other academic indicator for elementary and middle schools. The targets must be applied to the major racial and ethnic groups, the economically disadvantaged, special education students, and students with limited English proficiency.

For schools that fail to make achievement targets for two consecutive years a series of progressively stringent consequences will be implemented as follows:

2 YEARS — The school becomes labeled "in need of improvement," and must allow its students to choose another school in the district.

3 YEARS — The school must provide students supplemental services, such as additional tutoring and remedial services usually in reading and math.

4 YEARS — The school must replace school staff, institute a new curriculum, extend the school year or school day, or restructure the internal organization.

5 YEARS — The school must reopen as a charter school, replace all or most of the staff, enter into a contract with an entity such as a private management company, turn over operations to the state or undergo major restructuring.

Opposing Viewpoint on NCLB

Since its passage, NCLB has been criticized for a number of reasons. One of the criticisms is that it is unfair to include special education students and students with limited English proficiency in the accountability system and judge them by the same standard used for all other students. In the past, special education students and students with limited English proficiency were often excluded from high-stakes, large-scale assessment because educators believed it was not in the best interest of students

to take the tests. For many opponents of the law, it makes no sense to expect students in these groups to perform and progress at the same level as other students.

Proponents of NCLB counter that the law was designed to ensure that students in subgroups with low percentages of students meeting standards would receive attention in schools. Recently, educators have become concerned that excluding students from testing may be harmful to students because it allows their needs to remain unknown and unaddressed. Students who are not tested often do not get the services they need to help improve their academic achievement. Many education researchers and policy makers now believe that special education students and LEP students should be included in the assessments to the maximum extent practical so that the needs of those students are not ignored.

Revised NCLB Regulations

As the debate continues regarding the fairness of NCLB with respect to special education students and students with limited English proficiency, the U.S. Department of Education issued new regulations pertaining to these subgroups. In December, 2003, regulations were changed for testing special education students. Those changes were followed by revised policies for LEP students in February, 2004.

Under the regulations issued pertaining to special education students, states and districts can develop alternate assessments and use them to test special education students who cannot take the grade-level tests even with accommodations. However, only up to 1 percent of students in the grade levels tested can take tests based on alternative achievement standards and have their scores counted for meeting the federal mandate of showing "adequate yearly progress."

If states exceed the 1 percent cap, they must decide which "proficient" scores of students who took the alternate assessments to count as proficient for purposes of "adequate yearly progress" and which to count as not proficient. States can apply to the Department of Education, and districts can apply to their states, to exceed the 1 percent cap, if they can demonstrate that they have larger populations of students with the most significant cognitive disabilities and have effectively designed and implemented assessment practices for students with disabilities.

There were two major rule changes for students with limited English proficiency. The first rule change says that schools are no longer required to give students with limited English proficiency their state's reading test if such students have been enrolled in a U.S. school for less than a year. Schools are still required to give those students the state's mathematics test, but they may substitute an English-proficiency test for the reading test during the first year of enrollment.

As was the case before this change, states have a one-year grace period before they must include scores of students with limited English proficiency in the calculations for adequate yearly progress. The second rule change permits states to count students who have become proficient in English within the past two years in their calculations of adequate yearly progress.

According to the U.S. Department of Education, there are 5 million special education students and 5.5 million students with limited English proficiency in U.S. public schools. It is likely that accountability for the academic achievement of these two subgroups will diminish in the future. Irrespective concerns about the negative effects of testing these two groups of students, data from state assessments such as the Washington Assessment of Student Learning show that each year more special education

students and students with limited English proficiency are meeting state standards than in previous years.

Table 1 below shows an increasing positive trend for the reading achievement of fourth grade students overall for all students as well as special education students and students with limited English proficiency. Despite these promising results, though, it is unclear how realistic such improvements can be expected to continue over time.

Table 1: Percent of Fourth Grade Students Meeting State Reading Standard in Washington State

	2000	2001	2002	2003	2004
All Students	66	66	66	67	74
Special Education Students	27	29	30	31	39
Students with Limited English Proficiency	21	24	25	24	37

Promising Practices for Increasing Test Performance

As pressure to make adequate yearly progress increases, educators continue to seek practical ways for increasing the numbers of students who achieve proficiency in reading and math. Two strategies that appear to hold promise in this effort are (1) improving the quality of implementing test accommodations permitted for use by special education students and students with limited English proficiency; and (2) enhancing their test wiseness.

For several years, I have worked with principals, teachers, and students to implement a program of test preparation that focuses on improving the selection and use of test accommodations and test preparation. The program was initiated on the basis of two assumptions that have been supported in the research literature:

- 1.) Special education students receiving accommodations outperform on average special education students receiving no accommodations (Johnson et al., 2001).
- 2.) Students who receive instruction in test-taking strategies can perform better on tests than peers who have not received the instruction (Chittooran & Miles, 2001).

A series of teacher training sessions have been presented to translate these research findings into practice. First, training was provided for teachers in effective decision making about whether to provide, and how to best administer test accommodations. The training emphasized the use of the least intrusive accommodations; ensuring the alignment of instructional and assessment accommodations; providing appropriate training to those who administer accommodations; as well as monitoring the effects of accommodations for individual students. These topics have previously been suggested by Bolt and Thurlow (2004).

Second, teacher training was provided for teachers to implement five types of test wiseness practices identified by Miyasaka (2000) that help students more fully demonstrate their knowledge and skills on high-stakes tests. These include (a) teaching the content domain, (b) using a variety of assessment approaches and formats, (c) teaching time management skills, (d) fostering student motivation, and (e) reducing test anxiety.

Preliminary results for a district in which a systematic approach to test accommodations and test wiseness has been conducted are shown in Table 2 below. These results can be contrasted with results in Table 1 for students statewide where no such similar efforts have occurred. A comparison of the demographics of the state and district is also provided for further analysis in Table 3.

As can be seen, the reading scores for fourth-grade students in the district exceed state scores for all students as well as special education students and students with limited English proficiency. There are many complex factors that contribute to differences in results for the two groups of students. Indeed, one must be careful in interpreting the results. Nevertheless, the results suggest a possible basis for more rigorous investigation in the future.

**Table 2: Percent of Fourth Grade Students Meeting State Reading Standard
in Federal Way Public Schools**

	2000	2001	2002	2003	2004
All Students	67	66	72	73	82
Special Education Students	22	17	38	41	45
Students with Limited English Proficiency		29	38	29	51

**Table 3: Demographics of State and District Based in 2002-03 School Year
Washington State Federal Way School District**

	Washington State	Federal Way School District
Total Enrollment	1,015,968	22,449
American Indian/Alaskan Native	2.70%	1.50%
Asian or Pacific Islander	7.60%	16.20%
Black	5.60%	12.60%
Hispanic	11.60%	10.20%
White	72.50%	59.60%
Free/Reduced Price Meals	35.6	34.80%
Special Education	11.70%	11.90%
Limited English Proficient	6.50%	8.40%

Conclusion

As standardized testing has taken on increasing importance in the evaluation of students, teachers, and schools, so too has the preparation of students to take these tests. Clearly, the best way to prepare students for tests is to teach them the content. Moreover, schools need to ensure that special education students and students with limited English proficiency receive the appropriate accommodations permitted by the test. In addition, students need to receive instruction in appropriate test taking strategies that will help improve test performance and reduce test anxiety.

References

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