

Measuring the Achievement of Students with Disabilities

What families and schools need to know about modified academic achievement standards

The U.S. Department of Education has released final regulations under the *No Child Left Behind Act (NCLB)* and the *Individuals with Disabilities Education Act (IDEA)* providing additional flexibility to states to more appropriately measure the achievement of certain students with disabilities. These regulations allow states to develop modified academic achievement standards that are challenging for eligible students and measure a student's mastery of grade-level content, but are less difficult than grade-level achievement standards. The new regulations are part of an ongoing effort to ensure that all students, including those with disabilities, fully participate in a state's accountability system and are assessed in an appropriate and accurate manner.

Modified achievement standards are intended for a small group of students whose disability has prevented them from achieving grade-level proficiency and who likely will not reach grade-level achievement in the same timeframe as other students. Currently, these students must take either the grade-level assessment, which is often too difficult, or an alternate assessment for students with the most significant cognitive disabilities, which is too easy. Neither of these options provides an accurate assessment of what these students know and can do. **Alternate assessments based on modified academic achievement standards will provide a more appropriate measure of these students' achievement of grade-level content, and give teachers and parents information that can be used to better inform instruction.**

For this group of students, states may develop alternate assessments based on modified academic achievement standards. States may count the proficient and advanced scores on those assessments when measuring adequate yearly progress (AYP) under *NCLB*, as long as the number of those scores does not exceed **2.0 percent** of all students assessed.

A student's Individualized Education Program (IEP) Team, which includes the student's parents, will determine whether the student will be assessed based on modified academic achievement standards.

- States must develop guidelines for IEP Teams to ensure that they are appropriately identifying students to be assessed based on modified academic achievement standards.
- The regulations include several safeguards to ensure that students are not inappropriately assessed based on modified academic achievement standards, including not choosing such an assessment solely because of a particular disability; considering the student's performance on multiple items of objective evidence over time; and evaluating annually whether it is appropriate to continue using such assessments.

IEP goals that are based on grade-level content standards must be included in the IEPs of students who are assessed based on modified academic achievement standards.

This will help ensure that these students receive instruction in grade-level content so that they can make progress toward meeting grade-level achievement. IEP goals that are based on grade-level content standards focus the teacher, student, and parents on grade-level content and on providing the educational supports and services that a student needs to reach those standards.

With the addition of the final regulations on modified academic achievement standards under *NCLB*, students with disabilities may be assessed in the following ways (unless otherwise noted, the proficient and advanced scores for all students being appropriately assessed may be counted towards AYP):

- General state assessment
- General state assessment with appropriate accommodations
- Alternate assessment based on grade-level academic achievement standards
- Alternate assessment based on modified academic achievement standards (up to 2 percent of all proficient and advanced scores may count towards AYP)
- Alternate assessment based on alternate academic achievement standards (up to 1 percent of all proficient and advanced scores may count towards AYP)

As part of a new Special Education Partnership to help states implement the new regulations, the U.S. Department of Education is providing funding to develop assessments.

\$21.1 million is available to help states develop assessments based on modified academic achievement standards. Competitive funds will be available as follows:

- \$7.6 million under the Title I Enhanced Assessment Grants program that states can use to develop these new assessments. A notice for this grant will be out soon.
- \$13.5 million under the *IDEA* General Supervision Enhancement Grants program. A notice of proposed priority has been published in the Federal Register for public comment at <http://www.ed.gov/legislation/FedRegister/proprule/2007-1/033007d.html>.

States also may use funds from Title I, Title VI State Assessment Grants, and the *IDEA* to develop these new assessments.

The Special Education Partnership is also providing technical assistance to states.

- Non-regulatory guidance has been released simultaneously with the new regulations to provide further details and information and is accessible on the department's Web site.
- The Department will host a meeting with interested states in Washington, D.C., in July 2007 to discuss the development of alternate assessments based on modified academic achievement standards.
- Monthly teleconferences to provide ongoing assistance to states that wish to implement this regulation. Title I staff will also be available to provide ongoing technical assistance and additional guidance.

The Department also recognizes the need to provide this information to parents of students with disabilities. The Office of Special Education Programs (OSEP) is undertaking outreach efforts with parent groups to ensure that information about this new flexibility is communicated to parents.

For more information, visit www.ed.gov, or call 1-800-USA-LEARN