

**Testimony of Martha L. Thurlow, Ph.D.
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Before the
Committee on Education and the Workforce
United States House of Representatives**

**Hearing on
NCLB and the Inclusion of Students with Disabilities in the Accountability and
Assessment Systems**

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Mr. Chairman, Mr. Miller, and Other Members of the Committee:

Thank you for inviting me to speak today. I am the Director of the National Center on Educational Outcomes, a technical assistance center that provides assistance to states on the inclusion of students with disabilities in state and district assessments, and on important related topics such as standards-based reform, accommodations, alternate assessments, graduation requirements, universally designed assessments and accessible testing. We support our technical assistance with policy research on states' current policies and practices in these and other areas. We also conduct other research to move the field forward in its thinking, in areas such as how to develop universally-designed assessments that are accessible for students with disabilities without changing the content or level of challenge of the test, and how to most appropriately assess students with disabilities who are English language learners.

The focus of our organization results in our close involvement with states as they implement their No Child Left Behind plans. Yet, because of our many years of working on these issues, I think that we can see the forest as well as the trees. It is because of this view, and the evidence we see about the effects of including students with disabilities that I so strongly support the inclusion of students with disabilities in the assessment and accountability provisions of the No Child Left Behind Act.

I want to make four points today. These points confirm the importance of including students with disabilities in assessment and accountability. They show that it is not unreasonable to hold schools accountable for these students.

First, we are already beginning to see the benefits of the inclusion of students with disabilities in assessments and accountability systems. As a result of having actual assessment data for these students, we know that more students with disabilities are participating in assessments now than were tested a mere three to five years ago. We see these data in every state. Participation rates have gone up dramatically. Think of New York's Regents exams, some of the most rigorous exams in the country. The state released data showing that more students with disabilities took and passed those tests in recent years than had ever taken them before – and to take them, students had to first be

enrolled in Regents courses. This means that they had to have access to a curriculum that they had not had access to before, and they are achieving success.

Massachusetts also has data showing the passing rates for students with disabilities on its high stakes graduation exam. Many students did not pass when the exams were first administered. People started to pay attention when that happened, including the students. Attention was devoted to what was happening in the classrooms for all students, including students with disabilities. Training was provided to make sure that all educators including special educators knew WHAT all children were to know and be able to do – the content standards – and how to teach them. Massachusetts's data show where the passing rates for students with disabilities have steadily climbed from one year to the next. Graphs showing the data from both of these states are attached to the end of this testimony (Figure 1 shows New York's Regent's Exam in across four years; Figure 2 shows Massachusetts's graduation test results for the class of 2003).

Kansas, as a result of its emphasis on reform, has reported that the overall percentage of students with disabilities who are proficient in reading has increased from 26% in 2000 to 50% in 2003. The percentage who are proficient in math has increased from 36% in 2000 to 58% in 2003.

These data show what can be. Staff at NCEO talk to state directors nearly every day, and they tell us that they are seeing positive changes. Of course, they also tell us about the challenges. The challenges are not necessarily due to the assessment or the accountability system, however. The assessment system and its results serve as a warning flag. They tell us when we need to do something about our instruction, our resources and supports. Making changes to the assessment or accountability system is not the answer.

My second point is that being in special education – having a disability – does not mean that students cannot meet standards. I know that it is terrible to speak in double negatives, but I so often hear educators say something like: “How can you expect special education students to perform well on these tests? If they could do that, they wouldn't be in special education.” Those statements are outrageous to me. Special education eligibility should result in an identified student receiving the services and supports needed so that the student can be successful – so that the student can achieve proficiency. Special education eligibility should NOT be an excuse to expect little from a child, and to provide little for the child. The assessment and accountability provisions of NCLB have helped us recognize this for what it is, a problem of low expectations.

Low expectations is a pervasive problem – one that our colleague Kevin McGrew, who is one of the authors of the Woodcock-Johnson III tests of cognitive ability and achievement, has examined by looking at the academic achievement of students of varying IQs, often used for eligibility for special education services. He has found: “It is not possible to predict which children will be in the upper half of the achievement distribution based on any given level of general intelligence. For most children with cognitive disabilities (those with below average IQ scores), it is NOT possible to predict

individual levels of expected achievement with the *degree of accuracy that would be required to deny a child the right to high standards/expectations.*”

One of the bedrock principles of No Child Left Behind is that all students can learn to high standards. I believe that No Child Left Behind is shining a very bright light on low expectations, and that is an important outcome.

The third point that I want to make today is about where adjustments are in fact needed. First we should look at accommodations, supports, and instruction. These are where the issues that are causing low student achievement are most likely to lie, not in the assessment. While there are some ways in which assessments can be improved, for example by making the assessments more accessible through the use of universal design principles, the real work that needs to be done is in providing students with disabilities greater access to the curriculum, making sure that they have the appropriate accommodations and other supports they need. States that have done this have seen the improved results that are the goal of No Child Left Behind, as shown in the data from New York, Massachusetts, and Kansas.

We know how to educate all children, including those with disabilities, if we have the will to do so. The discussion should not be about *whether* students with disabilities can learn to proficiency – and thus, it should not be about *whether* they should be included in assessment and accountability measures – it must be about whether we have the will and commitment to make it happen.

Finally, my last point is to emphasize the importance of staying the course. Complaints and controversy are a natural reaction to the increased pressure of the ratcheting-up of accountability. This does not mean that it is bad, or that there should be a change. It does mean that people are paying attention! It means that students with disabilities are not just the concern of special educators anymore. They are the concern of all educators, and this is good. Everyone needs to take responsibility for the learning of students with disabilities. Recent research has shown that schools where there is shared responsibility and collaboration among staff have students scoring higher on their district assessments.

Where we are now is a sea change from where we were 10 years ago. Some of this started before No Child Left Behind. The Individuals with Disabilities Education Act of 1997 required that students with disabilities participate in state and district assessments and that their results be reported publicly in the same way and with the same frequency as those of other students. While this happened in some states, not until No Child Left Behind did all states really pay attention to the requirements. The assessment and accountability requirements of No Child Left Behind have given us data on students with disabilities that we only had sporadically before. These data can help educators know where to devote resources. No Child Left Behind has given the impetus for special educators and general educators to work together in a way that in many places never seemed to rise to the level of importance to make it happen before. Making students with disabilities one of the subgroups of No Child Left Behind truly has been a very important and positive event in the education history of children with disabilities.