

# TOPICAL REVIEW SIX

## **Accountability for All: Results from a Study on Accountability Policies Affecting Students with Disabilities Educated in Special Schools and Settings**

**September 2004**



**Educational Policy Reform Research Institute**

**The Institute for the  
Study of Exceptional  
Children and Youth**

University of Maryland  
1308 Benjamin Building  
College Park, Maryland 20742-1161

301.405.6509 • 301.314.9158

# The Educational Policy Reform Research Institute

---

## **Accountability for All: Results from a Study on Accountability Policies Affecting Students with Disabilities Educated in Special Schools and Settings**

*Stacey J. Kyle*  
*University of California, Santa Barbara*

*Eleni Papadopoulou*  
*University of Maryland, College Park*

*Margaret J. McLaughlin*  
*University of Maryland, College Park*

**September 2004**

**The Institute for the  
Study of Exceptional  
Children and Youth**

University of Maryland  
1308 Benjamin Building  
College Park, Maryland 20742-1161  
301.405.6509 • 301.314.9158

visit our web site at [www.eprri.org](http://www.eprri.org)

Funding for this research work was provided by the U.S. Department of Education, Office of Special Education Programs (Grant # H324P000004). Opinions expressed in this paper are those of the authors, and do not necessarily reflect the views of the U.S. Department of Education or the Office of Special Education Programs.

Any or all portions of this document may be reproduced and distributed without prior permission, provided the source is cited as:  
Educational Policy Research Reform Institute (EPRRI) (date). Title of publication. College Park, MD: University of Maryland, College Park Educational Policy Research Reform Institute. Retrieved [today's date], from the World Wide Web: [www.eprri.org](http://www.eprri.org)

*EPRRI, funded by the U. S. Department of Education's Office of Special Education Programs, investigates the impact of new educational accountability systems on students with disabilities and on special education. EPRRI addresses the research needs of policymakers and other key stakeholders by identifying critical gaps in current knowledge, seeking promising strategies, and publishing Topical Reviews, Policy Updates, and Issue Briefs. The Institute is a joint venture of the Institute for the Study of Exceptional Children and Youth at the University of Maryland, the National Center on Educational Outcomes at the University of Minnesota, and the Urban Special Education Leadership Collaborative.*

## Table of Contents

---

<b>Topical Review Highlights</b>	<b>5</b>
<b>1. Introduction</b>	<b>7</b>
<b>2. Accountability Policies Concerning Students with Disabilities</b>	<b>9</b>
<i>Accountability Under NCLBA</i>	9
<i>IDEA 1997</i>	10
<b>3. What are “Special Schools and Settings”?</b>	<b>11</b>
<i>Settings in Which Students are Served</i>	11
<b>4. Methodology</b>	<b>13</b>
<b>5. National Survey of State Policies on Assessment and Accountability for Students with Disabilities Receiving Education</b>	<b>15</b>
<i>Procedures</i>	15
<i>National Level Findings</i>	15
<i>Discussion</i>	16
<b>6. National Survey of Accountability Policies for Students with Emotional Behavioral Disorders Educated in Day and Residential Treatment Programs</b>	<b>17</b>
<i>Procedure</i>	17
<i>Findings</i>	17
<i>Discussion</i>	18
<b>7. An In-depth Analysis of Four States and Eight Districts</b>	<b>19</b>
<i>Methodology</i>	19
<i>California</i>	19
<i>Maryland</i>	20
<i>New York</i>	21
<i>Texas</i>	22
<i>Discussion</i>	24
<b>8. Local Level Policies: Six School Districts</b>	<b>27</b>
<i>California</i>	27
<i>Maryland</i>	28
<i>New York</i>	28
<i>Texas</i>	29
<i>Discussion</i>	31
<b>9. Conclusions</b>	<b>33</b>
<b>References</b>	<b>35</b>
<b>Appendix A: Survey of State Policies on Assessment and Accountability for Students with Disabilities Receiving Education in Settings Outside of K-12 Schools</b>	<b>37</b>
<b>Appendix B: Interview Schedule for EPRRI Study Districts</b>	<b>43</b>

epri

---

The purpose of this topical review is to examine the current state of accountability policies that impact students with disabilities who are educated in special schools and settings. For the purpose of this review, *special schools and settings* are defined as public or private settings outside of comprehensive K-12 school buildings (i.e., state-operated programs, public and private day and residential programs, cooperative programs such as Board of Cooperative Education Services (BOCES) and Special Education Local Plan Area (SELPA), home and hospital programs, and juvenile justice programs). This topical review synthesizes information from three studies on accountability — a) a survey of state policies on assessment and accountability for students with disabilities receiving education in special schools and settings (i.e., settings outside of K-12 schools), b) a national survey conducted with teachers and principals working in day and residential treatment programs for students with emotional and behavioral disorders, and c) an investigation by the Educational Policy Reform Research Institute (EPRRI) into the policies implemented by the project’s four study states and districts for students with disabilities in special schools and settings. Major findings indicate that not all states have formal policies on accountability for this population of students; not all students in this group are participating in required assessments; and much ambiguity exists over who is responsible for ensuring that accountability measures are being fully implemented.



## 1. Introduction

---

When the *No Child Left Behind Act (NCLBA)*, which reauthorized the *1994 Elementary and Secondary Education Act*, was signed into law in January of 2002, it strengthened accountability requirements for states, districts, and schools. Accountability, as operationalized in NCLBA, focuses primarily on the use of assessments and subsequent assessment results as the main avenue for holding educators accountable. One aspect of NCLBA's accountability mandates includes the reporting of assessment scores in disaggregated form for students with disabilities. This mandate extends the policy on assessment of students with disabilities enacted in the 1997 reauthorization of the *Individuals with Disabilities Education Act (IDEA '97)*, which states that students with disabilities be included in general state and district assessments, with appropriate accommodations, if necessary.

While the focus on the academic achievement of students with disabilities is a step forward for the inclusion of students with disabilities in the larger educational community, a subset of this student population - those who are educated in special schools and settings- continues to be largely ignored by policymakers. For the purpose of this review, we have defined special schools and settings as those "public or private settings outside of comprehensive K-12 school buildings." These settings include state-operated programs (i.e., schools for the Deaf and Blind), public and private day and residential programs, cooperative programs, home and hospital programs, and juvenile justice programs.

This review presents an overview of state and local district policies and practices regarding accountability for the performance of students with disabilities who are being educated in these special schools and settings. To investigate this

issue, the Educational Policy Reform Research Institute (EPRRI) at the University of Maryland was involved in the following activities:

- A national survey conducted by National Association of State Department of Special Education (NASDSE) in cooperation with Project FORUM<sup>1</sup> to investigate state policies on assessment and accountability for students with disabilities receiving education in settings outside of K-12 schools (Muller & Ahearn, 2002).
- A national survey conducted by Gagnon (2002) to investigate school level educational accountability policies for elementary school students with emotional and behavioral disorders educated in private and public day treatment and residential programs.

An investigation in EPRRI study states and districts comprising of an analysis of state department of education websites and a series of phone interviews concerning policies related to students with disabilities educated in special schools and settings. EPRRI is active in California, Maryland, New York, and Texas.

This topical review is organized into three parts: First, we will present an overview of the federal policies governing accountability for students with

---

<sup>1</sup> This project identifies information needed to improve the management, administration, delivery and effectiveness of education programs and services, and promotes utilization of research data and other information for improving outcomes for infants, toddlers, children and youth with disabilities. *Project FORUM* provides information on emerging issues, studies critical issues, maintains a library of State policy documents, and convenes small work groups to gather expert input related to specific topics (<http://www.nasdse.org/forum.htm>).



disabilities and highlighting any language specifically related to students with disabilities in special schools and settings. In this part of the topical review, the authors will provide information about the two fundamental pieces of legislation pertaining to accountability measures for students with disabilities. Specifically, they will present and analyze the new provisions mandated by NCLBA and IDEA '97. In the second part, we will present the results of the three studies on accountability policies for students with disabilities described above. Finally, the authors will provide a summary of findings and a discussion of implications for improving accountability policies for students with disabilities who are educated in special schools and settings.

## 2. Accountability Policies Concerning Students with Disabilities

Two pieces of legislation set the basis for how students with disabilities are to be included within evolving accountability systems: NCLBA and IDEA '97.

### Accountability Under NCLBA

Title I of NCLBA contains a number of provisions that strengthen state accountability systems with the goal of improving student performance. Accountability is based primarily on large-scale assessments. NCLBA defines a public school student as any student enrolled in a local public school system and attending a public school, an alternative education program, an alternative school operated by a local school system, a juvenile institution, a nonpublic special education school, or a public special education school, such as a state School for the Blind. Test results for public school students attending for less than a full academic year should be included in the performance reports of the sending LEA, whereas tests results for public school students attending for a full academic year should be included in the performance reports of the attending school (<http://www.ed.gov/policy/elsec/guid/secletter/020724.html>).

NCLBA mandates that students be tested in reading/English language arts and mathematics in grades 3 through 8, and by 2007 in science. All assessments must be based on challenging content and performance standards, which are to be determined by each state. The objective of these accountability systems is to bring *all* students to a proficient level of performance by the year 2014.

In order to accomplish this, NCLBA specifies how states, school districts and schools will be held accountable for meeting this ambitious goal. First, it requires that performance results be reported by

the following subgroups: gender; race/ethnicity; English proficiency; migrant; disability; and low-income, and that 95% of each subgroup be assessed. Further, NCLBA permits some students with disabilities, those with the most significant cognitive disabilities to be measured against alternate achievement standards on an alternate assessment. However, at the state and district level the *number of proficient* scores measured against alternate achievement standards that can be counted as proficient in the calculation of adequate yearly progress cannot exceed 1% of the total number of students tested, unless a state can prove that there are more such children and the state receives a waiver.

Second, states must also determine what constitutes *Adequate Yearly Progress* (AYP) on the assessments for all schools and school districts. Specifically, states must determine what percent of improvement on state assessments will be required annually for each subgroup in order for that group to meet the state proficiency standard by 2014. The AYP calculations include the alternate assessments as well.

Third, rewards and sanctions accompany these new accountability requirements. For instance, school districts and schools that receive federal financial assistance and fail to make AYP toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting those schools back on course to meet state standards. Students in low performing schools will be offered an option to transfer to another public school whereas schools must also offer supplemental services, such as tutoring for students in need. Finally, schools that meet or exceed AYP objectives or close achievement gaps

will be eligible for state academic achievement awards (<http://www.ed.gov/legislation/ESEA02/pg2.html>).

## **IDEA 1997**

The 1997 IDEA amendments also include several provisions designed to promote accountability for the achievement of students with disabilities. IDEA '97 requires the participation of students with disabilities in general state and district-wide assessments with appropriate accommodations, where necessary, and the subsequent reporting of these results. States or other educational agencies, on the other hand, must also develop alternate assessments and guidelines for participation in those assessments for students, whose IEPs (Individualized Education Program<sup>2</sup>) dictate that it is not appropriate for them to participate in the general state and district wide assessment programs (<http://www.ideapractices.org/law/law/index.php>). Additionally, IDEA '97 requires that all states report the assessment results of students with disabilities with the same frequency and in the same detail that they report the assessment results of students without disabilities, and must include disaggregated performance results for students with disabilities.

It is evident in the language of IDEA '97 and NCLBA, that there is increasing concern regarding the performance of students with disabilities and increasing public scrutiny and accountability for their achievement. The policies established by

NCLBA place accountability for all students on individual public schools, while IDEA '97 requirements pertain to all students with disabilities who are determined to be eligible for special education regardless of where they are educated.

Under IDEA '97, assessments administered to students with disabilities should be the same as those used to measure the achievement of all children or can be appropriate alternate assessments and should enable for results to be disaggregated within each state. The NCLBA has more stringent requirements regarding assessment participation. The Act mandates that assessment participation and results be reported at state, local, and school levels by several categories: a) gender, b) major racial and ethnic groups, c) English proficiency status, d) migrant status, e) students with disabilities as compared, to all students and f) economically disadvantaged students as compared to all students. Furthermore, as part of the NCLBA accountability requirements 95%, of each subgroup must participate in the state assessment. How the above policies are being interpreted in the specialized schools is largely unknown.

---

<sup>2</sup> The Individualized Education Plan (IEP) describes the special education related services specifically designed to meet the unique educational needs of a student with a disability. An IEP has six components: a) present level of educational performance, b) annual goals, c) short-term objectives, d) evaluation criterion, e) evaluation frequency (schedules), and f) evaluation procedure ([http://www.ldonline.org/ld\\_indepth/iep/iep\\_process.html](http://www.ldonline.org/ld_indepth/iep/iep_process.html)).

### 3. What are “Special Schools and Settings”?

An important tenet of IDEA is the notion of *least restrictive environment (LRE)*<sup>1</sup>. Although IDEA encourages that, to the maximum extent possible, students with disabilities are educated with their peers in general education settings, LRE is defined as a continuum of placements or settings in which a student with a disability may be educated. At one end of the continuum, students with disabilities may be educated in a general education classroom most or all of their time. Some of these students may spend substantial portions of their time in a general education classroom, yet receive special education or related services at certain times during the day or week in separate settings.

In another case, students with disabilities may be placed in a special day class, which is only for students with disabilities and may be located on a regular school campus, and at the far end of the continuum are specialized settings and schools outside of the regular schools, where students with disabilities may be educated. A student with a disability may be placed in these specialized settings and schools because the student’s IEP team has determined that the specific student may only be appropriately educated in these settings as a result of the nature or severity of the student’s disability.

#### Settings in Which Students are Served

According to the most current figures available from the U.S. Department of Education

([www.ideadata.org](http://www.ideadata.org)), in 2002-03 there were 23,786 children with disabilities in the U.S. and outlying areas ages 6-21 educated in special schools and settings. This figure represents 3.96 percent of the total number of children with disabilities served under Part B of IDEA. Broken down by educational environment, 2.82 % of children with disabilities were served in public and private separate day schools; .68 % were served in public and private residential facilities; and .45% were served in home/hospital environments.

The five most prevalent disability categories being educated in these settings were: emotional disturbance, specific learning disabilities, mental retardation, multiple disabilities, and other health impairments. In addition to the educational settings noted above, the IDEA requires that students with disabilities in juvenile justice facilities also be entitled to an IEP and are to be included in the accountability measures established by IDEA ‘97 and NCLBA (<http://www.ed.gov/offices/OSERS/OSEP/Products/OSEP2001AnIRpt/SectionIII.pdf>).

So, given that 3.96 % of students with disabilities ages 6-21 served under IDEA Part B are being educated in special schools and settings, it is imperative for educators and researchers in the field of special education to focus on the inclusion of these students in the current educational accountability measures. Specifically, the purpose of the research reported in this topical review was to answer the following questions:

- How do state-level policies regarding students’ with disabilities participation in assessments and reporting of assessment results address students educated in special school and settings?
- How are accountability policies concern-

---

<sup>1</sup> The definition of the LRE in the IDEA is: “To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are (1) educated with children who are not disabled, and (2) special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” (<http://www.ideapractices.org/law/law/index.php>)

ing students with disabilities being interpreted and implemented in selected settings (i.e., day treatment and residential programs) and school districts?

## 4. Methodology

---

The purpose of this review is to report on current accountability policies for students with disabilities who are being educated in special schools and settings. The authors analyzed data from three separate sources to complete this task. The first source consists of a national survey conducted by NASDSE in cooperation with Project FORUM to investigate state policies on assessment and accountability for students with disabilities receiving education in settings outside of K-12 schools (Müller & Ahearn, 2002). The second source involves a national survey conducted by Gagnon (2002) to investigate school level educational accountability policies for elementary school students with emotional and behavioral disorders educated in private and public day treatment and residential programs. The third source is an investigation by EPRRI in the project's study states and districts conducted through an analysis of state department of education websites and a series of phone interviews.



## 5. National Survey of State Policies on Assessment and Accountability for Students with Disabilities Receiving Education

Project FORUM at NASDSE and EPRRI conducted a national survey in order to document state-level policies regarding accountability for students with disabilities who are being educated in out-of-district settings (Müller & Ahearn, 2002). The settings specified in the survey were: state-operated programs (e.g., school for the Deaf), public and private day or residential treatment programs, cooperative programs, home and hospital programs, and juvenile justice programs. This survey included data concerning the participation in state assessments and the reporting of assessment data for students with disabilities educated in these settings.

### Procedures

EPRRI, in collaboration with Project FORUM, developed and administered a survey to state directors of special education in all fifty states and 11 non-state jurisdictions during August, 2002 (see Appendix A). Surveys were returned through October of 2002 and yielded responses from thirty states and four non-state jurisdictions.

### National Level Findings

**Participation policies for students with disabilities in special settings and schools.** Of the 34 SEAs that responded, 12 reported having formal written policies on the participation of students with disabilities in state assessments for one or more of the following settings: state-operated programs, public and private day or residential programs for students with disabilities, cooperative programs, home and hospital programs, or juvenile justice programs. While 21 SEAs indicated that they did not have formal written policies for students with disabilities attending those settings, 10 (of the 21) stated that they had general participation policies, which include all students with disabilities regard-

less of setting. Ten SEAs provided data on participation of students with disabilities served in one or more of these settings, while 24 SEAs provided no data on participation by setting. Finally, three states reported having formal written policies referring to participation in assessments for students educated in settings or conditions not listed on the survey (e.g., state-supported charter schools).

**Reporting policies for students with disabilities in special settings and schools.** Twenty states reported that they did not have formal written policies for reporting assessment data, one stated that it was in the process of developing a formal policy, and three indicated that they did not know whether a formal policy is in place. On the other hand, while only 10 SEAs stated that they had a formal written policy on the reporting of assessment data for students with disabilities in out-of-district settings, 22 SEAs with and without formal written policies provided information on how results were reported in last year's general assessment. Furthermore, three states reported having formal policies referring to settings or conditions not listed on the survey (e.g., state supported charter schools).

With regard to general assessment data, six SEAs reported scores for students with disabilities in special schools and settings by district of residence, three reported scores for students with disabilities in special schools and settings by school of residence, one by specific setting of attendance, 15 by a combination of strategies, and three did not report general assessment scores. Five SEAs did not provide information on how general assessment scores were publicly reported. With regard to alternate assessment data, six SEAs reported scores for students with disabilities in special schools and settings by district of residence, one by school of



residence, one by setting of attendance, nine by a combination of strategies, and seven did not report assessment results at all. Ten SEAs did not provide information on how alternate assessment scores were publicly reported.

**Additional uses of assessment data.** Nineteen SEAs indicated other uses of assessment data. For example, 14 SEAs reported sharing scores with parents, nine reported sharing scores with teachers (instructional accountability and improvement), and eleven reported using them for one or more of the following purposes (system accountability and improvement): a) program improvement; b) consolidated school reforms; c) parent special education advisory groups; d) gender and ethnicity report; and e) public meetings (accountability to the community). Fifteen SEAs did not provide any information on other uses of assessment data.

## Discussion

NCLBA requires the participation of *all* students in state assessments, general or alternate. It also requires the reporting of assessment results, in aggregated and disaggregated form. Based on the responses to the PROJECT FORUM/EPRI survey it is apparent that not all states are fully implementing NCLBA. For instance, not all SEAs have formal written policies for students with disabilities who are educated in special schools and settings. Furthermore, the law's provisions regarding the inclusion of these students in assessments and the reporting of subsequent results are not being adhered to properly by all states. For example, the state of New York did not provide any data for students' participation in assessments by setting, while Maryland and New York indicated that they do not report test results for students who are educated in state-operated schools. Therefore

it is important that states increase the amount of attention on these problem areas before they are subjected to review by the federal government.

## 6. National Survey of Accountability Policies for Students with Emotional Behavioral Disorders Educated in Day and Residential Treatment Programs

In order to portray the reality of educational accountability for students with disabilities who are educated in special schools and settings, it is beneficial to include data on the implementation of such policies for students with emotional and behavioral disorders, because they are the most prevalent category of students with disabilities served in special schools and settings. A recent study by Gagnon (2002) researched the school-level educational policies for elementary students (grades 1-6) with emotional/behavioral disorders (EBD) in private and public day treatment and residential school programs.

### Procedure

Gagnon conducted a teacher (N= 229) and principal (N= 271) survey to answer questions in five areas: (a) teacher or administrator and student characteristics; (b) characteristics and policies of the educational program; (c) policies related to curriculum, educational accountability, entrance to and exit from the program; (d) relationship between policies and percentage of students participating in district or state assessments and student and program characteristics; (e) the different emphasis placed among educational programs (instruction versus therapy); and (f) possible difference in responses between teachers and principals (Gagnon, 2002). This review will focus specifically on responses to the section of the survey pertaining to educational accountability. Questions in this section addressed school-level assessment policies regarding (a) primary accountability and participation in assessments; (b) assessment accommodations and alternate assessments; and (c) reporting and use of assessment data. The following section summarizes the survey results pertaining to the above three topics.

### Findings

**Primary accountability policies and participation in assessments.** Fifty-nine percent (n= 131) of the teachers and 66.3% of the principals (n=167) reported that accountability policy in their school was based on results of assessments required by the local district and/or state. However, 29.7% of the teachers (n=66) and 22.2% of the principals (n=56) responded indicated that they used assessments selected by teachers. Furthermore, 11.3% of the teachers (n=25) and 11.5 % of the principals (n=29) stated that school-developed assessments were used for all students. Teachers and principals, who reported that school accountability policies were based primarily on local district and/or state assessments, were also asked about students' participation rates on those assessments. Approximately 59.0% (58.7%) of the teachers (n=81) and 65% (64.7%) of the principals (n=119) stated that student participation in those assessments ranged from 81-100%. Thus approximately 40% (41.3%) and 35% (35.3%) respectively, of schools that used district and/or state developed assessments as their primary means for accountability, had fewer than 81% of students participating in those assessments. Finally, schools in which 61% or more of students participated in district and state assessments were usually serving students from within a single district (n= 47, 26.7%) or from within their state (n=52, 29.5%).

**Assessment accommodations.** Eighty-six percent (n= 117) of teachers and 84.4% of principals (n=157) who used district and state assessments as their primary accountability tool stated that their school had a policy governing accommodations on assessments. Approximately sixty-seven percent of these teachers (66.6%, n= 74) and 79.2 % of these principals (n=118) said that their school used state

accommodation guidelines. Finally, 27.9% of these teachers (n= 31) and 14.8% of these principals (n=22) stated that their school used district guidelines.

**Alternate Assessments.** Respondents were also asked what alternate assessments they were using in their schools. Among teachers most commonly used were required state standardized norm-referenced, or criterion referenced assessments (n= 57), followed by teacher-made assessments (n= 47). Principals' responses regarding the use of alternate assessments were similar; among them the most commonly used alternate assessment was state standardized norm-referenced, or criterion referenced assessment (n=76), followed by teacher-made assessments (n=57). Finally, 18 teachers and 17 principals reported that no alternate assessments were available at their schools.

**Reporting of Assessment Results.** Both teachers and principals, who indicated that their school used local district, state, or school-developed assessments, acknowledged that assessment results were very commonly reported to parents and guardians (n= 113; n= 169, respectively). They also indicated that assessment results were reported to teachers (n= 113; n= 157, respectively) or were maintained in student files (n= 115; n= 162, respectively). Less frequently, teachers and principals stated that scores were reported to student home districts (n= 83; n= 133, respectively) and in aggregated form to the state (n= 55; n= 97, respectively). Finally, two principals and two teachers indicated that assessment results were not reported.

**Use of Assessment Data.** Teachers and principals alike reported that the most common uses of assessment results were for adjusting instruction

and curriculum (n=109; n=157, respectively) and for identifying areas where school performance is acceptable and areas where improvement is needed (n=101; n=139, respectively). Fifty-eight teachers and 83 principals reported that results were used for making decisions regarding student placement within the school. Additionally, 36 teachers and 50 principals stated that their schools used assessment data to make decisions regarding students' return to their public or home schools. Finally, of interest were the responses of 23 teachers and 24 principals, who reported that results of these large scale assessments were not used at the school level.

## Discussion

A review of this national survey reveals that approximately two-thirds of teachers and principals reported that their school's accountability policies are based on local district and/or state assessments. Among those indicating that their school participated in the district and/or state assessments, slightly over half of the teachers (59%) and two-thirds of the principals (66.3%) reported that 81-100% of their students had participated in the assessments. Thus, approximately in one-third of the schools surveyed, fewer than 81% of students participated in district and/or state assessments.

The survey also revealed information about the use of assessment data. Interestingly, relatively few principals and teachers reported that assessment results were sent to districts or states. Finally, survey results indicated a need for further investigation regarding the implementation of assessments and accountability policies in day and residential treatment programs.

## 7. An In-depth Analysis of Four States and Eight Districts

In order to obtain more in-depth information about state policies on students with disabilities placed in separate schools and settings and district implementation of these policies we 1) conducted a review of state policies in four EPRRI study states, 2) analyzed survey responses from the two EPRRI study states (Maryland and New York) that participated in the PROJECT FORUM/EPRRI survey, and 3) conducted interviews with the special education directors in each of the eight EPRRI study districts.

The following section presents a thorough review of the policies for all four EPRRI study states based on the states' department of education websites.

### Methodology

Data pertaining to the four states were obtained primarily from each state department of education website between June and September 2002 and then updated in April, 2003, December 2003, and in July 2004. In one case, a telephone interview was conducted at the state level to clarify missing or unclear information obtained from the websites. The information presented here varies by state due in part to the quality and quantity of information available.

### California

California has designed two accountability systems to serve the students in the state. The first system is called the *Academic Performance Index* (API) and is based on the *Standardized Testing and Reporting* (STAR) program. The STAR program is the primary means for assessing students' performance in the state of California. The STAR program was previously based upon results on the SAT-9 assessment, but has changed to the CAT/6 and California Standards Test (CST) as the state's

general assessment. In response to NCLBA and IDEA provisions, California initiated (Spring 2003) an alternate to the STAR assessment, the California Alternate Performance Assessment (CAPA) for students with disabilities who cannot take part in general statewide assessment programs (for more information about participation criteria visit the website [www.cde.ca.gov/sp/se/sr/capa.asp](http://www.cde.ca.gov/sp/se/sr/capa.asp)).

California also has a second accountability system, the *Alternative Accountability System*, which includes two models. The first model is called the *Alternative Accountability System Model* (ASAM) and is designed specifically for alternative schools that serve primarily: a) students at high risk for behavioral or educational failure, b) students expelled, under disciplinary sanction, or wards of the court, c) pregnant and/or parenting students, or d) recovered dropouts. The ASAM includes three categories of schools:

1. *Alternative schools*—serving a majority of students who are recovered dropouts, pregnant/parenting, and/or at high risk for behavioral or academic failure.
2. *Disciplinary alternative schools*—providing long-term disciplinary interventions for students who have been expelled, referred by a Student Attendance Review Board (SARB) or a district referral process, juvenile probation offices, or the courts.
3. *Non-special education residential schools or juvenile detention centers*—located at a residential care and treatment facility and serving children and youth placed by other public agencies.

Schools in ASAM rely upon two (from the

15) State-Board approved indicators (i.e., high school graduation rate, attendance, suspension, math, reading and writing achievement) as well as upon STAR results. The State Board has also approved a total of eight assessment instruments for use as locally adapted indicators of achievement in ASAM (For information about the State-Board approved indicators, guidelines for their use and information about specific assessment instruments visit the website <http://www.cde.ca.gov/ta/ac/pa/>). Alternative schools have the option of participating in the main API or ASAM system, but in whichever system a school chooses to participate in, it must remain in that system for three years before switching to the other.

The second model in the Alternative Accountability System is the *Special Education Schools and Centers Model*, which focuses on schools that serve students with communicative, physical, learning, or emotional disabilities. These schools are held accountable through the Quality Assurance Process, the annual IEP, and the three-year re-evaluation process. Noteworthy is the fact that the schools that participate in either of the alternative accountability systems are not eligible for awards or intervention programs.

## **Maryland**

In this state, there are no differences in accountability measures for students in regular education programs versus those in special schools and settings. At the time of the study, all students in grades 3, 5 and 8 were required to take the *Maryland School Performance Assessment Program* (MSPAP) and face the same graduation requirements. However, as a result of the accountability requirements in NCLBA, the MSPAP was replaced in 2002-03 with the *Maryland School Assessment* (MSA) which

tests students in reading, mathematics, and science (in 2005) and is aligned with Maryland content standards. At the time of the study, the *Comprehensive Tests of Basic Skills* (CTBS) was also required at 2<sup>nd</sup>, 4<sup>th</sup>, and 6<sup>th</sup> grades. However, CTBS is no longer administered (effective spring 2003).

A small percentage of students (about 5%) in grades 3, 5, 8, and 11 take an alternate assessment, as determined by their IEP, the *Independence Mastery Assessment Program* (IMAP), which is now called the *Alternate Maryland School Assessment* (AltMSA). This performance-based assessment is the alternate assessment to the MSA for students with severe cognitive disabilities who are not able to participate in the general assessment even with accommodations. The AltMSA assesses functional life skills in the areas of academics, communication/decision making, career/vocational, community, recreation/leisure, and personal management. Only school composite scores are reported. Maryland's accountability policy includes students with disabilities who are educated in the following settings: state-operated programs, public and private day or residential programs, home and hospital programs, and juvenile justice programs.

Based upon findings from the PROJECT FOURM/EPRI survey, the Maryland State Department of Education reported that between zero and 10 percent of the students with disabilities who attended *public* day or residential programs have participated in the state's general assessment without accommodations. The remaining (90-100%) students took the general assessment with accommodations. The scores of individual students with disabilities attending public day or residential programs were reported with the school of residence. Students with disabilities in *private* day or

---

residential treatment programs did not participate in either the state's general or the state's alternate assessment. For students with disabilities in home and hospital programs, less than 10 percent participated in the state's general assessment without accommodations, while the rest of them took the general assessment with accommodations. Scores for students with disabilities in these settings were not reported publicly. All students with disabilities in state-operated programs participated in the state's general assessment with accommodations. These scores were also not reported publicly. Students with disabilities in juvenile justice programs did not participate in any of the state assessments.

Maryland reported that assessment scores for students with disabilities, including those placed in special schools and settings, were being provided to parent special education advisory groups and school boards and were also used for monitoring and program reviews purposes. Additionally, assessment data served as a progress indicator for the state's improvement grant (<http://www.mdk12.org/data/sep/evaluate.asp>).

### **New York**

New York's model of accountability, the *System of Accountability for Student Success* (SASS), aligns the state general and alternate assessments with the state's established learning and graduation standards. The SASS requires that *all* students participate in one of the assessments, the state general or the state alternate assessment, which are based on New York Learning Standards. The system also includes mechanisms for determining which schools are making progress or are in need of improvement.

For the school years 2001-2002 and 2002-

2003, students with disabilities were eligible to participate in the *New York State Alternate Assessment* (NYSAA) if they met certain criteria and if the Committee on Special Education (CSE)<sup>4</sup> has determined on these students' IEP that NYSAA is the most appropriate avenue for these students.

In addition to having severe disabilities, a student eligible for the NYSAA must also: a) be enrolled in a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments and b) be receiving educational support services, such as assistive technology, behavioral interventions, or medical services. It is the responsibility of each school superintendent to identify the students with severe disabilities and it is the responsibility of the district CSE to determine which students should take the NYSAA each year, regardless if they attend district schools or out-of-district placements (SDE Memo, November, 2003, retrieved from <http://www.vesid.nysed.gov/specialed/alterassessment/identnysaa.htm>).

Most students with disabilities are recommended by CSE to participate in general state assessments and a small percentage of students with disabilities are recommended to take the NYSAA. However, there are some students with disabilities who may not be appropriate for participation in either of them. These students are grade/age eligible for participation in elementary (9-10 years old), intermediate (13-14 years old), or commencement level (the year before turning 18 year old) state assessments and must participate in an assessment

---

<sup>4</sup> Every school district has a CPSE and a CSE team that decide about a child's special needs and services. The first team is for children between 3 and 5 years old and the second one for older children.

under the federal and state law. These assessments include locally selected assessment tools that are standardized, aligned with the learning standards, and appropriate for the performance level of the student. Decisions concerning participation in those assessments are the responsibility of CSE, however it is expected that these students demonstrate skills in a subject that are at or below those described for level 1 performance on the elementary or intermediate level assessments (SDE Memo, March, 2002, retrieved from <http://www.vesid.nysed.gov/specialed/publications/policy/participate.htm>).

New York's accountability policy includes students with disabilities who are educated in the following settings: a) state-operated programs, b) public and private day or residential programs, c) cooperative programs such as BOCES<sup>2</sup>, d) home and hospital programs, e) juvenile justice programs, f) state-supported schools, and g) charter schools.

Even though New York collects data on how many students are educated in the previously mentioned settings participate in the state's general assessment (with and without accommodations) and the alternate assessment, data were not available

<sup>2</sup> BOCES stands for Board of Cooperative Educational Services. BOCES is a public organization that was created by the New York State Legislature in 1948 to provide shared educational programs and services to school districts. There are 38 BOCES. A BOCES provides quality programs and services for school districts more cost effectively than each could do alone. Districts avoid duplication as they pool funds, talents, and energies. A BOCES provides districts with economies of scale in areas of staff, equipment, and learning materials. BOCES shared services allow school districts to offer programs and services they might not otherwise be able offer. This sharing reduces inequities between students in poor and wealthy school districts. As part of a statewide cooperative network, BOCES help to insure accountability and standards. In addition to these primary benefits, districts often receive additional state aid incentives that encourage this sharing. Each year districts request BOCES services, and those requests determine the BOCES budget. Costs are billed to districts, generally based on how much they use each service (<http://www.nassauboces.org/about/profile.htm>).

in report form at the time of this survey. Scores for students with disabilities who participated in New York's general assessment were primarily reported with those of the district of residence. Scores for students in BOCES programs were reported at the school level, while scores for students with disabilities placed in settings by the courts as well as for students who attended state-supported schools were not reported at all. The number of students with disabilities who participated in alternate assessments was reported only in school report cards. New York did not provide any information on additional uses of assessment scores.

### Texas

The main accountability system in Texas is the *Academic Excellence Indicator System* (AEIS). This system serves as the basis for all accountability ratings, rewards and sanctions, and reports. Until the school year 2002-2003, the base indicators used to determine accountability in this system were performance on the *Texas Assessment of Academic Skills* (TAAS) and annual dropout rates. However, Texas replaced the TAAS with the *Texas Assessment of Knowledge and Skills* (TAKS) (Texas Education Agency, <http://www.tea.state.tx.us/assessment.html>). Beginning the school year 2002-2003, AEIS reported performance on the TAKS in reading (grades 3-9), in mathematics (grades 3-11), in writing (grades 4-7), in English language arts (grades 10-11), in science (grades 5, 10, and 11), and in social studies (grades 8 and 10). However, TAAS remained the graduation requirement for students who were enrolled in Grade 9 or higher on January 2001. Additional data, such as attendance rates, are collected from schools but are not used to determine ratings. Results on these additional indicators are used for acknowledgement and recognition programs.

---

Students in grades 3 to 8, who receive special education services have the option of taking the *State-Developed Alternative Assessment (SDAA)* instead of the TAKS, if it is considered appropriate by the local Admission, Review, and Dismissal (ARD) committee (i.e., IEP team). The SDAA is a test for students enrolled in grades 3-8 who receive special education services as well as instruction in the state-mandated curriculum, the *Texas Essential Knowledge and Skills (TEKS)*. The SDAA became part of the school accountability system in the school year 2002-2003. Previously, results were reported to the state as part of the AEIS, and special education status was not used to disaggregate student groups for accountability ratings and acknowledgements; special education status was used only to disaggregate data reported on AEIS reports and school report cards.

The 2002-2003 AEIS reports in August provided districts, campuses, and Education Services Centers (ESCs) with the first preview data for performance indicators that would be included in the accountability system for 2004 and beyond, including TAKS results for the accountability subset and student groups, by subject summed across grades, and aggregated for the state, region, district, campus group, and campus (For more information about ESC visit the website at [www.tea.state.tx.us/special.ed/decfunc/](http://www.tea.state.tx.us/special.ed/decfunc/)).

Although the design of the new accountability system is incomplete at this time, it is clear that, in the absence of statutory change in 2003, the new accountability system will minimally include evaluation of: a) assessment results for all TAKS subjects and grades, possibly phased over the years 2003 to 2005 (results for all subjects and grades must be used for ratings in 2005); b) district (and possibly

campus) completion rates for grades 9-12, either in place of or in conjunction with annual dropout rates; c) percent meeting ARD committee expectations on the SDAA for special education students; d) progress of prior year fallers; and e) measures related to the Student Success Initiative.

Texas also has an *Alternative Education Accountability System*. Texas organizes *Alternative Education Campuses (AEC)* into five categories:

1. *Local district alternative education campus;*
2. *Charter school alternative education campus;*
3. *Community-based alternative education campus*—private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school; and
4. *Shared services arrangement (SSA) alternative education campus*—two possible classifications for an SSA campus:
  - 4a) *SSA alternative education campus “local district” or “fiscal agent”*
  - 4b) *SSA alternative education campus virtual campus number of a participating district*

An AEC may choose to remain in the standard accountability system or decide to register in the alternative accountability system. Alternative education campuses that choose to be evaluated under the alternative accountability procedures receive annual ratings according to some base indicators (i.e., assessment scores, attendance and drop out



rates) and to some different performance standards and indicators from those used for regular campuses (i.e., percentage of courses passed, percentage of long-term students who are promoted to the next grade) (<http://www.tea.state.tx.us/perfreport/account/2002/manual/>). All results are included in district analyses whether the AEC participated in the standard or optional accountability program. Students enrolled in an AEC for less than 85 days are included in the accountability reports of the “sending campus”; students enrolled in the AEC for longer than 85 days are included in the analyses of the AEC.

The manuals for the general and alternative accountability systems report conflicting information. In certain instances it states that JJAEPs (Juvenile Justice Alternative Education Program) and DAEPs (Disciplinary Alternative Education Programs) are not eligible to participate in the alternate accountability system and that results from students attending such facilities should be reported to the local district and school. However, the general accountability manual states that:

Statutory intent prohibits the attribution of performance results to a DAEP; either a regular or long-term alternative education campus must be held accountable. However, DAEPs that have performance results attributed to them are eligible to be and will be evaluated under the statewide accountability system. . . . Performance results attributed to privately-operated residential treatment centers will be used in determining accountability rating for those campuses and will be aggregated into district results for district rating purposes (General Accounting Manual p. 12).

Regardless of the accountability system used to calculate the campus rating, student data from the juvenile detention centers or residential treatment centers are used in calculating the local district rating. However, the Texas’ alternative education accountability manual specifically states that JJAEP and DAEP are not eligible for campus ratings (<http://www.tea.state.tx.us/perfreport/account/2002/>).

Special education students attending an alternative education campus must be placed in that setting by an ARD Committee, must have a current IEP on file, and be served by appropriately certified special education teachers. Special education facilities and campuses serving students with special needs may qualify to be included in the alternative education accountability rating system if they meet all required guidelines (<http://www.tea.state.tx.us/perfreport/account/2002/>). Alternative assessment results must be submitted for special education students who are exempt from any portion of the state assessment.

## **Discussion**

Under NCLBA, each state is required to have a single accountability system for students in their states. All four of the states reviewed have a main accountability system developed for public education students in the state. These accountability systems are based primarily upon test results. In three of the four states, schools that participate in the main accountability system are eligible for rewards and sanctions.

In addition, three states have created an alternative accountability system. In two of the states, alternative accountability indicators are used to focus on public alternative education facilities, whether

---

these facilities serve at-risk students, students with disabilities, or students in juvenile justice programs. Eligibility for rewards and sanctions depends on the state. In the case of California, schools participating in the alternative accountability system are not eligible for either rewards or sanctions. In Texas, an alternative education campus that is rated Alternative Education: Needs Peer Review will be subject to the sanctions and interventions as described in the 2002 Accountability Manual (<http://www.tea.state.tx.us/perfreport/account/2002>).



## 8. Local Level Policies: Six School Districts

The last component of the analysis of policies related to accountability for students with disabilities educated in separate schools and settings involved interviews with key personnel knowledgeable about special education policies in six of the eight school districts participating in the EPRRI research (only six of the eight school districts responded). We conducted interviews by telephone during July and August 2002. The purpose of these interviews was to obtain information about district level policies regarding participation and reporting of data on assessments for students with disabilities placed in special schools and settings. First, we sent a short questionnaire to the special education director in each of the project's study districts and requested that they complete and return it to us. (see Appendix B for questionnaire). Second, we then followed up with a phone interview to clarify information if necessary. The open-ended interviews lasted between fifteen and thirty minutes. Following are brief descriptions of the district policies as summarized from the responses in the interviews.

All six districts implement a variety of procedures to ensure accountability for students enrolled in special schools and settings. Among these, district representatives reported that they attend IEP meetings, do class observations, and communicate frequently with student families and administrators of special schools and settings at least once every quarter. Moreover, districts also collect data on suspension, expulsion, service learning hours, individual student evaluations, program completion rates (e.g., graduate with a diploma), dropout rates, and attendance rates for all students with disabilities placed in the special education settings. These data are used by the districts to examine the extent to which each of the special schools is meeting the needs of students.

### California

**District A.** District A serves 1,207 students with disabilities. At the time of the interview, 3.9% of these students (N=48) were being educated outside of the regular schools. The students were educated in: residential treatment nonpublic schools (3 students), behavioral nonpublic schools (11 students), mental health day treatment nonpublic schools (13 students), and home instruction (6 students). Additionally, two students from this district attended the California School for the Blind and thirteen students attended the California School for the Deaf. While District A reported responsibility for monitoring these two schools' adherence to student IEPs, the district is not responsible for providing assessments, or for collecting, reporting, and using assessment data.

In the residential treatment schools, 11% of the students were diagnosed with the following disabilities: 7.4% emotional behavioral disturbance and 3.7% mental retardation. A third of these students reportedly participated in the state's general assessment, another third participated in the alternate assessment, and the remaining students did not participate in any assessment. Students who participated in the general assessment and students who took the alternate assessment had scores publicly reported in an aggregated form on the California Department of Education (CDE) website. Individual student scores are confidential and may be reviewed only by students' teachers and parents or guardians.

At the time of the interview, 34% of the students served in the behavioral nonpublic school<sup>6</sup> had a

---

<sup>6</sup> The specific nonpublic school was created to serve only students with aggressive behavioral problems, but students who may have different disabilities and not only emotional and behavioral disorders.

primary disability other than emotional disturbance. Eleven percent of the students served in this school were diagnosed with mental retardation, 11% had multiple disabilities, and 22% had other health impairments. None of the students in this setting participated in the state's general assessment, but 41% of them participated in the state's alternate assessment.

All students enrolled in the nonpublic mental health day treatment schools were diagnosed with emotional and behavioral disorders. Approximately 34% of these students took the state's general assessment and none took the alternate assessment. Among students receiving home instruction, 15.6% had one or more disabilities: learning disabilities (3.1%), emotional and behavioral disorders (6.3%), mental retardation (3.1%), and other (6.3%). Of these students, at the time of the interview, 3.1% participated in the state's alternate assessment and none participated in the general assessment.

The district representative reported not making extensive use of assessment data of students with disabilities who were educated in nonpublic schools for planning or evaluative purposes as the district believed that the goals and objectives outlined on a student's IEP were more meaningful tools for evaluating student achievement. However, with more information becoming available on state tests linked to California content standards, the district representative anticipated that more use would be made of such assessment data for special education students.

## **Maryland**

District B. At the time of the interview, District B served 3,864 students with disabilities. Of these students, fewer than 1% (10 students), were cur-

rently being educated in special settings, all within the district. Even though this district, at times, may have students with disabilities attending one of the two Department of Juvenile Justice (DJJ) facilities, there were no students assigned to these facilities at the time of the interview. However, policies for students potentially educated in these settings were discussed. All ten students who were being educated in a special setting attended a nonpublic special education school and all were students with emotional and behavioral disorders.

All students served in the non-public school as well as students in the DJJ facilities participated in the state general assessment and the district required assessments. Accommodations on the assessments were determined by a student's IEP. In addition, students in the DJJ facilities participated in an alternate assessment. Scores from all assessments were included in the aggregate district's assessment reports (i.e., district report cards). Student results were also sent home to parents and guardians.

## **New York**

**District C.** At the time of the interview, District C served 600 students with disabilities. Approximately 2% of the students (14 students) were served in nonpublic and public special schools and settings. Seven of the students were served in the district's alternative junior high and high school program. This facility mainly served students with emotional and behavioral disorders and students without disabilities who had been suspended. In addition to this program, three students with emotional and behavioral disorders attended three out-of-district residential schools and two students attended two different private day schools. One of these students had emotional and behavioral disorders, while the other had multiple disabilities. Finally, one student,

---

who had been diagnosed with other health impairments, attended a public regional day school.

All students described above participated in state assessments and only one took the state alternate assessment. Student scores on these assessments were included in the New York State district report card and were also included in “home” school (the school that the student normally would attend if he/she had not been referred for special school or setting) reports. Individual student scores were available to families through the IEP reports. Furthermore, District C has a history of preparing extensive narrative, data analyses, and reports in order to inform the Board of Education and the public about students’ progress.

In addition to the data collection guidelines set forth by the state, District C also administered the *Iowa Test of Basic Skills* to all students. Lastly, students with disabilities were also tested using the *Woodcock-Johnson* assessment tool, and with the provision of minimal accommodations. All data were used primarily for determining the effectiveness of programs and for developing objectives for the upcoming school year.

**District D.** At the time of the interview, District D had 6831 students with disabilities, of which 8.3% (565 students) were placed in the following settings outside of the district: BOCES, special day schools, state-approved private schools, public residential schools, and home/hospital programs. Of the students in District D who were placed in these settings, 0.3% had learning disabilities, 3.4% had emotional and behavioral disorders, 1.1% had mental retardation, 1.9% had multiple disabilities, and 1.5% represented “other” categories (i.e., autism, deaf/blind, etc.).

In District D, students with disabilities educated in special settings participated in state assessments at the special school or program. However, each school or program also administered assessments that they have determined to be appropriate for their approved program/school.

For school year 2001-2002, 59% of the eligible 4<sup>th</sup> graders with disabilities educated in special settings in District D, took the state *English language arts* (ELA). The remaining 41% participated in the state alternate assessment. At the 8<sup>th</sup> grade, 63.6% of students with disabilities in special settings participated in the state ELA. The remaining 36.4% of students participated in the alternate assessment.

In addition to 4<sup>th</sup> and 8<sup>th</sup> grade students, 19 students in the 11<sup>th</sup> grade were educated in special schools and settings. Of these 19 students, 6 were evaluated by the alternate assessment. In 2002 the state assessment was required to be administered to students in special schools and settings for the first time. There was confusion surrounding the issue of whether students should be assessed based upon their enrollment in 11<sup>th</sup> grade or based upon their age. Therefore, some “11<sup>th</sup> grade” students were tested in 2002 and some were tested in the next year. According to the 2002 reports, assessment results were used by District D to examine the achievement gap between students with disabilities and their peers without disabilities but, it was unclear if and how special schools and settings out-of-district used assessment data.

### **Texas**

**District E.** During 2001-2002, District E served 6,800 students with disabilities, approximately 1.5% of which (101 students) was served in special schools and settings. At the time of the interview,

the district had three such campuses with all three being public campuses within the district serving secondary school students. District E did not have any students being educated outside of the district in any public or private facility.

The first setting is a campus that educates students who are generally enrolled on a short-term basis - from six to nine weeks – and who had been sent there for disciplinary purposes. In 2001-2002, students with disabilities made up 16% of the campus' student population and were classified in the following categories: 10% learning disabilities, 2% emotional behavioral disorders, and 4% other health impairments. Approximately 45% of students with disabilities educated in this center participated in the TAAS, 40% participated in the SDAA, and 15% took the *Locally Developed Alternate Assessment (LDAA)*. Since the SDAA is appropriate only for students through eighth grade, the LDAA, which in the case of this center is a modified version of TAAS, was used for 15% of the students because there was no other state alternate assessment available for high school students.

Reporting the results on these assessments varied according to the specific test that students have taken. Students who took the TAAS had their scores reported back to their home campus report card and included with the schools scores as reported in the local newspaper. Students who participated in the SDAA had their scores also reported back to their home campus. Prior to the school year 2002-2203, these scores had not been included in a campus' report card nor published in the newspaper. Scores from the LDAA were not reported publicly in any fashion. In addition, assessment results for all students who took TAAS and SDAA were sent to the students' homes. Results

from all three types of assessments were used for programming decisions (decisions regarding what programs/services the students should be provided with), IEP development, and documentation of student progress. Students' performance attending the specific center is considered the responsibility of the referring home school (the school they spend the majority of the academic year) and not the responsibility of the center, where the students spend only 2-3 months of the academic year.

The second setting mainly served students with severe/profound disabilities. Students in this setting were often dually diagnosed. Among the 41 students educated in the center during 2001-2002, 3% had emotional and behavioral disorders, 57% had mental retardation, 26% had autism, and 20% had other health impairments.

All students educated in this setting participated in a LDAA, which was the *Brigance Comprehensive Inventory of Basic Skills (BCIBS)*, and their scores were not publicly reported in any manner. However, similar to the previous campus, results were used to make programming decisions, to develop IEPs, and to document student progress. The accountability for student performance was also evaluated through the student IEPs and results on the BCIBS.

The third setting within District E served 30 students almost all of which were classified as having emotional behavioral disorders. However, during 2001-2002 some of the students were dually diagnosed; 13% had learning disabilities and 30% had other health impairments.

Thirty-five percent of students enrolled in this center participated in the TAAS in 2002. Half of the students took the SDAA, and 15% took an LDAA, which was either a revised version of the TAAS or

---

the BCIBS. The scores from the TAAS and SDAA were reported to the students' home campuses. The TAAS scores were included in each campus' report card, aggregated with the scores of other students with disabilities on that campus and individual student scores were also sent to the student's home. All data collected were used by District E to develop student IEPs, to make programming decisions, and to document student progress.

**District F.** At the time of the interview, District F had 6,289 students with disabilities, fewer than 1% (29 students), of whom were enrolled in a special school and setting. During the same academic year (2001-2002), students with disabilities in this district were also educated in the following special schools and settings: juvenile justice alternative education programs (JJAEP) (11 students), private residential settings (1 student), and home-bound instruction (17 students). Within the JJAEP, 91% of the 11 students were diagnosed as learning disabled, while 9% had emotional and behavioral disorders. Among the students receiving home-bound instruction 64% had other health impairments, 12% had learning disabilities, 12% had traumatic brain injury, and 12% had orthopedic impairments. The one student enrolled in a state-approved private residential setting had emotional and behavioral disorders.

Within the JJAEP, two students took the TAAS, three took the SDAA and one took a LDAA. The student attending the private residential facility was not in a grade requiring an assessment. However, this student's IEP committee determined that the student would participate in a LDAA in the following (2002-2003) school year. In District F, the LDAAs cover the same subject matter as the TAAS, but are aimed at the student's level of instruction.

As a result, no accommodations are needed on this assessment. Finally, of the students who received home-bound instruction, sixteen took the TAAS and one took the LDAA. Assessment results for these students were all reported at the district level and at the referring home school or campus level.

## Discussion

Findings from the interviews with key informants in the six EPRRI districts revealed several important features of accountability policies in the four states. It is important to note, however, that the information was provided by only one informant and in response to the interview questions found in Appendix B.

First, each of the districts responding to these interviews has a set of state and locally mandated procedures for oversight and evaluation of all out-of-district and special settings for students with disabilities. For those schools or programs that are part of a district accountability system, procedures appear to be similar if not identical to those in other schools within the district. For the other settings district special education staff conducts visits to schools and participates on individual students IEP teams. For this review we were particularly interested in how districts were reporting and using state and/or district assessments for students enrolled in the special schools and settings.

Across the six districts, the percent of students with disabilities educated in special schools and settings ranged from less than one percent to approximately eight percent. The percentage of these students who participated in state assessments varied across the districts. One district required that *all* students with disabilities enrolled in the special schools and settings participate in the state assess-



ment while in another district and state fewer than half of the students with disabilities participated in the state general assessment. In all districts the decision regarding which assessments a student would take was made by IEP teams and appears to depend primarily on the student's disability.

All six district representatives reported collecting a variety of data on students with disabilities attending special schools and settings. These data include assessment results, attendance, and dropout rates among others.

While districts are obviously improving in their ability to hold special schools and settings accountable for the achievement of students with disabilities, there are opportunities for further improvement. Some districts reported that certain types of students did not participate in any assessment. For example, in District A one third of the students who were educated in the residential treatment schools did not participate in any assessment during the academic year of 2001-2002. Yet, both IDEA 97' and NCLBA require that all students with disabilities participate in a state assessment and/or an alternate assessment (if appropriate).

## 9. Conclusions

---

Accountability for student results is a new concept in special education. Both NCLBA and IDEA '97 promote improved educational results for students with disabilities through participation in state and local assessments and the reporting of these results. It is therefore important to ensure that all children with disabilities participate in state assessments, and have their results reported and used for accountability purposes regardless of where these children might be educated. Furthermore, NCLBA also requires that assessment results of the students be reported at the local public school level, which also includes public special schools.

Students who receive their education in special schools and settings are not exempt from federal accountability policies. Yet it is clear from the collective results of the three studies reported in this review that there is substantial ambiguity regarding accountability for these students. The information obtained from reviewing these studies can be summarized in the following key points.

In the school year 2001-2002, there were states that did not have formal written policies for assessment participation and reporting of assessment results for students with disabilities educated in public or private special schools and settings.

Findings from the national survey of private and public day and residential programs indicated that principals and teachers in these programs did not have a complete understanding of state and national accountability policies. Only two-thirds of these individuals reported their schools' accountability policy was based on district and/or state policies. Also not all students were assessed, and results were not consistently sent to districts and states. Moreover, schools where accountability was based

on state and/or local assessments were reported to use those assessments for less than 80% of their students. Similarly, survey and web research indicated that some states might include students educated in special schools and settings under an *umbrella* policy for accountability; however, this could potentially lead to ambiguity about the extent to which these students are included in accountability systems at the state level.

State policies varied to the extent to which students served in special schools and settings participate in state assessments and in the extent to which their assessment results are reported. Research conducted by EPRRI staff in the four study states revealed that reports of assessment data varied by state, and that it was very difficult to discern which students with disabilities actually took an assessment and whether or not all scores were reported. This is similar to the findings of Bielinski, Thurlow, Callender, & Bolt (2001). The same problem was found at the local district and school levels. In fact, nowhere in any of the six EPRRI study districts included in this study could we find performance and participation data indicating the total number of eligible test takers in a state, district, or school.

In addition, there was great variability in the extent to which districts are following guidelines for reporting and using regular and alternate assessment results. For example, test results were reported in some cases to students' home schools or districts, in some other cases to the state but aggregated with other students with disabilities. Sometimes results were simply kept in students' files. Moreover, data from the state assessments were reportedly used for purposes such as identifying areas for school improvement and adjusting individual student's instruction.

District-level interviews indicated that decisions regarding if and how a student participates in state assessments remains largely the discretion of the student's IEP team. However, it is often unclear which entity is held accountable for student achievement: the special school or setting, or the student's home school? Also, as data are aggregated with performance of students with disabilities at the district and state levels, there is no indication that either district administrators or directors of special schools receive reports of the performance of only the students enrolled in these facilities.

Findings from the research discussed in this paper shed light on the policies concerning accountability for students with disabilities educated in special schools and settings. Findings from the studies indicate that schools, districts, and states vary in terms of policies and more importantly in terms of the percentage of students educated in these settings who take the assessments. Furthermore, the percentage of those results actually being reported is very unclear. Questions that remain to be answered include the degree to which there is public accountability for these students. The state education agency is ultimately responsible for ensuring that these students are assessed and that there is accountability for the students' results. However, reporting results in an aggregated form as part of the sub-population of students with disabilities is not holding schools accountable for providing the information necessary for schools' improvement.

The lack of accountability for the public special schools is only one question. The NCLBA specifically addressed the need to publicly report assessment results from these settings and we assume to see greater uniformity among states' and districts' policies in the years to come. What remains un-

known is how states will ensure accountability for students with disabilities who are placed by their IEP teams in private schools and facilities. Clearly evident is the fact that a policy vacuum exists in this area. Hopefully, as accountability policies concerning students with disabilities continue to evolve, we will realize full accountability for these students as well.

## References

- Bielinski, J., Thurlow, M., Callender, S., & Bolt, S. (2001). *On the road to accountability: Reporting outcomes for students with disabilities* (Technical Report 32). Minneapolis: University of Minnesota, National Center on Educational Outcomes.
- Gagnon, J.C. (2002). *Survey of teachers and principals in residential and day treatment schools for students with emotional and behavioral disorders*. Unpublished doctoral dissertation, University of Maryland, College Park.
- Individuals with Disabilities Education Act of 1997*. (1997). Pub. L. No. 105-17, 611 et seq. Retrieved on August 3, 2003, from <http://www.ideapractices.org/law/law/index.php>
- Müller, E., & Ahearn, E. (2002). *Accountability for students in out-of-district settings*. Retrieved February 9, 2003, from National Association of State Directors of Special Education, Project FORUM Web site: <http://www.nasdse.org/forum.htm>
- Nassau BOCES: Board of Cooperative Educational Services*. Retrieved July 26, 2004 from <http://www.nassauboces.org/about/profile.htm>
- The National Association of State Directors of Special Education: Project FORUM (n.d.), Retrieved November 5, 2003, from <http://www.nasdse.org/forum.htm>
- National Center on Educational Outcomes. (n.d.) *Special topic area: Accountability for students with disabilities*. Retrieved from [http://education.umn.edu/NCEO/TopicAreas/Accountability/Account\\_topic.htm](http://education.umn.edu/NCEO/TopicAreas/Accountability/Account_topic.htm)
- No Child Left Behind Act: Reauthorization of the Elementary and Secondary Education Act*, (2001) Pub. L. No. 107-110, § 2102(4). Retrieved, July 6, 2004, from <http://www.ed.gov/policy/elsec/leg/esea02/index.html>
- School Improvement in Maryland: Evaluating special education programs: How do districts evaluate their special education programs?* Retrieved on August 4, 2003, from <http://www.mdk12.org/data/sep/evaluate.asp>
- Texas Education Agency (2002, April). *2002 Accountability Manual: The 2002 Accountability Rating System for Texas Public Schools and School Districts*. Austin, TX: Department of Accountability Reporting and Research, retrieved on August 28, 2003, from <http://www.tea.state.tx.us/perfreport/account/2002/manual/>
- Texas Education Agency (n.d.). *Assessment/Testing*. Austin, TX: Author. Retrieved on August 28, 2003, from <http://www.tea.state.tx.us/assessment.html>
- Tomey, H.A. (n.s.). *IEP: Individualized Education Program: The process*. Retrieved on August 3, 2003, from [http://www.ldonline.org/ld\\_indepth/iep/iep\\_process.html](http://www.ldonline.org/ld_indepth/iep/iep_process.html)

U.S. Department of Education. (1999). *Twenty-first annual report to Congress on the implementation of PL 94-142*. Washington, DC: Government Printing Office. Retrieved on August 4, 2003, from <http://www.ed.gov/about/reports/annual/osep/1999/index.html>

U.S. Department of Education. (2002, July 24). Elementary & secondary education: Key policy letters signed by the Education Secretary or Deputy Secretary. Available from <http://www.ed.gov/policy/elsec/guid/secletter/020724.html>

---

**Survey of State Policies on Assessment and Accountability for Students with Disabilities Receiving Education in Settings Outside of K-12 Schools**

1. Does your state have a formal written policy regarding *participation* in state assessments by students with disabilities attending the following settings?

\_\_\_\_\_ No, go to question 3.

\_\_\_\_\_ Yes, please specify settings included in policy (check all that apply) and continue to question 2.

\_\_\_\_\_ State Operated Program (e.g. School for the deaf, school for the blind)

\_\_\_\_\_ Public Day or Residential Programs for students with disabilities

\_\_\_\_\_ Private Day or Residential Programs for students with disabilities

\_\_\_\_\_ Cooperative Programs (e.g. BOCES, SELPAs, IUs, AEAs, etc.)

\_\_\_\_\_ Home and Hospital Programs

\_\_\_\_\_ Juvenile Justice Programs

\_\_\_\_\_ Other (Please specify) \_\_\_\_\_

2. Are these policies available online? \_\_\_\_\_

If so, please enter a link to that website here: \_\_\_\_\_

If not, please send a hard copy to: Eve Müller

NASDSE

1800 Diagonal Road, Suite 320

Alexandria, VA 22314

Fax: (703) 519-3808

3. Please enter in the table the percentages of students with disabilities in the following settings who participated in last year’s state assessment in the following ways. An approximate percentage is acceptable (e.g., 50-60%), and if unknown write “DK” in the box.

Setting	Without Accommodations	With Accommodations	Alternate Assessment
State Operated Programs			
Public Day & Residential Programs			
Private Day & Residential Programs			
Cooperative Programs			
Home & Hospital Programs			
Juvenile Justice Programs			
Other Programs _____			

4. Does your state have a formal written policy regarding the public *reporting* of assessment results of students served in the following settings?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

5. How were results on last year's *general* assessment publicly reported? (Check all that apply).

Setting	Reported by setting attended	Student scores reported with those of school of residence	Student scores reported with those of district of residence	Not reported	Other
State Operated Programs					
Public Day & Residential Programs					
Private Day & Residential Programs					
Cooperative Programs					
Home & Hospital Programs					
Juvenile Justice Programs					
<u>Other Programs</u>					



6. How were results on last year's *alternate* assessments publicly reported?

(Check all that apply).

Setting	Reported by setting attended	Student scores reported with those of school of residence	Student scores reported with those of district of residence	Not reported	Other
State Operated Programs					
Public Day & Residential Programs					
Private Day & Residential Programs					
Cooperative Programs					
Home & Hospital Programs					
Juvenile Justice Programs					
<u>Other Programs</u>					

- 
7. For those students whose scores were not publicly reported, were they used in any other way (e.g., shared with teachers, provided to parents, etc.)?

---

---

---

---

Please return completed survey to:

Eve Müller

NASDSE

1800 Diagonal Road, Suite 320

Alexandria, VA 22314

Fax: (703) 519-3808



### Interview Schedule for EPRRI Study Districts

#### Types of Settings

- What types of public and private settings, outside of comprehensive K-12 schools, are students served in your district? (e.g. State Operated Programs; public and private day and residential settings; cooperative programs [e.g., BOCES, SELPAs, IUs, AEAs, etc.]; home and hospital programs; juvenile justice programs)
- In any given year, what percent of students with disabilities, ages 6-21, are served in these settings?
- Is there a predominant type of student, in terms of disabilities, in each setting?

#### Assessments

- What is your district's policy regarding assessments for students with disabilities in non-comprehensive K-12 settings, public and private?
- Which assessments are used?
- What are the participation rates for each type of assessment?

#### Accountability

- Are scores publicly reported?
- Where are scores reported?
- To whom are scores reported?
- How are results used?

#### Wrap-Up

- Are there types of students or settings that I've missed?
- Does your district have any additional accountability procedures?

