



## Elementary and Secondary Education Act (ESEA) Core Principles

The National Center for Learning Disabilities (NCLD) improves the lives of all people with learning difficulties and disabilities by empowering parents, enabling young adults, transforming schools, and creating policy and advocacy impact. NCLD's goal in providing **Core Principles** for the reauthorization of the Elementary and Secondary Education Act (also known as No Child Left Behind) is to help guide the discussions related to students most at-risk for being identified with LD and those already identified and receiving services under the Individuals with Disabilities Education Act (IDEA).

### Principle 1: Students with Disabilities Must Be Fully and Equitably Included

**The progress for students with disabilities — about forty-one percent of whom have LD — must not be compromised.** The provisions that have clearly been at the center of improvements for students with disabilities must remain intact. These include:

- Access to general education curriculum and grade-level content aligned with the state's academic standards
- Participation requirements that apply to all students
- Annual performance goals and proficiency targets for academic achievement on grade-level standards for ALL students.
- Targets for graduation rates to ensure students with disabilities and other at-risk subgroups are on track to graduate
- Targeted instruction or intervention for struggling students in ALL schools
- Full and equal accountability as a student group
- Attention to student outcome data

While these critical elements are sure to receive thorough scrutiny and debate during the reauthorization of ESEA, any reform efforts must be done with care and attention to the consequences that could result from loosening certain requirements. **Proposals for the adoption of new and expanded accountability provisions in the name of flexibility must not undermine the progress or discriminate against students with disabilities.**

The negative consequences of accountability components made allowable through administrative approval and/or regulatory procedures should be thoroughly examined and reviewed. The "accountability killers" that have surfaced during implementation of ESEA and the waivers granted by the U.S. Department of Education have allowed states, districts and schools to weaken the accountability for students with LD. In some cases, separate accountability measures or standards for these students that are not the same as other students have been established.



The policies that continue to threaten the future academic progress of students with LD are:

- Alternate assessment on modified achievement standards (AA-MAS)
- Assessment accommodations policies and allowing assessment participation rates to slip so students are not included in standardized testing
- Allow for different annual measurable objectives for different subgroups (so, students with disabilities can have different/lower targets compared to their white, black, Hispanic, poor peers)
- Confidence intervals
- Requiring intervention in only the bottom 10-15% of schools which leaves 85% of schools without resources; and students are left to flounder.
- Counting performance of students who have exited special education eligibility

While each of these provisions is of concern, the first two are paramount. The current ESEA inadequately addresses the pressing need for accessible assessment systems that reach the broadest range of learners through universal design (UD). Assessments that are based on UD allow most learners to access the material and demonstrate their knowledge. A UD approach may eliminate the need for many test accommodations required in traditional testing situations.

Eligibility for special education must not be viewed as a reason to deny students with disabilities access to the same benefits of school accountability systems enjoyed by other students. Rather, special education must be viewed as a set of individualized supplemental services and specially designed instruction that ensures eligible students are provided access to the general curriculum so that they have an equal opportunity to meet the same educational standards that apply to all students.

Accountability for the academic achievement and outcomes of students receiving special education should remain squarely within the nation's main education law. In fact, the U.S. Department of Education articulated this expectation upon release of the final federal regulations governing IDEA in 2006 when it stated that "Accelerated growth toward, and mastery of State-approved grade-level standards are goals of special education." (71 Fed. Reg. 46,653)

## Principle 2: All Students with Learning Disabilities Must stay on Track to Graduate with a Regular High School Diploma

**An improved ESEA must include stronger graduation components, including a focus on those groups of students that need substantial improvement, such as students with disabilities.** The too high dropout rate of students with disabilities must become part of the larger conversation about our national dropout crisis. While the dropout rate has improved for students with learning disabilities, these students remain at significant risk of not graduating with a regular diploma. The vast majority of students with learning disabilities (88%) expect to graduate with a regular high school diploma; and, a high school diploma is essential for success in our global economy. Therefore, graduation with a regular diploma must be the goal for all students—not just those who are easiest to teach.



## Recommendations:

In order to increase graduation for students with learning disabilities, NCLD recommends:

- Eliminate policies that take students off track early from a regular high school diploma
- Require states to establish aggressive graduation rate goals and growth targets for all high schools
- Maintain and improve the current requirement to use the Four-Year Adjusted Cohort Graduation Rate (ACGR) for reporting and accountability at the school, district, state, and federal levels for all groups of students as required under the 2008 graduation rate regulation
- Require states to report a uniform graduation rate-disaggregated by subgroups- at the school, district, and state levels
- States should be required to implement evidence-based early warning systems in all high schools that have significant graduation gaps between all students, and students with disabilities
- States with multiple diploma options and low graduation rates of students with disabilities and/or significant graduation rate gaps for these students should closely examine the impact of multiple diploma options, graduation requirements, and exit exam policies.

The goal of “college and career-ready” students will only be realized by improving school completion through earning a regular school diploma. Students with disabilities must have full and equal opportunity to benefit from graduation provisions. As with academic achievement, special education services must be viewed as mechanisms that support and lead to school completion. For more information on students with LD and high school graduation, see NCLD’s recently released report: *Diplomas at Risk: A Critical Look at the Graduation Rate of Students with Learning Disabilities* at <http://www.ncl.org/reports-and-studies/diplomas-at-risk-a-critical-look-at-the-high-school-graduation-rate/>.

## Principle 3: Increase Access to Early Intervention & Effective Instructional Practice

Opportunities to improve early literacy instruction and critical interventions must be expanded and infused into ESEA. We know that identifying struggling learners as early as pre-school has a direct impact on future opportunities. Because most students identified with learning disabilities have their primary deficit in the area of reading, including a strong literacy component as part of ESEA and supporting professional development for teachers (e.g., the LEARN Act as recently introduced in the Senate) will help ensure training and funding for statewide literacy planning and instruction. As evidence shows, early recognition of learning problems combined with timely, effective intervening services are critical components of any successful early childhood program.

School improvement and reform provisions must require the adoption and valid use of proven school-wide educational strategies. **By including a ‘multi-tier system of supports’ (MTSS) — which allows for programs such as Response to Intervention, Positive Behavior Support and other research-based instruction and intervention systems — we can prevent academic failure, increase academic achievement and reduce the number of students mistakenly identified as needing special education.**



**NCLD recommends that ESEA broadly incorporate Universal Design for Learning—** to ensure that all students who struggle have better access to grade-level instruction, materials, appropriate assistive technologies, and appropriate teaching methods and assessments. UDL is a scientifically valid framework for guiding educational practice that provides flexibility in the way information is presented, in the way students respond or demonstrate their knowledge and skills, and in the ways students are engaged. A curriculum consistent with UDL principles reduces barriers in instruction and provides all learners with appropriate support and scaffolds while also maintaining high expectations and challenge. Students who are often marginalized in the general curriculum — including those with disabilities, English language learners, and students who are “gifted and talented” — benefit especially from UDL.

## Essential Resources

Since the passage of the ESEA/NCLB, NCLD has spearheaded activities in support of key provisions. We have led efforts in the disability and education communities to ensure that the rights of students with disabilities are protected and provide a framework for academic success. NCLD published several reports designed to educate and inform policy makers, parents and other stakeholders about the positive and meaningful impact the law is having for students with learning disabilities (LD). As such, they provide a critical context to any truly informed efforts to revise and improve the current ESEA. For more information, review these reports on [www.ld.org](http://www.ld.org)