



ESEA and Students with Learning Disabilities

The Elementary and Secondary Education Act (ESEA) is the nation's oldest and largest federal education law. Passed in 1965 as part of President Johnson's war on poverty, ESEA was the federal government's first involvement in education. The law established the Title I program to meet the needs of educationally deprived children, especially through compensatory programs for the poor. Initially ESEA did not include students with disabilities. However, Congress quickly addressed this omission by amending the Act one year later with Title VI "Aid to Handicapped Children." This ESEA amendment served as a basis for the Education for All Handicapped Children Act passed in 1975 and now known as the Individuals with Disabilities Education Act (IDEA).

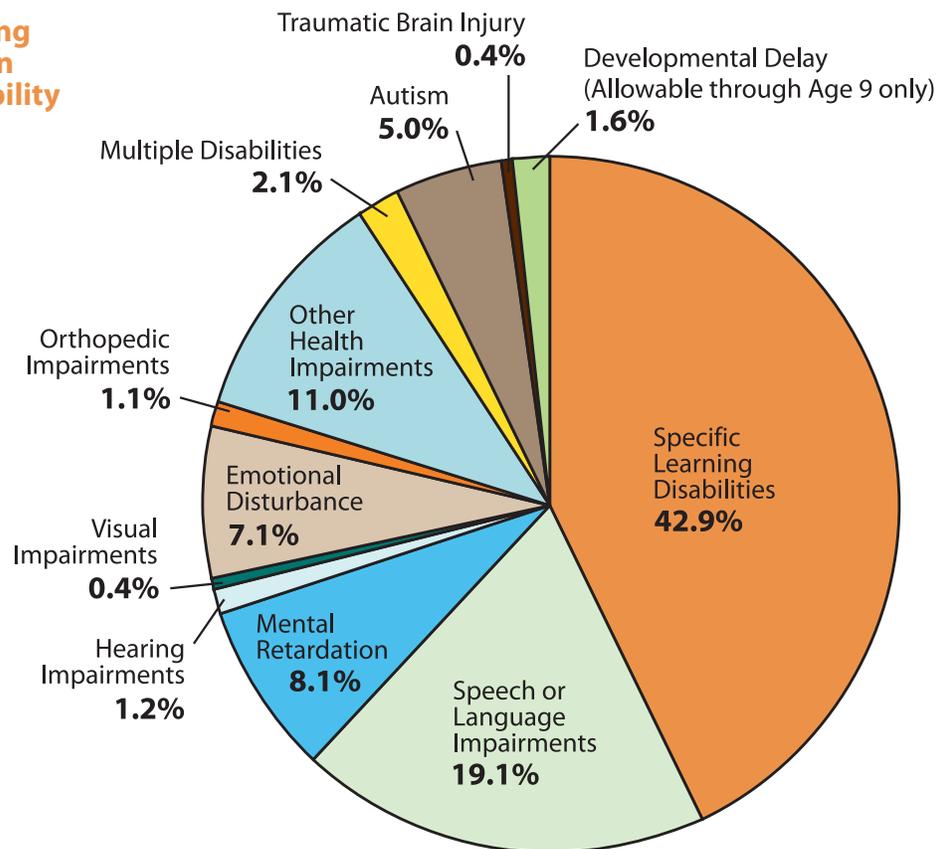
In 1994, ESEA was amended and named the Improving America's Schools Act (IASA) under the Clinton administration. For the first time, IASA required every state to create a standards-based system applicable to all students, including those who qualified under Title I and to develop assessments based on standards.

In 2001, ESEA was amended and named the No Child Left Behind Act (NCLB) under the Bush administration. NCLB challenged states and school districts to intensify their efforts to improve the academic achievement of the nation's traditionally at-risk groups of public school students. NCLB's provisions for assessment and accountability were designed to focus increased levels of attention on underperforming groups of students and begin to close the achievement gap. Among NCLB's new requirements were:

- Annual Assessments in reading and math (grades 3-8, once in high school);
- Progress measured by student "subgroups" (poor, Black, Hispanic, Limited English Proficiency, Students with Disabilities);
- Adequate Yearly Progress (AYP) requirements for performance and participation by student subgroup;
- All students to become proficient in reading and math by 2013-2014;
- All teachers to be highly qualified;
- Schools not meeting AYP requirements subjected to sanctions.

For the nation’s 2.5 million students with identified learning disabilities (LD) — nearly half of all students receiving special education services under the Individuals with Disabilities Education Act (IDEA) — these challenging provisions provided expanded opportunities for improved academic achievement.

Students receiving special education services by disability category



Source: www.IDEAdata.org
 Part B Child Count (2008), Students ages 6-21, 50 states, DC, PR, BIE school

Specific Learning Disability (SLD) Defined

IDEA 2004 federal regulations define the term “specific learning disability” as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

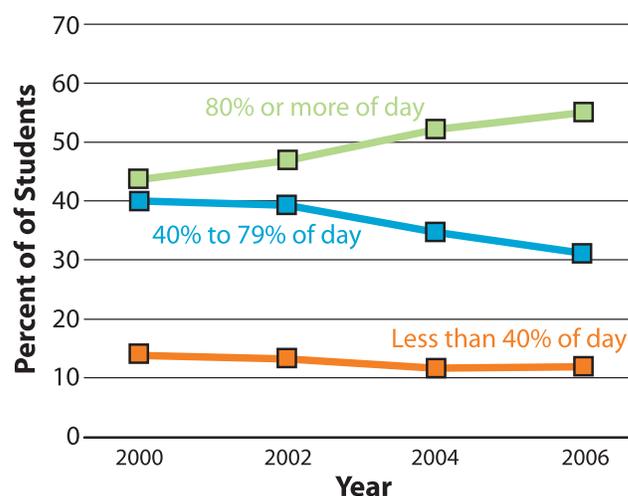
A determination must be made that the disability is not primarily the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

Additionally, a determination must be made ensuring that a student’s academic underachievement is not due to lack of appropriate instruction in reading or math.

These definitional and eligibility criteria establish that students with LD are competent to participate in general education curricula and achieve at a proficient level when provided with high quality instruction by trained professionals as well as appropriate accommodations and assistive technologies. The percentage of students with LD who spend most of their school day in general education classrooms has increased steadily since 2000 with close to 60% of students spending 80% or more of their school day in general education (see box).

The National Center for Learning Disabilities believes that the enhanced ESEA provisions instituted under NCLB have provided substantial new opportunities for students with LD. As new iterations of ESEA are contemplated by lawmakers, NCLD believes many key provisions must be continued and refined to provide full and equal accountability for students with LD.

Where students with LD spend their school day, 2000-2006



Source: State Reported data to OSEP (DANS), retrieved from www.ideadata.org

Policy Recommendations

- **Access to the General Curriculum.** Students with LD must have access to the general education curriculum (not merely the general education setting), which must be aligned with the state’s standards and assessments that apply to all students, with appropriate accommodations as required. Teachers must be allowed the time and provided the resources to learn new curriculum and adjust their pedagogy; they must also use those instructional practices that have been proven to be effective in improving outcomes for students with LD. Schools should effectively employ technology to enhance learning and increase student achievement by maximizing the use of universally designed technologies and assistive technology devices and services in the classroom.
- **High-Quality Teachers and Paraprofessionals.** Students with LD must receive instruction from highly qualified personnel prepared in current, validated practices tailored to their individual needs. Unfortunately, studies have shown that students with learning disabilities are often the victims of watered-down curriculum and teaching approaches that are neither individualized nor proven to be effective. Teachers must be given access to ongoing professional development and should be prepared to use ongoing progress monitoring using curriculum-based measurement in order to accurately identify student progress and tailor instruction accordingly. Regular and special educators must work collaboratively as part of a coherent system in planning and delivering instruction.
- **Conditions of Teaching.** Teachers responsible for delivery of instruction to students with LD, both general and special education, must use validated, inclusive teaching practices including:
 - instructional configurations that allow teachers to implement validated teaching practices such as modeling, scaffolding, elaborated feedback, etc.;
 - coordinated instruction of skills and strategies across teachers, grades and schools;

- alignment of instructional methods with curriculum demands;
- grouping practices that reflect optimal teacher/student ratios.

- **Access to Accommodations.** Students with LD must be provided accommodations to ensure their full and equal participation in state assessments. Decisions regarding accommodations must be made by the student’s IEP team or placement team and should be made on the basis of individual student needs, not on the basis of disability category. The accommodations that students receive on state assessments should align with those routinely provided during classroom assessment to the extent possible. Neither the State Educational Agency (SEA) nor the Local Educational Agency (LEA) can limit the authority of the IEP team to select individual accommodations needed by a student with LD to participate in state assessments. Monitoring for compliance of these requirements should become part of the ongoing federal IDEA monitoring system.
- **Alternate Assessments.** Alternate assessments allowable under ESEA regulations are intended for students with the most significant cognitive disabilities and those with cognitive disabilities that significantly limit their ability to master grade-level content. As such, these alternate assessments are not appropriate for students with LD, who, by definition, do not have cognitive impairments beyond the neurological differences that constitute their learning disabilities. Assessing students with LD via alternate assessments compromises their access to the general curriculum and jeopardizes their opportunity to earn a regular high school diploma. In addition, results on alternate assessments mislead parents with regard to their student’s performance relative to their enrolled grade-level expectations. Out-of-level testing (giving a student a test designed for students in a lower grade) is also not appropriate for measuring student proficiency or student growth.
- **Individualized Education Programs (IEP).** The annual goals contained in IEPs for students with LD must be aligned with the academic standards for their enrolled grade-level. The student’s special education and related services and supports should be designed to provide acceleration to and mastery of the state standards as measured by the regular state assessments. IEP goals, in and of themselves, are not an appropriate tool to measure student achievement or growth.
- **Appropriate Use of Test Results.** Results of tests used to hold schools accountable for student achievement as required by NCLB should not be used solely to make high-stakes decisions, such as grade retention and graduation, about students with LD. Since grade retention has been shown to contribute significantly to school dropout rates, administrators should ensure the use of multiple sources of information (such as coursework and classroom tests) about student performance for making decisions on such matters.
- **Graduation.** States must be required to adopt and utilize a consistent calculation of graduation rate, set rigorous annual graduation goals and produce annual disaggregated graduation data which are incorporated into school and district accountability determinations. Graduation rate goals should be based on a gap-closing formula (similar to the Annual Measurable Objectives for performance in current law, which are designed to close the achievement gap between proficiency, and current performance for all students and each student group). Provisions allowing Alternate Educational Settings for students who have dropped out or are under-credited for their assigned grade should be avoided as they open up tremendous opportunity to push students into such settings. Students with LD would be particularly vulnerable to such “push-out” activities.
- **Subgroup Accountability.** Requirements for the disaggregation of assessment results for several subgroups of students, including students with disabilities, are designed to enhance school accountability for at-risk populations. However, the state level flexibility regarding the

determination of minimum group size has led to a significant range of subgroup size. While the purpose for subgroup minimums — to ensure statistically reliable results and protect student identity — are appropriate, states with artificially high subgroup minimums may escape the very accountability that this provision was intended to promote. Accountability for student subgroups must be improved.

- **Parent Involvement.** Parental Assistance Information Centers (PIRCs) and Local Family Information Centers (LFICs) providing training, information, and support to parents, and to individuals and organizations that work with parents, must be preserved. The information and training provided by these centers is critical to prepare parents to hold schools accountable for closing the achievement gap. These centers should be monitored for their effectiveness in providing information related specifically to students with disabilities, including learning disabilities.
- **Full Funding of ESEA and IDEA.** Lawmakers need to appropriate the authorized funding levels for both ESEA and IDEA on an annual basis. States and school districts need these additional funds to accomplish the aggressive improvements so desperately needed by students at risk. Without adequate funding targeted to effective practices, schools might be pressured to make decisions that will harm students with learning disabilities, such as limiting access to special education eligibility.

**For additional information, please contact
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The National Center for Learning Disabilities works to ensure that the nation's 15 million children, adolescents and adults with learning disabilities have every opportunity to succeed in school, work and life. NCLD provides essential information to parents, professionals and individuals with learning disabilities, promotes research and programs to foster effective learning and advocates for policies to protect and strengthen educational rights and opportunities.

For more information, please visit us on the Web at www.LD.org.