

## **New *No Child Left Behind* Provision Gives Schools Increased Flexibility While Ensuring All Children Count, Including Those With Disabilities**

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U.S. Secretary of Education Rod Paige today announced a new provision of the *No Child Left Behind* education reform law that will give local school districts greater flexibility in meeting the act's requirements for students with disabilities. The secretary made the announcement at a press conference with Special Olympics founder Eunice Shriver, House Education and Workforce Committee Chairman John Boehner and students with disabilities, their parents, relatives and teachers.

Under final rules to be published in today's *Federal Register*, states, school districts and schools will have the flexibility to count the 'proficient' scores of students with the most significant cognitive disabilities who take assessments based on alternate achievement standards. Without this flexibility, those scores would have to be measured against grade-level standards and considered 'not proficient' when states measure adequate yearly progress (AYP). The number of those proficient scores may not exceed 1 percent of all students in the grades tested (about 9 percent of students with disabilities).

In other words, those students will be assessed by their achievement of standards deemed appropriate for their intellectual development, thus allowing states to more accurately gauge their progress. All students--including students with disabilities--deserve teachers who believe in their potential and who will encourage them to make progress, just as all parents and teachers ought to have the assessment information they need to target their efforts and provide all students a high-quality education.

Nationally, about 9 percent of the total student population is served in special education, of which about 9 percent have the most significant cognitive disabilities.

'The *No Child Left Behind Act* is designed to ensure that all children receive a quality education in this country--and that means every single child, including those with disabilities,' said U.S. Secretary of Education Rod Paige. 'This provision strengthens two key promises of the law: accountability and flexibility. It rightly protects all parents' ability to receive information about their child's progress in school, while providing new flexibility for schools and districts in accounting for the progress made by all students, including those with the most significant cognitive disabilities.'

The provision does not limit how many students can be tested with an alternate assessment; it limits only the number of scores based on alternate achievement standards that can be included as proficient in AYP measurement calculations. The new guidelines, which still call for the alternate achievement standards to be tied to state academic content standards, also allow states and school districts to exceed the 1-percent limit if they can demonstrate that they have a larger population of students with the most significant cognitive disabilities. Individual schools are not subject to the 1-percent cap as it applies only to district and state accountability decisions.

*No Child Left Behind* and the regulation build on the 1997 Individuals with Disabilities Act (IDEA) amendments--which mandates that all students with disabilities must be tested--by ensuring that schools, districts and states receive credit under AYP for students who are tested against different achievement standards.

'All students--including those with disabilities--deserve teachers who believe in their potential and who will encourage them to make progress, just as all parents and teachers ought to have the assessment information they need to target their efforts and provide all students a high-quality education,' Paige said.

The new provision was originally proposed by the department and published in the *Federal Register* on March 20. About 100 comments were received from local school officials, parents and others, and were reviewed as part of the process leading to the development of the final regulations.

A significant change from the proposed regulation is the elimination of a definition of students with significant cognitive disabilities. Rather, states will define this group of students.

Under the *No Child Left Behind Act*, schools must show adequate yearly progress in making sure that all students achieve academic proficiency in order to close the achievement gap. To help evaluate progress, the law provides historic levels of funding for states to design and implement annual tests for all children--regardless of race, income or disability--to let parents know the quality of the education their children are receiving.

'For some students, 'proficiency' may look a lot different than it does for other students, but frequent assessments of progress meeting state standards are an important part of the educational process and no student should be excluded,' Paige said.

Instead, he said accommodations such as increased time or the use of assistive technology can be provided to ensure the unique needs of children with disabilities are taken into account as they participate with their peers in the assessment process.

For more information on the *No Child Left Behind Act*, visit [www.ed.gov](http://www.ed.gov)

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