



POLICY BRIEF: Elementary and Secondary Education (ESEA) Act Reauthorization

Produced by the 2014-2015 Cohort of New Hampshire Leadership Education in Neurodevelopmental and Related Disabilities Program Trainees and Community Fellows.

Executive Summary

The reauthorization of ESEA must occur and be strengthened to continue providing equal and inclusive access to quality education with rigorous standards and high expectations for all students, including students who experience disabilities. Public education is every citizen's universal opportunity for a better life and is the best path toward a stronger America. Accountability is the cornerstone to ensure tax dollars are producing targeted results.

Description of the Social Issue

Social issues for students who experience disabilities include:

- Overuse of alternative assessments leading to lower academic expectations and unfair marginalization of students including low rates of achieving high school diplomas.¹
- Twice the dropout rate compared to students without disabilities.²
- Significant achievement gaps compared to students without disabilities.³
- Failure by four out of five students with disabilities to ever obtain a two-year degree or higher, resulting in an unemployment rate of almost 70%.⁴
- Underfunding of educational programs like Title I and IDEA.⁵

Current and Past Policies and Perceptions on Educating Individuals with Disabilities

- 1965 - The Elementary and Secondary Education Act (ESEA) was enacted, however, it failed to address the issue of educating students with disabilities. Many children with disabilities lived in state institutions.
- 1975 - Education for All Handicapped Children Act was enacted, establishing the civil rights of students with disabilities to attend their local public schools, laying the foundation for current best practices in special education.
- 1990 - The Education for All Handicapped Children Act was reauthorized and renamed Individual with Disabilities Education Act (IDEA). IDEA strengthened academic expectations and accountability for the nation's 5.8 million children with disabilities to ensure that all individuals received a Free and Appropriate Public Education (FAPE).
- 2001 - No Child Left Behind (NCLB) ensured that schools were held accountable for including students with disabilities in district-wide and statewide assessments and expecting high standards for all children.
- Together, the federal guidelines of IDEA and NCLB mandated that all students have access to the general education classroom with the least restrictive environment. Performance goals and indicators for students with disabilities were established to ensure expected outcomes.

Reauthorization of ESEA must focus on strengthening protections and enhancing educational opportunities for children with disabilities.

Evidence to Support Reauthorization of ESEA

No Child Left Behind produced positive outcomes:

- The Center for American Progress reports a 16-point gain in graduation rates since inception of NCLB, 2001.⁶ With

1 National Center for Learning Disabilities. (2014). Assessment and Accountability: Students with Disabilities and the AA-AAS. Retrieved February 19, 2015, from <http://www.ncid.org/wp-content/uploads/2015/01/AA-AAS-1-Percent-Assessment-01.23.151.pdf>

2 Koch, K. (2000, November). Special Education. The CQ Researcher, 10(39), 905-928.

3 Martin, C. (2015, April). Don't Let Special Needs Students Fall Behind. U. S. News. A World Report, Retrieved from <http://www.usnews.com/opinion/knowledge-bank/2015/04/02/dont-let-special-needs-students-fall-behind-in-nclb-rewrite>

4 Houtenville, A. Antal, P. (2014). Facts & Figures: The 2014 Annual Report on Disability in New Hampshire. Durham, NH: University of New Hampshire, Institute on Disability

5 Koch, K. (2000, November). Special Education. The CQ Researcher, 10(39), 905-928

6 Straus, C. (2015, April). ESEA Reauthorization: How We Can Build Upon No Child Left Behind's Progress for Students with Disabilities in a Reauthorized ESEA. Center for American Progress. Retrieved from <https://www.americanprogress.org/issues/education/report/2015/04/02/110326/how-we-can-build-upon-no-child-left-behinds-progress-for-students-with-disabilities-in-a-reauthorized-esea/>

supports, students with disabilities can and do succeed in school, career and life.⁷ Investing in the education of children with disabilities will ultimately reduce poverty and unemployment rates, as well as increase life satisfaction and health outcomes for people with disabilities.⁸

- The Center for American Progress reports a 20-point decline in dropout rates for students with disabilities since NCLB was enacted.⁹ Reauthorization of ESEA is essential to continue reducing dropout rates by ensuring that students with disabilities access the general curriculum through inclusion, targeted intervention, specialized instruction and accommodations. With these supports, students with disabilities are more likely to reach career and college readiness goals after high school.¹⁰
- Increased participation rates in district assessments of students with disabilities. Students with disabilities can achieve grade level competency on regular assessments with appropriate accommodations, universal design for learning and full accessibility.¹¹
- The Center for American Progress reported a 20-point gain in math and reading scores for students with disabilities since 2001 when NCLB was enacted.¹²

Reauthorization of ESEA must include the following key provisions:

- Limit the use of Alternate Assessments based on Alternate Achievement Standards to students with only the most significant cognitive disabilities, not to exceed 1% of all students assessed, by grade and by subject. Ensure that parents are involved in the decision that their child will take an alternate assessment. Ensure that students who take the Alternate Assessment are not precluded from earning a regular diploma;
- Require states to set high school graduation goals and annual targets for all student and student categories and require support to be provided if one or more categories do not meet annual targets;
- Require states to set performance targets that encompass high achievement standards in reading, math and graduation goals for all students in all student categories and assure that when not met, state and district designed interventions are triggered to support the increased learning for those students not achieving state-set gains;
- Ensure that all students with disabilities have inclusive, equal access to highly qualified teachers and educational supports and services to help them reach career and college readiness goals.

Summary

While imperfect, we urge the reauthorization of the ESEA to include the above recommendations. Focusing on maximizing the potential for children with disabilities will enhance educational outcomes and lift all students up. The ultimate outcome for society is long-term savings as more individuals with disabilities are able to become productive contributing members of society.

Professional organizations in support of key provisions: Association of University Centers on Disabilities; Consortium for Citizens with Disabilities; Council for Exceptional Children; National Education Association; Center for American Progress; Council of Chief State School Officers; Learning Disabilities Association of America; School Superintendents Association; American Federation of Teachers; American Occupational Therapy Association; American Physical Therapy Association; and the American Speech-Language-Hearing Association.

About the New Hampshire Leadership Education in Neurodevelopmental and Related Disabilities Program Partnership

The University of New Hampshire Institute on Disability, the University of Maine Center for Community Inclusion and Disability Studies, and the Geisel School of Medicine at Dartmouth, are partners in the New Hampshire Leadership Education in Neurodevelopmental and Related Disabilities (NH LEND) Program. The NH LEND Program provides graduate-level interdisciplinary training for students and professionals from diverse disciplines, including developmental pediatrics, early childhood education, social work, psychology, occupational therapy, health management and policy, and speech language pathology. This partnership is made possible through the NH LEND Program and is supported by a grant (#T73 MC00024) from the Maternal and Child Health Bureau, Health Resources and Services Administration, U.S. Department of Health and Human Services; and administered by the Association of University Centers on Disabilities.

7 National Center for Learning Disabilities. (2014). Assessment and Accountability: Students with Disabilities and the AA-AAS. Retrieved February 19, 2015, from <http://www.ncid.org/wp-content/uploads/2015/01/AA-AAS-1-Percent-Assessment-01.23.151.pdf>

8 Houtenville, A. Antal, P. (2014). Facts & Figures: The 2014 Annual Report on Disability in New Hampshire. Durham, NH: University of New Hampshire, Institute on Disability

9 Straus, C. (2015, April). ESEA Reauthorization: How We Can Build Upon No Child Left Behind's Progress for Students with Disabilities in a Reauthorized ESEA. Center for American Progress. Retrieved from <https://www.americanprogress.org/issues/education/report/2015/04/02/110326/how-we-can-build-upon-no-child-left-behinds-progress-for-students-with-disabilities-in-a-reauthorized-esea/>

10 National Center for Learning Disabilities. (2014). Assessment and Accountability: Students with Disabilities and the AA-AAS. Retrieved February 19, 2015, from <http://www.ncid.org/wp-content/uploads/2015/01/AA-AAS-1-Percent-Assessment-01.23.151.pdf>

11 Consortium for Citizens with Disabilities. (2015). Letter from CCD to the Honorable John Kline, opposing the Student Success Act of 2015, amending the ESEA. Retrieved January 19, 2015, from <http://c-c-d.org/fichiers/CCD-on-HR-5.pdf>

12 National Center for Education Statistics, "NAEP Data Explorer". Retrieved March, 2015, from <http://nccs.ed.gov/nationsreportcard/naepdata/dataset.aspx>