Including Students with Disabilities in Educational Accountability Systems

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Students with disabilities have benefited from inclusion in the federal educational accountability system focused on results. Reported challenges related to their inclusion often are rooted in false assumptions. The accountability systems of the past decade have uncovered long-standing practices that consign students with disabilities to a separate and less rigorous curriculum based solely on disability status. These accountability systems have demonstrated successful practices and outcomes in schools that have provided leadership, staff support and training, and laser-like focus on the standards for all students. These schools are an “existence proof” that students with disabilities can learn to high levels in the general – NOT a “special” – curriculum when given necessary supports, including appropriate accommodations and assistive technology, and the specialized instruction they need. Current turmoil about the low performance of students with disabilities is good news: it is a symptom of an accountability system working. It reflects increased attention to a group of students historically subjected to low expectations and minimal access to the general education curriculum, and has opened the door to examination of and commitment to changes in educational practice that will improve the academic outcomes of student with disabilities.

Accountability systems under Title I of the Elementary and Secondary Education Act (ESEA) over the past 15 years have dramatically increased attention to students with disabilities and their access to the curriculum, assistive technology, individualized services, supports, and specialized instruction, and better assessments. It is challenging for educators to rethink traditional but ineffective practices and separate curricula for students with disabilities, but federal educational accountability has been good for students with disabilities. The evolution of the federal accountability system has ensured that these students finally are being given access to the curriculum that the Individuals with Disabilities Education Act (IDEA) required since 1997.

Stories in the media may not paint the same picture that I do. The theory of action underlying accountability under ESEA assumes that data from standards-based assessment systems will shape needed retraining, redesign, and refocusing of schools that are not meeting accountability targets. Instead, it sometimes appears that the resources that should be used in improving instruction and access to the curriculum have been used to protect the status quo. News stories often reflect the perspectives of those wishing to avoid responsibility for students with disabilities, whom they may view as difficult to teach or as students who cannot learn. Students with disabilities rarely have benefited from educational reform because of these perspectives. Researchers have found that some educators increase referrals to special education as a way to deal with struggling students – believing that also removes responsibility for their learning (Furney, Hasazi, Clark/Keefe, & Hartnett, 2003). Others assume students with disabilities should be excluded from reform initiatives (Gagnon, McLaughlin, Rhim, & Davis, 2002). Evidence of continued emphasis on a separate curriculum that prioritizes functional or adaptive skills rather than academics continues to emerge in research (Carter & Hughes, 2006; Dymond, Renzaglia, Gilson, & Slagor, 2007; Mayrowetz, 2009). Increasing numbers of studies indicate that instructional and curricular deficits are a common factor in the low performance of students with disabilities (Hess, McDivitt, & Fincher, 2008; Kettler et al., 2009; Lazarus & Thurlow, 2009; Perie, 2009; Thurlow, 2008).

1 Opinions presented in this paper are those of the author, and do not necessarily reflect those of any of her funding sources, including the U.S. Department of Education or Offices within it.
Failure to provide students with a strong standards-based approach to education is not the case everywhere. There is evidence that where educators believe that students can learn, the mandate of a standards-based accountability system has been taken seriously and students have made tremendous improvements in performance, with the achievement gaps narrowing to an impressive extent (Center on Education Policy, 2008; 2009; Chenoweth, 2009).

It is true that standards-based accountability for all has been challenging for the special education subgroup—to the point that districts and states have devised ways not to be accountable for some of these children. For one small group of students – those with the most significant cognitive disabilities who are less than 1% of the total student population – there is general agreement on the appropriateness of flexibility in achievement standards. There is no similar agreement on additional flexibility for a group sometimes called “gap” students. The “2%” regulations permit a modified achievement standard against which up to 2% of all students can be considered proficient. The regulations suggest that these students are those who may need more time than a school year to reach proficiency on grade-level achievement standards. Analyses of state data show that 30-50% of students who are achieving at a slower or lower rate are students WITHOUT disabilities, but the regulation applies only to students with disabilities. It is a relatively new flexibility provision; implementation has been slow and there has been little attention yet to the consequences of this flexibility. However, states and districts continue to clamor for what they consider to be “relief” from accountability requirements for more and more students with disabilities. This continuing pressure on policymakers to hold more and more students to lowered expectations reflects real challenges facing educators as they finally include students with disabilities in accountability systems, but that does not mean that there are not solutions to these challenges. It is NOT an appropriate response to back off of holding schools to high expectations for these students.

Before describing the benefits and challenges of standards-based accountability systems, there are two important basic pieces of information that should be revisited: first, a quick reminder of why state assessments are important and appropriate for students with disabilities; second, a refresher on who students with disabilities are so that we all are thinking about the same students.

**Some Basics**

**Why State Assessments are Important and Appropriate.** A primary function of accountability assessments is to give a picture of achievement that serves as a warning flag – to alert us to low achievement results so that something can be done to change them. We need to know when students are not performing well. This is particularly important for students with disabilities, given the research showing their limited past access to the general education curriculum. State assessments can provide a window to shed light on whether meaningful access and high quality instruction has been provided, but assessments can improve outcomes only if limited access or poor instruction change as a result of that view. This does not mean that assessments cannot be improved, and be even better indicators of achievement for students with disabilities, and other students as well. But, it does mean that we need standards-based measures that document the grade-level achievement of students with disabilities. We also must ensure that classroom-based assessments provide strong, standards-based data to avoid lowered expectations within the year, and to avoid a false sense of growth in student learning that is based on a separate and less rigorous curriculum and accompanying assessments.

**Who Are Students with Disabilities?** There are misperceptions among the public, policymakers, and even educators about the makeup of this subgroup. Figure 1 summarizes data on the numbers of students with disabilities in each category of disability. Most students with disabilities (75% altogether) have learning disabilities, speech/language impairments, and emotional/behavioral disabilities. I believe that there should be no question that these students, along with those who have physical, visual, hearing, and other health impairments (another 4-5%), totaling about 80% of students with
disabilities, can learn the grade-level content in the general education curriculum when given appropriate accommodations, services, supports, and specialized instruction. They do so by going around the effects of their disabilities, often via accommodations, and thus achieve proficiency on the grade-level content standards.

People might question whether students with intellectual impairments (less than 20% of all students with disabilities) can be expected to achieve proficiency on grade-level standards, but in fact in many cases they can, when they receive high quality instruction in the grade-level content, appropriate services and supports, and appropriate accommodations. An example of such a student—one who does have an intellectual disability but who with adequate school supports and services, and with accommodations during instruction and during assessment, was able to obtain access to the content—is Katie Bartlett, a young woman with Down syndrome, who passed the high school competency exam in Massachusetts. Katie was held to the same standards as other students and met them. But, educators’ low expectations for students with disabilities go beyond students with intellectual disabilities. The example of Lance Rogers, a young man with attention deficit hyperactivity disorder, shows that low expectations affect students with all types of disabilities, with potentially devastating effects such as not earning a regular diploma, an important key to a successful future for our youth of today.

Students with disabilities can meet grade-level academic standards – but they must have the opportunity to learn the grade-level content. Special education eligibility should not be an excuse to expect less from a child, nor to provide little to a child. Existing assessment and accountability requirements have helped us recognize and shed light on the outrageous problem of low expectations for these children, reflected in statements like this, from a state special education director: “If special education students could perform well on these tests, they wouldn’t be in special education.”

What Have Been the Benefits of Standards-based Educational Accountability for Students with Disabilities?

Data are emerging that show increases in the achievement of students with disabilities, and other effects as well. For schools to produce the increases in achievement, there first has to be a belief system that students with disabilities can learn and, second, a commitment to their inclusion in the accountability system. These two conditions, of course, relate to the challenges that continue to surround the inclusion of students with disabilities in accountability systems. In addition to the public attitudes portrayed in news stories, there have been systematic patterns that demonstrate questionable beliefs, including (a) initial decisions of state policymakers to require a larger number of students in the disability subgroup than in other subgroups for results to be reported or included in accountability calculations; and (b) the pattern of omission from key policy decisions, such as certain applications of growth models that overlooked students with the most significant cognitive disabilities. Despite the existence of these indicators of beliefs about the special education subgroup, there are policymakers and school leaders who have resisted loopholes in accountability for the disability subgroup. These show that accountability data are important for students with disabilities, and that they can serve exactly the purpose for which a fully inclusive accountability system was intended.

State directors of special education have responded to National Center on Educational Outcomes surveys about the improvements that they are seeing in the performance of their students, attributing the improvements to use of assessment data to inform decision making, emphasis on inclusion and access to the curriculum, increased access to standards-based instruction on the grade-level content, alignment of Individual Education Programs (IEPs) with grade-level standards, increased inclusion of students with disabilities in general education classrooms, increased use of research-based “best practices,” and improved professional development (Altman, Lazarus, Thurlow, Quenemoen, Cuthbert, & Cormier, 2008).
**Transparent Data.** Analyses of publicly reported assessment data since 2000-2001 show improvements in the transparency of data for students with disabilities, both for participation and for performance (Thurlow, Quenemoen, Altman, & Cuthbert, 2008). For example, NCEO's identification of states with clear participation reporting to the public for students with disabilities showed only 5 states in 2000-2001, but 22 states in 2006-2007 (Albus, Thurlow, & Bremer, 2009).

**Increases in Participation and Performance.** State-reported data showed large increases in participation percentages across time for most states. Data on performance showed similar changes – more states with clear transparent reporting, and increases in performance across years (see examples of one state’s data in Figure 2). Data from the National Assessment of Educational Progress (NAEP) support these data – overall there has been a steady increase in the performance of students with disabilities, and in some states the increases are dramatic for all students and for students with disabilities (see Figure 3).

**Improved Provision of Accommodations.** Students with disabilities are receiving more appropriate accommodations (such as large print editions, extra breaks, sign language interpreters, calculators, individual administrations) during testing. We are still improving our knowledge base about the kinds of changes that are appropriate during testing and that do not invalidate scores. States are still determining their policies in line with what they are testing, and increasingly engaging in training and monitoring to ensure appropriate implementation of accommodations. All the attention on accommodations has improved awareness in the field so that students who need them are more likely today to be receiving needed accommodations—during testing and during instruction. Prior to the inclusion of students with disabilities in accountability, high estimates indicated that the use of testing accommodations was about 53% for elementary schools and 44% for middle and high schools (Thompson & Thurlow, 1999). In 2005, the percentages were 65% for elementary schools, 64% for middle schools, and 62% for high schools (Thurlow, Moen, & Altman, 2006). We do not know, as yet, what the percentages should be, but having them closer to the same across school levels is a good sign.

**Changes in Instruction.** Studies are being conducted to determine what produces good performance among students with disabilities. One of these studies, conducted in Massachusetts, identified low income urban schools where special education students were performing better than expected. The researchers then investigated what was happening in those schools for special education students. They found 11 common factors that characterized those schools where students with disabilities were performing well: (1) a pervasive emphasis on the curriculum and alignment with the standards, (2) effective systems to support curriculum alignment, (3) emphasis on inclusion and access to the curriculum, (4) culture and practices that support high standards and student achievement, (5) well-disciplined academic and social environment, (6) use of student data to inform decision making, (7) unified practice supported by targeted professional development, (8) access to resources to support key initiatives, (9) effective staff recruitment, retention, and deployment, (10) flexible leaders and staff that work effectively in a dynamic environment, and (11) effective leadership (Donahue Institute, 2004).

One group of students for whom accountability requirements have had tremendous impact is students with **significant cognitive disabilities**, individuals who for the most part have been in the educational system only since the passage of Public Law 94-142, the Education of All Handicapped Children Act. Prior to this, some of these children would have been in institutions, or in care-giving facilities. In December 2003 the 1% rule permitted states to develop alternate assessments that allow proficiency to be defined differently from the regular assessment. States could set alternate achievement standards on the results of these alternate assessments in order to define proficiency for students with the most significant cognitive disabilities. These assessments are identified as assessments for students who are unable to take regular assessments. In those states where the
right students were targeted, these alternate assessments have resulted in a sea change to instruction for students with the most significant cognitive disabilities. Assessment has changed their school experiences. They are now receiving an education – access to the general curriculum – rather than a separate curriculum, or even simply receiving care in the schools. NCEO has data from state assessments documenting the shift to the general curriculum, and also qualitative data on the perceptions of educators on the benefit of this shift (Moore-Lamminen & Olsen, 2005). Impact data are being collected nationally by the National Alternate Assessment Center. There has also been organized resistance to these shifts. We have, for the first time, succeeded in looking behind the closed resource room door, and although many wonderful teachers and practices have been uncovered, these are not universal. Keeping the resource room door “open” with the lights of accountability shining is a necessity at this critical time to bring along those who are afraid of or do not know how to step up to our new understanding of what these students can do if taught.

Attempts are being made to collect information on overall impacts of accountability requirements. One of these is time spent in general education environments, which is a proxy for access to the general curriculum. The 26th Annual Report to Congress reported that the percentage of time spent in the general education classroom had increased for students with disabilities through the 2002 data available in the report. NCEO surveys of state directors of special education suggest that standards-based accountability continues to expand this access to the general curriculum for students with disabilities (Altman et al., 2008).

**Better Assessments.** Inclusive accountability requirements have also improved assessment systems. Assessment developers who typically have been able to exclude anyone who did not fit the norm have had to revisit assumptions and revise assessment models. This has been good for the assessment world. States, in particular, have focused on how to make their assessments more accessible – through better accommodation policies and by applying universal design principles to assessments – not by changing the construct that is to be measured or by reducing the grade-level content that is being assessed (Johnstone, Thompson, Miller, & Thurlow, 2008; Thompson, Thurlow, & Malouf, 2004; Thurlow, in press). Rather, developers have focused on ensuring that tests really measure what they are intended to measure – not extraneous factors, such as whether the student can figure out what the test developer means by a question or whether a picture has important clues about the answer to a question (Dolan, Burling, Harms, Beck, Hanna, Jude, Murray, Rose, & Way, 2009; Thurlow et al., 2009; Thurlow, Quenemoen, Lazarus et al., 2008). Identifying ways to improve assessments for students with disabilities has, in fact, resulted in improving assessments for all students.

**What Have Been the Challenges of Standards-Based Educational Accountability?**

In addition to detrimental effects for students with disabilities from pervasive educator beliefs and attitudes and systematic policies of exclusion or “n” sizes that excluded students from accountability, individual actions also have surfaced that have had detrimental effects as well. Stories have spread about districts having students disappear from the denominator by moving them around, either from school to school, or from one grade to another, or by having their scores count for participation but not for performance. We heard about the “EGG” Game being played by principals – the “enrolled grade game” – holding 9th grade students back one year, then promoting them to 11th grade to ensure they did not take the 10th grade test, which was the accountability test. Not all states and districts are doing these things, and some states have policies and monitoring to prevent it. When they do these “games,” it hides the very thing that we need to know about – the performance of low performing students – very often, students with disabilities.

Some states, districts, and schools have reacted out of fear to the realization that they are not educating these students well and have tried to identify loopholes for their accountability systems. It
also may be the reason that many continue to seek other loopholes and additional flexibility in a system that is designed to do exactly what it should do—hold the system accountable for students who are not reaching grade-level achievement standards.

Where Should Educational Accountability Go From Here?

I can remember the time before federal laws required accountability for all students, when there were no requirements for students with disabilities to be included in the assessment systems along with other students. I recall hearing about these students being sent on field trips to the zoo, or the parents of these students being told kindly by the teacher or the school principal that their children could stay home from school the day that the state test was given. Researchers and the media documented the increasing referral rates of students to special education as more and more students were exempted from school testing, in part to avoid accountability for all of their students, in those districts and states that had accountability systems in place (Allington & McGill-Franzen, 1992; Zlatos, 1994).

The solution is NOT to get rid of students who are tough to teach. It was not the correct solution then, and it is not the correct solution now. We have enough emerging evidence that students with disabilities can learn when given access to the curriculum and rich content instruction by qualified teachers that we can no longer justify coming up with a different accountability system for them. There are some principles that need to guide our approach to accountability for all – to ensure that students with disabilities thrive along with other students.

1. We need to recognize that all students with disabilities are general education students first – they need access to the general curriculum, qualified teachers, and high expectations for their learning. With accommodations, services, and supports, we should expect 85-90% of these students to achieve grade level mastery on achievement tests that are administered in today’s schools. The remaining students have significant cognitive disabilities, and they can achieve proficiency through the appropriate option of alternate achievement standards. Thus, we need to treat students with disabilities the same as other students. Except for those students in the alternate assessment based on alternate achievement standards (approximately 1% of the total student population), and the recognition of the need for accommodations, services, and supports as provided for by the IEP, the same approaches should exist for students with disabilities as exist for general education students.

2. We need to focus attention on the lowest performing students, not try to hide their performance or get them out of the system. Experiences with the 1% students have shown that there have been dramatic benefits to this population through the requirement that they be assessed, and for their performance be reported separately. A strong research effort has developed around this type of assessment, and there are now systematic methods to ensure greater access to the general curriculum for these students. These are succeeding both in ensuring access to the curriculum and in increasing student performance to levels educators and parents thought impossible. There are many other students with disabilities who are performing at very low levels – students with and without intellectual disabilities. We need to focus on these students, the lowest performing students – to focus first on what is happening instructionally, and in the provision of accommodations and services. Based on previous research done in some states, I am confident that by looking at the lowest performing students on the regular assessment, for example the lowest 20%, a state will find not only students with disabilities, but low performing general education students as well (Hess et al., 2008). Then, the state can focus more appropriately on the issues that exist for all of those students – access to the curriculum, improved instruction, and yes, accommodations, and special education services as well if appropriate. The solution lies in improving instruction, not in lowering expectations.
3. We should **consider any adjustments to the accountability system itself carefully and ensure that they apply to all students, not to one subgroup.** Critical elements of accountability for the disability subgroup are the 1% flexibility, the recognition that tests should be universally designed (which really benefits all students), the requirement that accommodations should be provided to those students needing them, and separate reporting by subgroup. Other adjustments to accountability systems should be made for all students, not just one subgroup, with consideration of intended and unintended consequences for students overall and for student subgroups. Any accountability system that includes measures of growth must be related to absolute standards. It would be unacceptable for a growth system to be based on individualized growth goals set by an IEP team. An IEP-based approach would have unintended negative consequences for the disability subgroup (and others groups as well); students with disabilities for years have shown growth against IEP goals, but have been held to inappropriate goals or estimates of needed improvement. Considerations for growth models that include all students with disabilities have been identified by the National Center on Educational Outcomes.

One critical outcome of standards-based accountability has been to bring into focus what access to and progress in the general curriculum really means for students with disabilities. Project Forum, a special education leadership project at NASDSE, defined the IEP as “a process and document that is framed by the state standards and that contains annual goals aligned with, and chosen **to facilitate the student’s achievement of, state grade level academic standards**” (Ahearn, 2006, emphasis added). IDEA regulations state that the specially designed instruction required in IDEA means:

- adapting, as appropriate to the child’s needs, the content, methodology, or delivery of instruction:
  - To address the unique needs of the child that result from the child’s disability
  - To ensure access of the child to the general education curriculum, **so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.** (IDEA, 34 CFR § 300.39(b)(3), emphasis added)

The 2004 IDEA final regulations discussion states that “**Accelerated growth toward, and mastery of State-approved grade-level standards** are goals of special education” (IDEA Final Regulations 34 CFR Parts 300 and 301, emphasis added).

Standards-based accountability systems that fully include all students with disabilities have allowed this consistent message to be heard at last by many educators who had ignored it, over a decade after IDEA required it. Although some educators may fear the shifts it requires in their practices, or not understand as yet how to make those shifts, this is long overdue. Putting in place mechanisms to build educator capacity to teach all students is an appropriate response; allowing educators to avoid responsibility for students they have not been willing to or do not know how to teach is not.

References are available in a separate file, on request.
Figure 1. Distribution of Disability Categories

Note: Percentages in this figure are based on a total number of 6.5 million students receiving special education services (www.ideadata.org, 2008).
Figure 2. Performance Data Showing Increases for Special Education Subgroup

Percent of Students who Earned a Competency Determination - Class of 2003

Percent of Massachusetts Special Education Students Attaining the Competency Determination (through the May 2004 MCAS)
Figure 3. NAEP Performance Data Showing Increases for All Students and Students with Disabilities

National Assessment of Educational Progress Average Scale Scores for Students with and without Disabilities. Reading, Grade 4 1998-2005

*Significantly different from 2005.
Source: National Assessment of Educational Progress (NAEP)

Grade 4 NAEP Scores for Alabama by Year