



# **“No Child Left Behind” and Students with Specific Learning Disabilities**

## ***Joint Statement of***

**Council for Exceptional Children’s Division for Learning Disabilities  
International Dyslexia Association  
Learning Disabilities Association of America  
National Center for Learning Disabilities**

### ***Introduction***

Together, the organizations supporting this statement represent more than 50,000 parents and teachers who care deeply about how students with Specific Learning Disabilities (SLD) are identified and served in our public schools.

Keys to success for students with SLD include access to the general curriculum, high quality instruction provided by well trained professionals and guided by scientifically based research, appropriate accommodations, and the procedural safeguards of the Individuals with Disabilities Education Act (IDEA), coupled with the active participation and collaboration among their parents and the professionals who serve them.

### ***What We Know***

The No Child Left Behind Act of 2001 (NCLB), signed into law by President Bush in January of 2002, challenges states and school districts to intensify their efforts to improve the academic achievement of groups of public school students considered at risk of school failure. NCLB’s new provisions for assessment and accountability are designed to focus increased levels of attention on under-performing groups of students and to close the achievement gap between them and their peers.

NCLB includes provisions concerning adequate yearly progress (AYP) by requiring states to specify annual measurable objectives to measure student progress and ensure that all students, including those disaggregated by poverty, race and ethnicity, disability, and limited English proficiency data, reach proficiency in reading and math within 12 years.

For the nation’s 2.9 million students with identified specific learning disabilities currently receiving special education services under IDEA, the challenging new provisions of NCLB create expanded opportunities for improved academic achievement and documentation of that improved performance.

As the current IDEA definition of specific learning disabilities indicates, these students have a disability that is *not primarily the result of mental retardation, emotional disturbance, or of environmental, cultural or economic disadvantage*. Additionally, IDEA eligibility determination criteria requires that students should *not be determined to be a child with a specific learning disability if the determinant factor is lack of instruction in reading or math or limited English proficiency*.

These definitional and qualifying criteria clearly recognize students with SLD as competent to participate in general education curricula and achieve at a proficient level. According to *the Twenty-fourth Annual Report to Congress on the Implementation of the IDEA*, 45 percent of students in the SLD category spend less than 20 percent of their instructional time in special education, leaving the majority of their instruction in the hands of general education teachers. Research indicates that the majority of students served in the SLD category have their primary academic deficit in the area of reading, the academic area at the core of NCLB improvement provisions.

Congress purposefully included students with disabilities in the accountability system of NCLB, considering them to be one of the groups of children desperately in need of improved academic performance. And, proposed changes to the IDEA-97, particularly the elimination of short-term objectives (or benchmarks) as part of the Individualized Education Program (IEP), will mean that parents must depend on periodic individual report cards and annual NCLB-mandated assessments to provide ongoing reports of their child's progress.

Early reports show that NCLB provisions are producing data that draws attention to the academic performance of children with disabilities. For example, The Education Trust report "What New AYP Information Tells Us About Schools, States, and Public Education," uses several examples to show that AYP data are helping schools and communities move forward. The report noted that AYP results are now identifying large achievement gaps in schools that were previously designated as being highly successful based on overall averages. For the first time, AYP is forcing these successful schools and their communities to examine why some groups of students are performing far below state proficiency levels while others are exceeding them.

## **Where We Stand**

**We** believe students with SLD must be provided full participation and equal accountability in NCLB. These students both need and deserve the full benefits that can be realized by NCLB's focus on:

- *Raising student achievement in the areas of reading/language arts and math, particularly in the early grades;*
- *Improving the quality of general education teachers in core academic subjects, including reading;*
- *Improving the quality of special education teachers and paraprofessionals;*
- *Requiring all students to participate in state assessments, with the appropriate accommodations, so that schools are accountable for achievement of all students*
- *Enhancing the public's awareness of the achievement of at-risk groups of students through disaggregated subgroup data.*
- *Expanding parent involvement and public awareness through local report cards and information on teacher qualifications;*
- *Increasing options for parents of students in poor performing schools such as making supplemental services available and allowing parents to transfer their child to higher performing schools in the area.*

We recognize schools are facing challenges in implementing NCLB for students with disabilities, but these challenges should be met. In making AYP determinations, NCLB regulations issued on December 9, 2003, allow school districts to include up to 1.0 percent of proficient and advanced scores that were obtained on assessments based on alternative or below-grade achievement standards. This provision provides sufficient flexibility for schools to include those students unable to participate in a state's general education assessment system even with accommodations. This limited exception provides adequate flexibility to states.

The U.S. Department of Education should provide a comprehensive plan to provide technical assistance, guidance, capacity building, information, resources and other supports that states will require to ensure that students with SLD have the maximum opportunity to meet AYP.

We applaud the continued dedication of both the Administration and the Congress to maintaining their commitment to all students. Given the early stage of NCLB implementation, we resist any actions, be they regulatory or statutory, that will compromise the benefits that NCLB holds for students with SLD. Instead, we hope that states, school districts and schools will rise to the challenge to ensure that NO child is left behind.

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