

Testimony on:  
Education Reforms: Ensuring the Education System is Accountable to Parents and  
Communities

Subcommittee on Education and the Workforce  
U.S. House of Representatives

By:  
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Chairman Hunter, Ranking Member Kildee and Members of the Committee, I'm Laura Kaloi, public policy director for the National Center for Learning Disabilities (NCLD) where I've advocated for individuals with learning disabilities (LD) for over twelve years. NCLD represents nearly half of the students identified with disabilities in our nation's public schools. I'm also here in my most important role as a Mom. I have three children attending public school in Virginia, including Ethan, my eleven year old son who has dyslexia and dysgraphia.

Dyslexia and dysgraphia are language based learning disabilities which for Ethan, cause difficulty with short-term and working memory and this primarily impacts his ability to retrieve words from memory, remember letters and numbers in a sequence, memorize letters and numbers, write longhand and spell. Fortunately, I am a parent who, along with Ethan's Dad -- who also has dyslexia -- has the education, knowledge and capability to ensure he gets what he needs. He's also a very hard working boy. While Ethan's principal had told us that we should be happy with Cs for someone like our son I'm happy to report that Ethan left the 4<sup>th</sup> grade last June with As and Bs and he scored proficient and above proficient on the VA standards of learning tests in all subjects.

Today, I'm here to share the parent perspective about:

- the status of people with LD and how NCLB has promoted an increased focus and use of data in making instructional decisions for students with disabilities
- how subgroup accountability and data reporting requirements have highlighted that struggling students comprise more than just students with disabilities in today's schools
- the effective practices that schools have embraced to ensure meaningful change for all students, especially students with disabilities

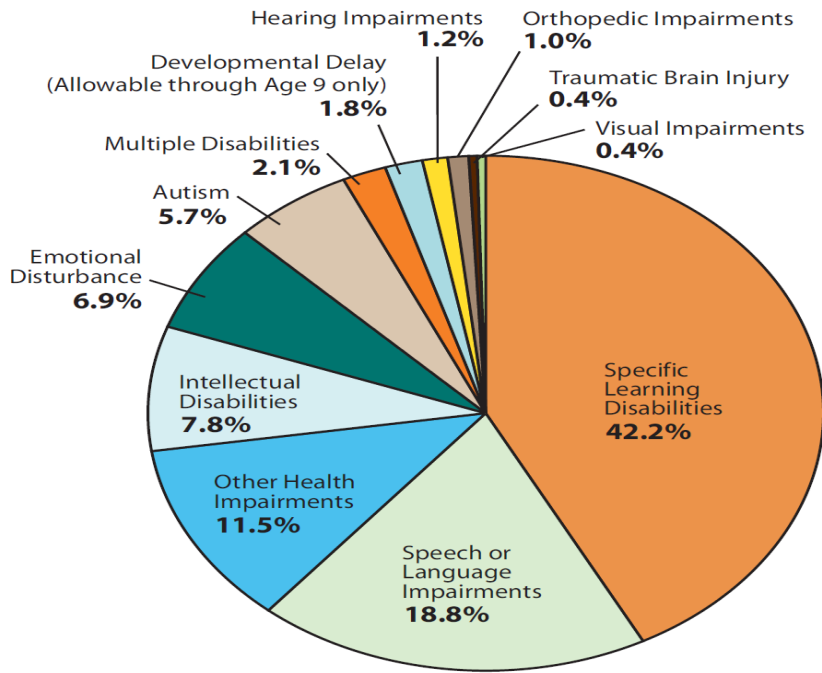
- as ESEA reauthorization proceeds, what Congress can do to ensure that the progress of students with disabilities moves forward as they are educated alongside their peers.

While the Individuals with Disabilities Education Act (IDEA) mandates the provision of a free appropriate public education (FAPE) for students with disabilities, it contains no provisions setting high expectations and holding schools accountable for their progress. In fact, in its latest reauthorization of IDEA in 2004, Congress reminded us that "the implementation of the [IDEA] Act has been impeded by *low expectations*, and an *insufficient focus on applying replicable research on proven methods of teaching and learning*" (20 U.S.C. §1400(c)(4). It is NCLB that has provided the long-needed requirement of school accountability and emphasis on doing what works to improve results for students with disabilities.

Prior to the passage of NCLB, most parents of children with disabilities had no idea where their child's performance stood in reading and math as compared to their child's peers. Most states had ignored a 1997 requirement in IDEA law "*to develop guidelines for the participation of children in alternate assessments for those children who cannot participate in State and district-wide assessments...*" which was intended for students with the most significant cognitive disabilities. Therefore, most students with disabilities were not included in state assessment systems. Unfortunately, once NCLB was passed, pervasive low expectations for students with disabilities led some schools and districts to react negatively to the new requirements of NCLB – the thought that students with disabilities should be expected to achieve meaningful academic progress seemed completely unattainable by some school professionals. Mainly, this was due to the fact that until NCLB's passage in 2002, schools had not provided curriculum to these students that focused on state standards. It was the rare parent that had been able to ensure that their student with a learning disability was included in the core work and making progress with the *additional support* that special education is intended to provide.

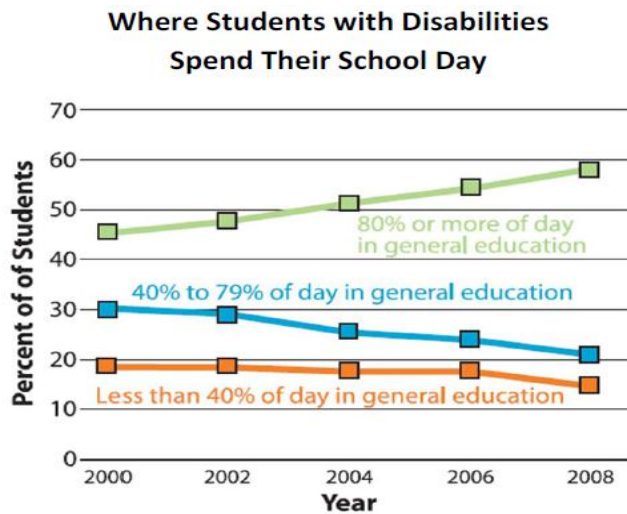
According to the U.S. Department of Education, there are 5.9 million students eligible for special education under the nation's federal special education law – the Individuals with Disabilities Education Act (IDEA) -- in public school today. The vast majority -- nearly 85% -- are classified with disabilities that *by definition do not include* any type of cognitive or intellectual impairment. In fact, 42% are students with LD.

### Students Receiving Special Education Services by Disability Category



Source: [www.IDEAdata.org](http://www.IDEAdata.org)  
2009 Part B Child Count, Students ages 6-21, 50 states, DC, PR, BIE schools.

There are 2.5 million students receiving services under both Title I and IDEA and many are indistinguishable from students who do not receive special education services. In fact, most students with disabilities spend the vast majority of their school day in general education classrooms – taught by general education teachers – using the same instructional materials as all other students in the class. And their parents have the same aspirations for their success in life.



Source: [www.IDEAdata.org](http://www.IDEAdata.org)

As reported in NCLD's *State of Learning Disabilities* report:

- people living in poverty are most likely to have LD
- Students with LD continue to lag behind their peers in reading and math
- 55% of adults with LD are employed compared to 76% of general population
- 64% of students with LD graduated with a regular diploma compared to 52% in 1999 and 22% dropped out compared to 40%.

These statistics demonstrate both the good and the bad news regarding the status of people with LD. We've made good strides yet there are still thousands families waiting to see their child experience the reality of being college and career ready. Parents know that achieving graduation with a high school diploma is the golden ticket to moving on to college or meaningful career training. I want this for my son and I want you to send a strong message to states that we should expect every child to have this opportunity.

As we all know, there are those that continue to stand by the myth that it is *only* students with disabilities who are struggling and underperforming and that students with disabilities are *the reason* schools can't make Adequate Yearly Progress (AYP). So, they purport that by creating a separate assessment system, a separate reporting system and accountability mechanism(s) that the data would just automatically right itself and abracadabra, we're good – every other student is on target. However, this just isn't true. As reported this year by the U.S. Department of Education:

- only 24% of schools miss AYP for just one subgroup, and of those, just 14% miss *ONLY* for the students with disabilities subgroup.

- Only 30% of schools are held accountable for the students with disabilities subgroup in AYP due to 'N' size.

Exhibit 27 Number and Percentage of Schools Required to Calculate AYP for Each Student Subgroup, 2005–06		
Student Subgroup	Schools Required to Calculate AYP for Subgroup	
	Number of Schools	Percentage of All Schools
African-American	25,807	30%
American Indian / Alaskan Native	7,503	9%
Asian/Pacific Islander	11,338	13%
Hispanic	25,602	30%
White	60,371	71%
Low-income students	55,646	65%
Students with disabilities	25,491	30%
LEP students	17,126	20%

Exhibit reads: Thirty percent of schools had a sufficient number of African-American students to require calculation of AYP for this subgroup.

Source: SSI-NCLB, National AYP and Identification Database (based on data reported by 50 states and the District of Columbia for 85,435 schools in these states).

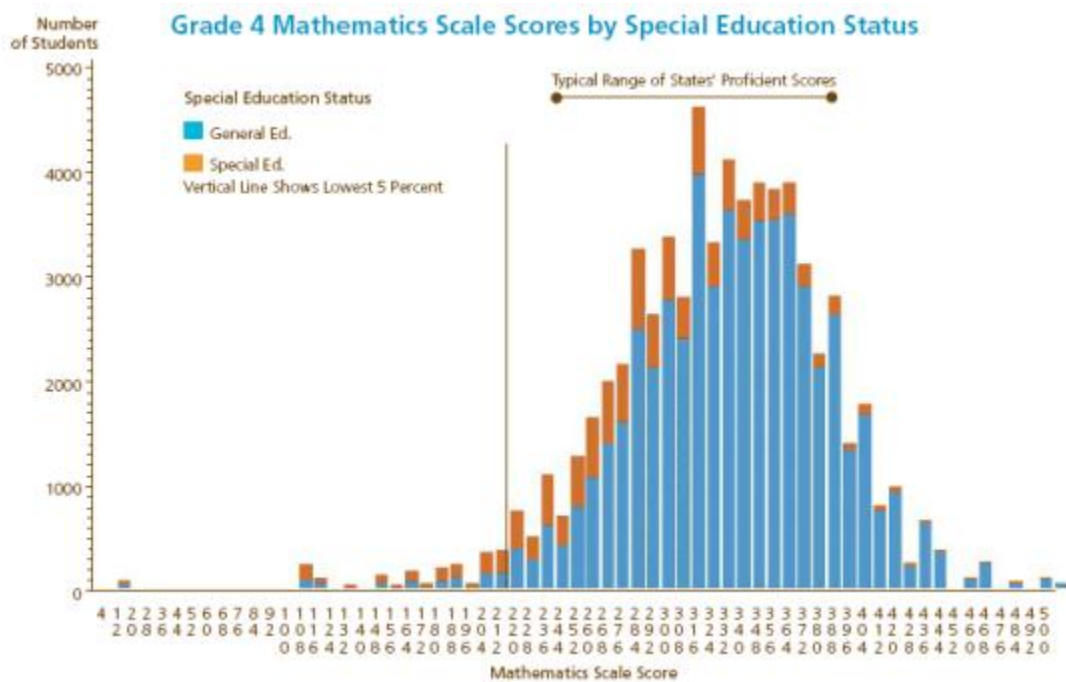
Since NCLB’s passage, much research has been conducted and data examined to see what is really happening in schools and districts. Through the lens of disaggregated data and reporting on subgroups, we know there are millions of struggling students in schools. Such students are Black, Latino and poor and they consistently underperform in reading and math – and we aren’t proposing policy fixes to carve those students out because of their learning gaps. As one assistant superintendent stated in our report *Challenging Change*, ‘we had an instructional problem, not a special education problem.’ (Cortiella, C., Burnette, J. (2008). *Challenging Change: How Schools and Districts are Improving the Performance of Special Education Students*. New York, NY: National Center for Learning Disabilities.)

Both best practice and current research show us that when principals use their data to understand how students are performing and provide teachers with the training and support they need, the difference this can make in the progress of any struggling student is monumental.

As Abigail, an 8<sup>th</sup> grader with LD said, "Finally in third grade I found a teacher that changed my life. She never gave up, even when I gave up on myself. She taught me nothing is impossible even if you have a disability."

My son Ethan's 4<sup>th</sup> grade teacher made this kind of difference. She connected with his interest in fantasy novels, encouraged him to tell her what was going on in his book and patiently taught him to write about it with complete and what we call 'juicy sentences.' She made sure he used a word processor so he could type it instead of write it and taught him that editing is just part of every good student's life. Because of this support at school and at home, he went from a low C to a solid A in writing. This is a different kid than the one who hated school in 3<sup>rd</sup> grade.

Furthermore, longitudinal research that examined student-level demographic data in four states (AL, HI, SD, WI) showed that certain struggling students -- those without disabilities -- often called persistently low performing students consistently are not proficient year in and year out on state assessments. Findings show these students-- in all 4 states are male, minority and poor. (Lazarus, S., Wu, Y-C., Altman, J. & Thurlow, M. 2010). Additionally, an examination of 4<sup>th</sup> grade math in one state shows us that the lowest performers are not solely students receiving special education.



As you can see, and it's no surprise to parents – students with disabilities are even performing above the range – which is where we need to set our sites for the majority of students with disabilities.

As author of *How It's Being Done, Urgent Lessons from Unexpected Schools*, Karen Chenoweth stated:

“I can’t even remember all the times I have heard the sentiment, “If they could meet standards they wouldn’t have a disability,” a statement that betrays both a profound misunderstanding of disabilities and the role special education services is supposed to play, which is helping to shape and scaffold instruction in order to provide access to the general curriculum.”

If we are to believe that is *only* students with disabilities who are struggling and underperforming in our schools, we are mistaken and being misled by those who continue to stand on this false premise. As stated earlier, it is an instructional challenge we face in this country and parents want you to help our schools do something about it.

It’s imperative that we face head-on the question you have grappled with regarding how students with disabilities fit into a state’s accountability system. To do this, we must be open to:

- understanding how NCLB has positively changed the landscape for students with disabilities in many schools and districts
- using the data and best practice to reframe the policy discussion

Since public opinion data show that people continue to believe that students with disabilities:

1. Cannot achieve grade level standards
2. Take the same tests as their peers; or
3. Gain a regular high school diploma

NCLD has partnered with national organizations to commission reports, review valid research, document findings, promote best practices, and survey parents and teachers. Our findings, along with others such as the National Center on Educational Outcomes (NCEO) and other reports funded by the U.S. Department of Education do show that NCLB has had a positive impact on not only the academic performance and outcomes for many students with disabilities, but it has forced schools and districts to:

- raise expectations for students with disabilities which are the single most common and important component of achieving change. To end the practice of making excuses and blaming the kids for their achievement and to look at these students as general education students first.
- promote sustainable collaboration between general and special education teachers which can range from requiring dual certification for all personnel to pairing general

education and special education teachers in classrooms. Collaboration extends to professional development, with teachers forming teams to attend professional development activities.

- support inclusive and school wide practices as the cornerstone of their improvement plan(s) so that the general education curriculum is used in instruction and the general and state assessment are the reference point for all student teaching and learning.
- use data from a multi-tier system of supports or response to intervention program to make instructional decisions so that teachers can use formative and summative data to design and target instruction and interventions. Many states and districts are developing a school-wide framework or multi-tier system of supports (response to intervention/RTI) so early help can be provided to all students, including those eligible for IDEA before their learning gaps become significant and impeded their learning. This has contributed to reducing the overall identification of students for special education; in fact, the LD identification rate is down by 14% over the past ten years.
- Assess students with disabilities on the general assessments with accommodations as appropriate, end out-of-level testing and give alternate assessments to only a very small number of students with the *most significant cognitive disabilities*.
- share data with parents and the community as they are the ultimate judge of whether the school is providing the skills their children will need as adults. Parents can be active partners in their child's education when there is interactive communication about student learning.

We know the law needs significant change and parents hope you will build on the most valuable aspects of the law and rely on both research and practice to create even stronger educational opportunities for all students. Such improvements should:

- Maintain a focus on student subgroup performance – transparency and access to the data, while wonderful for parents and families, is not enough. We need to know that our child's performance counts just as all other students in the school.
- Include all schools in an accountability system which includes uniform calculation, reporting and targets for graduation from high school. Simply having Federal consequences for the bottom 5 to 15% of schools will eliminate accountability for the vast majority of students with disabilities.
- Identify struggling learners early and provide targeted instruction and/or interventions (e.g. MTSS/RTI, PBIS).
- Allow use of growth models that must include students with disabilities and ensure that the growth targets both help catch up students and keep them on track to graduate from high school with a regular diploma.
- Promote Universal Design for Learning and use of technology to improve access to general curricula and assessments. Too many students with disabilities struggle unnecessarily with poorly designed pencil-and-paper assessments that test their disability rather than their ability.



- Support teacher training that ensures general and special education teachers have the skills and knowledge necessary for teaching grade-level content and diverse learners.

Mr. Chairman, Ranking Member Kildee and members of the committee – yours is a difficult job. The federal role in education is complicated; however, for parents, the answer is quite simple. If our tax dollars are to be spent on improving educational opportunity and providing educational benefit to the struggling students in this country then please make sure any district and school using that money has sufficient guidelines and requirements to ensure that ALL students count in the same way and are held to the same high expectations.

The parents I work with professionally have children diagnosed with all types of disabilities and we all share one common goal -- our children should matter as much as any other in the school building. But most importantly, our children want to learn and play and have the same goals as their friends. Ethan asked me last week: how much education do I need to be a writer -- a bachelor's degree, a master's degree? Before I could answer, he answered himself by stating – I think more education is better, don't you? It's my wish that we really could embrace the goal of every child being college and career ready and focus our educational resources and efforts on this important endeavor together. Thank you again for this time.