



# **ESEA AND IDEA: WORKING TOGETHER TO IMPROVE OUTCOMES FOR ALL STUDENTS**

**NATIONAL TITLE I CONFERENCE**  
FEBRUARY 2017 | LONG BEACH, CALIFORNIA

# OBJECTIVES

- Explore assessment systems and the Individuals with Disabilities Education Act (IDEA)
- Discuss leveraging resources and coordinating support across programs at the State, district, and school levels
- Reflect on local practices and hear about:
  - Provisions in the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), and the IDEA that support the needs of all students; and
  - Discuss system alignment efforts across federal programs.

# AGENDA

- ESEA / IDEA Assessment Requirements
- New Assessment Flexibilities under ESEA
- Supporting Students with Disabilities under ESEA
- English Learners with Disabilities under ESEA
- Coordination across Federal programs
- Schoolwide & Leveraging Funds



# PRESENTERS

- Patrick Rooney, Deputy Director, Office of State Support
- Faatimah Muhammad, Group Leader, Office of State Support
- Leslie Clithero, Office of Special Education Programs
- Christine Pilgrim, Office of Special Education Programs



# THE CHALLENGE

- Protecting Underserved Children & Youth
- Raising Expectations
- Closing Opportunity Gaps
- Improving Student Outcomes



# Assessments



# DID YOU KNOW?

## STUDENT ACHIEVEMENT FOR STUDENTS WITH AND WITHOUT DISABILITIES, NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) DATA

### ■ 4<sup>th</sup> Grade Proficiency in Reading (at or above proficiency)

#### — 2005

- 32% of students without disabilities
- 11% students with disabilities

#### — 2015

- 38% students without disabilities
- 12% students with disabilities

### ■ 4<sup>th</sup> Grade Proficiency in Mathematics (at or above proficiency)

#### — 2005

- 38% of students without disabilities
- 16% students with disabilities

#### — 2015

- 43% students without disabilities
- 16% students with disabilities



# TIMING

## WHEN DOES ESEA, AS AMENDED BY THE ESSA, TAKE EFFECT?

- Funds awarded under State formula grant programs in school year 2016-2017 are being administered in accordance with the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB). **Beginning in school year 2017-2018**, assessment provisions under the ESEA, as amended by the ESSA, will apply.
- Many assessment provisions remain unchanged under the ESSA, as amended by the ESEA; States must continue annual statewide tests in reading/language arts and mathematics to all students in grades 3-8 and high school, as well as in science at least once in each of grades 3-5, 6-9, & 10-12, including by administering all required assessments in school year 2016-2017.





# STATE RESPONSIBILITIES FOR ASSESSMENT

## GENERAL REQUIREMENTS

- Sections 1111(b)(1)(A) and (D) of the ESEA – *alignment with college and career ready standards* for the grade in which a student is enrolled, including students with disabilities.
- Assessments must be aligned with the full breadth and depth of State academic content standards.
- Assessments must measure student achievement based on challenging State academic achievement standards, or, only for students with the most significant cognitive disabilities, alternate academic achievement standards (AAAS).



# STATE RESPONSIBILITIES FOR ASSESSMENT

## DESIGN & ACCESSIBILITY – SECTION 1111(b)(2)(B) AND (J)

- States must apply universal design for learning in assessment development, to the extent practicable.
- States have flexibility in the format and timing:
  - Including a single summative assessment or multiple interim assessments over the course of the academic year that result in a single summative score
  - Involve multiple up-to-date measures
  - May include portfolios, projects, or extended performance tasks as part of the test
- States may use computer-adaptive assessments as long as the tests measure a student's academic proficiency based on challenging State academic standards for the grade in which the student is enrolled.



# UNIVERSAL DESIGN FOR LEARNING

- The term “universal design for learning” means a scientifically valid framework for guiding educational practice that –
  - (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and
  - (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

*(Section 8101(51) of the ESEA; Section 103 of the Higher Education Act (20 U.S.C. 1003))*



# FROM OUR TA PARTNERS

CAST & UDL



Watch “UDL at a Glance” at <https://youtu.be/bDvKnY0g6e4!>





# Supporting Students with Disabilities

# STUDENTS WITH DISABILITIES

## GENERAL REQUIREMENTS

- Cornerstone of IDEA is that all students are entitled to a free appropriate public education (FAPE).
- Under IDEA, the primary vehicle for providing FAPE is the individualized education program (IEP).
  - Developed by a team that includes the parent, the general and special education teachers, school or district officials, and the child (when appropriate) (See 34 CFR 300.321)
  - Individualized document to address the unique needs of the child
  - Takes into account a child's present levels of academic achievement and functional performance, and the impact of the child's disability on his or her involvement and progress in the general education curriculum
  - IEP goals must be aligned with grade-level content standards for all children with disabilities



# STUDENTS WITH DISABILITIES

## GENERAL REQUIREMENTS – SECTION 1111(b)(2)(B) AND 34 CFR 200.2 AND 200.6

- All students with disabilities must participate in State assessments and be provided appropriate accommodations.
- For Title I, Part A assessment purposes, students with disabilities are those identified under –
  - Section 602(3) of the IDEA, including students with the most significant cognitive disabilities
  - Section 504 of the Rehabilitation Act of 1973
  - Title II of the Americans with Disabilities Act
  - Any other relevant Act



# STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

SECTION 1111(b)(2)(B) AND (D) AND 34 CFR 200.6

- A student with the most significant cognitive disabilities may be assessed with:
  - The general grade-level assessment with or without accommodations; or
  - If a State has adopted AAAS for students with the most significant cognitive disabilities, *an alternate assessment that is aligned with the challenging State academic content standards for the grade in which the student is enrolled and the State's AAAS.*





# ALTERNATE ACHIEVEMENT STANDARDS

## FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

- Section 1111(b)(1)(E) of the ESEA specifies that alternate achievement standards must be:
  - Aligned with the challenging State academic content standards;
  - Promote access to the general education curriculum, **consistent with the IDEA**;
  - Reflect professional judgment as to the highest possible standards achievable by the affected students;
  - **Designated in the IEP** developed for each student as the academic achievement standards that will be used for the student; and
  - Aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment.



# APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

SECTION 1111(b)(2)(B) AND 34 CFR 200.6

- A State must provide, for each student with a disability:
  - Appropriate accommodations, such as interoperability with, and ability to use, assistive technology devices consistent with nationally recognized accessibility standards, that are necessary to measure the academic achievement of the student
- A State must ensure that the use of appropriate accommodations does not deny a student with a disability:
  - The opportunity to participate in the assessment
  - Any of the benefits from participation in the assessment that are afforded to students without disabilities



# APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

SECTION 1111(b)(2)(B) AND 34 CFR 200.6

A State must:

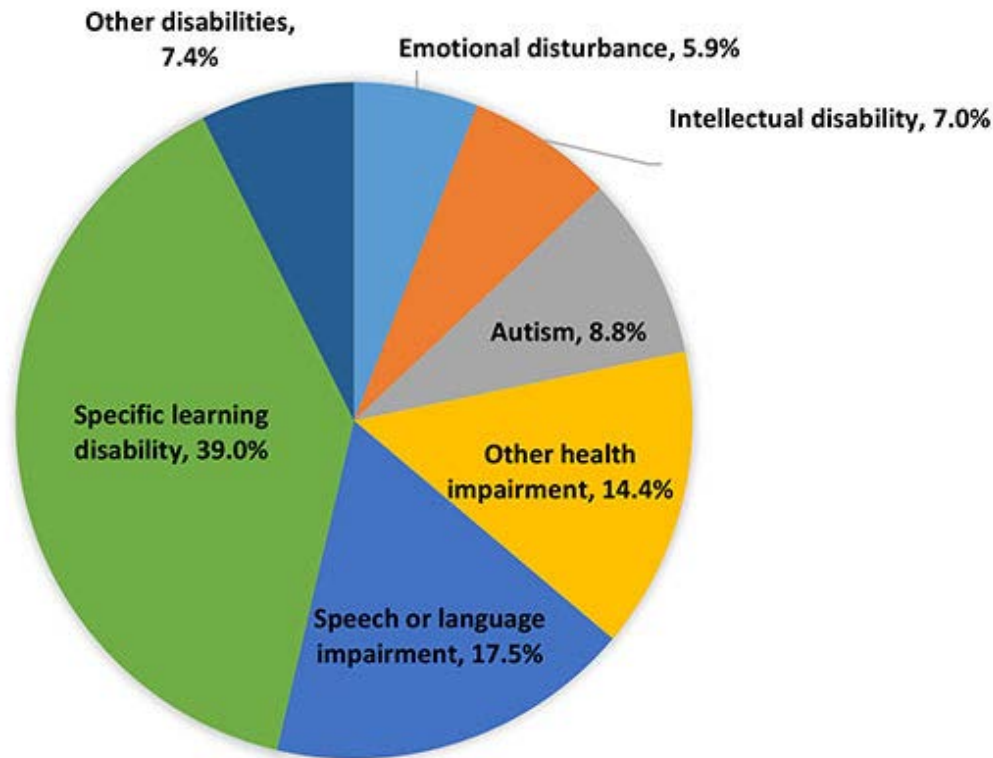
- Develop appropriate accommodations for students with disabilities.
- Disseminate information and resources about accommodations to LEAs, schools, and parents.
- Promote the use of accommodations to ensure that all students with disabilities are able to participate in academic instruction and assessments.
- Ensure that all appropriate staff receive training to administer assessments and know how to administer assessments and appropriate accommodations during assessment for all students with disabilities.



# DID YOU KNOW?

- Under IDEA, students with disabilities are identified in one or more of 13 categories

CHILD COUNT BASED ON 50 STATES ONLY IN 2014-15



# ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

## (AA-AAAS)

FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

SECTION 1111(b)(2)(B) AND 34 CFR 200.6

- The total number of students assessed using AA-AAAS may not exceed 1% of the total number of students in the State who are assessed in a subject.
- States must:
  - Not prohibit a local educational agency (LEA) from assessing more than 1% with AA-AAAS
  - Require that an LEA submit information justifying the need of the LEA to assess more than 1% of its assessed students with AA-AAAS
  - Provide appropriate oversight, as determined by the State, of an LEA that is required to submit information to the State
  - Make the information submitted by an LEA publicly available



# AA-AAAS

## FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

### SECTION 1111(b)(2)(B) AND 34 CFR 200.6

- If a State anticipates that it will exceed the 1% cap it may request that the U.S. Department of Education waive the cap for one year. To do so, the State must:
  - Submit at least 90 days prior to the start of the State's testing window
  - Show the number and percentage of students in each subgroup who took, or will take, an AA-AAAS
  - Show that it has assessed 95% of all students and 95% of all students with disabilities
  - Assure that each LEA that will assess more than 1% using an AA-AAAS followed all State guidelines and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS
  - Plan for system improvements and monitoring in future test administrations to avoid exceeding the cap



# CONNECTING THE DOTS TO IDEA

## IDEA REQUIRES ALTERNATE ASSESSMENTS AND STATE GUIDELINES

- “A State (or in the case of a district-wide assessment, an LEA) must develop and implement alternate assessments and guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs”
  - *IDEA, Section 612(a)(16)(C)*



# STATE GUIDELINES FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

- The ESEA reinforces that an IEP team, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of the IDEA, shall determine when a child with a significant cognitive disability shall participate in an AA-AAAS.
- IEP teams apply State guidelines on a case-by-case basis to make assessment decisions for each individual student.





# STATE GUIDELINES FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

- State guidelines must include a definition of “students with the most significant cognitive disabilities” such that:
  - The identification of a student as having a particular disability or as an English learner (EL) **does not determine** whether a student is a student with the most significant cognitive disabilities
  - A student with the most significant cognitive disabilities is not identified solely based on the student’s previous low academic achievement, or the student’s previous need for accommodations
  - The student requires **extensive, direct individualized instruction and substantial supports** to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled





# English Learners



# ENGLISH LEARNERS WITH A DISABILITY

## A QUICK OVERVIEW

- In school year 2013-2014:
  - National percentage of EL students: 8.8%.
  - National percentage of students with disabilities who were ELs: 9.2%.

(SY 2013-14, the U.S. Department of Education, NCES)
- Students classified as ELs with disabilities are most frequently classified as having specific learning disabilities, speech/language impairments, intellectual disabilities, or emotional behavioral disorders.
- LEAs must ensure that EL students are not incorrectly identified as students with disabilities because of their limited English proficiency, which may not be the basis of a child's disability determination under the IDEA.



# ENGLISH LEARNERS

## ACCOMMODATIONS – SECTION 1111(b)(2)(B) AND 34 CFR 200.6

- States must develop accommodations that address needs of ELs; disseminate information and resources about those accommodations to LEAs, schools, and parents; and promote appropriate use of accommodations for ELs.
- States must ensure that use of accommodations deemed appropriate for ELs on any State assessment does not deny an EL –
  - the opportunity to participate in the assessment; and
  - any of the benefits from participation that students who are not ELs receive.



# ENGLISH LEARNERS

## ENGLISH LANGUAGE PROFICIENCY TESTS – SECTION 1111(B)(2)(G) AND 34 CFR 200.6(h)

- States must develop a uniform, valid, and reliable statewide English language proficiency (ELP) test, including reading, writing, speaking, and listening skills, for use across all LEAs in the State.
  - Provides consistent information and uniformity for students
  - Reduces burden of ELP test development on LEAs
  - Consistent with current State practice



# ENGLISH LEARNERS

## ENGLISH LANGUAGE PROFICIENCY TESTS – SECTION 1111(B)(2)(G) AND 34 CFR 200.6(h)

- If an EL cannot be assessed in one or more domains due to a disability, and there is no appropriate accommodation, a State must assess the student's English language proficiency based on the domains that can be assessed.
- A State must provide an alternate assessment for ELs with the most significant cognitive disabilities who cannot participate in the ELP test even with appropriate accommodations.



# STAKEHOLDER ENGAGEMENT

## HOW ARE YOU INVOLVED IN LOCAL DECISION MAKING ON ESEA?

- Meaningful, ongoing stakeholder engagement with a wide range of stakeholders is critical to create a common vision of educational opportunity and accountability.
- Assessment decisions should be informed by meaningful stakeholder engagement.



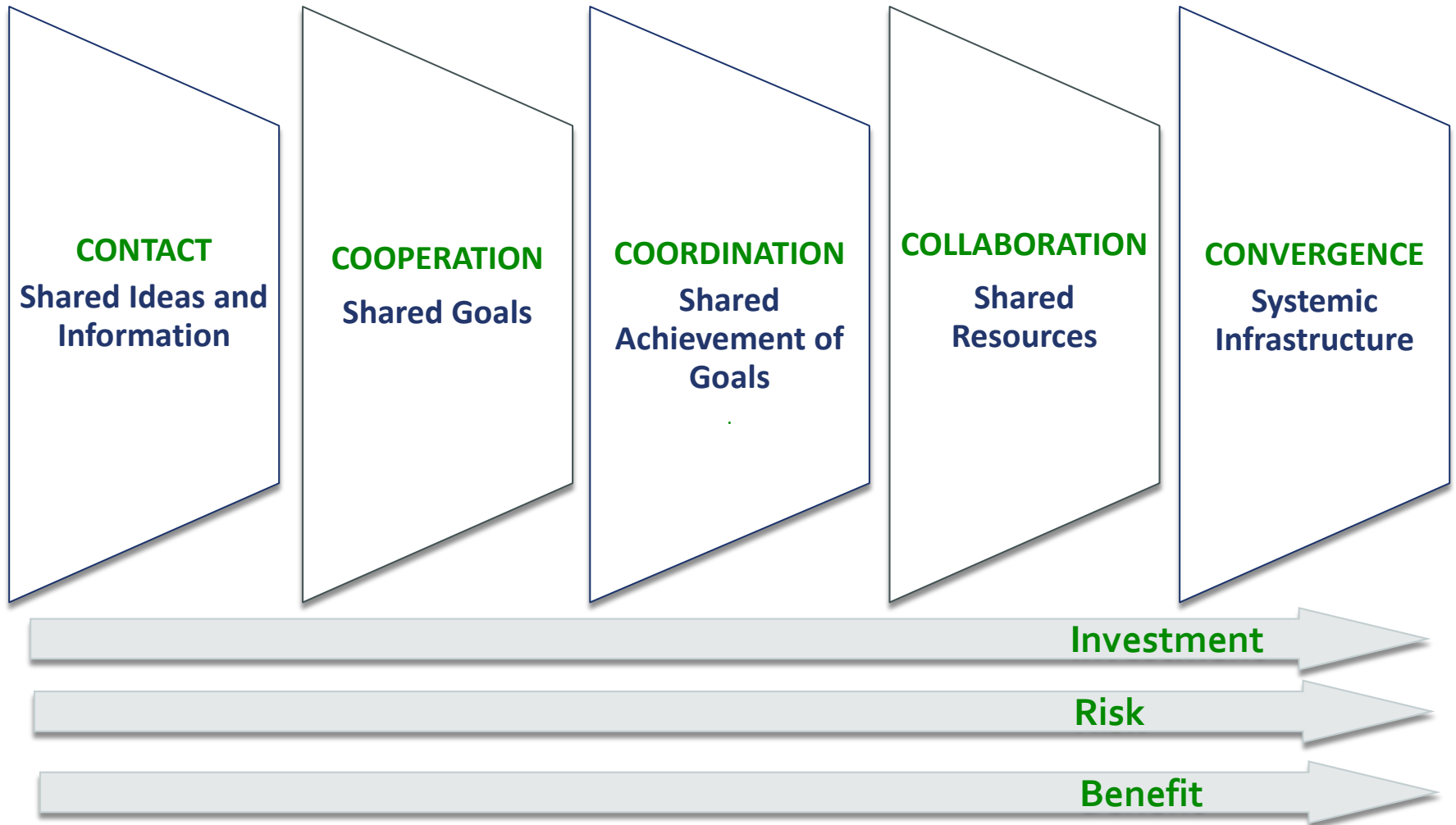


# Collaboration Across Programs



# THE COLLABORATION CONTINUUM

*Collaboration refers to a process in which two or more groups work together toward a common goal by sharing expertise, information and resources. The collaboration continuum represents a range in the level of possible collaboration and defines where respective collaborative activities have occurred along this process. Points along the continuum mark shifts in the collaborative process as activities become more complex until convergence is attained.*



# ALIGNMENT THROUGH COLLABORATION

- Benefits:
  - Sharing of resources and expertise
  - Changes in policies and practices
  - Enhanced professional development
- Challenges:
  - Time and resources
  - Statutes and regulations
  - Outlook and assumptions
  - Policies, procedures, and practices

# ALIGNMENT THROUGH COLLABORATION

## EFFORTS AT THE FEDERAL LEVEL

- Transition to the ESEA, as amended by ESSA
- Collaborative monitoring and support
- Cross-program collaboration and support
- Joint meetings with shared vision
- Coordinated and integrated decision making
- Title I, Part A assessment peer review



# ALIGNMENT THROUGH COLLABORATION

## EFFORTS AT THE STATE LEVEL

- Reorganization at the State education agency (SEA) level to align improvement efforts across federal programs.
- Leveraging federal funds to improve outcomes for all students.
- States are collaborating with institutions of higher education (IHEs) in an effort to improve teacher preparation to address the needs of all students.
- States are also working on their policies to change certification requirements, recertification requirements, and professional development efforts to ensure that teachers are prepared to teach all students.





# Schoolwide and Consolidation of Funds & IDEA



# TITLE I, PART A

## PURPOSE

- Provides supplemental Federal funds to ensure all students have fair, equal, and significant opportunities to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments.
- Focused on improving the academic achievement of low-achieving students in schools with high concentrations of children from low-income families and is governed by statutory and regulatory requirements of Title I, Part of the ESEA.



# TWO TYPES OF TITLE I PROGRAMS

## TARGETED ASSISTANCE & SCHOOLWIDE

### ■ Schoolwide

- Comprehensive program designed to upgrade the entire educational program in order to improve achievement of the lowest-achieving students in a school with a poverty percentage of 40% or more
- All students may participate in Title I-funded initiatives
- Maximizes flexibility in using Federal funds
- Serves as a vehicle for whole-school reform with a focus on improving achievement of lowest-achieving students
- Addresses students needs through a schoolwide plan based on a comprehensive needs assessment



# SCHOOLWIDE PROGRAMS

## BENEFITS

- Serves all students
- Provides services that need not be supplemental
- Consolidating Federal, State, and local funds

Access the ESSA schoolwide guidance here:

<https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>





# SCHOOLWIDE PROGRAMS

## IMPLEMENTING A SCHOOLWIDE PROGRAM

There are three basic components of a schoolwide program that are essential to effective implementation:

1. Conducting a comprehensive **needs assessment** of the entire school;
2. Preparing a **comprehensive schoolwide plan**; and
3. Annually **reviewing** the schoolwide plan and **revising** it as necessary.

# SCHOOLWIDE PROGRAMS

## USE OF FUNDS EXAMPLES BASED ON NEEDS ASSESSMENT

- Increased learning time
- High-quality preschool or full-day kindergarten
- Evidence-based strategies to accelerate the acquisition of content knowledge for ELs
- Equipment, materials, and training needed to compile and analyze data to monitor progress, alert the school to struggling students, and drive decision making
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators
  - <https://tech.ed.gov/wp-content/uploads/2014/11/Tech-Federal-Funds-Final-V2.pdf>
- School climate interventions



# SCHOOLWIDE PROGRAMS

## IDEA & SCHOOLWIDE

A schoolwide school:

- Represents a primary means to maximize flexibility in using Federal funds;
- Serves as a vehicle to whole-school reform;
- Allows for easier leveraging of non-Federal and Federal funds to work together to improve the educational performance of the entire school; and
- Addresses all students' needs through a schoolwide plan based on a comprehensive needs assessment.

# SCHOOLWIDE PROGRAMS

## EXPLANATION OF THE LAW: IDEA, PART B AND CONSOLIDATION OF FUNDS

- A schoolwide program may consolidate funds received under Part B of the IDEA.
- A school that consolidates funds under IDEA, Part B may use those funds in its schoolwide program for any activities under its comprehensive schoolwide plan but must comply with all other requirements of Part B of the IDEA.



# CONSOLIDATION FEDERAL, STATE, AND LOCAL FUNDS

- By consolidating funds in a schoolwide program, a school can more effectively design and implement a comprehensive plan to upgrade the entire educational program in the school as identified through a comprehensive needs assessment.
- When a school consolidates funds in a schoolwide program, those funds lose their individual identity and the school may use the funds to support any activity of the schoolwide program without regard to which program contributed the specific funds used for a particular activity.
- Each SEA must encourage schools to consolidate funds in a schoolwide program and must eliminate State fiscal and accounting barriers so that these funds can be more easily consolidated.



# ADVANTAGES OF CONSOLIDATING FUNDS

- Flexibility to allocate all available resources effectively and efficiently.
- A school is not required to meet most of the statutory and regulatory requirements of the specific Federal programs included in the consolidation, provided it meets the intent and purposes of those programs.
- A school is not required to maintain separate fiscal accounting records by Federal program that identify the specific activities supported by each program's funds.



# CONSOLIDATING FUNDS AND PART B OF THE IDEA

The IDEA provides a straightforward formula for LEAs and their schools that wish to consolidate a portion of their IDEA Part B funds in any fiscal year to carry out a schoolwide program.



# CONSOLIDATING FUNDS AND PART B OF THE IDEA

- First, the LEA determines the amount of funds it received under the IDEA section 611 and 619 programs.
- Second, the LEA must divide the total amount of its IDEA grants by the number of children with disabilities in the jurisdiction of the LEA.
- Third, the LEA then multiplies this figure by the number of children with disabilities who will be participating in the schoolwide program.





# IDEA CONDITIONS

IDEA places the following conditions on LEAs and schools that consolidate IDEA funds in a schoolwide program.

- The IDEA funds must still be counted as Federal funds for IDEA's excess cost and supplement not supplant calculations.
- Regardless of how the IDEA funds are expended, children with disabilities in a schoolwide program school must:
  - receive services in accordance with a properly developed IEP; and
  - be afforded all of the rights and services guaranteed to children with disabilities and their parents under the IDEA.

# RESOURCES

- CCSSO/NCSI: “ESSA: Key Provisions and Implications for Students with Disabilities”  
[http://www.ccsso.org/Documents/2016/ESSA/ESSA\\_Key\\_Provisions\\_Implications\\_for\\_SWD.pdf](http://www.ccsso.org/Documents/2016/ESSA/ESSA_Key_Provisions_Implications_for_SWD.pdf)
- National Center on Educational Outcomes  
<https://nceo.info/>
- CAST  
<http://www.cast.org/>
- National Center for Education Statistics  
<https://nces.ed.gov/>

For additional information on OSEP-funded TA centers and resources, please see [OSEPIdeasAtWork.org](http://OSEPIdeasAtWork.org). For questions, please contact [OESE@ed.gov](mailto:OESE@ed.gov).



