

IDEA—Reauthorized Statute
STATEWIDE AND DISTRICTWIDE ASSESSMENTS

(See also Individualized Education Program (IEP) Content)

The reauthorized *Individuals with Disabilities Education Act* (IDEA) was signed into law on Dec. 3, 2004 by President George W. Bush. The provisions of the act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements.¹ This document addresses only the changes to the IDEA provisions regarding statewide and districtwide assessments that took effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

IDEA 2004:

1. Removes the IDEA’s reference to “modifications in administration” regarding the assessment of children’s academic achievement and functional performance.

An individualized education program (IEP) must include a statement of any “appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child,” rather than a statement of individual modifications in the administration of state or districtwide student assessments. [612(d)(1)(A)(VI)(aa) of IDEA]

2. Adds a reference to *No Child Left Behind* (NCLB).

All children with disabilities are included in all general state and districtwide assessment programs, including assessments described under Section 1111 of the *Elementary and Secondary Education Act* (ESEA) of 1965,² with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs (IEPs). [612(a)(16)(A) of IDEA]

3. Adds specific requirements for state guidelines regarding alternate assessments.

State (or, in the case of a districtwide assessment, the local education agency (LEA)) guidelines developed and implemented under Section 612(a)(16)(c)(i) of IDEA must provide for alternate assessments that:

- Are aligned with the state's challenging academic content standards and challenging student academic achievement standards; and

¹ Topics in this series include: Alignment With the *No Child Left Behind Act*; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; National Instructional Materials Accessibility Standard (NIMAS); Part C Amendments in *IDEA 2004*; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation and Resolution Sessions; Procedural Safeguards: Due Process Hearings; Secondary Transition; State Funding; and Statewide and Districtwide Assessments. Documents are available on the OSERS Web site at: www.ed.gov/about/offices/list/osers/index.html.

² For purposes of this document, the *No Child Left Behind Act* (NCLB) is referred to as the *Elementary and Secondary Education Act* (ESEA) of 1965, as amended.

- If the state has adopted alternate academic achievement standards permitted under the regulations promulgated to carry out Section 1111(b)(1) of the ESEA, measure the achievement of children with disabilities against those standards.

The state conducts the alternate assessments described above. [612(a)(16)(C)(ii), (iii) of IDEA]

4. Expands requirements for reporting.

The state education agency (SEA) (or, in the case of a districtwide assessment, the LEA) makes available to the public and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

- The numbers of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments;
- The number of children with disabilities participating in alternate assessments that are aligned with the state's challenging academic content standards and challenging student academic achievement standards; and the number of children with disabilities participating in alternate assessments aligned with alternate achievement standards; and
- The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

[612(a)(16)(D) of IDEA]

5. Includes changes to the individualized education program (IEP).

The IEP must include the following:

- For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives (within the required statement of a child's present levels of academic achievement and functional performance);
- A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments consistent with Section 612(a)(16)(A) of IDEA; and
- If the IEP team determines that the child shall take an alternate assessment on a particular state or districtwide assessment of student achievement, a statement of why the child cannot participate in the regular assessment, and the particular alternate assessment selected is appropriate for the child.

[614(d)(1)(A)(i)(I)(cc), (VI)(aa)-(bb) of IDEA]