

IDEA–Reauthorized Statute<sup>1</sup>

## 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 will be effective on July 1, 2005, with the exception of some elements of the definition of “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. This document addresses only the changes to the provisions regarding statewide and districtwide assessments of IDEA that will take effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

### IDEA 2004:

#### 1. Removed references to “modifications in administration.”

#### 2. Added 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,<sup>2</sup> with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs (IEPs). [612(a)(16)(A)]

#### 3. Added specific requirements for state guidelines regarding alternate assessments.

The guidelines under Section 612(a)(16)(c)(i) must provide for alternate assessments:

- That are aligned with the state's challenging academic content standards and challenging student academic achievement standards; or
- 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 assessment described above. [612(a)(16)(C)(ii) and (iii)]

#### 4. Expanded requirements for reporting.

- State educational agencies (SEAs) must report (or local educational agencies (LEAs) for a districtwide assessment) the numbers of children with disabilities who participate in:

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<sup>1</sup> Other topics in this series include: Disproportionality and Overidentification; Early Intervening Services; Changes in Initial Evaluations and Reevaluations; Individualized Education Program (IEP); Discipline; Statewide and Districtwide Assessments; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice, Consent; Procedural Safeguards: Mediation and Resolution Sessions; Procedural Safeguards: Due Process Hearings; Alignment With the *No Child Left Behind Act*; Highly Qualified Teachers; Children Enrolled by Their Parents in Private Schools; State Funding; and Local Funding. Documents are available on the OSERS Web site at: [www.ed.gov/about/offices/list/osers/index.html](http://www.ed.gov/about/offices/list/osers/index.html).

<sup>2</sup> For purposes of this document, *No Child Left Behind* (NCLB) also will be referred to as the *Elementary and Secondary Education Act* (ESEA) of 1965, as amended.

- Regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments;
- Alternate assessments described in Section 612(a)(16)(C)(ii)(I); and
- Alternate assessments described in Section 612(a)(16)(C)(ii)(II).
- SEAs must report (or LEAs for a districtwide assessment) on:
  - 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)]

**5. Changes to the IEP related to statewide and districtwide assessments.**

- IEPs must include a description of benchmarks, or short-term objectives only for children who take alternate assessments aligned to alternate achievement standards.
- IEPs must include a statement of any accommodations that are necessary to measure the academic achievement and functional performance of the child on statewide and districtwide assessments consistent with Section 612(a)(16)(A).
- IEPs must, if the IEP team determines that the child shall take an alternate assessment on a particular statewide or districtwide assessment of student achievement, provide a statement of why the child cannot participate in the regular assessment, and why the particular alternate assessment selected is appropriate for the child.

[614(d)(1)(A)(I)(cc), and (VI)(aa), and (bb)]