

PENNSYLVANIA STATE GUIDELINES FOR INCLUSION OF STUDENTS WITH DISABILITIES

Several important laws require the participation of students with disabilities in standards-based instruction and assessment initiatives. These include federal laws such as the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the No Child Left Behind Act of 2001 (NCLB).

Individuals with Disabilities Education Improvement Act of 2004

IDEA specifically governs services provided to students with disabilities. Accountability at the individual level is provided through IEPs developed on the basis of each child's unique needs. IDEA requires the participation of students with disabilities in state and district-wide assessments:

“(16) PARTICIPATION IN ASSESSMENTS.—“(A) IN GENERAL.—All children with disabilities are included in all general State and district wide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. “(B) ACCOMMODATION GUIDELINES.—The State (or, in the case of a district wide assessment, the local educational agency) has developed guidelines for the provision of appropriate accommodations. (IDEIA, §612(a) (16) (A)).

The definition of an IEP with an accommodation statement is in the following sections of IDEA:

“(d) INDIVIDUALIZED EDUCATION PROGRAMS.—“(1) DEFINITIONS.—In this title: “(A) INDIVIDUALIZED EDUCATION PROGRAM.—“(i) IN GENERAL.—The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes— “(VI)(aa) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments consistent with section 612(a)(16)(A); (IDEIA, §614(d)(1)(A)(i)(IV)).

On April 9, 2007, the final regulations regarding the Participation of Students with Disabilities in Assessments or IDEA 2004 were released by the U.S. Department of Education in the Federal Register:

§ 300.160 Participation in assessments. (a) *General.* A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs. (b) *Accommodation guidelines.* (1) A State (or, in the case of a district-wide assessment, an LEA) must develop guidelines for the provision of appropriate accommodations. (2) The State's (or, in the case of a district-wide assessment, the LEA's) guidelines must— (i) Identify only those accommodations for each assessment that do not invalidate the score; and (ii) Instruct IEP Teams to select, for each assessment, only those accommodations that do not invalidate the score.

22 PA Code

Chapter 14

Final Chapter 14 regulations were published in the Pennsylvania Bulletin on June 28, 2008, and became effective on July 1, 2008. The Special Education regulations in Pennsylvania for school districts are found under the 22 PA Code, Chapter 14. Chapter 14 provides regulatory guidance to ensure compliance with the federal law, the Individuals with Disabilities Education Act of 2004, and its regulations.

§ 14.102. Purposes. (a) It is the intent of the Board that children with disabilities be provided with quality special education services and programs. The purposes of this chapter are to serve the following:

(1) To adopt Federal regulations by incorporation by reference to satisfy the statutory requirements under the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400--1482) and to ensure that:

(i) Children with disabilities have available to them a free appropriate public education which is designed to enable the student to participate fully and independently in the community, including preparation for employment or higher education.

(ii) Children with disabilities have access to the general curriculum, and participate in State and local assessments as established and described in Chapter 4 (relating to academic standards and assessment).

Chapter 15 § 15.1. Purpose. Section 504 and its accompanying regulations protect otherwise qualified handicapped students who have physical, mental or health impairments from discrimination because of those impairments. The law and its regulations require public educational agencies to ensure that these students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate to the ability of the protected handicapped student in question. School districts are required to provide these students with the aids, services and accommodations that are designed to meet the educational needs of protected handicapped students as adequately as the needs of nonhandicapped students are met. These aids, services and accommodations may include, but are not limited to, special transportation,

modified equipment, adjustments in the student's roster or the administration of needed medication.

No Child Left Behind Act of 2001

Stronger accountability for results is one of the four basic education reform principles contained in NCLB. This law complements the provisions in providing public accountability at the school, district, and state levels for all students with disabilities. NCLB explicitly calls for

...the participation in such assessments of all students [Sec. 1111 (3) (C) (i)]. (The term 'such assessments' refers to a set of high-quality, yearly student academic assessments.) The reasonable adaptations and accommodations for students with disabilities—as defined under Section 602(3) of the Individuals with Disabilities Education Act—necessary to measure the academic achievement of such students relative to state academic content and state student academic achievement standards [Sec. 1111 (3) (C)(ii)].

One of the basic reform principles of NCLB is stronger accountability for results for all students. Through this federal legislation, in addition to other state and local district initiatives, assessments aimed at increasing accountability provide important information with regard to

- how successful schools are including all students in standards-based education,
- how well students are achieving standards, and
- what needs to be improved upon for specific groups of students.

There are several critical elements in NCLB that hold schools accountable for educational results. The Pennsylvania state accountability system is based on assessment anchor content standards (what students should learn) and academic achievement standards (how much they should learn) in reading, mathematics, and science (added in 2007-08). The PSSA is the mechanism for checking whether schools have been successful in students attaining the knowledge and skills defined by the assessment anchor content standards. By 2005-06, states had to provide assessments in reading/language arts and mathematics for all students, including students with disabilities, in grades 3-8 and once in high school. By 2007-08, states must provide science assessments in at least one grade in each of three grade spans (3-5, 6-9, 10-12) each year. School, district, and state accountability are based on measuring success in educating all students and determining what needs to be improved for specific groups of students. The

accountability system is defined in terms of adequate yearly progress (AYP), a way to measure the improvement in achieving assessment anchor content standards for all students and designated subgroups each year. Schools, districts, and states are held accountable for improvements on an annual basis by public reporting¹ and ultimately through consequences if AYP is not achieved.

INCLUDING ALL STUDENTS WITH DISABILITIES IN STATE ACCOUNTABILITY ASSESSMENTS

Both federal and state laws require that all students with disabilities be administered assessments intended to hold schools accountable for the academic performance of students. Individualized Education Program (IEP) team members must actively engage in a planning process that addresses:

- assurance of the provision of accommodations to facilitate student access to grade-level instruction and state assessments, and
- use of alternate assessments to assess the achievement of students with the most significant cognitive disabilities

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Each parent/guardian receives a report of their child's reading and mathematics assessment results. Also included in this report are district and state results.

Use the following links to access:

- **Chapter 4 Regulations**
- **Chapters 14 and 15**
- **Pennsylvania Alternate System of Assessment (PASA)**

22 Pa. Code § 4.51. State assessment system. (j) Children with disabilities shall be included in the State assessment system, with appropriate accommodations, where necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.



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