Special Populations
Backgrounder

There is widespread agreement that NCLB helped shine a much needed light on the achievement gaps that exist between different student populations, especially concerning racial and ethnic minorities, poor students, students with disabilities, English Language Learners, and migrant and homeless youth. But NCLB failed to a) measure student learning among student subgroups in a valid and productive way and b) close gaps in achievement, skills, and opportunities using effective, sustained, and comprehensive strategies and resources for particular student subpopulations.

Congress must remedy these shortcomings in the ESEA reauthorization so that the education system maximizes the potential of all students irrespective of their background and ensures that they are prepared to succeed and participate actively in our democratic society.

Measuring student learning among special populations
In order to reform how we measure learning among special populations, Congress must first establish a new way of gauging progress in all students. NEA proposes a Great Public Schools for All Act of 2010 (GPSA) that would reauthorize the Elementary and Secondary Education Act by educating the whole child and establishing a new system for assessment and accountability in our nation’s public schools. Under GPSA, all schools would be required to demonstrate progress in the following indicator areas:

- growth in student learning;
- closing gaps in student learning among student subpopulations, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students who are English Language Learners; and
- for secondary schools, improvement in the rate of graduation among students

NEA defines “student learning” as the acquired knowledge, skills and dispositions across a complete curriculum that covers academic knowledge and skills, career technical education and skills, effective and engaged community and civic participation, and physical and emotional health, safety, well-being, and aptitude. Student learning would be determined by evaluating multiple measures of each student’s performance over time, including but not limited to performance on standardized assessments that would be administered once in each of three grade spans (4-6, 7-9, 10-12) in core subjects. Other measures of learning may include assessments developed and administered by the district, school or teacher; grades; portfolios of student work; rigor of coursework (including dual enrollment, honors, AP or IB courses or programs); and other measures deemed valid and reliable across classrooms.

Within this new assessment and accountability framework, Congress should ensure that the assessment of special populations is conducted in a manner that is valid, fair, and inclusive. NEA supports the use of Universal Design for Learning (UDL) principles to create accessible, supportive and engaging learning environments for all students. UDL calls for flexibility and innovation in standards, curriculum, instruction, materials, resources, and assessment in order to remove barriers to learning that exist within the typical school or district, and, ultimately, to facilitate
access and inclusion in instruction and assessment and to give students fair and valid ways to demonstrate their learning.

For all students, NEA supports policies, standards, and programs to foster cultural competence and effective behavioral support and intervention skills among school personnel by recruiting, preparing, and retaining school personnel from diverse backgrounds and by addressing cultural competence and behavioral support and intervention skills in ESEA as an important aspect of educator recruitment, preparation, and development. Cultural competence is the ability to successfully teach or interact with students of different backgrounds, including those of different racial, ethnic, cultural, socioeconomic, or linguistic backgrounds; students with disabilities, gay, lesbian, bisexual, and transgender students; and migrant, homeless, refugee, and undocumented children. Without a culturally competent workforce, we cannot effectively instruct all students, much less assess their learning or address their needs. Behavioral support and intervention skills may include training in Response to Intervention (RTI), in which students who are struggling are provided with appropriate instruction and interventions based upon student data and collaborative team decision-making, and Positive Behavioral Supports (PBS), in which teachers create safe, positive learning environments by clearly communicating expectations, teaching appropriate social skills, and recognizing positive student behavior.

On the topic of measuring student learning, we address two student populations in further detail: English Language Learners and students with disabilities.

**English Language Learners.** It is essential that the unique needs of English language learners be addressed in assessment systems. Toward this end, NEA supports the development of new English Language Proficiency standards and assessments that are aligned with Common Core standards and assessments that currently are in development. Assessments must be sensitive to the various forms of diversity, including cultural, both within and across subgroups such as ELL students with learning disabilities. It cannot be assumed that assessment accommodations adopted for one subgroup will be effective or valid for other subgroups. In addition, the option of using a student’s native language for assessment must become more widely available, although the validity of using a native language assessment will depend on the language of instruction and the level of the student’s fluency in English. ELL students should be included in appropriately designed assessment results as soon as practicable, but no later than three years after their entry into the public school system. States should be required to validate assessment systems for ELLs and provide research-based recommendations for selecting and using appropriate assessments and accommodations for ELLs to ensure that these students have appropriate and multiple pathways to demonstrate content knowledge, skills, and abilities in accordance with intended learning standards and instructional goals.

**Students with Disabilities.** The NEA strongly supports fully including students with disabilities in state and local assessment and accountability systems. It is critical that assessments for students with disabilities be valid, reliable, and meaningful. Special education professionals should be engaged in all aspects of standards and assessment development, including scoring. NEA recommends the development of assessments that are appropriately designed for the full inclusion of and administration to students with disabilities and that comport with a student’s Individualized Education Program and the Individuals with Disabilities Education Act. Assessment of students with disabilities must be accompanied by adequate expertise, supports, and resources. Schools
and districts must provide staffing ratios to meet the diverse needs of all students for professionals who offer these specialized instructional support services, such as school nurses, school psychologists, school social workers, and school counselors. General education teachers must be prepared to address the needs of a diverse classroom and know how to work collaboratively with special education teachers and specialized instructional support professionals to design differentiated instruction that is accessible and engaging.

**Closing gaps in achievement, skills and opportunities**

Beyond assessing what students of special populations *know*, Congress must systemically address what they *need*. Many students of special populations attend low-achieving schools in distressed communities that are starved of resources and offer such students only a fraction of the resources and opportunities afforded to students in neighboring, well-resourced districts. We propose that Congress implement the following to close gaps in achievement, skills, and opportunities between advantaged and disadvantaged students:

- Increase and sustain funding to Title I, Title III, IDEA, and a new Title VI of ESEA that would address low-achieving or “Priority Schools”
- Require states to monitor equity, adequacy, and sustainability in resources and funding
- Ensure that “whole child” reforms—including bolstering student physical, social, and emotional health and well-being, increasing the breadth and richness of curricula and activities in and outside the classroom, engaging parents, family and communities, reducing class sizes, modernizing school facilities, and recruiting and developing talented and diverse educators—are concentrated in schools and districts with large, diverse student populations
- Address educator effectiveness, recruitment and retention, with particular emphasis on ensuring that educators are prepared to address the needs of diverse student populations, including English Language Learners and students with disabilities