

**Proposed Legislative Language for the No Child Left Behind Reauthorization  
Submitted by the  
Conference of Educational Administrators of Schools and Programs for the Deaf  
(CEASD)**

**March 2007**

In order for the promise and goals of NCLB to become a reality, our public education system must recognize its unique obligation to include deaf children in this important educational reform movement. Children who are deaf are affected not only by most of the same factors influencing the development of hearing children, including early childhood diseases, diversity in their social environments, the socioeconomic status of their parents and so on, but they often do not have access to the language models and interaction at home necessary during the critical years for linguistic, social and cognitive development. While most students come to school with an age appropriate language base and ready to learn, many deaf children experience language delays that interfere with learning. Many deaf students have to come to school to begin to develop a first language. Schools then are tasked with the responsibility of ensuring that the child develops age appropriate language and learns grade level material at the standard of proficiency established by their state in accordance with NCLB.

In 1997 Congress recognized the importance of language and communication development when it specified in IDEA that in the development of IEPs, “the IEP team should consider the communication needs of the child and in the case of the child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.” In doing so, Congress clearly recognized that without a strong language and communication base for these students, age and grade appropriate educational, personal, social and emotional growth and development would not be possible, and that the potential and prospects of deaf and hard of hearing students meeting high proficiency standards were indeed diminished. Educational programming and the assessment of educational progress for deaf and hard of hearing children must reflect this reality.

CEASD has long supported high standards and the responsibility of its member schools and programs to be accountable for student outcomes. CEASD also believes that students should have a fair and equitable opportunity to demonstrate what they know and how much they have learned in school. Therefore CEASD recommends that the reauthorized NCLB include the following.

**SEC. 1111 STATE PLANS.**

(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY. -

(2) ACCOUNTABILITY. -

(C) DEFINITION. –

(vi) “. . . includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other academic indicator, as determined by the State for all public elementary school students;”

**Recommendation:** Add:

“except that graduation rates for students served under the Individuals with Disabilities Education Act whose Individualized Education Programs plan for them to graduate in longer than the standard number of years shall not be included.”

**Rationale:** Current NCLB law on this topic conflicts with IDEA. This recommendation holds to the NCLB tenet of holding schools accountable for on-time student graduation while refraining from penalizing schools for complying with IDEA. Schools that predominantly serve students on IEPs, such as schools for the deaf, particularly are affected by this section.

**SEC. 1111. STATE PLANS.**

(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY. -

(2) ACCOUNTABILITY. –

(C) DEFINITION. – ‘Adequate yearly progress’ shall be defined by the State in a manner that -

**Recommendation:** Add new (vi) and renumber current (vi) and subsequent sections. New (vi) should say:

“does not rely on a single assessment objective or score to measure the academic achievement of public elementary school and secondary school students.”

**Rationale:** The over-reliance of the current NCLB on one assessment to demonstrate what the school taught is problematic. Many deaf children arrive at school with severe language delays. Schools can help these children make dramatic progress in a year, but this progress often is not reflected in the academic assessment used to demonstrate Adequate Yearly Progress (AYP). Other assessment objectives or scores should be made available to show this progress.

**SEC. 1111. STATE PLANS.**

(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY. -

(2) ACCOUNTABILITY. -

**Recommendation:** Add new (L), which should say:

"GROWTH MODELS. - Schools and school districts shall be permitted to show adequate yearly progress through use of growth models to demonstrate student proficiency. Such models shall include multiple measures of student performance."

**Rationale:** Growth models offer schools the opportunity to show how well they have supported their students, even if the students have not made adequate yearly progress.

**SEC. 1111. STATE PLANS.**

(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY. -

(3) ACADEMIC ASSESSMENTS. -

(C) REQUIREMENTS. - Such assessments shall -

**Recommendation:** Add new (ix) and renumber current (ix) and subsequent sections. New (ix) should say:

"be selected and administered so as not to be discriminatory on the basis of disability."

**Rationale:** Students will not be able to show what they know if assessments are biased against them. For example, many deaf children are unable to demonstrate their reading ability through the used of phonics based approaches. Deaf students should be able to demonstrate their reading ability through other approaches. Phonics-based approaches alone are not equitable for use with children who cannot hear.

**SEC. 1111. STATE PLANS.**

(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY. -

(3) ACADEMIC ASSESSMENTS. -

(C) REQUIREMENTS. - Such assessments shall -

**Recommendation:** Add (xvi):

"not be used for high stakes purposes such as to determine eligibility for graduation or for promotion to the next grade."

**Rationale:** NCLB assessments are intended for school accountability, not individual accountability or penalty. Schools that have not taught children what they need to know

to pass to the next grade or to graduate should not be able to penalize the students for this.

**SEC. 6111. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.**

"The Secretary shall make grants to States to enable the States –

**Recommendation:** Add new (G) and reletter current (G) and subsequent sections. New (G) should say:

"Ensuring that assessments are designed to be nondiscriminatory based on disability."

**Rationale:** As mentioned above (SEC. 1111 (B)(3)(C)(ix)), the emphasis on phonics based testing questions discriminates against students who cannot hear. Questions such as "Which word starts with the same sound as . . ." or "Which word sounds like . . ." are not appropriate for children who have never heard. Assessment design must take into account the range of abilities and disabilities of the students being assessed.

**SEC. 9101. DEFINITIONS.**

(23) HIGHLY QUALIFIED. –

**Recommendation:** Retain (C)(ii), the high objective uniform State standard of evaluation (HOUSSE) option for teachers to be considered highly qualified.

**Rationale:** Some states have only recently finalized their HOUSSE criteria, and not all teachers have had sufficient opportunity to show that they have met them.

(34) PROFESSIONAL DEVELOPMENT. – The term 'professional development' -

(A) includes activities that -

(xiii) provide instruction in methods of teaching children with special needs;

**Recommendation:** Change to:

"provide instruction in methods of teaching children with *disabilities, including children with low-incidence disabilities.*"

**Rationale:** All teachers should receive some training in teaching children with disabilities, including deaf children.

Founded in 1868, CEASD is committed to the promotion of excellence within a continuum of equitable educational opportunities for all children and adults who are deaf or hard of hearing. CEASD advocates on behalf of individuals who are deaf or hard of hearing and supports the efficient and effective management of schools, programs,

program service centers, and governmental units offering educational and related programs and services. CEASD's membership consists of over 100 member schools and programs serving over 12,000 deaf and hard of hearing children and their families.

Contact: Barbara Raimondo, CEASD Government Relations Liaison, 301 990 2847, [baraimondo@earthlink.net](mailto:baraimondo@earthlink.net).