

House Concurrent Resolution No. 23

93RD GENERAL ASSEMBLY

5001L.041

1 **Whereas**, the federal No Child Left Behind (NCLB) Act requires states to assess
2 all students in their state's assessment program; and
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4 **Whereas**, the Act provides for a limited number of students with disabilities to be
5 assessed with an alternate assessment, but only 1% of a school district's tested population may
6 be counted as proficient or above using the alternate assessment; and
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8 **Whereas**, this limitation results in some special needs students being included in
9 the regular state assessment system when, in fact, their cognitive disabilities are such that they
10 should not be assessed with their age or grade-level peers; and
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12 **Whereas**, a more appropriate assessment for them might be a test that was
13 developed for use in some grade-level below the grade in which they are classified, but the
14 United States Department of Education regulations governing the implementation of the NCLB
15 Act prohibit this "out of grade-level" testing; and
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17 **Whereas**, the United States Department of Education has recently allowed for the
18 inclusion of an additional 2% of students with disabilities to be assessed with a modified grade-
19 level assessment, but this additional flexibility still prohibits "out of grade-level" testing; and
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21 **Whereas**, the Individuals with Disabilities Education Improvement Act (IDEA),
22 which predates the NCLB Act, contains requirements for assessment that must be included in
23 the student's individualized educational program (IEP), which may not meet the requirements
24 of the NCLB Act for assessment and thus may place the IEP team at odds with the overall NCLB
25 assessment process and may create confusion for parents; and
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27 **Whereas**, certain accommodations written into an IEP, such as reading out loud
28 or paraphrasing, are currently not acceptable for certain assessments under NCLB procedures,
29 thus making the student's performance on the assessment not count for NCLB purposes and
30 denying the student an accommodation that the IEP team has documented as necessary to the
31 child's best chances for a proficient performance; and
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33 **Whereas**, Secretary Margaret Spellings has shown an admirable flexibility in
34 permitting experimentation with alternative approaches to the NCLB Act while keeping the focus
35 on accountability:
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37 **Now, therefore, be it resolved** by the members of the House of
38 Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate
39 concurring therein, that the interests of the special needs students of the state would best be
40 served by reviewing the assessment provisions of IDEA and the NCLB Act together to eliminate
41 contradictory objectives, so that accommodations that are appropriate to a student with an IEP
42 do not invalidate the student's assessment results for the purposes of No Child Left Behind
43 assessments; and
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45 **Be it further resolved** that the Chief Clerk of the Missouri House of
46 Representatives be instructed to prepare properly inscribed copies of this resolution for Margaret
47 Spellings, Secretary of the United States Department of Education and each member of the
48 Missouri Congressional delegation.