



COMMISSION ON  
NO CHILD LEFT BEHIND  
THE ASPEN INSTITUTE  
[www.nclbcommission.org](http://www.nclbcommission.org)

# Commission Staff Research Report

## *Children with Disabilities and LEP Students: Their impact on the AYP determinations of schools*

As part of the No Child Left Behind Act (NCLB), states must set annual targets that will lead to the goal of all students reaching proficiency in reading and mathematics by the 2013-2014 academic school year. For each measure of school performance, states must include absolute targets that must be met by key subgroups of students. These subgroups include major racial/ethnic groups, low-income students, children with disabilities, and limited English proficient (LEP) students. Schools and districts must meet annual targets<sup>1</sup> for each student subgroup in the school and must test 95% of students in each subgroup in order to make “adequate yearly progress” (AYP).

In order for a subgroup to be included for accountability purposes, it must meet the necessary “N-size.” Under NCLB, N-size is the minimum number of students required in a subgroup in order for an AYP determination to be made. Each state has the flexibility to decide what the N-size will be for the schools in their state. Some states have certain minimums such as 30 students and/or require a percentage of the total student population. The law originally created this exemption so that students’ privacy would not be compromised and that a small number of students would not have a significant impact on the AYP decision of a school.

Furthermore, even when these subgroups do not meet their annual targets, they are very often not the sole reason a school is identified as not making AYP.

However, larger N-sizes can have a considerable impact on the AYP status for a school. These N-sizes can make a significant difference in how many subgroups factor into a school’s AYP status. The trend since the initial year after the enactment of NCLB has been for states to enlarge their N-sizes. Due to this state trend, increasing numbers of students, including children with disabilities and LEP children, have not been included in state accountability systems. Coupling large N-sizes with a diverse population can create an environment where very few, if any subgroups are included in the AYP decision of a school.

... increasing numbers of students, including children with disabilities and LEP children, have not been included in state accountability systems.

One common complaint of No Child Left Behind is that schools are not making AYP solely because of children with disabilities or LEP students. The analysis done for this report raises questions about this claim due to the large numbers of schools in states that do not have to report for these subgroups. Furthermore, even when these subgroups do not meet their annual targets, they are very often not the sole reason a school is identified as not making AYP.

This case study analyzes student achievement data from the 2004-2005 academic school year in five states: California, Florida, Michigan, Georgia, and Pennsylvania. This study observes: 1) the number of schools that have to report for children with disabilities and LEP students, as well

<sup>1</sup> Annual targets may be met through averaging of up to three years of achievement data.

as the percentage of students that these populations represent, 2) the number of schools for which the students in these two subgroups did not make AYP, and 3) whether or not these schools missed AYP solely based on these two subgroups.

For this case study student achievement data was collected for each and every school in these five states. The data used was acquired from information posted on each state's Department of Education website or from data personnel of the state. Those seeking this data can obtain it from the Commission website at [www.nclbcommission.org](http://www.nclbcommission.org).

## **California**

In California, an AYP determination is required if the school has 100 or more students enrolled in a particular subgroup OR 50 or more students enrolled who make up at least 15 percent of the total enrollment.

### **Children with Disabilities Subgroup**

Of the 9,410 schools in California, 839 schools reported an AYP determination for at least one category for children with disabilities, including proficiency and participation in math and reading. This is 9% of the total number of schools within the state.

Of these 839 schools, 410 reported not making AYP in one of these categories for children with disabilities. Therefore, nearly 50% of schools reporting for a subgroup made up of children with disabilities did not make AYP. These 410 schools, however, only make up 4% of the total number of schools within the state.

Of the 410 schools, 28 schools did not make AYP solely because of the children with disabilities subgroup. This is a little less than 1% of the total 3,618 schools in California that did NOT make AYP or about .3% of the total schools in California.

The total number of children with disabilities tested in the 9,410 schools is approximately 380,586. Only one third of these students (104,884) are enrolled in the 839 schools that actually reported an AYP determination for the subgroup.

### **Limited English Proficiency (LEP) Subgroup**

Of the 9,410 schools in California, 4,140 reported an AYP determination for at least one category for LEP students, including proficiency and participation in math and reading. This is approximately 44% of the total number of schools.

Of these 4,140 schools, 2,101 reported not making AYP in at least one of these categories for LEP students. Therefore nearly 51% of schools reporting for the LEP subgroup did not make AYP. However, those 2,101 schools make up only 22% of the total number of schools within the state.

In California, 443 schools did not make AYP solely because of the LEP subgroup. This is about 12% of the total 3,618 schools in California that did NOT make AYP or about 5% of the total schools in California.

The total number of LEP students tested in the 9,410 schools is approximately 1,273,848. Approximately 87%, (1,113,826) are enrolled in the 2,101 schools that actually reported an AYP determination for the subgroup.

## **Florida**

In Florida, an AYP determination is required if a subgroup is comprised of 30 students AND at least 15% of a school's total enrollment. This was recently changed from previous years where the N-size requirement was just 30 students.

### **Children with Disabilities Subgroup**

Of the 3,106 schools in Florida, 1,813 reported an AYP determination for at least one category for children with disabilities, including only proficiency in math and reading. This is about 58% of the total number of schools.

Of these 1,813 schools, 1,333 reported not making AYP in one of these categories for children with disabilities. However, due to special flexibilities, 588 of these schools have been reported by Florida as making AYP provisionally and 70 were classified as making AYP. As a result, only 675 schools which did not make AYP for the children with disabilities subgroup have been reported as missing their AYP goals overall. Florida was granted a one-year flexibility to count more of its special education students with moderate disabilities as proficient on state tests.

In Florida only 23 schools did not make AYP solely because of the children with disabilities subgroup. This is approximately 2% of the total 1,162 schools that did not make AYP.

The total number of children with disabilities tested in the 3,106 schools is approximately 216,065. Approximately 83% (181,120) are enrolled in the 1813 schools that actually reported an AYP determination for the subgroup.

### **Limited English Proficiency (LEP) Subgroup**

Of the 3,106 schools in Florida, 724 reported an AYP determination for at least one category for LEP students, including only proficiency in math and reading. This is 23% of the total number of schools.

Of these 724 schools, 427 reported not making AYP in at least one of these categories for LEP students. However due to special flexibilities, only 247 of these schools have been reported by Florida as NOT making AYP. In addition, 171 made AYP provisionally, and 9 still made AYP. Florida factors in its own state accountability system into its AYP determinations. This allows schools to make AYP if they score an "A" or "B" in the state system. The U.S. Department of Education has not approved Florida's use of its own state accountability system in this manner.

In Florida only 10 schools did not make AYP solely because of the LEP subgroup. This is approximately 1% of the total 1,162 schools that did not make AYP.

The total number of students enrolled in testing for the LEP subgroup in the 3,106 schools is approximately 136,997. Nearly 80% (107,061) are enrolled in the 724 schools that actually reported an AYP determination for the subgroup.

## **Georgia**

In Georgia, an AYP determination is required if the subgroup size is 40 or 10% of the students enrolled in AYP grades, whichever is greater (with a 75 student cap).

### **Children with Disabilities Subgroup**

Of the 2,030 schools in Georgia, 1048 reported an AYP determination for at least one category for children with disabilities including proficiency and participation in math and reading. This is approximately 53% of the total number of schools.

Of these 1,078 schools, 192 reported not making AYP in any children with disabilities category. Therefore nearly 18% of reporting schools did not make AYP, however those 192 schools only make up 10% of the total number of schools.

Of the 192 schools, 140 schools did not make AYP solely because of the children with disabilities subgroup. This is approximately 7% of the total number of schools in Georgia.

The total number of students enrolled in testing for the children with disabilities subgroup in the 2,030 schools is approximately 108,316. Almost 80% (85,117) are enrolled in the 1,078 schools that actually reported an AYP determination for the subgroup.

### **Limited English Proficiency (LEP) Subgroup**

Of the 2,030 schools in Georgia, 209 schools reported an AYP determination for at least one category for LEP students including proficiency and participation in math and reading. This is approximately 10% of the total number of schools.

Of these 209 schools, 23 reported not making AYP in at least one of these LEP categories. Therefore about 11% of reporting schools did not make AYP, however those 23 schools only make up 1% of the total school population. 6 schools did not make AYP solely because of the LEP subgroup. This is about .003% of the total number of schools in Georgia.

The total number of students enrolled in testing for the LEP subgroup in the 2,030 schools is approximately 28,607. Over two-thirds of these students (19,279) are enrolled in the 209 schools that actually reported an AYP determination for the LEP subgroup.

## **Michigan**

In Michigan, an AYP determination is required if a subgroup has 30 or more students enrolled. Information from subgroups that do not meet this criterion will be reported to the individual school but not used for accountability purposes.

### **Children with Disabilities Subgroup**

Of the 3,566 schools in Michigan, 2,118 schools reported an AYP determination for at least one category for children with disabilities including only proficiency in math and reading. This is nearly 60% of the total number of schools.

Of these 2,118 schools, 98 reported not making AYP in at least one of these categories for children with disabilities. Therefore, nearly 5% of schools reporting did not make AYP. These 98 schools, however, only make up 3% of the total number of schools within the state.

In Michigan, only 54 schools did not make AYP solely because of the children with disabilities subgroup. This is approximately 12% of the total 436 schools in Michigan that did not make AYP.

The total number of children with disabilities tested in the 3,566 schools is approximately 53,015. Nearly 70% (36,439) are enrolled in the 2118 schools that actually reported an AYP determination for the subgroup. (In grades 4 and 7, the total number of students tested was calculated by averaging ELA and Math figures.)

### Limited English Proficiency (LEP) Subgroup

Of the 3566 schools in Michigan, 318 reported an AYP determination for at least one category for LEP students including only proficiency in math and reading. This is 9% of the total number of schools.

Of these 318 schools, 10 reported not making AYP in at least one of these categories for LEP students. Therefore 3% of reporting schools did not make AYP. However, these 10 schools make up less than 1% of the total school population within the state of Michigan.

In Michigan, only 10 schools did not make AYP solely because of the LEP subgroup. This is approximately 2% of the total 436 schools that did not make AYP.

The total number of students enrolled in testing for the LEP subgroup in the 2,030 schools is approximately 28,607. About two-thirds of these students (19,279) are enrolled in the 209 schools that actually reported an AYP determination for the LEP subgroup.

The total number of LEP students tested in the 3,566 schools is approximately 14,422. Nearly 45% (6,424) are enrolled in the 318 schools that actually reported an AYP determination for the subgroup. (In grades 4 and 7, the total number of students tested was calculated by averaging ELA and Math figures.)

## **Pennsylvania**

In Pennsylvania, a school is required to make an AYP determination if a subgroup has 40 or more students enrolled. For schools with an N-size below 40, the department will use two to three years of data in making AYP calculations if available, and will consider using a confidence interval. Therefore, all schools within the state must meet the same accountability requirements.

### Children with Disabilities Subgroup

Of the 3,025 schools in Pennsylvania, 341 reported an AYP determination for at least one category for children with disabilities, including proficiency and participation in math and reading. This is 11% of the total number of schools within the state.

Of these 341 schools, 187 reported not making AYP in at least one of these categories for children with disabilities. Therefore, nearly 55% of reporting schools did not make AYP. These 187 schools, however, only make up 6% of the total number of schools within the state.

Of the 187 schools, 109 schools did not make AYP solely because of the children with disabilities subgroup. This is approximately 19% of the total 583 schools in Pennsylvania that did not make AYP.

The total number of students enrolled in testing for the children with disabilities subgroup in the 3,025 schools is approximately 58,753. Nearly 41% (23,987) are enrolled in the 1,078 schools that actually reported an AYP determination for the subgroup.

#### Limited English Proficiency (LEP) Subgroup

Of the 3025 schools in Pennsylvania, 36 schools reported an AYP determination for at least one category for LEP students, including proficiency and participation in math and reading. This is approximately 1% of the total number of schools.

Of these 36 schools, 6 reported not making AYP in at least one of these categories for LEP students. Therefore over 16% of reporting schools did not make AYP, however those 6 schools make up less than 1% of the total school population.

There were no schools that did not make AYP solely because of the LEP subgroup.

The total number of students enrolled in testing for the LEP subgroup in the 3,025 schools is approximately 6,337. Nearly 20% (1,188) are enrolled in the 36 schools that actually reported an AYP determination for the subgroup.

Appendix – Supplemental Data Tables and Graphs

**IMPACT OF STUDENTS WITH DISABILITIES ON AYP**

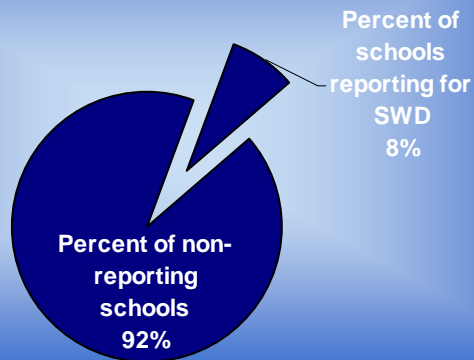
STATE	SCHOOLS REPORTING AYP FOR SUBGROUP	SCHOOLS THAT MISSED AYP IN SUBGROUP	AYP MISSED SOLELY BECAUSE OF SUBGROUP	STUDENTS IN REPORTING SCHOOLS REPRESENTED IN SUBGROUP
California	9%	4%	1%	28%
Florida	58%	22%	2%	83%
Georgia	53%	10%	38%	80%
Michigan	60%	3%	12%	70%
Pennsylvania	11%	6%	19%	41%

**IMPACT OF STUDENTS WITH LIMITED ENGLISH PROFICIENCY ON AYP**

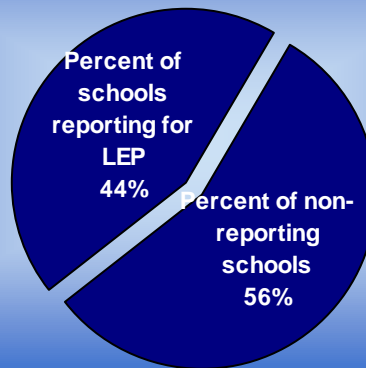
STATE	SCHOOLS REPORTING AYP FOR SUBGROUP	SCHOOLS THAT MISSED AYP IN SUBGROUP	AYP MISSED SOLELY BECAUSE OF SUBGROUP	STUDENTS IN REPORTING SCHOOLS REPRESENTED IN SUBGROUP
California	44%	22%	12%	87%
Florida	23%	8%	1%	80%
Georgia	10%	1%	2%	67%
Michigan	9%	Less than 1%	2%	45%
Pennsylvania	1%	Less than 1%	0	20%

# CALIFORNIA

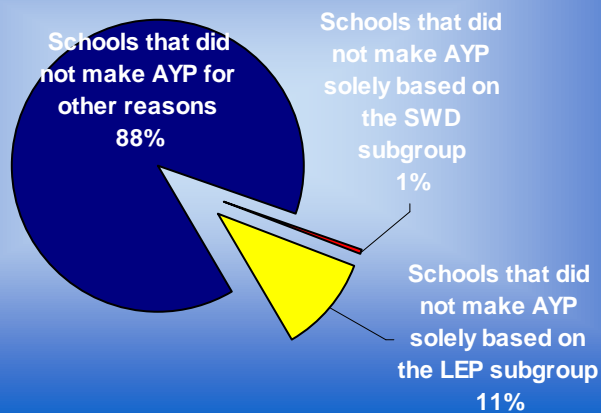
## California Students with Disabilities



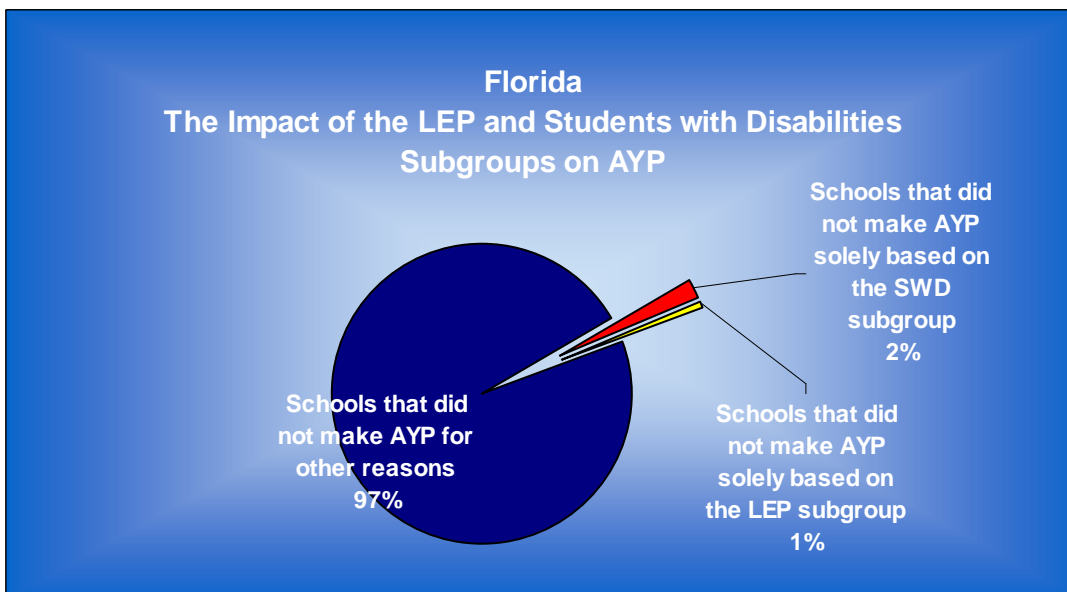
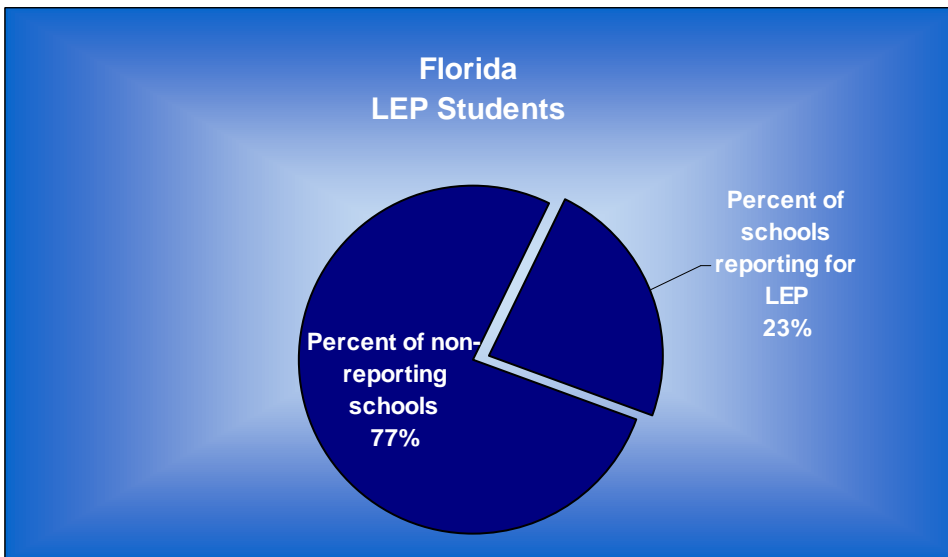
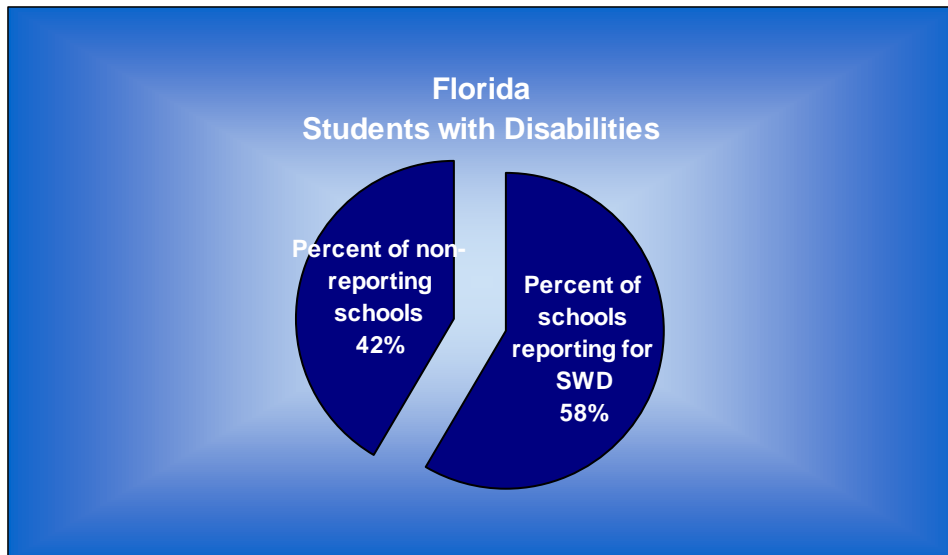
## California LEP Students



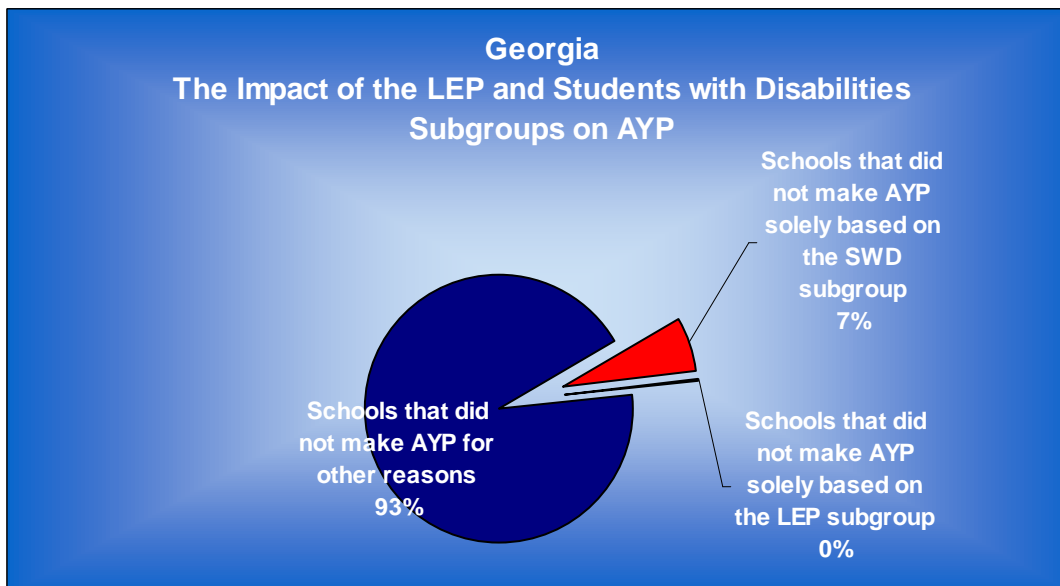
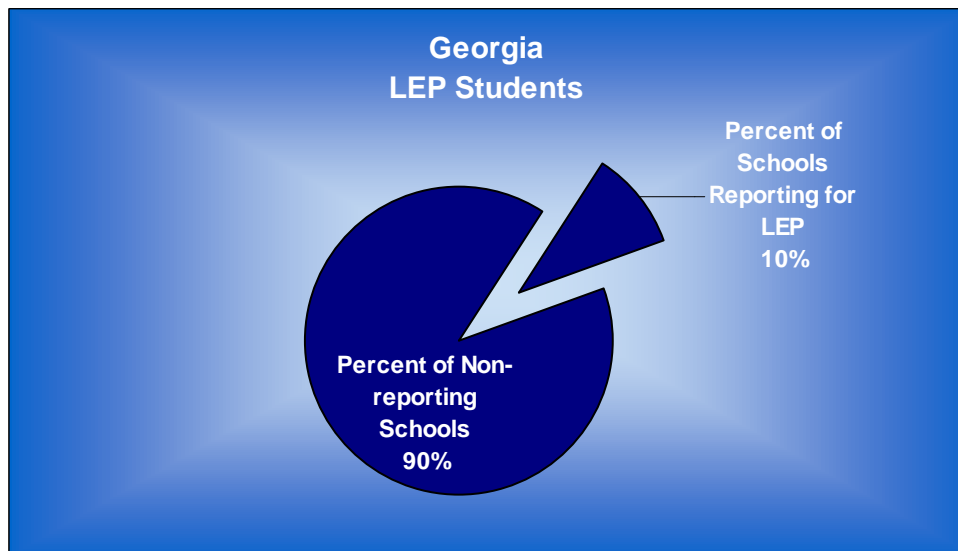
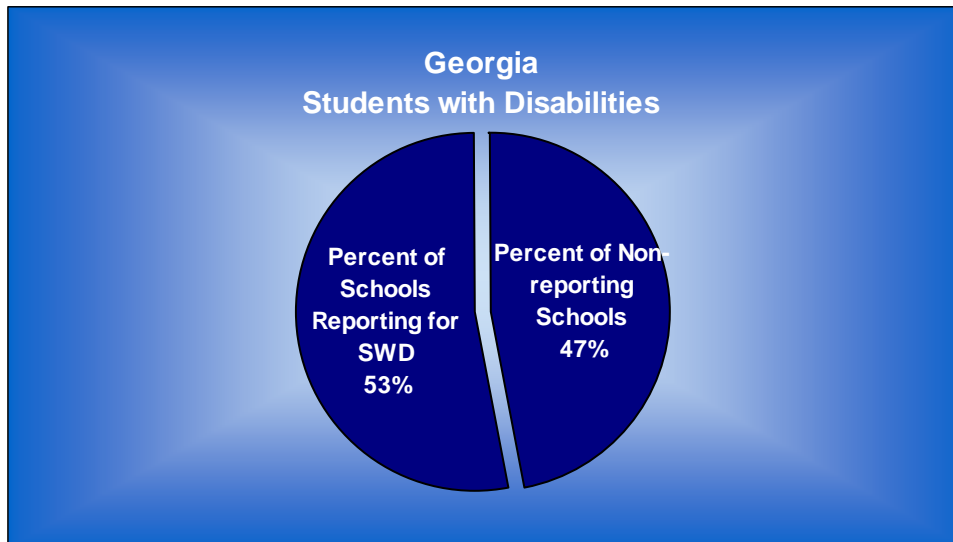
## California The Impact of the LEP and Students with Disabilities Subgroups on AYP



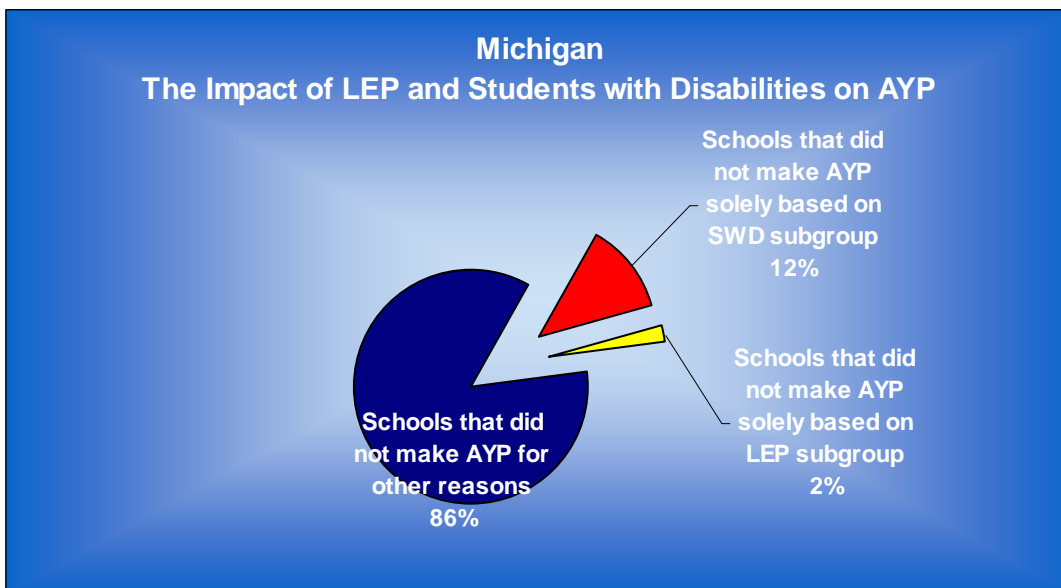
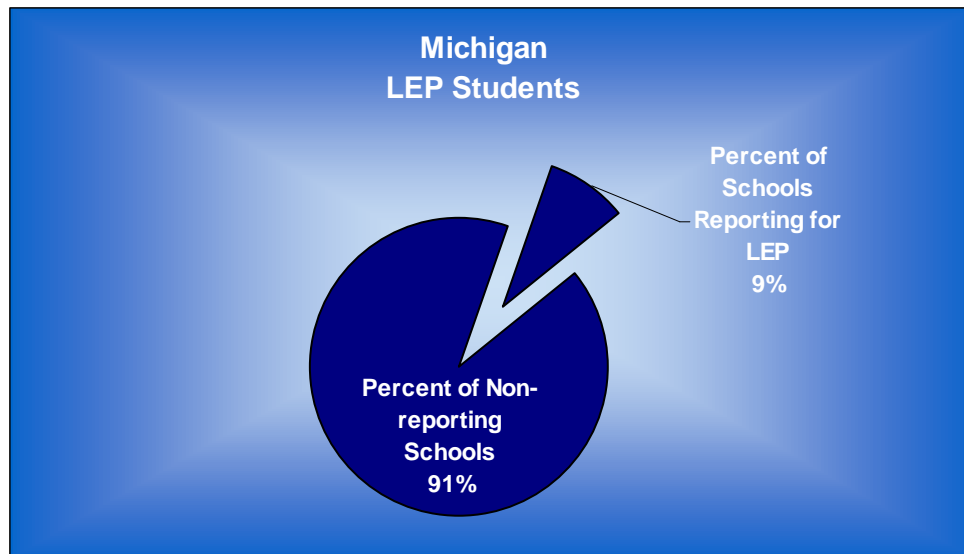
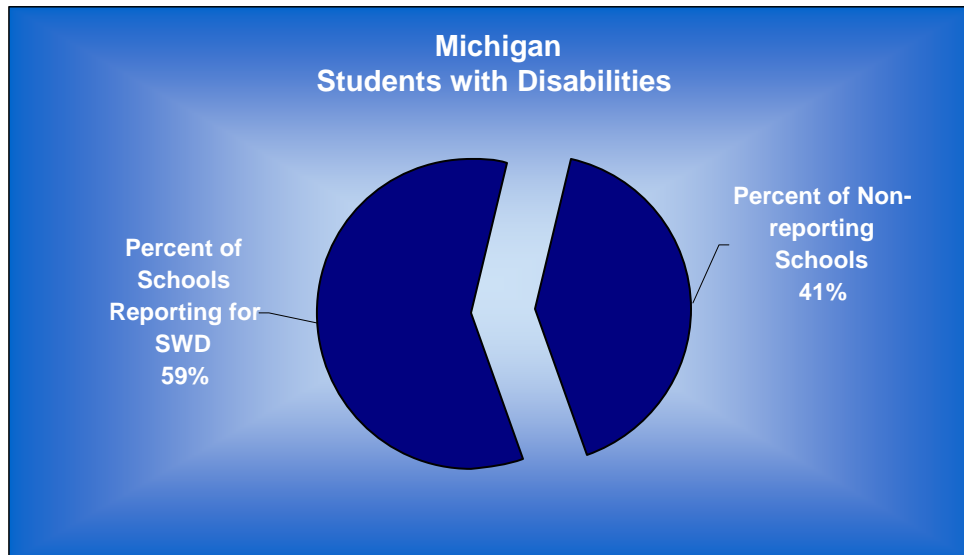
# FLORIDA



# GEORGIA

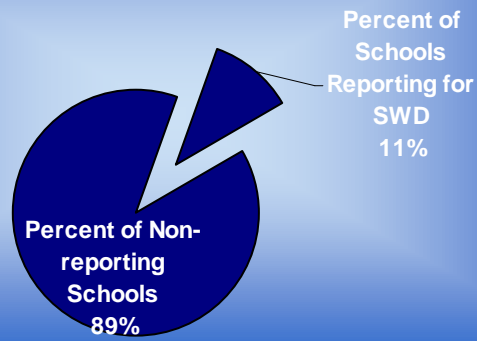


# MICHIGAN

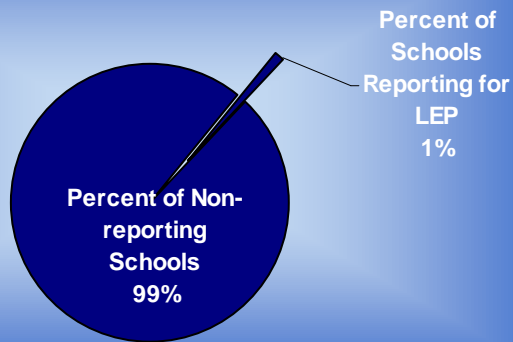


# PENNSYLVANIA

## Pennsylvania Students with Disabilities



## Pennsylvania LEP Students



## Pennsylvania - The Impact of LEP and Students with Disabilities on AYP

