

The Assessment of Special Education Students: A North American Overview

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Abstract

There are a large and increasing number of students with learning disabilities at Pre-K-12 schools in North America. Policymakers, researchers, advocates, service providers, and parents have been pushing for improved identification of students who are eligible for special education services for years. Both the United States and Canada have tried to implement regulations that call attention to academic standards and achievement outcomes, including requiring students with learning disabilities to partake in state/province-wide and district-wide assessments with proper accommodations and adaptations if needed. Therefore, the examination of the issues in assessing special education students in both North American countries has important educational implications. This paper includes two major sections. The first section describes the current special education assessment laws, policies, and regulations in each country. The second section discusses issues, concerns, and implications for both research and practice in the field of assessing special education students.

Keywords: Special education students. North American Pre-K-12 schools, State assessments, Provincial examinations

INTRODUCTION

Data from the U.S. Department of Education (2010) indicate that there were 6.6 million students with disabilities in 2007-2008 in the United States. These students make up 13 percent of the public school systems; 57 percent of students with disabilities are in the general education classroom setting more than 80 percent of the school day. Policymakers, researchers, advocates, service providers, and parents have been pushing for improved identification of students who are eligible for special education services for years (Danaher, 2005). In 1975 states and jurisdictions were required to provide all eligible students with special education services under the Education for All Handicapped Children Act (Danaher, 2005). In the past, students with disabilities were not required to participate in either school-level or district-level standardized testing; the federal law of 1975 and the Individuals with Disabilities Education Act (IDEA) of 1990 focused more on procedural compliance rather than student achievement outcomes (Kloo & Zigmond, 2009).

IDEA 1997 began to implement regulations that call attention to academic standards and achievement outcomes, including requiring students with disabilities to partake in statewide and district-wide assessments with proper accommodations and adaptations if needed (Kloo & Zigmond, 2009). The No Child Left Behind Act (NCLB) of 2001 was established to close the achievement gap among students. NCLB reiterated the notion that students with disabilities are no longer to be prohibited from assessment and were to be included in the districts accountability system (Kloo & Zigmond, 2009). The Individuals with Disabilities Education Act of 2004 furthered the rights of students with disabilities.

Special education in Canada began in the mid-1800s with the emergence of special school for the visually impaired. With such a large area in Canada, these schools were located in the areas with the largest populations. Over the next 150 years, the education system would emerge with the delivery of special education as an important part in education. Because of the vast space within Canada, control over educational policymaking went to each province or territory; so the federal government does not pass legislation mandating educational policies (Dworet & Bennet, 2002). Winzer (1996) indicates that the “financing, curriculum, and delivery of special education programs and services, as well as all other aspects of providing a compulsory education program, come under the control of the provincial/territorial legislative assembly and may differ from jurisdiction to jurisdiction” (quoted in Dworet & Bennet, 2002, p. 22). The Canadian Charter of Right and Freedoms (CCRF), which was passed in 1982, guarantees that all citizens receive equal treatment under the law and that discriminating based on a handicapped condition is not permitted (Dworet & Bennet, 2002).

Furthermore, each province and territory has its own human rights code that further protects all of the citizens in each province. For example, in 1987 Manitoba’s Human Right Code authorized the *Manitoba Human Rights Commission* to mediate/investigate discrimination complaints based on many things including physical and mental disabilities (Council of Exceptional Learners, 2009). Due to the CCRF and each provinces human rights codes, in education there is a duty to accommodate the needs of students with disabilities to allow them to access educational services equally (Council of Exceptional Learners, 2009).

In Canada, education is the responsibility of each province and territory, so each province and territory have their own set of rules. In Alberta, education is directed under the terms of the School Act (Alberta Learning, 2003). Alberta education had developed programs to develop and deal with special needs students. The policy is that “school authorities are required to provide special education based on individualized Program Plans (IPPs) designed to meet the educational needs of identified exceptional students” (Alberta Learning, 2003). The Alberta school act has specific sections including s47, s8, s45, s48, s123, s124, and s125 that deal with the special education programs within the province of Alberta. The School Act holds each board responsible for providing special education programs for students identified as having special needs (Alberta Learning, 2003).

In Ontario, education is directed under the terms of the Education Act by the Education Amendment Act of 1980 (Bill 82). There have been many amendments to the Education Act in Ontario, but the principal provisions of Bill 82 remain (Ontario Ministry of Education, 2007). A number of regulations made under the Education Act concern special education and include regulation 181/98, 306, 464/97, 298, 296 (Ontario Ministry of Education, 2007). Ontario’s Ministry of Education established Standards for School Boards’ Special Education Plans in 2000, which is a policy to guide each board’s special education programs.

In 1995, a special education policy framework for British Columbia (BC) was established, and this policy framework guided the development of legislation and guidelines for special education programs in the province and served as the foundation for special education services: A Manual of Policies, Procedures, and Guidelines (BC Ministry of Education, 2010). The special education policy in BC states that all students have equitable access to learning, opportunities for achievement and the pursuit of excellence in all aspects of their educational programs (BC Ministry of Education, 2010). The legislation/regulations that concern special education include Special Needs Students Order M150/89, Individual Education Plan Order M638/94, Student Progress report Order M191/94, Support Services for School Order M282/89, and Section 11 School Act (BC Ministry of Education, 2010). The United States of America and Canada are two North American countries. Therefore, the examination of the issues in assessing special education students has important educational implications. This paper includes two major sections. The first section describes the current special education assessment laws, policies, and regulations in each country. The second section discusses issues, concerns, and implications for both research and practice in the field of assessing special education students.

CURRENT ASSESSMENT LAWS, PLOCIES, AND REGUALTIONS

In the **UNITED STATES**, the Individuals with Disabilities Education Act (IDEA) was passed in 2004. IDEA 2004 is a federal statute that authorizes funding for children with disabilities to receive special education and services related to their disabilities (Archuleta-Staehlin, 2008). IDEA 2004 developed a list of thirteen separate disability categories that allow students to be eligible for special education and related services. These thirteen disability categories include Autism, Deaf-Blindness, Developmental Delay, Emotional Disturbance, Hearing

Impairment, Mental Retardation, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury and Visual Impairment (Giuliani & Pierangelo, 2008). Comprehensive assessments to identify disabilities a student may have can enhance the educational experience of a child in an immense way (Giuliani & Pierangelo, 2008). Under IDEA 2004, it is stated that “each student receives instruction that is specially designed to meet the students unique needs (which result from having a disability); and to help the student learn the information and skills that other students are learning” (Giuliani & Pierangelo, 2008, p. 1). A “Free Appropriate Public Education” is promised to all special education students under IDEA, in special circumstances a child may be placed in a private school to meet their unique needs by either the local education system or state education system and tuition is covered by the agency that placed the student in the private school (Archuleta-Staehlin, 2008, p. 40). In order to receive funding, states must comply with the regulations of IDEA which covers students from age three to 22 (Archuleta-Staehlin, 2008). Schools must adhere to laws, policies and regulations implemented by IDEA.

IDEA outlines the identification and assessment of students with disabilities. There are several steps that must be followed accurately in order for an assessment to be completed correctly, under the laws of IDEA a multidisciplinary team of trained professionals are needed to conduct assessments of special needs students (Giuliani & Pierangelo, 2008). It is mandated under federal law that all students must be assessed in order for them to be entitled to special education services (Ysseldyke, 2004). Services include physical therapy, occupational therapy, recreational therapy, speech therapy, behavioral therapy, psychological services and assistance from audiologists, educational assistants, social workers and other educational staff (Archuleta-Staehlin, 2008). Under IDEA there are regulations that must be followed in order to properly carry out these services, including how much service a student is entitled to receive (Archuleta-Staehlin, 2008). Federal laws also require individual education programs be developed for all special education students that include instructional objectives determined by a comprehensive individualized assessment (Ysseldyke, 2004). Special education curriculum and goals are also outlined and regulated by IDEA.

There are several different laws and stipulations that are to be followed by school districts to ensure that all students with disabilities are receiving a fair and proper education. State performance goals for special education students and their specific requirements in accordance with both, local and state assessments, evaluations, disciplinary action and graduation requirements regarding special education students are identified by IDEA (Archuleta-Staehlin, 2008).

In the United States seven laws were passed between 1973 and 2001 regarding the assessment of special education students which have had a huge impact on education (Ysseldyke, 2004). These seven laws include “Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), the Education for All Handicapped Children Act of 1975 (Public Law 94-142), the 1986 Amendments to the Education for All Handicapped Children Act (Public Law 99-457), the Individuals with Disabilities Education Act (Public Law 99-457), the Individuals with Disabilities Act of 1990 (IDEA; Public Law 101-476), the Americans with Disabilities Act of 1992 (ADA; Public Law 101-336), the 1997 Amendments to the Individuals with Disabilities Education Act (Public Law 105-17), and the 2001 Elementary and Secondary Education Act (No Child Left Behind Act) (Public Law 107-110)” (Ysseldyke, 2004, pp. 49-51). In 2004 IDEA was passed and along with the above mentioned, this act provides a set of laws regarding students individual education plans (IEPs), district and state-wide assessment regulations and further outlines the rights of students with disabilities.

To help students reach their academic goals and assist educators in providing instruction to meet their unique needs, IEPs have been developed for all students with disabilities. Along with identifying students who qualify for special education programs, IDEA also regulates who can determine if a student qualifies and what a student’s IEP should consist of for a 12 month period (Archuleta-Staehlin, 2008). IEP teams develop students IEPs and determine if a student is able to participate in regular assessments or alternative assessments based on the criteria provided by the state (Bowen & Rude, 2006). Under IDEA students with disabilities are responsible for learning the same curriculum and performance standards as their peers, in order to accommodate students with disabilities when it comes to the assessment of the curriculum, NCLB permits alternate assessments that are based on alternate achievement standards to be created if the regular assessment of curriculum is not suitable (Kloo & Zigmond, 2009).

If a student is unable to take a regular assessment, accommodations can be made to the test to allow the student to participate; accommodations can be made to the presentation of the assessment or the student's response (Bowen, & Rude, 2006). Accommodations are implemented to make certain that a student's disability is not being measured and their knowledge, abilities and skills are; states vary in their policies and procedures regarding how they summarize and report any accommodations made to assessments and the overall scores (Bowen & Rude, 2006). When utilizing accommodations it is important to ensure they do not alter what the test is measuring in a major way (Bowen & Rude, 2006). If a student is unable to take an assessment that has been accommodated to meet their needs, a state-approved alternate assessment aligned with standards can be given to the student (Bowen & Rude, 2006). There are several assessment stipulations to be followed by school districts state-wide listed under IDEA 2004.

Along with federal laws there are several ethical issues to consider regarding assessment and special education. Assessment decisions can impact a student's life in a major way; educators must take responsibility for the consequences of their professional work, this includes accepting the possible consequences associated with their work, as well as, ensuring their services are appropriately being employed (Ysseldyke, 2004). When choosing to be an educator, you are choosing to be a life-long learner. It is important for professionals to self-assess their work, acknowledge their limitations and engage in the continuation of their education in order to "maintain high standards of competence" (Ysseldyke, 2004, p. 59). This is especially important when professionals work with students from both culturally and linguistically different backgrounds and varying types of disabilities; before assessing culturally or linguistically different students educators should have prior experience working with such a diverse group of special needs students (Ysseldyke, 2004). When assessing students examiners obtain a wealth of information about a child and it is vital that this information be kept confidential. In many schools and organizations, a general "ethical principal held by most professional organizations is that confidentiality may be broken only when there is clear and imminent danger to an individual or society" (Ysseldyke, 2004, p. 59). Assessors should make accommodations to sustain confidentiality when storing and disposing personal student information and records, as well as, refraining from disclosing assessment results or its content (Ysseldyke, 2004). It is important for teachers to be properly educated on how to assess special education students in order to effectively instruct and help students with disabilities succeed academically.

Special Education students are now required to take part in state-wide assessments; this may involve providing students with appropriate accommodations or even alternate assessments in order for children with disabilities to participate in these assessments. Now that states require students with special needs to partake in the same state-mandated tests as their general education peers, school districts must make accommodations or alternate assessments for these students (Samuels, 2006). The process of administering tests to special education students becomes difficult when there is an increase in the number of accommodations a child needs; great care must be taken when implementing these accommodations in order to obtain fair scores that represent what a child knows (Capizzi, Fuchs, & Fuchs, 2005). Regularity regarding the methods or necessity of using accommodations among different states is minimal (Samuels, 2006). Accommodations are considered to be changes that differ from the way the test was originally standardized including changing the administration of the test or the conditions in which a student takes the test under (Capizzi et al., 2005). Common testing accommodations include providing students with additional time, which has shown to improve scores among students with disabilities (Capizzi et al., 2005). Allowing students to write directly on a test rather than transfer answers onto a bubble sheet is another accommodation students may receive; this allows students to focus solely on the test questions and eliminates the possibility of errors occurring during the transferring of answers (Capizzi et al., 2005).

Other accommodation students may be provided with for an assessment is having the test read aloud and being placed in alternative environments. Reading the text of an assessment aloud to students should be done cautiously in order to ensure students are not receiving an unfair advantage over their peers (Capizzi et al., 2005). Placing students in separate testing conditions is beneficial as they eliminate classroom distractions that may interfere with a student's concentration (Capizzi et al., 2005). State assessments only provide one source of information for educators to assess in order to determine a student with disabilities academic progress (McLaughlin, 2010). Classroom assessments are also valuable and necessary to track the progress of a student and determine if they are meeting the goals established in their IEPs. Instruction is driven by the needs of students, in order to effectively teach curriculum educators must continuously assess students' content knowledge to ensure they are gaining valuable knowledge necessary for them to further their education.

Formal and informal assessment strategies assist teachers in determining instruction that is appropriate, as well as, assess student progress (Reeves & Stanford, 2005). Formative classroom assessments help educators monitor their students' learning progress which allows them to make adjustments and changes to instruction in order to ensure it will be most effective (Salend, 2009). When instructing special education students it is vital to refer to a student's IEP when planning lessons, assignments and assessments. Educators can use summative assessments that are developed based on a student's IEP goals and curriculum learning standards for accurate grading, assessment and communication about a student's knowledge of skills, content, topics and concepts taught in class (Salend, 2009). Students' IEPs should include assessment methods that are appropriate for the student; this information should be used to drive both classroom assessment and their participation in state assessments (Adams & Lynch, 2008). Assessments should match the classroom instruction that is aligned with students IEPs, this allows for improved individualized learning to occur (Reeves & Stanford, 2005). Although educators may have to follow federal regulations regarding the content of assessments and how they are administered, the type of assessments educators create differ immensely.

Classroom assessments can be made in pencil and paper format or through the use of technology; there are various ways teachers can develop assessments to meet the unique needs of their students. Rubrics, T-charts and checklists are effective ways for educators to develop assessments based on the needs of students in the class (Reeves & Stanford, 2005). Rubrics used for assessment are individualized to meet the needs of students and curriculum objectives; they identify both the strengths and weaknesses of students (Reeves & Stanford, 2005). T-charts clarify expectations and allow educators to indicate behavioral objectives for students easily (Reeves & Stanford, 2005). Checklists are structured and based on T-charts; they help educators to clearly define assessments by assisting the growth and development of both instructional and behavioral expectations (Reeves & Stanford, 2005). Through the use of technology educators can create assessments that are aligned with the statewide learning standards that are established for students with disabilities who do not partake in high-stakes assessments (Salend, 2009). Other forms of technology based assessments include digital observations/diaries, web pages or sites, podcasts, technology-based active responding (clickers), wikis, web quests, digital videos and stories and blogs (Salend, 2009). If educators pursue technology based assessments it is imperative that they are continuously evaluating their methods to ensure they are appropriate and the intended outcome is being achieved (Salend, 2009). Educators must always evaluate the effectiveness of their instruction and assessment in order to ensure they are properly assisting students to reach their goals.

Across **CANADA**, a student programming is centered on an Individual Education Plan (IEP). Each province's IEPs are different. For example, the categories and definitions of exceptionalities differ from BC and Ontario. There are ten categories in BC that include Intellectual Disabilities, Gifted, Learning Disabilities, Behavioral Needs or mental Illness, Physically Dependent, Deaf/Blind, Physical Disabilities or Chronic Health Impairments, Visual Impairments, Deaf or Hard of Hearing, Autism, Spectrum Disorder (BC Ministry of Education, 2010). In Ontario, there are twelve different categories that include Behavior, Communication-Autism, Deaf and Hard-of-Hearing, Language Impairment, Speech Impairment, Learning Disability, Giftedness, Mild Intellectual Disability, Developmental Disability, Physical Disability, Blind and Low Vision, and Multiple Exceptionalities (Ontario Ministry of Education, 2000). The Northwest Territories make no mention of what constitutes exceptionality; they support the rights of all students to an inclusive education and support services that meet individual needs (Dworet & Bennet, 2002). With different categories come different assessments and ways of assessing, and it is "possible that, although many of these definitions are similar, a child deemed to be exceptional in one jurisdiction can then lose this label when moved to another jurisdiction" (Dworet & Bennet, 2002, p. 23).

Many of the provinces have different names for their plans such as Individual Program Plan in Alberta, Individual Support services Plan in Newfoundland, Individual Education Plan in the Northwest Territories (Dworet & Bennet, 2002). Even with the differing names, each province or territory has similar procedures that they use to develop IEPs. Each province's IEP has similar features but the one that will be discussed is that of the evaluation of student learning. All students that have an IEP should be assessed as per the IEP and see if they have met the grade level expectations. A student must meet the expectations of the provinces curriculum.

For example, the Special Education Services Manual in BC outlines specific expectations for the evaluation of student learning. These expectations state that if at all possible, students will be evaluated using the standards established for other students and on all the components of a program.

It is important that evaluation and reporting procedures accommodate the range of adaptations and modifications, so as to recognize that students with special needs may take part in the regular program with some adaptations (i.e., the student is following the same curriculum but aspects of the program require adaptation); 1) take part in the regular program but have some modified components (i.e., in some areas, the expected learning outcomes are substantially different from the regular curriculum; for example, math may be totally individualized, with a life-skills orientation); and/or 2) participate in a program that is completely modified (e.g., a student with profound intellectual (BC Ministry of Education, 2010). Furthermore, there will be students whose learning outcomes will be the same as the other students in their class, but the teacher will adapt their evaluation (e.g., an oral exam instead of a written). The evaluation is based on if the learning outcomes of the course have been met. Such an accommodation must be in the students IEP (BC Ministry of Education, 2010). There will also be cases where the expectations of the course are not met because of extensive modifications. For these cases the student can not earn that particular credit and evaluation must be referenced to individually established standards (BC Ministry of Education, 2010).

Ontario Ministry of Education requires standardized testing of elementary students in grades 3 and 6 in reading, writing and math. There is also standardized testing for students in grade 9 in math, and a standardized test for students in grade 10 in reading and writing; a grade 10 student has to pass the literacy test in order to graduate high school (Ontario Ministry of Education, 2010). All students registered in Grade 3, 6, and 9 in Ontario are required to take part in the provincial testing, unless they were exempt. According to the Education Quality and Accountability Office (EQAO, 1997), exemptions could be offered “if the full range of permitted accommodations has been considered and it is determined that the student still would not be able to provide evidence of learning under these conditions” (quoted in Childs, Demeris, & Jordan, 2007, p. 615). A student can be identified as exceptional and needing special education support (accommodations) for writing the provincial examination. “A student who has been identified through Identification, Placement, and Review Committee process - or even one who has not been formally identified but who has special needs - may be considered for accommodations” (Childs et al., 2007, p. 616). Allowable accommodations can include additional time and assistance in recording responses (Childs et al., 2007).

The one exception to exemption in Ontario is the grade 10 Literacy Test (OSSLT). If a student entered grade 9 in September 2000 or later and are working toward an Ontario Secondary School Diploma (OSSD), they must write the test. This statement includes all students in publically funded schools. Students can get accommodations for the OSSLT if they have an IEP that states they have accommodations for classroom tests and assignments. To be exempt from the OSSLT, a student’s IEP must indicate that the student is not working toward an OSSD. Even if they are exempt and do not write the test, they are counted into the final statistics as a fail (EQAO, 2010). All standardized tests are administered and evaluated through EQAO in Ontario (EQAO, 2010). All tests are marked at a central location by school teachers, selected from across the province of Ontario, using the same rubric and exemplars. If a child fails a section of a test, there will be a second reading by another teacher to confirm the fail. All students are evaluated in the same manner (EQAO, 2010).

ISSUES, CONCERNS, AND IMPLICATIONS

In the **UNITED STATES**, there are always issues and concerns about instruction and assessment, especially when it is regarding special education students. Assessment of special education students and accommodating their tests to fit their unique needs is always a topic of discussion. Assessment accommodations are controversial; people question the different types of accommodations being utilized, as well as, how appropriate the accommodations are (Bowen & Rude, 2006). Evidence proving accommodations are effective in assisting students with disabilities when taking assessments is minimal, more research needs to be conducted in this area especially because it is widely accepted and a federal mandate (Bowen & Rude, 2006). Researchers have found that educators often use “a blanket set of accommodations” for all students without doing the leg work to determine if the accommodations are necessary for all special education students (Samuels, 2006, pp. 11). Educators have also been found to recommend inaccurate accommodations to special education students due to their lack of understanding of the variance that exists among student needs (Dillon, 2006). In some cases educators are even unaware that a student with disabilities is taking an assessment in which they require accommodations for (Samuels, 2006). As schools attempt to follow the rules and regulations set forth by state and federal policy, they have found that the two have conflicting policies; it is important for states to develop clear and effective frameworks to guide IEP team members on how to assess students with disabilities (Samuels, 2006).

Classroom assessments are not always effective in monitoring the progress and knowledge of students with disabilities, pencil-and-paper forms of assessments have been regarded as being irrelevant and not correlating to instructional content (Reeves & Stanford, 2005). When issues and concerns arise, implications to improve the current situation follow.

In the future there is a need for further improvements in the area of assessment and special education. It is believed that learner-centered assessment processes are beneficial for students with disabilities as it allows students to understand the task and how they will be assessed (Reeves & Stanford, 2005). Establishing expectations that students clearly understand is important, authentic assessment allows teachers to provide information about expectations to students, other professionals and parents through concrete forms of assessment (Reeves & Stanford, 2005). Educators can also help identify expectations for students and parents by incorporating standards into assessment; one assessment alone is not able to describe in full a student's performance and progress which is why a variety of multiple assessments is necessary (Ehrensberger & Hong, 2007). Assessments is best when educators combine both formal and informal assessments that provide an authentic understanding of a student's knowledge and academic performance, to allow an accurate evaluation of their progress (Ehrensberger & Hong, 2007).

It is important for teachers to evaluate student progress and have a clear understanding of their strengths and weaknesses in order for adaptations to be made that are appropriate for ensuring student success (Ehrensberger & Hong, 2007). A major implication in assessment of special education is to develop a universal assessment that eliminates accommodations because it will be designed with the consideration of the needs of students with disabilities (Dillon, 2006). However, even a universal assessment cannot be productive unless it is used in adjunct with instruction that is effective in meeting the goals and needs of students with disabilities (Dillon, 2006). It will take the efforts of all educators to employ new assessment and instructional techniques in order to find the most effective ways to monitor and identify the progress of students with disabilities

In **CANADA**, there are also concerns about the assessment of special needs students. There are many strategies and ways to improve the way that teachers assess their special needs students. First, they need to consider the most recent and consistent mark in a classroom environment. A special needs student can progress greatly throughout a course of study, and should be evaluated on this progress. This marking process is greatly neglected today as teachers still often use averages throughout the year to determine the student's final mark. Teachers have to look at an overall mark and reflect to see if their teaching practice needs to be adjusted. Second, teachers that teach students with special needs must use differentiated instruction and assessment practice. More use of computers and other assistive technologies to help the students are needed; a move away from pencil and paper would also benefit all students. By using differentiated assessment, teachers will be able to ensure that their students, especially special needs students, can use their differing abilities and strengths. Third, there have to be special provisions for testing, including school based and provincial tests that are available to students with special education needs throughout the course of the year, as required (Alberta Learning, 2004).

Fourth, there has to be better preparation for teachers that work with special needs students. They should balance this by offering a sound program for the other students in their classroom (Alberta Learning, 2003). Finally, there needs to be better use of the IEP and the accommodations within each student's IEP. This is another area where teachers often neglect or do not use at all. There are many things that a teacher can do to improve the experience and the outcomes for students with special needs in the classroom. Each individual teacher has to be willing to put in the time and effort to make his or her classroom and school better places for all students.

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