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# *Press Release*

For Immediate Release

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## **CEC Supports Bill Enabling Schools to Retroactively Meet Adequate Yearly Progress Requirements**

### *Through Legislation, Many Schools Spared “Needs Improvement” Label*

**ARLINGTON, VA, JULY 1, 2004**—The Council for Exceptional Children (CEC) applauds the *No Child Left Behind Fairness Act*, recently introduced in Congress. Under this legislation, schools could apply the Department of Education’s new guidelines for determining Adequate Yearly Progress (AYP) for testing done last year as well as this year.

“CEC believes the *NCLB Fairness Act* will enable many, if not all, schools who failed to meet AYP in 2002-2003 to instantaneously meet AYP, thereby allowing them to shake the label of ‘needing improvement,’” says CEC President Suzanne Martin.

The Department of Education (ED) in April announced new, less stringent guidelines on determining AYP, which will enable thousands of schools to meet AYP. However, ED refused to allow schools to apply these new rules to 2003 test results. By preventing schools from applying the new guidelines to 2003 testing, ED is forcing schools to live by a set of rules that are no longer being enforced. This is not only unfair, it is also confusing, prevents schools from comparing data and pursuing real improvement, and could divert funds from schools that are struggling it to those that have been misidentified.

By endorsing this legislation, CEC is by no means backing away from accountability for students with disabilities. However, the law must be fair to students with disabilities and our schools.

**To read CEC's recommendations and comments on NCLB, go to [www.cec.sped.org](http://www.cec.sped.org).**

The Council for Exceptional Children is the premiere association for special educators. CEC works to improve the educational success of individuals with disabilities and/or gifts and talents.

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