

No Child Left Behind *And Its Implications for Students with Disabilities*

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On January 8, 2002, the No Child Left Behind (NCLB) Act was signed into law, reauthorizing the Elementary and Secondary Education Act of 1965, which established the federal framework for how we provide public education throughout the country. NCLB was built upon that framework, but adds four philosophic pillars of its own to ensure that every child—particularly the neediest—receives a quality education. These four foundational convictions express a belief in the importance of the following: accountability for results in education; flexibility in the way states and communities are allowed to use educational funding; research-proven effectiveness in the chosen instructional methods and materials in the classroom; and influence, information, and choice for parents.

The overall aim of NCLB is to have all students performing at proficient levels in the two educational cornerstones, reading and mathematics, by the year 2014, while at the same time closing the achievement gaps of students of different genders or minority groups; students who are

English language learners or who are economically disadvantaged; and students who have a disability. This article will explore the philosophical and programmatic changes envisioned by the four NCLB pillars and their particular implications for children with disabilities and their parents, teachers, and administrators.

Accountability for Results for All
Even before NCLB became law, states have been responsible for establishing and maintaining high academic standards for what every child learns in reading, language arts, and mathematics at the elementary, middle, and high school levels. This effort is being completed in phases, with states currently in the process of establishing standards for science that will be in place by 2007–08. These standards provide guideposts for achievement and tell students and parents what is expected.

Under NCLB, all states will implement statewide systems of testing and accountability for all public schools and all students in order to provide a picture of how successfully each school is teaching its established standards. To create an accurate picture of their success, schools must “break out,” or

disaggregate, assessment results and state progress objectives by a number of important categories: poverty, race, ethnicity, disability, and English language proficiency. NCLB assumes that the data gathered from these tests will then be used to identify strengths and weaknesses in the schools and educational systems. These results will not only reflect how much progress students have made in meeting state academic standards, but also guide important decisions about professional training, curriculum, and instruction.

NCLB also requires schools to submit state and district report cards for review by administrators, teachers, parents, and policymakers, as well as state and local leaders. These annual report cards will include the following information:

- Student academic achievement disaggregated by subgroup
- Comparisons of students at basic, proficient, and advanced levels of academic achievement
- Graduation rates
- Professional qualifications of teachers
- Percentages of students not tested
- Measures taken to address school achievement by schools identified as needing improvement

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Each state will determine the degree of progress that its schools and districts need to make toward student achievement and teacher quality. Any school or district that fails to meet that requirement will lose some of its autonomy and be subjected to corrective action and restructuring measures to help it meet state standards. For example, a failing school will be required to offer supplemental services and transportation to other schools; it may also face restructuring—particularly if the school does not meet adequate yearly progress after one year of corrective actions.

Because it is important to celebrate schools that make real progress, schools that meet or exceed their goals or close achievement gaps between groups of students will be eligible for State Academic Achievement Awards. Also, states will be able to financially reward teachers in schools that receive these kinds of awards; and they may designate schools that make the greatest achievement gains as “Distinguished Schools.”

Implications for Special Education

It is essential for all students, including those with disabilities, to be held to appropriate state standards and to make regular progress in their learning. It is also critical for states and school districts to have single, integrated accountability systems for all students. These requirements of NCLB, however, do present several challenges for schools.

- If students with disabilities are to meet the goal of achieving at proficient levels by the year 2014, they will need to have access to the general education curriculum. Clearly, students with disabilities cannot demonstrate knowledge about content that they have not been taught. Our current challenge

is to ensure this access to these students.

- Some students with severe cognitive disabilities may not be able to meet proficient assessment levels and state standards within the NCLB time frame. But if students with disabilities do not do well on statewide assessments, states may be tempted to lower standards and their criteria for what constitutes appropriate yearly progress. Schools may also feel compelled to place more students in more restrictive environments, perhaps in an effort to give them more one-on-one instruction, but nonetheless keeping them out of the general education classrooms and then often distanced from the general curriculum. Finally, the principals of struggling schools—and perhaps schools in general—may be less welcoming of students with significant disabilities, who often do not score well on standardized tests and would thus threaten to negatively affect the results of school assessments, putting the school at risk of being identified as failing. To obviate this potential problem, schools should not be punished because of not doing well on standard tests.
- Limited federal, state, and local funding may make it difficult, if not downright impossible, to provide the appropriate remediation or special education services that many students with disabilities may need if they are going to reach the levels of proficiency on statewide assessments that NCLB requires.
- According to NCLB, a student must earn a diploma in the standard four years of high school in order to count as “graduated.” This requirement is inconsistent with IDEA, which entitles students with disabili-

ties to a free, appropriate public education until age 22, if necessary, to meet graduation requirements.

Increased Flexibility for States and Communities

Resources are used most effectively in schools that take into account the unique diversity of its community and its particular students’ needs. Under NCLB, states, districts, and schools will have more flexibility to direct federal education resources toward the programs that will best serve their students. Essentially, NCLB eliminates some red tape for schools and offers more discretionary leeway on how to apply for and use federal funding. Schools can transfer 50 percent of their funding from the following four federal programs to pursue strategies for improving student achievement: Teacher Quality, Education Technology, Safe and Drug Free Schools, and Innovative Education.

Experimenting with greater flexibility, NCLB also provides for “local flexibility demonstration projects” in not more than 80 competitively selected school districts. These selected districts can be relieved of certain federal requirements while they consolidate virtually all of their federal funding in exchange for entering into a performance agreement with the Secretary of Education. Within this performance agreement, the districts could use their federal funds for any educational purpose authorized under NCLB. The only caveat is that they must continue to comply with all state accountability requirements and report their performance annually to the Secretary of Education.

Another provision of NCLB allows the U.S. Secretary of Education to competitively select up to seven states that can consolidate all of their state administration and activity funds and use these resources flexibly to help

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improve student achievement and close achievement gaps. Participating states must have no fewer than four, but no more than ten local flexibility demonstration districts.

The increased local control and flexibility within NCLB will help school districts and states meet the specific requirement of the law that requires a highly qualified teacher in every classroom by the end of the 2005-06 school year. Additional federal funding (Title II, Part A: Improving Teacher Quality State Grants) for states encourages flexibility and creativity in recruiting, hiring, certifying, and licensing new teachers; and for mentoring and assessing the quality of established ones. To receive these additional funds, states must develop a local improvement plan that includes research-based professional development activities and measurable, annual objectives. Schools can then create innovative ways to improve teacher quality, which research demonstrates as a critical variable leading to improved student results.

One important requirement in this process is that teachers themselves must be involved in developing both the state's needs assessment for teacher quality and the local improvement plans. The legislation further encourages teachers to attend conferences and meetings for individual professional development that is based on the needs assessment of their school. The schools themselves are also encouraged to be innovative in their efforts to improve teacher quality by offering alternative certification, merit pay, and bonuses for those who teach in high-need subject areas, such as mathematics. Any school district that fails for two consecutive years to meet its annual goals for teacher quality will be required to develop an improvement plan and receive state technical assistance. If the school district fails to meet its teacher-quality goals for

three years, the state must enter into an agreement with the district about how to use the NCLB Title II funds.

Implications for Special Education

In order to assist students with disabilities in reaching the goal of achieving at proficient levels by the year 2014, increased flexibility in the use of federal funds can support remediation and other intervention programs for these students. The framers of the legislations are hoping that this attitude of flexibility will have two additional effects:

- Voluminous paperwork and overwhelming meeting requirements represent two of the most daunting challenges that special educators face.



Educators in the field are hoping that the pending reauthorization of the Individuals with Disabilities Education Act (IDEA) will note the flexibility of NCLB provisions and allow similar flexibility in reconfiguring their Individualized Education Program (IEP) and other procedural requirements so that more efficient and effective approaches can be identified and used to ensure effective services. NCLB framers are also hoping that IDEA echoes additional flexibility in what become the permissible uses of IDEA funds.

- NCLB requires that special education programs be provided by qualified

special education teachers, therapists, and other school personnel. NCLB provisions also require special education teachers, particularly those at the secondary level, to be certified or to demonstrate knowledge in subject areas. While these requirements reflect worthy goals that should result in better programs, they will, no doubt, exacerbate already existing personnel shortages in special education.

Concentrating Resources on Proven Educational Methods

Ineffective teaching practices and unproven education theories often cause children to fall behind in their learning and teachers to get frustrated. A significant philosophical shift within NCLB requires schools to meet state standards through the use of research-based practices (e.g., proven curricula, the best materials, and textbooks aligned to state standards).

Research evidence strongly suggests that students who fail to read at grade level by the fourth grade have a greater likelihood of dropping out of school and facing a lifetime of diminished success. Given this, NCLB focuses on assisting states and school districts in their reading instruction in the early grades (kindergarten through third), NCLB's Reading First (<http://www.ed.gov/offices/OESE/readingfirst/>) and Early Reading First (<http://www.ed.gov/offices/OESE/earlyreading/>) programs are supporting the use of scientifically-based materials and instructional strategies, in an effort to ensure that every child in America will read well by the end of the third grade.

In addition, several components of NCLB allow schools to purchase technology to support reading and other program goals in both curriculum and assessment. Research suggests that well designed software can deliver content

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and engage students who might not do well in a traditional classroom setting. Online testing is also capable of reporting on the progress of students instantaneously, rather than requiring teachers, students, and parents to wait for weeks, if not months, for results. This would provide schools with immediate feedback on the effects of their instructional efforts.

Implications for Special Education

- NCLB requires schools to implement effective, research-based teaching and curricula that challenge all children—including those with disabilities—and interests them in learning. The implications for this effort extend beyond academic success. Research shows that schools with engaged learners have little problem with school violence or problem behavior. The NCLB provisions support specifically those programs that protect students and teachers, encourage discipline and personal responsibility, and combat illegal drugs. However, in this area there is a possible difference in philosophy between NCLB and IDEA in that IDEA has emphasized building classroom and school-wide positive behavior support systems and strategies, rather than on structured discipline programs. The emphasis on control or discipline in NCLB could lead to more suspensions and expulsions, particularly for students with disabilities.
- For many years, many special educators have focused on remediating student deficits and/or using unproven fads and instructional fashions. As a result, not all special education teachers have been prepared to teach in skill-specific areas such as reading, or content areas like science. The NCLB's

absolute emphasis on reading represents an important philosophic shift for both general and special education, since reading is the gateway skill to all content areas. Educators again hope that the pending IDEA reauthorization will communicate a similar, fundamental philosophical shift away from a deficit/remediation model to one that views students with disabilities as general education students who can learn the general education curriculum—with special education services available to support this effort across the curriculum.

- The NCLB's emphasis on the use of assessment and curriculum technology is consistent with IDEA in helping students with disabilities increase their skills and achieve proficient levels on statewide assessments. The continued and expanded use of assistive and instructional technology can support the implementation of scientifically based instruction in reading and other school subjects for students with disabilities.

Expanded Choices for Parents

While NCLB offers new approaches to help students, schools, and teachers, it also offers options to parents whose children are in low-performing schools. Starting in this current school year, parents will be able to transfer their child from a school that has been identified as needing improvement to a better performing public school served by the district; they can choose another program or method of instruction; or they can select from various programs and methods of instruction if more than one are offered by the school district. Parents with children in a low-performing school will also be able to receive supplemental education services for their child, including tutoring, after-school services, and summer school programs.

Implications for Special Education

- Under NCLB, parents will receive reports on their school and school district each fall (this is in direct support of IDEA, which emphasizes the importance of involvement of parents in their child's educational process). This NCLB provision may stimulate increased parent involvement, which in turn results in better achievement for students with disabilities.
- NCLB's allowance for parents to unilaterally choose their child's placement may be inconsistent with the expressed decision-making duties of the IEP team as they are defined by IDEA. The IDEA requires the entire IEP team to make decisions on appropriate services and educational placements for students with disabilities within the IEP process.

Although NCLB represents a significant shift to more federal control, it recognizes that school improvement must happen locally. Through this new legislation, states, school districts, and schools are given extra leverage, flexibility, and accountability for local change and improved student achievement. This unprecedented flexibility allows for creative strategies for providing quality teachers in every classroom. NCLB concentrates resources on proven reading and other scientifically-based educational curricula, instructional strategies, and practices. More choices and options are provided for parents. At the heart of the No Child Left Behind Act is the promise to raise standards for all children. It offers both challenges and opportunities to all schools, with the goal of improving achievement for all students, and closing the achievement gaps among the neediest, including those with disabilities. ☺