

Title - “The Ramifications of No Child Left Behind and IDEA 2004: Who is Left Suffering”

Authors: Carolyn H. Wilson, Ed.D, Virginia State University and Silas H. Christian, Ph. D, Virginia State University

Date of Publication: September, 2006

Abstract

There has been a serious decline in academic achievement in both the general and special populations and what we have found is that these students are not doing as well as they should be. Less than one-third of American students are doing well in reading, writing, math, science, and other important subjects. The National Assessment of Education Progress (2002) reported that not only do we see a decline in the achievement of core subjects, but this decline has worsened for African Americans, Hispanics, and low-income students where we find many of these students in special education programs. The 2002 Nation’s Report Card showed only a 32% proficiency rate in reading, a 26% proficiency rate in math and a 29% proficiency rate in science for 4th graders nationwide (www.ksaplus.com). Many educators have seen firsthand the ramifications of the No Child Left behind Act and its effects on elementary and secondary children. But what about those children with exceptional learning needs who are being thrust into this solvent solution to what ails the American education system? How do we guarantee them a successful education in the same environment we just said was not meeting their needs? What are the ramifications of the No Child Left Behind and IDEA 2004 on public education and its constituents?

Introduction

Since the enactment of the No Child Left Behind Act, school systems have found loopholes in ways in which the special education population can be used to achieve their successes. There has been a serious decline in academic achievement in both the general and special populations and what we have found is that these students are not doing as well as they should be. Less than one-third of American students are doing well in reading, writing, math, science, and other important subjects. The National Assessment of Education Progress (2002) reported that not only do we see a decline in the achievement of core subjects, but this decline has worsened for African Americans, Hispanics, and low-income students where we find many of these students in special education programs. The 2002 Nation’s Report Card showed only a 32% proficiency rate in reading, a 26% proficiency rate in math and a 29% proficiency rate in science for 4th graders nationwide (www.ksaplus.com).

There is no doubt that accountability for educating all children to the fullest potential in not only essential, it is necessary. The No Child Left Behind Act of 2001 was signed into law January 8, 2001 by President George W. Bush. This piece of legislature governs elementary and secondary education in the United States ensuring that all students, especially those with disabilities, reach high academic standards. This

is the accountability statute that all public schools in America are reaching for (<http://cehd.umn.edu/nceo>). However, there is little evidence that proves how much this legislation is hurting our exception children. As schools continue to push for accreditation at any cost, the cost amounts to more and more children been pushed through the cracks in the floor of education and the children we are pushing through these cracks are our exceptional babies.

Related Literature

Critical elements of the No Child Left behind Act ensure that schools are responsible to the needs of all of its constituents and that the best possible education is provided to each and every student. In order to ensure this mandate, all states were required to develop plans for assessment and accountability determination. The United States Department of Education has approved accountability plans for all fifty states, the District of Columbia and Puerto Rico and worked to develop specific policy and best practices for including students with disabilities (<http://cehd.umn.edu/nceo/OnlinePubs/>). Evidence that this approach is working can be found in the increase in number of students with disabilities making progress in the regular education curriculum.

The National Longitudinal Transition Study-2 (NLTS2) which documents the experiences of a national sample of students with disabilities over several years shows that the incidence of students with disabilities completing high school instead of dropping out increased by 17 percentage points between 1987 and 2003. However other studies have found a 44% decrease in proficiency in 2003 of students with disabilities involved in state assessment systems (<http://www.sri.com/nlts2/>). Another study found that there was a 20% reduction of students with disabilities taking alternative assessment because they are unable to participate in regular state or district-wide assessment. Other states are changing their regulations in determining what qualifies a student with disabilities to take what assessment (www.education.umn.edu/NCED/TopicAreas).

The Individuals with Disabilities Education Act (IDEA) specifically governs services provided to students with disabilities. It also provides individual accountability through the development of Individualized Education Plans (IEPs) which are written on the basis of each child's unique needs. The No Child Left Behind Act complements IDEA by providing public accountability at the school, district, and state levels for all students with disabilities. This accountability is crucial to the educational progress of all children, especially those with disabilities (www.education.umn.edu/nceo/Online/Pubs). Previously, students with disabilities were excluded from the general education curriculum and state assessments. However, one important aspect of the No Child Left behind Act is that this law ensures that schools are held liable and accountable for the education of all its constituents, especially those with specific learning problems (<http://cehd.umn.edu/nceo>).

Former U.S. Secretary of Education Rod Paige stated that children with disabilities must be considered as general education students first. He further stated that under the No Child Left Behind Act, states are responsible for implementing a single accountability system for all students based on strong academic standards for what every child should know and learn, including children with disabilities (www.ed.gov/news/pressreleases/2003). Margaret Spelling, another former U. S.

Secretary of Education concurred with Dr. Paige. She stated” We cannot prepare students for the global economy if we don’t get them to grade level first”. Former Secretary Spelling also concluded that “The days when we looked past the underachievement of these students are over. Together, NCLB and IDEA hold schools accountable for making sure students with disabilities achieve high standards. These legislatures have not only removed the final barriers separating special education from regular education, they have also put the needs of students with disabilities front and center. Special education is no longer a peripheral issue; it is central to the success of any school (www.ed.gov/news/staff).

Today the consequences of accountability systems are becoming more significant, often referred to as "high stakes." States are more often relying on evidence from state and district assessments to determine high stakes. The most common use of assessment evidence for student stakes is to determine whether a student receives a standard high school diploma, or some other type of document. Another type of student accountability, appearing with increasing frequency, determines whether a student will move from one grade to another. This latter type has emerged under the banner of "no social promotion." If any subgroup in a school does not make "adequate yearly progress" (AYP) toward "proficiency", the school is labeled as "in need of improvement." Consequences are applied after a second year of failure to meet AYP (<http://cehd.umn.edu/NCEO/TopicAreas/Accountability>).

When determining participation in the any accountability system, students with disabilities’ must be considered for participation in any national assessment system ((<http://cehd.umn.edu/NCEO/TopicAreas/Accountability>)). However, as educators we know that all children are not created equal. As special educators we further know that not all exceptional children have the same learning needs or skills. Why then if this is an established fact do we try to push this standardized, outlining plan of learning at our students. This has been going on for over nine years and the unintended consequences is higher dropout rates, increase numbers in prisons, crime waves? Is this what we see as the future for our students, especially those with exceptional learning needs?

Critical Issues

One assumption of the inclusionary principal outlined in the No Child Left behind Act is that greater accountability can be achieved by systematically supervising and monitoring the performance of all students. There exists a danger that as schools are held accountable for higher academic standards and the inclusion of students with disabilities in their assessment programs; inappropriate emphasis will be given to the results of such measures as national achievement tests or “report cards”. Reliance on such measures may not permit evaluation of program effectiveness especially for those individuals with disabilities (www.aft.org/pubs/reports).

Another controversy surrounding the participation of students with disabilities in the NCLB’s accountability system has to do with students who are called “gap students”. These are the students for whom neither the regular assessment (even with accommodations) nor the alternate assessment based on alternative achievement standards is an appropriate measure of their performance. This issue has not died down even with the implementation of the two percent regulation in which an additional two

percent of students tested can be counted as proficient for AYP on the basis of a modified assessment standard (www.schwablearning.org/articles).

An additional concern under the accountability system of NCLB is how the data measures student progress. The NCLB accountability system measures school progress in terms of “Adequate Yearly Progress”. The performance of students with disabilities has a substantial impact on the overall performance of a school. It is entirely possible for a student population to make marked academic achievement and not make Adequate Yearly Progress because a subgroup, such as a subgroup of students with disabilities, to be rated as needing improvement under NCLB. It is this level of accountability that concerns parents of individuals with disabilities and policymakers (<http://cehd.umn.edu/nceo>).

Summary

The promise of the No Child Left behind Act and the Individuals with Disabilities Education Act is that for all students with disabilities are held to high standards that will help prepare them to be successful. However NCLB has been imposed on a public school system that remains unequal. Accountability for educating all children to their fullest potential is essential. But it cannot be achieved unless policymakers address these fundamental issues of concerns.

The accountability system may adversely affect students with disabilities unless more professionals and parents respond to this system. If not, our students with disabilities may be ignored and their needs unacknowledged as the tenets of this initiative are reexamined, evaluated, planned and implemented. A consequence of the NCLB accountability system is that our students will become part of a larger group of students who are taught without regard for their individual needs (<http://www.ets.org/research/pic>).

Many administrators, teachers, and advocates believe that NCBL has had more of an impact on students with disabilities than IDEA because of the emphasis on including these students in the general education curriculum and in the accountability system. Now is the time for the Individualized Education Program team to develop partnerships between federal, state, and local general and special education that is focused on achieving the best possible outcomes for students with disabilities in schools (<http://www.aft.org/edissues/pubs>).

Recommendations

The American Federation of Teachers’ Report, “Where We Stand: Standard-Based Assessment and Accountability (2002) encourages educators, policymakers, and the public to understand that although we see support for the state and local school accountability and rising achievement scores, there are implementation concerns. If we want every student to reach higher standards, state and school districts must pay close attention to proper implementation. Sufficient resources must be available to get the job done. Teachers must understand what the standards are and how to teach them. They must be provided with professional development that focuses on content knowledge, clear instructional strategies, and the assessment tools necessary for determining student progress toward meeting the standards.

Advocates of the law do agree that tests make unrealistic demands on students with special needs. However, they argue that if students aren't required to be tested, there will be no measure -- or accountability -- to how those students are doing and how

much they are learning, or not learning. Learning Disabilities Association of America, on behalf of dozens of disabilities advocacy groups, endorsed NCLB for its accountability system to "ensure all children ... including those with disabilities, are prepared to be successful, participating members of our democracy." But the truth cannot be ignored. Until NCLB (2001) had been passed, testing and accountability were not applicable to students with special needs. Until 2001, the emphasis was more on teaching to the unique needs of students with disabilities and not to tests. Today, the focus is on test preparation that the IEPs do not mention at all. While IDEA endeavors to meet the individual needs of students with disabilities, NCLB assumes that students receiving special education services are on par with students without special needs in taking and passing the standardized tests.

What is the basis for this assumption and who is to be held accountable for it? Equal educational opportunity does not mean that students with and without disabilities be measured by the same yardstick. IDEA never expected to measure the academic progress of students with disabilities against the same standards as of students without disabilities. Assessment and accountability will become more meaningful and relevant when everything else as mandated by NCLB like the need for highly qualified teachers is in place. Until then, students with disabilities and those who teach them should be held accountable only for what is put down in the IEP.

And most importantly, students who are having a hard time meeting the standards, usually those students with disabilities, must get the help they need and get it early. When these essential supports are missing – as they are in too many states – failure rates will become excessive and students and their parents will become more frustrated and angry. If these problems persist, the promise of standard-based reform will remain unmet (www.aft.org/pub-reports). We as educators must get the politicians who make these laws understand that education is for the children, not of the children.

References Cited

As a parent, 12 things you should know about and expect you're your schools ...and yourself. Retrieved September 7, 2007 from www.ksaplus.com.

Accountability for Assessment Results in the No Child Left Behind Act: What It Means for Children with Disabilities. Retrieved September 10, 2007 from <http://cehd.umn.edu.nceo/OnlinePubs/>.

ETS Policy Notes – Improving Quality and Equity in Education: Inspiring a New Century of Excellence in Teaching and Assessment. Retrieved September 5, 2007 from <http://www.ets.org/research/pic>.

Guidelines for the Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System. Retrieved September 9, 2007 from www.pen.k12.va.us/VDOE.

Margaret Spelling, U. S. Secretary of Education – Biography. (2006). Retrieved September 10, 2007 from www.ed.gov/news/staff/bios/spellings.html.

The National Assessment of Educational Progress (2002). Retrieved September 10, 2007 from www.ed.gov/programs/naep/index.html.

- The National Center on Education Outcomes (State Assessments). Retrieved September 9, 2007 from www.education.umn.edu/nceo/Online/Pubs.
- National Center on Education Outcomes (Alternative Assessments). Retrieved September 10, 2007 from www.education.umn.edu/NCED/Topic/Areas
- The National Center on Education Outcomes. Retrieved September 10, 2007 from <http://cehd.umn.edu/nceo>.
- National Longitudinal Study – 2. Retrieved September 10, 2007 from <http://www.sri.com/nlts2/>.
- No Child Left Behind and Students with Learning Disabilities: Opportunities and Obstacles. Retrieved September 5, 2007 from www.schwablearning.org/articles.
- Paige Releases Principles for Reauthorizing Individuals with Disabilities Education Act (IDEA). (2003).* Retrieved September 7, 2007 from www.ed.gov/news/pressrelease/2003.
- Principles for Reauthorizing Individuals with Disabilities Education Act (IDEA). Retrieved September 7, 2007 from www.ed.gov/news/pressreleases/2003
- Redesigning Schools to Raise Achievement. (2006). Retrieved September 7, 2007 from www.aft.org/pubs/reports.
- Special Topic Area: Accountability for Students with Disabilities. Retrieved October 3, 2007 from <http://cehd.umn.edu/NCEO/TopicAreas/Accountabilty>
- U.S. Department of Education and the Office of Special Education and Rehabilitative Services. Retrieved September 9, 2007 from <http://cehd.umn.edu/nceo>.
- Where We Stand: Standard-Based Assessment and Accountability. (2003). Retrieved September 5, 2007 from <http://www.aft.org/edissues/pubs>