



No Child Left Behind:

What Parents of Students With Disabilities Need to Know

by Laura Nelson

On January 8, 2002, President George W. Bush signed the No Child Left Behind (NCLB) act into law. Parents, teachers, administrators, special education advocates and lawmakers have been arguing about it ever since. On the home page of the No Child Left Behind portion of the U.S. Department of Education (www.ED.gov) website, No Child Left Behind is described as giving our schools ground breaking education reform, based on the ideals of stronger accountability for results, more freedom for states and communities, encouraging proven education methods, and offering more choices for parents.

No doubt about it - those are great goals. And on the face of it, they seem very reasonable. So why is there so much controversy, concern and debate? Schools should be expected to do the very best they can for all their students. And if they fail, certain sanctions are warranted. However, although the federal government has mandated specific educational and accountability goals, the means of achieving those goals have been left for the states to determine. And that's where the problems come in.

It's not within the scope of this article to solve the controversy; everyone who is interested in the subject can form their own opinion by reading through the hundreds of pages on Federal (www.ed.gov) and Virginia (www.pen.k12.va.us/VDOE) education websites.

One good way to become familiar with the provisions of NCLB is to purchase a book published by Wrightslaw, entitled, *No Child Left Behind*, which details the provisions of the law. The Wrightslaw book and enclosed CD-rom also offers analysis and interpretation. It provides parents, educators and interested citi-

zens with ways to become involved in the process, to advocate for children in the school system by describing strategies, providing sample letters and furnishing glossaries to help make sense of all the "legalese" language. (See sidebar for more information on Wrightslaw.)

More Choices, Bigger Dilemmas

Although this article won't try to unravel the controversy, it does add a single question to the debate. The final goal offered by NCLB, that of more choices for parents, seems to be a double-edged sword that can and does cut both ways. Parents with children in schools that do not meet state standards for at least two consecutive years may transfer their children to a better-performing public school, including a public charter school, within their district. If they do so, the district must provide transportation. But what about students who have different goals in place? One parent voiced this concern perfectly when she wrote, "While NCLB may benefit special needs kids by forcing the school to work hard for them, it can also directly clash with a child's IEP. For example, take a fifth-grader who reads at a first-grade level: His IEP goal is to read at the third-grade level by year-end, and maybe he achieves the fourth-grade level! But he then has to take and pass the fifth-grade SOL? Doesn't make sense to me."

This begs the question: Is there a way for the federal definition of adequate yearly progress (AYP) and the parent's definition of AYP to be aligned? In other words, if the parents are happy with their child's progress, should a school be penalized because an individual child's progress doesn't meet the federally prescribed grade level standards?

When this article was first written in 2003, information on the Ed.gov website indicated that 95 percent of the entire student body, including limited English proficient (LEP) students and students with special education accommodations, must take and pass all the standardized tests at grade level for the school to be in compliance with NCLB. By the year 2014, one hundred percent must take and pass all mandated standardized tests.

But before parents panic, they should consider the following: In order for the school districts to make adequate yearly progress, they must also make it for the subgroups of students. These subgroups are defined as students in poverty, those with limited English proficiency (LEP), part of certain minority groups, and children with disabilities. Each state decides the minimum number of students needed in order for a group to be considered a subgroup for the purposes of NCLB. The scores of groups that do not qualify as subgroups are not counted towards that school's AYP. In Virginia, the minimum number of students for a segment of the school population to be considered a subgroup is 50. Carmen Sanchez, a parent member of the Virginia State Special Education Advisory describes the confusing issue of AYP and how it's calculated for subgroups in this way: "A school in Virginia has to have 50 kids in any subgroup eligible to take the test in order for the scores for AYP under NCLB to count. This is for all subgroups. So, for example, at an elementary school currently, if there are 50 Special Ed kids in grades 3 and 5 (the grades currently tested), then that score for the subgroup will count towards AYP. When 4th and 6th graders are tested, more schools

will make the 50 kids cutoff for subgroups. If the school doesn't make the cut, the district likely will, so at the district level those kids' [scores] will count towards AYP." Needless to say there are many schools in Virginia, and even some districts, that don't have the minimum numbers of students necessary for some of the subgroups.

Other Things to Consider

Wyllys VanDerwerker, director of special education for Lynchburg City Public Schools, offers some advice to parents who may wish to exempt their child from taking the tests. "If a child with a disability is exempt from any state testing," he states, "the ramifications of the decision to exempt must be clearly explained. Some localities limit after-school and summer remedial programs to students who take and fail state tests. Therefore an exemption from a state test might keep the student from participating in after-school and summer remedial programs."

VanDerwerker also has advice for parents whose children do take the tests, but don't pass them. "Some children with disabilities will take longer to master the content required for specific diplomas. We need to help the students with disabilities

learn that they may need to stay in school longer to meet the new graduation requirements. The expectation that all children will graduate by the time they turn 18 or 19 will change."

VanDerwerker emphasizes that long range transition planning (specifically futures planning) is necessary to insure that students with disabilities learn the skills necessary to earn a diploma. A 4-6 year plan (projected) will help parents and teachers teach students the skills they need to enter post-secondary environments.

In January 2004, Virginia House Joint Resolution No. 192 requested that the U.S. Congress amend No Child Left Behind to include some mechanism that would allow an automatic waiver for states such as Virginia that have successfully increased student achievement through their own standards and accountability reforms, and that this waiver be available to states so long as they maintain these proven standards and accountability programs. The resolution, however, failed to pass in the House. More recently, HJ78 and HJ 561 revisited the issue. See the sidebar for information about a website that tracks education-related legislation in Virginia.

So what are parents to do now? Several courses of action seem clear. As with all issues regarding the education of children with disabilities, there is strength in knowledge and numbers. Get together with other parents and educators from your school to decide on a unified course of action about how best to serve not only your own children, but the school community as a whole. Local organizations like Special Education Advisory Committees (SEAC), PTAs, Parent Resource Centers and the Department of Special Education for the county or city in which you live, can provide valuable assistance. In addition, check out the websites listed in the sidebar at the bottom of this page to stay current with new information that is being disseminated regularly. Your local school website may have a link to either the U.S. or Virginia Department of Education. If it doesn't, request that they add this link to their home page. And most important of all, try not to become overly stressed about this issue. Like many other educational reform movements of the past 40 years, when the dust settles, No Child Left Behind must inevitably be modified to more properly benefit those it was intended to serve—all our children. ■

Need More Information?

U.S. Department of Education

Extensive information on regulations and requirements of No Child Left Behind
www.ed.gov/nclb

Virginia Department of Education

Actions that Virginia has taken to implement No Child Left Behind
www.pen.k12.va.us/VDOE/nclb

Virginia General Assembly

Status of legislation impacting education
www.pen.k12.va.us/VDOE/PolicyPub/legis98/home.html

Wrightslaw

Up-to-date information about special education law and advocacy for children with disabilities including an extensive section on No Child Left Behind
www.wrightslaw.com/nclb

Appalachia Educational Laboratory

The name AEL originated with the first program the corporation operated in 1966—the Appalachia Educational Laboratory—but today AEL is national in scope and provides a range of services to private and government agencies. In print, the corporation is referred to simply as AEL; the laboratory program, which continues to be operated by AEL, is referred to as the Regional Educational Laboratory at AEL. AEL's Center for Education Services assists K-12 education professionals in meeting the requirements of No Child Left Behind by providing customized technical assistance, consulting, and professional development services.

On their homepage see the link to the article, *How Are Rural School Districts Meeting the Teacher Quality Requirements of No Child Left Behind?*
www.ael.org