

# No Parents Left Behind

By Janet DesGeorges & Leanne Seaver

I know, I know...you are just trying to get the general education teacher to repeat the questions the kids ask into your child's FM unit...or trying to get an appropriate interpreter for your middle schooler...or getting ready for that IEP meeting in a couple of weeks. You may not have time to keep up with what's happening on a national level with the issues that concern our children who are deaf and hard of hearing. Yet on a national level, there are four major activities/laws occurring, which will at some point impact services for YOUR child. At Hands & Voices, we believe that information and knowledge has the power to enable us as parents to advocate effectively at the personal and collective levels for our kids. So with that in mind, here is an update of four topics that you need to know and understand.



## THE LEAVE NO CHILD BEHIND ACT

No Child Left Behind Act - What Does the Law Mean to You? (*Edited, Excerpted with permission from wrightslaw.com*), Peter Wright, 2001

On January 8, 2002, President George W. Bush signed the No Child Left Behind Act (NCLB) into law. He offered this advice to parents:

*"We know that every child can learn. Now is the time to ensure that every child does learn. As parents, you are your children's first teachers and their strongest advocates. You have a critical role to play - both in how you raise your children and in how you work for meaningful and accurate accountability in their schools...Too many children are segregated in schools without standards, shuffled from grade to grade . . . This is discrimination, pure and simple...Some say it is unfair to hold disadvantaged children to rigorous standards. I say it is discrimination to require anything less. It is the soft bigotry of low expectations."*

Secretary of Education Rod Paige said, "No one cares more about your child's future than you do, and no one is better positioned to hold schools accountable for performance than you are... You have a right to know whether your child is really learning at school. If your child is not making adequate progress in school, you can and must ask why. A good teacher will be happy to answer your questions. Do your part and ask." Strong words!

Because this statute will affect educational policy and decision-making for years, we need to learn more about it. We downloaded the NCLB statute and printed it. We wanted to read this law and think about what it may mean for our children

in special education, for you as parents and for teachers. The No Child Left Behind Act is long (670 pages in pdf) — so we are still reading. (NOTE: If you want to download the No Child Left Behind Act, go to the No Child Left Behind site at <http://www.ed.gov/nclb/>.) Let's take a quick look at this new law.

## Overview

The heart of the No Child Left Behind Act is the promise to raise standards for all children and to help all children meet these standards. Because we cannot know if children are reaching these standards unless we measure performance, the law requires schools to test all children in grades three through eight annually in reading and math. These assessments will allow parents and officials to know if

children are learning to read and do math and hold schools accountable for ensuring that children are learning. The No Child Left Behind Act is based on four principles:

- Accountability for results
- Local control and flexibility
- Expanded parental choice
- Use of research-based instruction that works

The NCLB puts huge emphasis on objective testing. While controversial, the upshot is school accountability for effective teaching. "Just as you can't judge a book by its cover, you can't judge a school by its location or its design." The only sure way for parents to know how their children's schools are doing is to examine the regular, objective information on student progress that the president's plan will require all public schools to produce. The best way to obtain that useful information is through standards-based assessments—or tests.<sup>1</sup> Taking a test is like going to the doctor for a check-up. Just like a check-up, a test can tell you what kind of help you need and just where you need it most. While tests may intimidate, just like a doctor's office, they are "safe and effective."<sup>2</sup>

<sup>1,2</sup> <http://www.ed.gov/inits/backtoschool/families/part4.html>

## Required Reading

To fully comprehend the importance of testing, and what the results tell us, read Chapters 10 and 11 about Tests and Measurements, and Chapter 12 about SMART IEPs, in **From Emotions to Advocacy**, by Peter D. Wright, JD and Pamela Darr Wright (available through [www.wrightslaw.com](http://www.wrightslaw.com)). This information is essential for parents and professionals alike in interpreting test results, and understanding them in the context of typical grade level student achievement.

Also, for a better understanding of what NCLB means, access these websites to review booklets published by the U.S.

Department of Education that explain the principles of the law to its stakeholders:

**Families** - <http://www.ed.gov/inits/backtoschool/families/index.html>

**Familias** - Español at <http://www.ed.gov/inits/backtoschool/s-familias/index.html>

**Educators** - <http://www.ed.gov/inits/backtoschool/teachers/index.html>

**Communities** - <http://www.ed.gov/inits/backtoschool/community/index.html>

### **Does This Law Apply to Your Child?**

Yes. The No Child Left Behind Act applies to all public school children - typical kids, kids with disabilities, kids with behavior problems, and other kids who have traditionally been written off - minorities, immigrants, and English as Second Language (ESL) students. This law should make it easier to get annual objective testing of your child's skills - a traditional battleground for many parents of kids with special needs.

### **NCLB: Too Good to Be True?**

Plenty of people in the know have their concerns about the efficacy of President Bush's new law. Educational reform is difficult even when the need for it is acknowledged at the highest level. Why? Lots of reasons - "Schools are bureaucracies that vigorously resist change. Many school administrators want to run their school-factories as they see fit. Many school staff believe that their primary mission is to socialize children, not to teach knowledge and skills. Politicians get sidetracked when they set out to improve educational results. Instead of insisting that schools accomplish their primary mission - teaching children knowledge and skills - politicians continue to add popular programs (i.e., drug and alcohol education, family life, driver training) - but do not increase the instructional school day." (*Wright, P.*)

Many professionals and parents alike are concerned that standardized tests mean standardized kids—that individualism, creativity, innovation and spontaneity in teaching and in learning will be relics of a by-gone educational era. The amount of time training staff in administering the test and time taken for the actual test-taking represents a lot of time not spent in an instructional mode in the classroom. Add to that the time spent preparing students for the tests, and we're talking the better part of two to three months each academic year spent in the testing process. Lots of us are hoping someone comes up with a better plan.

So how do we balance the need for greater school accountability for learning with our concern that kids are going to be homogenized by the process? Some parents aren't willing to play the game and opt out of standardized testing through a waiver, when available for students with disabilities. They don't want their kids to suffer the humiliation of poor achievement in this high-stakes dynamic. When kids fail, whom do they blame? Most kids blame themselves. Negative feelings are the basis for many behavior and discipline problems. Another concern - the U. S. Department of Education has a dismal track record in enforcing the IDEA. (*To learn*

*how poor the record is, read the Individuals With Disabilities Education Act Compliance Report, Back to School on Civil Rights*). The U.S. Department of Education is a funding and training agency, not an enforcement agency like the U. S. Department of Justice. Who will enforce this new law? Who will ensure that local and state education agencies measure progress objectively and are held accountable for results? According to a nationally prominent parent attorney, "the federal accountability system isn't working and it pushes the responsibility to parents through due process to enforce the law." (William Dussault, JD)

### **The National Agenda - Deaf Education Reform**

For those of us committed to better educational outcomes for students who are deaf or hard of hearing, the No Child Left Behind Act validates and reinforces the agenda for the National Deaf Education Reform movement. If you have been reading our newsletter for awhile, you can see what measures Colorado has been taking to implement Deaf Education Reform. See our website, [www.handsandvoices.org](http://www.handsandvoices.org) for three very important article on Deaf Education Reform:

- The Communication Gap: Why we Need to Reform Deaf Education
- Deaf Education Reform: The Time Is NOW
- Making the Grade: Are You Satisfied with Your Child's Education?

At the national level, a coalition of organizations has formed the "National Agenda", an important national effort to establish priorities for improving educational programming for children who are deaf and hard of hearing. A document is being drafted to address eight national goals, including: Early Intervention, Communication and Language, Parent Partnerships, Accountability audits and high stakes testing, placement programs and services, technology, personnel preparation, and research. Families for Hands & Voices is taking an active role in keeping our constituency informed of this important movement.

### **I.D.E.A. Reauthorization 2002 Review**

by Leeanne Seaver

The No Child Left Behind Act sends an important message right at a time when the Individuals With Disabilities Education Act (IDEA) is once again up for reauthorization. According to Assistant Secretary for Special Education Bob Pasternak, the NCLB is apt to serve as a model for IDEA reauthorization, which in many cases places the burden of decision-making on parents rather than school boards and state agencies. (*Disability Funding News, January 2002*) That's good news if parents are treated as equal members of the educational planning team and in the development of educational programs and systems, but it could be bad news if parents are left out in the cold without training and recognition of this important role. Also being deliberated are these major reauthorization themes...

**Disability Categories:** Should labels be avoided altogether? Will collapsing them make for less pigeonholing and more efficiency or would it create tensions for meeting

“individual” needs? Parent & advocacy groups are pretty divided on this one.

**LRE:** Least Restrictive Environment — with the 1997 Reauthorization we evolved from the notion of LRE as strictly a physical “place” into its intention to provide students with special needs full access “to the general curriculum”. This notion awaits definition through practice and case law. Note: it supports the long-held position of deaf education that students who are deaf or hard of hearing are not necessarily experiencing the “least restrictive environment” in a classroom where they are placed to the maximum extent possible with typical (read: hearing) peers.

**Transition:** This was added to IDEA in 1990, and reinforced in 1997, and now Congress wants to know why there are so few effective high school programs transitioning students into employment or higher education. Accountability procedures could be formalized. There’s been a lot of litigation for compensatory services from schools who didn’t provide transition services, so transition is under the microscope now.

**Accountability:** Did we mention the No Child Left Behind Act? Schools will be given a grade or a merit system that will identify high performers as a “Blue Ribbon” school. Most of the literature says high stakes testing should be avoided, so the controversy continues. The big vision is for adequate yearly progress along a 12 year schedule, and schools who can’t show student progress will be sanctioned. President Bush’s directive places a lot of responsibility on parents to hold schools accountable, but the parent/school dynamic isn’t all that conducive. With the 1997 Reauthorization of IDEA, the financial cost of due process was placed squarely on parents’ shoulders if they wanted to hire an attorney and pursue litigation against schools who were out of compliance. Hopefully, some empowerments will emerge that put all the players on equal ground.

**Full Funding of IDEA:** President Bush’s philosophy opposes giving resources before reform, so the special education track record isn’t doing much to support their case for full funding. The 2003 proposed budget calls for two \$1 billion increases for special education. \$1 billion for Title 1, which aids disadvantaged children and schools, and \$20 million for Part C, covering eligible kids from birth through age 3. Also proposed is a \$5 million cut from Part D, which will impact assistive communication technology among other things.

**Related Services:** What “related services” are necessary to make sure that students receive benefit from their education? IDEA regs list many examples, but clearly state that the list isn’t exhaustive. Sign language instruction is one example and the list goes on. Secretary Pasternak wants to know what proof there is to substantiate the need for related services, and lobbyists are countering by pointing out that there’s been no OSEP (Office of Special Education Programs) funded study to research the question. OSEP needs some evidence of the effective use of related services to ensure reasonable benefit from a FAPE (free and appropriate public education) for special needs kids.

### **Early Identification:**

There’s a huge disconnect between early identification and delivery of intervention services for infants and toddlers. Activities to improve the system will be a priority. This may have implications for newborn hearing screening systems nationwide.

**Discipline:** When IDEA was reauthorized in 1997, arguably the biggest changes were in the area of discipline. The new rules & regs are still being debated and there are members of Congress who want to change this section of IDEA again so that students with special needs are not exempt from school expulsion as a disciplinary act. Opponents to the idea fear expulsion will be used too often in place of a good faith effort towards behavior modification or other interventions. The debate rages on.

**Paperwork:** Congress knows that there’s too much paperwork involved in special education, and is hoping to find a better, more efficient way to handle the process.

Other issues of major import include the recruitment and retention of special educators. Research and stats show fewer college students majoring in education, and proportionally fewer still in special education. Many school districts are facing the loss of special educators through attrition and retirement at a level that puts entire programs at risk. Special Ed Secretary Pasternak says the most important job his office faces will be “telling the Higher-Education Consortium on Special Education, and the nations’ teachers colleges to show more initiative” towards reducing the nation’s shortages of special ed teachers. (*Disability Funding News Jan 2002*) But IHEs (institutions of higher ed) are only one part of this complicated equation. Until our societal values for education are better reflected with greater compensation for the professionals in this field, it’s highly unlikely that competent individuals drawn to teaching will be able to afford it as a career choice. Still, President Bush and Secretary Pasternak are touting the proposed 2003 education budget as the largest-ever allocation for IDEA, with funding up to \$11.35 billion and \$8.5 billion in grants. (Info at FAPE, 859-257-8592).

### **Presidential Commission on Excellence**

We were thrilled to see the words “excellence” and “special education” in the same sentence! President Bush appointed former Iowa Governor Branstad to lead a 19-member panel of educational experts, including parents, to “discover what works to improve the performance of students with disabilities receiving special education” services. That group is now engaged in a nine-city tour taking public comments and input on this subject, for a report that will be submitted to President Bush’s office sometime later this year. The commission will be focusing on 1) cost effectiveness, 2) improving results, 3) research, 4) early intervention, 5) funding formulas, 6) teacher quality and student accountability, 7) regulations and red tape, 8) what models work in what states, and 9) federal vs local funding. For information and meeting schedules: [www.ed.gov/ed.gov/inits/commissionsboards/whspecialeducation/index.html](http://www.ed.gov/ed.gov/inits/commissionsboards/whspecialeducation/index.html)