

Telephone: (800) 942-2732
Fax: (410) 795-0965
Email: asdc@deafchildren.org
Website: www.deafchildren.org

What's the IDEA* About the No Child Left Behind Act?

Parents of all children in public schools in the United States, including children who receive services under the Individuals with Disabilities Education Act, should become familiar with the No Child Left Behind (NCLB) Act of 2001. NCLB is a law designed to hold schools accountable for the educational achievement of their students. All children are expected to meet NCLB standards. While NCLB has existed since 1965 under various names, for most of that time its requirements applied only to certain schools. Since 2001 all public schools must meet NCLB accountability requirements.

Accountability Requirements

Under NCLB:

States set standards. States are required to create their own standards for what a child should know and learn for all grades.

Students are assessed. With standards in place, states must assess every student's progress toward those standards by using tests that are aligned with the standards. Currently assessments must be administered every year in grades 3 through 8 in math and reading. Beginning in the 2007-08 school year, science achievement also must be tested.

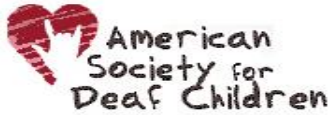
States, districts, and schools must make Adequate Yearly Progress. Each State, school district, and school is expected to make Adequate Yearly Progress (AYP) toward meeting State standards. This progress is measured for all students as a whole and by sorting test results for students who are economically disadvantaged, from racial or ethnic minority groups, have disabilities, or have limited English proficiency.

Results are reported. Individual student performance is reported to the student's parents, and school, district, and State results are publicly reported in "report cards."

Schools are held accountable. Consequences are applied to "Title I" schools that fail to improve over time. (Title I is a category under NCLB where educational needs are the greatest.) Parents may be given the option of transferring their child to a higher performing school, and/or they may have the option of having their child receive supplemental educational services. The school may be required to develop an improvement plan and/or replace certain staff. If the school continues not to improve, it may be required to undergo restructuring.

How Children Can Be Assessed

*The "What's the IDEA" series describes various sections of the Individuals with Disabilities Education Act. This is educational material, not legal advice. ASDC assumes no liability for this material. © American Society for Deaf Children, 2006, 2009.



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The decision about which assessment to use for each IDEA-eligible child is made by the child's Individualized Education Program (IEP) Team, which includes the child's parents. There are five ways students can be assessed under the law.

1. *Regular assessment aligned with grade level achievement standards, no accommodations.* Most students in general education are assessed this way.

Students with or without disabilities may be assessed using 1. However, the following assessments apply only to students with disabilities.

2. *Regular assessment aligned with grade level achievement standards, with accommodations.* Accommodations could include extra time, use of assistive technology, preferential seating, and/or other State-approved accommodations.

3. *Alternate assessment aligned with grade level achievement standards.* The alternate assessment is for students for whom the regular grade level assessment, with or without accommodations, is not appropriate. Often this takes the form of a portfolio.

4. *Alternate assessment aligned with modified achievement standards.* This is for students for whom the regular grade level assessment is not appropriate, but who do not have severe cognitive disabilities. Modified achievement standards:

- must provide access to grade-level curriculum,
- are aligned with the State's academic content standards for the grade in which the student is enrolled, although the modified achievement standards may reflect reduced breadth or depth of grade-level content, and
- must not preclude a student from earning a regular high-school diploma.

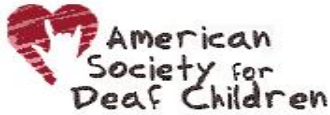
5. *Alternate assessment aligned with alternate achievement standards.* This is for students with severe cognitive disabilities who cannot take the regular or modified assessment. Alternate achievement standards must:

- be aligned with the State's academic content standards,
- promote access to the general curriculum, and
- reflect professional judgment of the highest achievement standards possible.

Scientifically Based Research

NCLB requires educational programs and instruction to be based on "scientifically based research." The U.S. Department of Education has written:

"To say that an instructional program or practice is grounded in scientifically based research



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means there is reliable evidence that the program or practice works. For example, to obtain reliable evidence about a reading strategy or instructional practice, an experimental study may be done that involves using an experimental/control group design to see if the method is effective in teaching children to read.” (<http://www.ed.gov/nclb/methods/whatworks/doing.html>)

Highly Qualified Teachers

NCLB requires that teachers teaching core academic subjects – English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography - be “highly qualified.” The law spells out requirements teachers – even experienced teachers – must meet.

To be considered *highly qualified in core academic subjects*, teachers must:

- have attained full state certification as a teacher, or
- have passed the state teacher licensing exam, and
- hold a license to teach in the state.

Certification or licensing requirements must not be waived.

In addition, *new elementary school teachers* must:

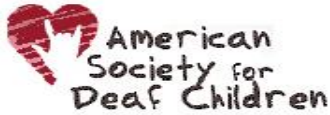
- hold a bachelor’s degree, and
- have passed the state curriculum test.

New middle and secondary school teachers must:

- hold a bachelor’s degree, and
- have passed a State academic subject test in each subject the teacher teaches, or
- have an academic major in the subject(s) taught.

Elementary, middle, and secondary school teachers who are not new must have:

- a bachelor’s degree, and
- passed state curriculum (elementary) or academic subject (middle and secondary) test, or
- an academic major or equivalent (middle and secondary), or



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- competence in all academic subjects taught using a high objective uniform state standard of evaluation (HOUSSE*).

The Individuals with Disabilities Education Act (IDEA) provides a definition for *highly qualified special education teacher*:

Special education teachers must be highly qualified under the NCLB definition and must:

- be certified in special education, or
- have passed the State special education teacher licensing examination, and
- hold a license to teach as a special education teacher.

Teachers must not have had certification or licensure requirements waived, and they must have at least a bachelor's degree.

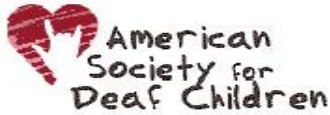
Special education teachers teaching core academic subjects based on alternate achievement standards (which are applied to children with severe cognitive disabilities) must:

- meet the highly qualified provisions of NCLB for elementary, middle, or secondary school teachers who are new or not new to the profession, or
- meet the requirements as applied to new or not new elementary school teachers, or
- in the case of instruction above the elementary level, have subject matter knowledge appropriate to the level of instruction being provided.

Special education teachers teaching multiple subjects must:

- meet the requirements for any elementary, middle, or secondary school teacher who is new or not new to the profession, or
- in the case of teachers who are not new, demonstrate competence using a high, objective, uniform state standard of evaluation (HOUSSE*) covering multiple subjects.
- in the case of new special education teachers teaching multiple subjects who are highly qualified in math, language arts, or science, demonstrate competence in the other core academic subjects under a HOUSSE,* not later than two years after the date of employment.

A teacher who is highly qualified under the IDEA definition also is considered highly qualified under NCLB. Congress also indicated that a special education teacher who does not teach core academic subjects but only provides "consultative services" to a highly qualified teacher



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should be considered a highly qualified special education teacher if the teacher meets the above requirements.

Consultative services do not include instruction in core academic subjects but may include adjustments to the learning environment, modifications of instructional methods, adaptation of curricula, the use of positive behavioral supports and interventions, or the use of appropriate accommodations to meet the needs of individual children.

Congress also said that States could develop a HOUSSE* for special education teachers. In addition, it said that general education and other teachers who are highly qualified in core academic subjects may teach children with disabilities in those subjects. For example, a reading specialist who is highly qualified in reading instruction, but who is not certified as a special education teacher, is permitted to provide reading instruction to children with disabilities.

How Parents Can Use NCLB to Advocate for Their Child

NCLB is a complicated law, and it to try to master it might seem overwhelming. However, let's look at some pieces of the law and see how you can use them to improve your child's education.

NCLB envisions that all children will reach proficiency in State achievement standards, with higher benchmarks in place each year. You should become familiar with the standards your child is expected to meet and should discuss with your child's IEP Team the steps that the school is taking to ensure that your child can meet the benchmarks.

Assessment results can tell you where your child scores in relation to other children in her school, district, and State. If assessment results show that your child is scoring lower than his peers, you can use this evidence to request improved instruction for your child.

The main purpose of the assessments is to hold schools, school districts, and States accountable for improving academic performance of all children. It is not your child's "fault" if he does not meet NCLB benchmarks. It is the school's responsibility to teach him so that he can meet the benchmarks.

It is also important that each child take the assessment that is appropriate for him. Review the five ways of taking NCLB assessments above and discuss with the other members of the IEP Team your thoughts about which is the appropriate assessment. Just because your child has a hearing loss and/or another disability does not mean he should take a particular assessment. As with other education decisions, this decision should be made on an individualized basis after considering your child's unique needs.

Your child also has the right to an educational program that is based on scientifically based research. Find out if your child's school is using scientifically based methods to teach your child.



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So that all children to reach a high level of proficiency, NCLB requires the use of highly qualified core academic and special education teachers. Your child has the right to highly qualified teachers. Find out from your child's school if her teachers are highly qualified under the NCLB definition.

NCLB envisions that all children will reach proficiency in State achievement standards. All parents of children in public school can use NCLB to advocate for their child.

*While HOUSSE was an option for teachers when NCLB was passed in 2002, it is no longer available for teachers who have not become highly qualified.