



No Child Left Behind: Making the Most of Options for IDEA-eligible Students



The Elementary and Secondary Education Act (ESEA) is the nation's major federal law related to education in grades pre-kindergarten through high school. In its most recent Congressional reauthorization, ESEA became known as the **No Child Left Behind Act (NCLB) of 2001**.

NCLB requires all schools to bring all students to a proficient level in reading and math by 2014. This goal is reached through annual progress targets and measurable objectives for student progress. Measured through annual testing at certain grades, student performance determines whether a school achieves "adequate yearly progress" or AYP.

NCLB introduced several important provisions that provide opportunities for students attending Title I schools to change schools or obtain additional instructional support while their schools improve its performance. Students with disabilities have the same rights to these opportunities as students without disabilities. The information that parents of students with disabilities need to know and understand in order to maximize these options is the focus of this parent advocacy brief.

Title I Schools receive federal funds through NCLB's Title I grant program to improve the education of disadvantaged children. Title I funds go to both schoolwide programs and targeted assistance programs. Currently about 90 percent of school districts and 60 percent of schools accept Title I funds.



Understanding Student Options

School Choice

After two or more consecutive years of not achieving AYP, a Title I school must:

- ▶ Offer **all children** in the school, including special education students, the opportunity to attend a school that has satisfactorily achieved AYP. If such a school does not exist within the same school district, NCLB encourages districts to seek cooperative agreements with neighboring districts or offer students supplemental educational services to help improve their academic performance. (Priority must be given to the lowest achieving, low income students.)
- ▶ Supply **all parents** with a list of all public schools, including public charter schools, that the parent can select, and describe the performance and overall quality of those schools.
- ▶ Offer **students with disabilities**, including those with learning and other disabilities, school choice opportunities just as is required for non-disabled students. However, the choices offered to a student with a disability need not be the same as those for non-disabled students, and in making decisions about school offerings, school districts may match the abilities and needs of students with schools. Districts may limit the choice options to those schools that have the ability to provide a free, appropriate public education. However, as part of the required notice to parents, districts must explain why the choices made available to them may have been limited.

Note: Schools must also offer transfer options to students when the school is determined to be “persistently dangerous” and/or a student becomes the victim of a violent crime at a school.

Important Points about School Choice

- ▶ The student’s school of origin must provide transportation to the new school at no cost. The new school must ensure that the student is able to participate fully in the school, including extracurricular activities.
- ▶ Students must be permitted to remain in a new school until they have completed the highest grade in the school; however, if and when the school of origin is no longer identified as “in need of improvement” it is no longer required to provide student transportation.

Adequate Yearly Progress (AYP)

must be achieved for the entire school as well as specific groups of students, known as “subgroups.”

Subgroups include:

- Economically disadvantaged students
- Students with disabilities (served under IDEA)
- Students with limited English proficiency
- Students from major racial/ethnic groups

When Title I schools repeatedly do not achieve the required amount of academic progress for all students, as well as student subgroups, NCLB requires that students be offered options to help improve their individual academic achievement.



Questions to Ask when Deciding to Change Schools

1. How are students performing?

Pay particular attention to the performance of subgroups, such as special education students. Special education services should enable students with disabilities to access grade level content standards and perform satisfactorily on district and state assessments.

2. How are the students with diverse learning needs (e.g., students with disabilities and students with limited English proficiency) treated?

Students with special needs should be fully integrated in the school environment, including extracurricular activities, and treated with the same respect as all other students in the school. Studies have shown that the more isolated special needs students are, the less access they have to the general curriculum.

3. Are the teachers highly qualified to teach in their subject areas? Are special education teachers qualified in both special education and the subjects they teach?

Become familiar with the requirements for teacher quality as required by NCLB and IDEA. Also, be sure that all teachers meet the qualifications, including special education teachers. If your child is experiencing difficulty in reading, check the availability and training of reading specialists trained in the essential components of reading instruction as defined by NCLB. (See the companion publications on page 8 for more information.)

4. Do teachers have the skills and knowledge to teach students with special learning needs?

Ask if general education teachers are provided with professional development that helps them understand the needs of students with disabilities, such as learning disabilities. Since most students with disabilities spend much of their instructional time in general education classrooms, this type of training is critical to student success.

5. Are specialized staff available to address the special learning needs of a child (e.g., speech therapist, psychologist or aides)?

Confirm that the school has the staff to deliver all specialized and related services needed by your child. Related service providers should work in a collaborative manner with general and special education teachers to foster student success.

6. How far is the student willing to be bused?

If your child has special health or behavioral issues, a lengthy bus ride to and from a new school may be troublesome. If your child requires special transportation, confirm that it will be provided at no cost to you.

7. Does the student want to be in a school with his or her friends?

If your child has established close friendships, a change in schools may be difficult. Consider if the gains of a new school will outweigh the loss of friendships for your child. An unhappy student is generally not a successful student.

NCLB Fast Facts

According to surveys conducted by the Center on Education Policy...

- 15 percent of school districts nationwide had schools that were required to offer school choice in the 2004-2005 school year.
- Just 1 percent of students eligible for school choice actually transferred schools in the 2004-2005 school year.
- School districts reported difficulty in keeping to class size limits in schools that could receive transferring students and providing information to parents about the school choice option.



Students with Individualized Education Programs (IEP)

Before making a final decision to change schools, be sure to visit the prospective school and discuss the student's specific needs with the school's staff. A review of the student's current Individualized Education Program (IEP) would be a good way to determine if the prospective school is equipped to deliver all necessary special education services, related services and supports.

When changing schools, the receiving school may adopt the existing IEP, in which case no new IEP is required since the move is considered a "change in location," not a "change in placement." This means, however, that the receiving school will execute all aspects of the existing IEP, including all specialized instructional services (including methodologies such as specialized reading programs), related services, participation with non-disabled students, appropriate accommodations, and inclusion in state- and district-wide assessments of student achievement.

If any of the services in the current IEP will change as a result of the school transfer, then the school of choice must convene an IEP team meeting and develop a new IEP that meets the student's needs.

Choosing a School for Your Child

Choosing a School for Your Child, published by the U.S. Department of Education, offers step-by-step advice on how to choose among the schools available to your child. It identifies important factors you may want to consider before making a decision. Available online at <http://www.ed.gov/parents/schools/find/choose>

To obtain print copies in English or Spanish, write: ED Pubs, Education Publications Center, U.S. Department of Education, P.O. Box 1398, Jessup, MD 20794-1398;

Fax: (301) 470-1244;

E-mail: edpubs@inet.ed.gov;

Call toll-free: 1-877-433-7827 (1-877-4-ED-PUBS). If 877 services are not yet available in your area, call 1-800-872-5327 (1-800-USA-LEARN).

Those who use telecommunications devices for the deaf (TDD) or a teletypewriter (TTY), should call 1-877-576-7734; or order online at www.edpubs.org

www.SchoolMatters.com

www.SchoolMatters.com, a national education data service that provides in-depth information and analysis about public schools, districts and state education systems, offers parents and the general public instant access to a wide range of data on local schools and schools districts, including AYP status.

Among the information the Web site provides:

- **Student proficiency results** on statewide reading and math tests, broken down by student subgroups and grades, for every public school, district and state;
- **Student demographic information** including socio-economic, special education and English language learner populations at the school, district and state levels;
- **District and state financial data** like spending allocations, revenue streams, staff compensation and long-term debt;
- **Community demographic data**, such as income levels, housing values, household parental status, and adult educational attainment levels.



Supplemental Educational Services

After three or more years of not achieving AYP, a Title I school must:

- ▶ Offer supplemental educational services (SES), such as academic tutoring, to **low income children**, including those with disabilities, at no cost to the families. (Low income students are generally those who are eligible for free or reduced-price lunch.) SES instruction must take place outside of the regular school day. (Priority must be given to the lowest achieving, low income students when request for services exceeds availability.)
- ▶ Supply **parents of eligible students** with a list of approved supplemental educational services providers and help parents choose a provider.
- ▶ Continue to offer school choice to **all enrolled students**.

Important Points about Supplemental Educational Services

- ▶ States must develop a list of approved “providers” of supplemental educational services. Approved providers (which may include individuals or such organizations as educational service agencies, institutions of higher education, faith-based and community-based organizations, or private businesses) must use high-quality, research-based instructional strategies and have a history of success in improving student academic achievement.
- ▶ Schools are not required to provide transportation for students to and from service providers. Parents need to ensure their child attends the supplemental services sessions.
- ▶ Students should be given services for an extended period of time, preferably the entire school year.
- ▶ Once a provider is chosen, a “learning plan” is developed with the SES provider. A learning plan includes specific achievement goals for the student, a description of how the student’s progress will be measured, how the student’s parents and teachers will be regularly informed of that progress, and a timetable for improving the student’s achievement.
- ▶ A school district may terminate the services a provider is providing if the provider is unable to meet the student’s specific achievement goals and the timetable set out in the learning plan. Additionally, parents who are not satisfied with the services their child is receiving may request a new provider.
- ▶ When the school makes AYP for 2 consecutive years, they are no longer required to provide these supplemental services.

NCLB Fast Facts

According to surveys conducted by the Center on Education Policy ...

- In school year 2004-2005 about 10 percent of Title I districts had schools required to offer supplemental educational services.
- Roughly 18 percent of eligible students took advantage of supplemental services in the 2004-2005 school year.
- States reported that their top challenge in implementing supplemental educational services was determining whether the services of potential providers have been effective in raising student achievement.



Students with Individualized Education Programs (IEP)

- ▶ Services provided as “supplemental educational services” should be academic in nature and should correspond to the student’s area of academic weakness, as measured by the testing required by NCLB.
- ▶ Services are in addition to those specialized services required by a student’s Individualized Education Program (IEP), yet must be consistent with such services.
- ▶ Supplemental educational services providers may not discriminate against students with disabilities (including students covered under Section 504). For students with disabilities, including learning disabilities, supplemental services providers who can provide the necessary accommodations must be available. If no provider is able to make services available with the necessary accommodations, the school district must provide the services, either directly or through a contract.

Important Terms to Know

Adequate Yearly Progress (AYP)

Annual improvement that states, school districts, and schools must make each year in order to reach the NCLB goal of having every student proficient by the year 2014. The AYP requirement holds schools accountable for continuous progress in student achievement.

Public School Choice

Opportunities for students in Title I schools that don’t show progress to transfer to another school that is achieving better results for students. Schools must provide transportation for students who transfer.

Supplemental Educational Services

Opportunities for additional academic assistance for students from low income families in Title I schools that consistently don’t show progress. Supplemental services, including tutoring, remediation, after-school programs, and summer school are provided at no cost to parents.

SES Resources

- ▶ www.Tutors4Kids.org

This Web site provides information about supplemental educational services in all 50 states, the District of Columbia, and Puerto Rico.

Information for each state includes:

- list of current SES providers
- application for SES providers
- information about schools identified for improvement
- SES contact person.

▶ Choices For Parents

This Supplemental Educational Services Brochure, published by the U.S. Department of Education, answers many basic questions about SES.

Available in English and Spanish at:

<http://www.ed.gov/parents/academic/involve/suppservices/index.html>



Questions to Ask when Selecting an SES Provider

Note: These questions use reading difficulty as the focus for SES services; however, the same questions would apply to difficulty in math.

1. How did you or your company become a provider of SES?

Each SES provider had to complete an application checklist with detailed information about the services provided, evidence that the services work, the qualifications of the instructors and how the services align with the state's educational standards. The State Department of Education analyzed each application and approved providers who met the requirements.

2. What are your qualifications/training and the qualifications of your staff?

Depending on the area(s) your child is working on, the instructors may have different qualifications. You should ask about the kind of college and even graduate degree held by the instructors and the experience they have in teaching children to read. The instructor might be a reading specialist or a speech-language pathologist with special training in reading. The instructor should be able to explain the evidence behind the approach(es) used.

3. Will you complete any testing on my child? If so, what will it show?

Testing should be designed individually for your child. Some important areas to test related to reading are: reading rate; reading accuracy; reading fluency; sight word identification; decoding skills; phonological awareness skills; working memory; rapid naming; spelling; written language. The provider should obtain information from your child's school about areas of difficulty and look at the identified areas of need on your child's IEP (if s/he has one). The provider should also ask you what specific problems you have observed when your child tries to read and write.

4. How will you select the academic goals to work on?

Once testing is completed, the results will help identify the areas of strength and weakness. The information provided by you, the child's teacher(s) and a review of the IEP (if your child has one) will also help identify goals.

5. How will the extra help provided by you help my child in school?

The goals selected should be related to the core content areas, specifically for the area(s) your child needs to work on. If your child has an IEP with goals for improving reading and written language skills, the supplemental services should target those areas.

6. How will you share information with my child's teacher?

The information provided by the SES provider is confidential. It is probably in your child's best interest if the SES provider shares the results of any testing and the progress reports with the child's school. You will be asked to sign a Release of Information form so this can happen.

7. How will I know your work is helping my child make progress?

The instructor should be giving you feedback after each session—as well as intermittently—as the intervention is provided. This will probably be an oral report. You should also expect to receive a written summary at the end of the intervention (or perhaps more frequently) that clearly documents progress on the targeted goals. Look for measurable information (e.g., the child was 60% accurate at the beginning of the period and can now complete the task with 85% accuracy; the child had a standard score of 4 on the initial test and now has a standard score of 6).



National Center *for* **Learning Disabilities** *The power to hope, to learn, and to succeed.*

The National Center for Learning Disabilities, Inc., is a nonprofit organization dedicated to ensuring that the nation's 15 million children and adults with learning disabilities have every opportunity to succeed in school, work, and life. NCLD provides essential information to parents, professionals, and individuals with learning disabilities, promotes research and programs to foster effective learning, and advocates for policies to protect and strengthen educational rights and opportunities. For more information, please visit us on the Web at www.LD.org, and www.getreadytoread.org.

Schwab Learning

Schwab Learning is a nonprofit program of the Charles and Helen Schwab Foundation dedicated to helping kids with learning and attention problems be successful in school and life. Schwab Learning develops and delivers resources that provide parents of kids with learning difficulties, and kids themselves, with practical information, empathic support, and trustworthy guidance. Schwab Learning services are delivered through two websites, one designed specifically for parents at SchwabLearning.org and another created expressly for kids ages 8-12 at SparkTop.orgTM, as well as through outreach and community services.

About the Author

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Visit www.LD.org/NCLB for these companion publications:

- Making the 'No Child Left Behind Act' Work for Children Who Struggle to Learn: A Parent's Guide
- Understanding Assessment Options for IDEA-eligible Students
- Determining Appropriate Assessment Accommodations for Students with Disabilities