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What a Mess!

ARE NCLB AND IDEA IN CONFLICT?

Revolutionary Common Sense by Kathie Snow
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What happens when two federal laws send different messages? No Child Left Behind (NCLB) and special ed law (IDEA-Individuals with Disabilities Education Act) seem to be in conflict. NCLB applies to all public schools and their students and teachers in the United States. IDEA, of course, is applicable only to students who receive special ed services. According to www.nclb.gov:

The No Child Left Behind Act of 2001 is a landmark in education reform designed to improve student achievement and change the culture of America's schools. President George W. Bush describes this law as the "cornerstone of my administration." Clearly, our children are our future, and, as President Bush has expressed, "Too many of our neediest children are being left behind."

There are many components of NCLB, including raising teacher qualifications, proficiency testing of students *and* educators, the parental option (within certain parameters) to transfer a child from a "failing" school to a better school, and much more. Congress has allocated funding to help states pay for the activities prescribed under the law (but many educators and some politicians feel the funding is inadequate, at best). And schools face consequences if the law's mandates are not met.

Initially, NCLB received rave reviews—it seemed to be a grand solution to the deterioration of America's public schools. Today, parents, educators, and even some politicians are having second thoughts about this mandate from the Federal government. It's quite a mess.

But there's an even bigger mess when it comes to what NCLB means to students who receive special ed services per IDEA. Under special ed law, a student with a disability is to be educated in age-appropriate, regular education classes, in the school she would attend if she didn't have a disability, with the necessary supports, accommodations, and assistive technology devices. The child is not to be removed from this educational placement (e.g., placed in a more restrictive setting) unless the child cannot learn in this environment. In addition, the law states that a student should not be *removed* from the regular education environment just because she needs curriculum modifications. (To read all the provisions of this Federal special education law, visit <http://www.ed.gov/policy/spenced/guid/idea/idea2004.html>.)

Keep all this in mind, as we go back to NCLB for a moment. According to www.nclb.gov, ". . . each state must measure every public school student's progress in reading and math in each of grades 3 through 8 and at least once during grades 10 through 12 . . . These assessments

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must be aligned with state academic content and the achievement standards.” States have created their own annual assessments, in line with NCLB. They have also developed policies outlining the consequences if students don’t “pass” these annual tests, and in many states, students who don’t pass are held back! (Maybe this law should actually be called the “Leave Children Behind Act.”)

So, what happens to a child who receives special ed services? IDEA says the child should be in age-appropriate classes, with curriculum modifications (even if he’s not at “grade level” in every subject), so he can be *involved in and progress in* the general curriculum. Under NCLB, schools can “fail” a child if he doesn’t pass the assessments (in other words, if he’s not at “grade level”).

Which law takes precedence? And who decides? Parents, lawyers, educators, judges, or politicians? Will IEP (Individualized Education Program) teams decide which law to follow at every IEP meeting? I’m not sure. I’ve asked several people who know much more than me, and they don’t know! One person believed IDEA would take precedence, but wasn’t totally sure.

I’m also not sure how we’ll find the answers! Perhaps we should each begin with our state’s department of education, since education is a “state’s right,” even though the Federal government is involved in local education issues through NCLB, IDEA, Title I, and other programs which it funds. If *you* learn anything that will shed light on this mess, please let me know, and I’ll share it with others. Here’s to successful sleuthing, the productive detangling of a mess, and clarifying what’s what in this apparent conflict!

NCLB Affects Educators, Too

Interestingly, several recent news stories have detailed the moaning and groaning among educators—including some superintendents—who have “failed” *their* tests mandated by NCLB. This situation, along with educator frustration over all the rules and regs of NCLB, is causing more and more educators to question NCLB. In hindsight, it appears the passage of NCLB was politically-based, instead of constituent-based. In short, politicians wanted it passed, while few educators, parents, and/or students even knew what it was. NCLB passed through the legislative process very quickly with little discussion among the American people; few, if any, Federal lawmakers voiced opposition to this new legislation proposed by President Bush. To do so—to do anything that would make a legislator look like he is “against” education—was too big a risk. Now that the law is in force, however, parents, educators, and even some legislators who originally supported the law are questioning its rationale and validity. In addition, many educators are beginning to publicly wonder if there wasn’t an ulterior motive on the part of President Bush from the beginning: if the bar on public education was set so high as to be unreachable, this would make school vouchers for private schools (an idea Bush and others support) that much easier to push through. Politics, politics, politics!

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