

NCLB — A Crossroads for Special Education



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The debate that has emerged over the *No Child Left Behind Act of 2001* (NCLB) and its effect on students with disabilities involves three different viewpoints: (1) stay the course and tough it out; (2) keep these students in the accountability system but give them different tests and hold them to different standards; or (3) take the students out of the NCLB accountability system because it is unreasonable and unfair to them. As the evolution of accountability for education programs for students with disabilities has slowly inched its way from accountability for process and procedure to accountability for educational performance, NCLB has presented an unprecedented dilemma for special education programs.

For its first 22 years, special education as we know it today was a prescriptive, federally driven program; procedural compliance was the rule. Concern for access and protections, which was the momentum behind the original 1975 statute, dominated special education accountability. Educators griped about this, but grudgingly attempted to comply with the complicated and ever-growing maze of requirements.

This direction began to change as the movement to raise standards took hold in the mid-1990s. Policymakers were confronted with the proposition that if they were to raise standards and improve results, they could not choose which students would be affected; it would have to be all students.

At the same time, organizations such as the Education Trust published research that exposed enormous achievement gaps between certain subgroups of students and the general student population. Policymakers, and some researchers, began to question why these groups were so far behind.

The subgroup that has recently caused the most consternation is the special education population. Why are educators so conflicted over academic expectations for this group of students?

One reason is that, historically, expectations for this population were shaped during a time when the students in special education were a homogeneous group. This group has become increasingly diverse in type of disability, with a growing percentage of school enrollment being classified as needing special education services. The driving force behind the landmark 1975 legislation had been parents of children with mental retardation or multiple disabilities, while the population receiving special education in 1995 was primarily identified as learning disabled, emotionally disturbed, and speech impaired. The population had changed significantly, and expectations did not keep pace.

In 1997, with the reauthorization of IDEA, special education accountability crossed the magic line from process to educational performance. Most educators cheered this moment. Finally, access to the general education curriculum was a primary focus for these students. Accountability systems were to include them, and reports on their performance were to be as routine as all other reports on student performance.

After all these years, students with disabilities had finally been recognized as a group who, in many cases, could and should be able to meet standards. As the 1997 reauthorization stated, special education should become a service rather than a place where students are sent.

States and local districts began to show progress in performance for students receiving special education services. This was an exciting time for those of us involved at the state and local levels. Then along came NCLB, and how quickly the attitudes of some educators changed.

The policies and adequate yearly progress provisions designed to implement NCLB have created dilemmas regarding accountability that even the most ardent supporters of the effort to help students with disabilities meet high standards are finding troublesome. AYP has supplanted IEP as the acronym most used in discussions among special educators.

The problem as we see it is not with the intent of the AYP provision but with the design of its implementation for this population. To begin with, the idea of setting a hard-and-fast percentage of students who could be considered for an alternative assessment is flawed. In the ideal world that might be desirable, but in the real world, a uniform percentage cannot be expected to be right for each district and every state.

Another problem is the requirement that AYP rules be applied in the same way to special education students as to the general education population. The fact is that only recently have many of these students been exposed to the full general education curriculum on a regular basis. Moreover, special education services are still undergoing realignment as the expectation to have more effective instructional strategies and programs in place grows nationwide.

And now, as AYP results are reported, educators have been sounding the alarm that it is the special education students who are causing their schools to be considered in need of improvement, and “that’s not fair to the schools.” This reaction could place the onus for achievement on the special education students, and we could end up with a scenario in which school administrators say that they have a good school but the special education students are holding them back from meeting their annual progress goals.

It appears that NCLB has exposed an issue concerning the expectations of educators that was hidden below the surface of the IDEA requirements. While it was acceptable to begin to account for the educational performance of these students, it is less acceptable to be held accountable for continuous improvement for these results.

Finally, the issue of “highly qualified teachers” has raised a concern among those responsible for implementing NCLB. Some educators feel it is unrealistic to expect special education teachers also to be qualified to teach academic subjects. The concern is that this will drive even more teachers out of the field or result in students being placed inappropriately in general education classrooms in order to be taught by “qualified” teachers.

Are these perhaps the wrong concerns? Shouldn’t we be more concerned about the student who may be capable of mastering a curriculum based on high standards but who, by virtue of being classified as needing special education services, is being taught by a teacher who does not have the knowledge to teach, for example, biology? We all know there are special education students in this situation today, although perhaps not as many as in the past. But particularly in many large and poor districts, this is still the case for a significant number of students.

There are strategies that can be put in place to address these challenges and make good on the intentions of the legislation to ensure that special education services are provided within the context of high-quality instruction. We must avoid the possibility of students with disabilities once again being set aside from the world of high expectations and rigorous curricula that must be available to all students if they are to be competitive, independent, and capable of participating fully in this complex world in which we live.

Here's what we recommend.

1. Get rid of caps on how many students' scores can be counted on alternative assessments and instead use percentages as a trigger to review how states are using the assessments. It is important to ensure that no student who has the potential to succeed in the general education curriculum be denied that opportunity. At the same time, it is reasonable to allow the state to show why the percentage of students it has taking alternative assessments is appropriate.
2. Do not remove students with disabilities from accountability systems or rush to rely on tests that are less demanding as quick solutions to the AYP problem. Doing so would be a terrible mistake and would set special education back 25 years. If these students are removed from the accountability system, their performance will be ignored again. The opportunity NCLB provides to parents to have information on the progress their children are making as a result of special education services will be lost. After all, we want all students to make adequate yearly progress, and we want the many students receiving special education services who *are* academically capable, given the right opportunities and supports, to have every chance to reach higher standards.

We know that the performance gap between general education and special education is huge. Many students with disabilities are way behind their age-mates. For some students, this is due to the nature of their disability. We must not lose sight of this. However, much of the gap is due to the inadequate curriculum that special education programs have offered and to the lack of expectation or opportunity for these students to succeed at higher levels.

Let's reconsider our options for measuring AYP for this group of academically capable special education students. It would be reasonable to devise a continuous improvement approach. What if we measured growth using a different scale from the standard AYP approach, not as a pilot but as national policy, and held states and districts accountable for a somewhat less ambitious schedule of progress? This suggestion would allow time to study those districts that are ahead of the curve in terms of progress — and they do exist — and apply what we learned from them to the broader set of districts.

Policy adjustments could be made along the way, recognizing that there must be dramatic improvement over time but that we are entering a whole new world of expectations for the services being provided to this group. This approach would also give those responsible for developing and implementing state assessments more time to consider new and more desirable ways to deal with the issue of testing the relatively small group of students that don't seem to fit into the alternate assessments states have designed under IDEA or the general state assessments required for most students.

3. Let's devise a workable approach to ensuring that many more students with disabilities receive instruction from teachers qualified to teach subject matter courses, so that the students have a legitimate opportunity to meet academic standards. Few teachers have the knowledge to teach multiple academic subjects at the middle and high school levels. Therefore, we need new approaches to offering special education services to the many students with disabilities potentially capable of meeting higher standards in these settings. While access to the general education curriculum has resulted in significant change in instructional delivery models in many districts, data tells us that many large urban districts and districts that lack resources still rely heavily on the more traditional "full-time special class" models.

There is no reason why teachers of the future can't receive pre-service education that both prepares them to teach diverse learners and allows them to have mastery of an academic subject. Many teacher preparation programs are already moving in this direction. There is no reason why teachers in schools today can't combine their skills and knowledge as a faculty and be organized to provide high-quality academic instruction to all students. Thousands of local districts have restructured their instructional approaches to do this. Federal policies should allow for this change to take place within sensible timelines and permit states and districts to develop innovative strategies to ensure that it happens.

Special education and NCLB can co-exist, and students with disabilities can benefit from a law that clearly has placed the spotlight on the significant achievement gap that exists between certain groups of students in this country. We cannot retreat to a position that continues the tradition of low expectations for students receiving special education services. On the other hand, we cannot expect dramatic improvement in educational performance from many of these students until instructional programs are realigned to give them the supports and opportunities that will allow them to succeed. A steady path to increased expectations and insistence on continuous improvement in educational performance define the prudent way to proceed.