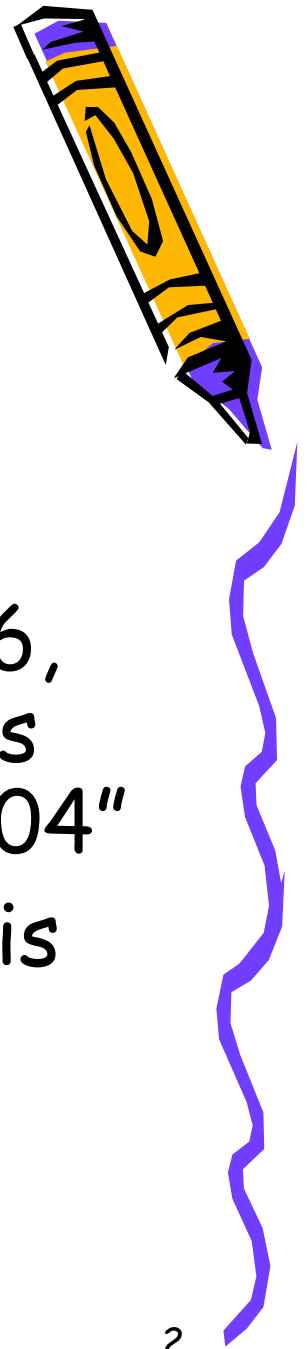




No Child Left Behind Act  
of 2001 *and* the  
Individuals with  
Disabilities Education Act  
of 2004





# A Law is a Law is a Law....

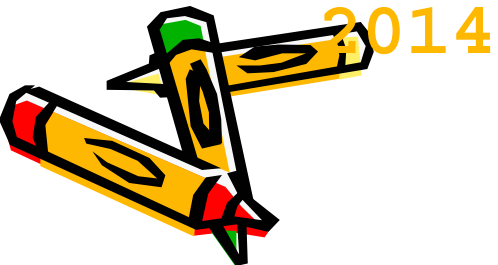
- IDEA '97 was also PL 105-17
- HR 1350 as passed by Congress on 11/19/04, now known as PL 108-446, or the "Individuals with Disabilities Education Improvement Act of 2004"
- *No Child Left Behind Act of 2001* is also known as *NCLB* or PL 107-110



# Make Sure You Understand the Alphabet Soup from Both Laws



- **IEP**      **IAA**      **NAEP**
  - **SES**      **47.5%**      **What is Title III?**
- **AYP**      **Safe Harbor**      **HQT**
  - **ISAT**      **40**      **Paras**
- **IFSP**      **Spellings**      **AMAOs**
  - **IMAGE**      **Target in 2013-**  
**2014**



# *No Child Left Behind* Act of 2001 (*NCLB*)



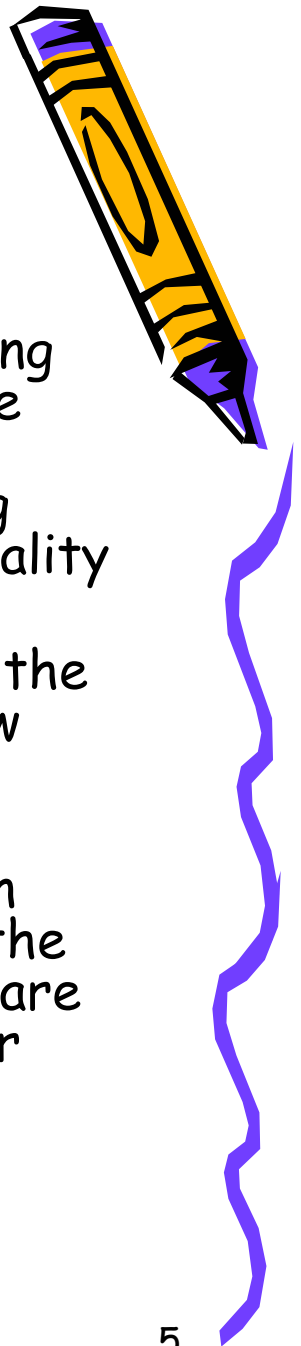
- ✓ Standards
- ✓ Student assessment for all students
- ✓ School accountability for all schools
- ✓ Teacher Quality
- ✓ Parent Options
- ✓ Reporting
- ✓ Sanctions for all schools but more for Title I-funded schools
- ✓ Funding for Titles I, II, III, IV, V and VI, plus Reading First and Homeless student services

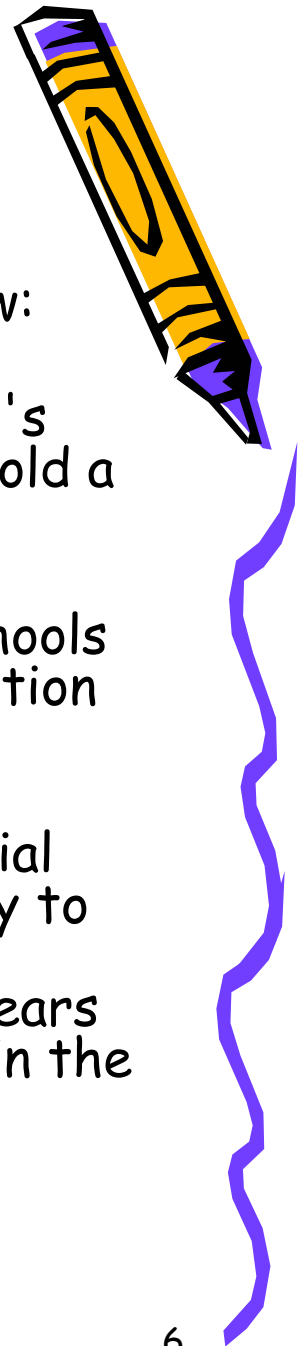


# From *The Achiever*

January 15, 2005 • Vol. 4, No. 1

- In December, President Bush signed into law a bill revamping the Individuals with Disabilities Education Act (IDEA). The new law builds on the reforms of *NCLB*, including parental choice and academic results for students, while addressing issues of paperwork reduction and litigation to ensure a quality education for over six million children with disabilities.
- Under *NCLB*, states and school districts must account for the academic progress of all students with disabilities, and new provisions released in 2004 allow greater flexibility for students with the most significant cognitive disabilities.
- In addition, in schools that have been identified as being in need of improvement, students with disabilities now have the same access to *NCLB* benefits as all other students. They are eligible to either transfer to a better performing school or receive supplemental educational services.





# From *The Achiever* (cont'd)

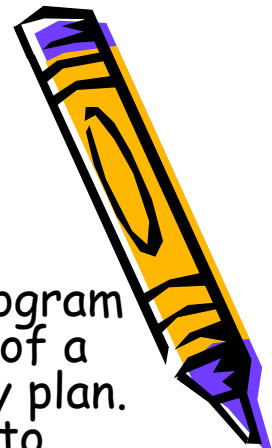
Following are key changes in the national special education law:

- **Expand options for parents.** Parents, along with the local education agency, may agree to make changes to a student's individualized education program (IEP) without having to hold a formal IEP meeting. They may instead develop a written document for an amendment.
- **Prevent requiring medication for education services.** Schools cannot force parents to medicate their children as a condition of attending school, receiving an evaluation or receiving services.
- **Extend the timeline for teacher certification.** New special education teachers who teach multiple subjects exclusively to students with disabilities and who are deemed "highly qualified" in math, language arts or science will have two years after their employment date to demonstrate competency in the other core academic subjects they teach.

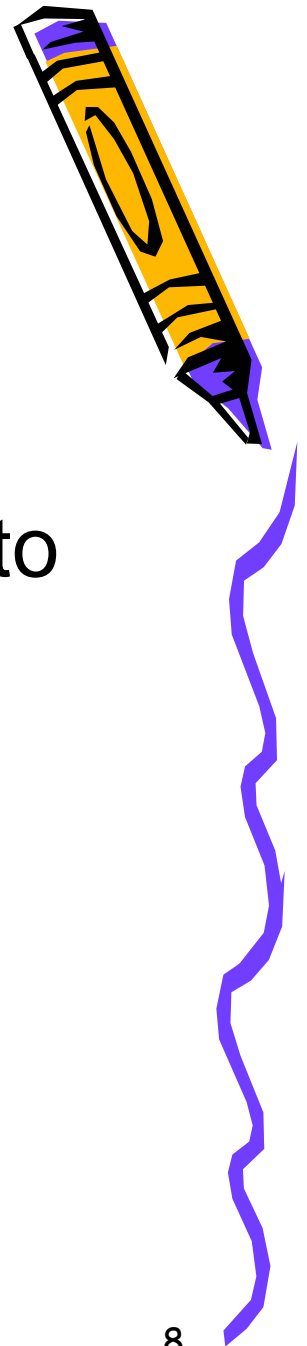


# From *The Achiever* (cont'd)

- **Reduce the paperwork burden on teachers.** A 15-state pilot program will allow states and school districts to offer parents the option of a multi-year IEP, not to exceed three years, as opposed to a yearly plan. Another pilot program will allow the U.S. secretary of education to waive certain paperwork requirements for up to 15 states.
- **Reduce litigation.** Prior to a due process hearing, the district must hold a resolution session with parents and IEP Team members within 15 days of receiving notice of a parent's complaint. In addition, a request for a hearing must be filed within two years from the date of the alleged violation.
- **Reduce misidentification of non-disabled children.** School districts can address the problem of children being erroneously placed in special education by using a portion of their IDEA funding to provide intervention services to children who have not yet been identified as needing special education but need additional academic or behavioral support.



# General Items



- References to homeless children sprinkled throughout the bill, similar to *NCLB*
- Title X within *NCLB* has all of the “homeless student” provisions







# TOP CHANGES TO IDEA

by

Nancy D. Reder, National Association of  
State Directors of Special Education



# NUMBER 15



- Part C changes [Early Intervention]
  - State option to extend Part C services beyond age 3 – no free appropriate public education...
  - Adds to the list of services sign language and cued language services, and service by vision specialists
  - Becomes a state option after appropriations trigger hits \$460 million (20% of increases)



# NUMBER 14

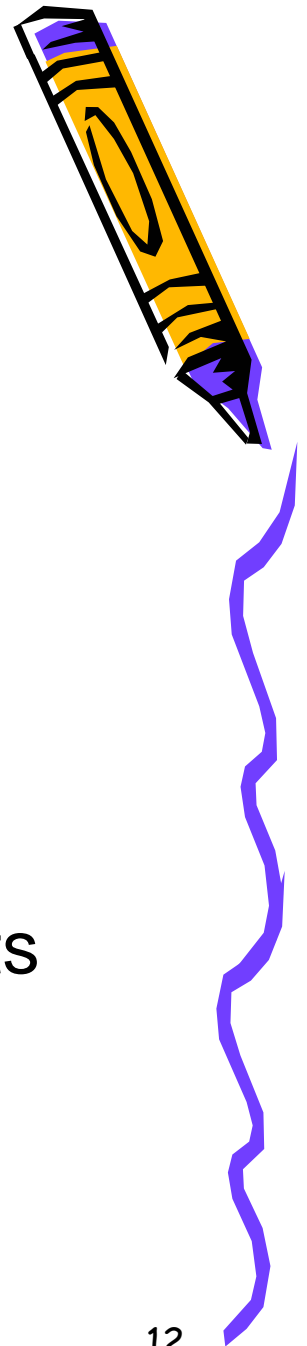


## ■ Section 619: Preschool Grants

- Adds requirement that the provision of early intervention services must include an educational component that promotes school readiness and incorporates preliteracy, language and numeracy skills for those children remaining in Part C-funded services until kindergarten and for their families.
- State policy by the lead agency **and** the SEA **may** allow families to choose to continue early intervention with an education component until the child enters kindergarten



# NUMBER 13



- **Section 618: New data reporting requirements**
  - Receiving early intervention services
  - Disciplinary actions
  - Due process complaints
  - Hearings requested
  - Mediations held; settlement agreements



# NUMBER 12



- Section 615: Procedural Safeguards
  - 2 year statute of limitations for complaints
  - Due process complaint notice -- 10 days to respond
  - Resolution session [preliminary meeting prior to due process hearing] -- within 15 days



# NUMBER 12 (cont'd)

- Attorney fees can be awarded to SEA or LEA against attorney who files a complaint or subsequent cause of action that is unreasonable, frivolous or without foundation; or against the attorney who continues to litigate or if cause of action filed to harass or delay or needlessly increase the cost of litigation



# NUMBER 11



- Section 615(k): Behavior
  - “unique circumstances on case-by-case basis”
  - Removal to “interim alternative educational setting for not more than 45 school days” – services must continue
  - Retains manifestation determination
- Placement during appeal – interim alternative educational setting



# NUMBER 10



- Section 614: Eligibility determination
  - Again, determination of *Specific Learning Disability*
  - Excusal from IEP meetings
  - Transfers
  - Multi-year IEP Pilots –to provide an opportunity to allow LEAs and parents opportunity for long-term planning through developing a comprehensive 3 year plan – in up to 15 states
  - Transition IEP at age 16





# NUMBER 9



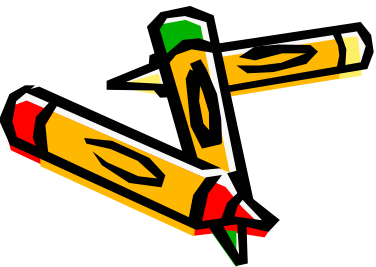
- Section 612: State Eligibility
  - Changes re participation of parentally-placed private school students, including extensive child find activities
  - Emphasis on consultation with private school representatives
  - SEA prohibit requiring child to obtain prescription for controlled medications as a condition of attending school
  - Assessment language added
  - Access to instructional materials/  
Instructional Materials Access Center



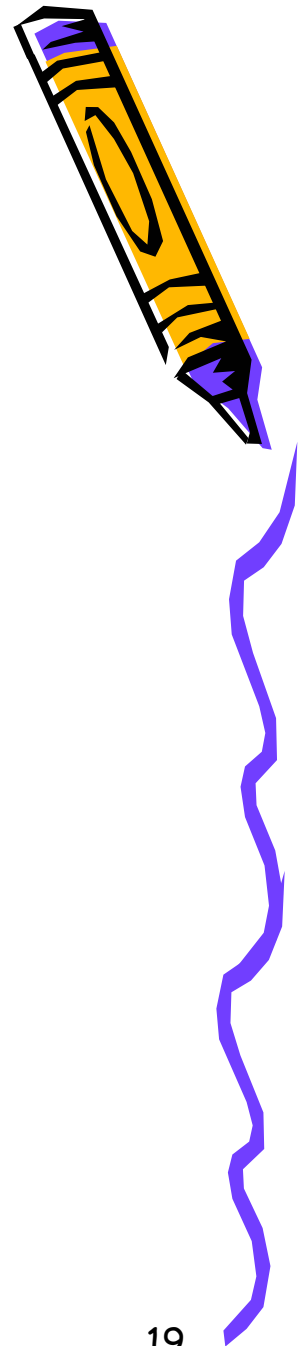
# NUMBER 8



- Section 613: LEAs
  - 50% of federal fund increase can be treated as local funds for Title I activities
  - Early intervening services (15%)
  - Purchase of instructional materials



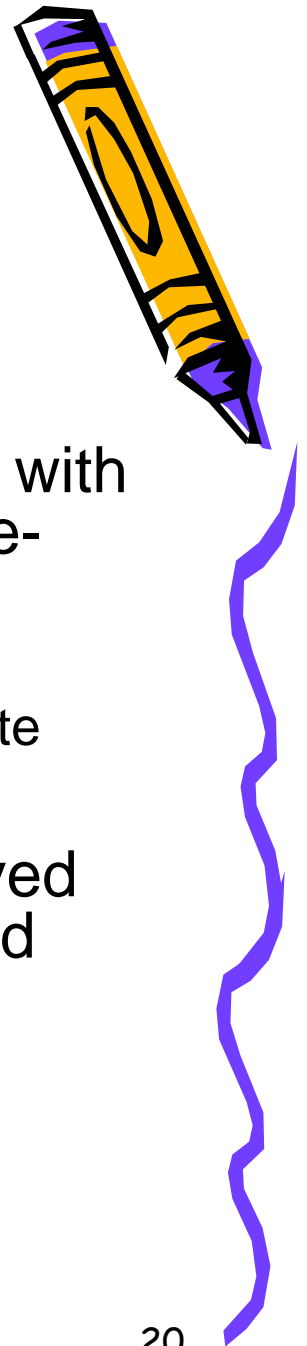
# NUMBER 7



- Section 611: Use of Funds
  - State administrative funds still capped
  - State-level activities – funding formula changed to 10% (with exception)/small state cap adjusted
  - Required activities: (1) monitoring/enforcement and (2) mediation



# NUMBER 6 (cont'd)

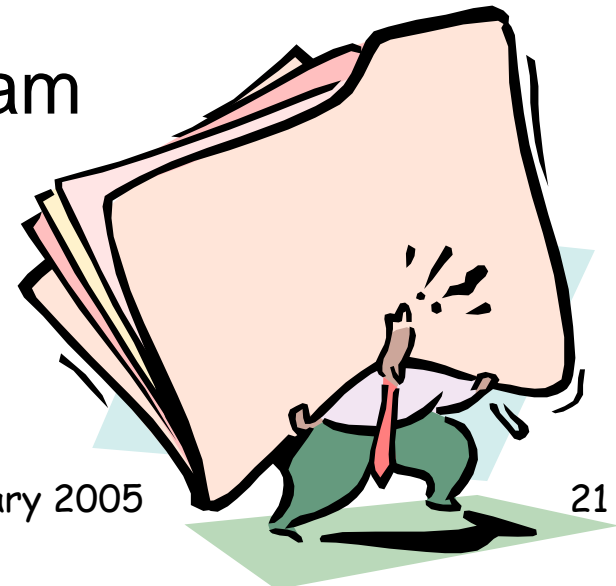


- Section 611: Local Educational Agency Risk Pool
  - To address the needs of high need children with disabilities, States may reserve 10% of state-reserved funds
    - Make disbursements
    - Support innovative ways to cost share by the State
  - State defines high need child
  - SEA shall develop a plan if funds are reserved for the high cost fund, including eligibility and mechanisms
  - Not for medical assistance or to replace



# NUMBER 5

- Section 609: Paperwork reduction
  - Purpose is to provide an opportunity for states to identify ways to reduce paperwork burdens and other administrative duties that are directly associated with the requirements of this law.
  - 15-state, 4 year pilot program
  - Reporting after two years



# NUMBER 4



- Section 616: Monitoring, Technical Assistance and Enforcement
  - Continues with Focused Monitoring
  - IL performance plan due 1 year after enactment
  - State must report annually to the public on the performance of each LEA on the targets in the performance plan
  - Based on plan and monitoring visits, USDE shall determine if the state [very lengthy and *NCLB*-like process]:
    - Meets requirements
    - Needs assistance
    - Needs intervention
    - Needs substantial intervention
    - Required public reporting through a public notice
  - Secretary must review data collection capacity of states

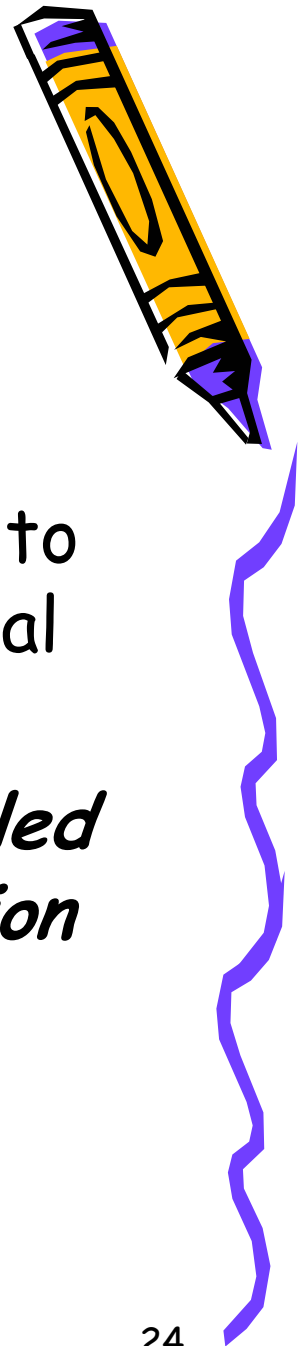


# Number 3

- School nurses included as a related service
- Related services exempts any medical device that is surgically implanted, or its replacement
- Emphasis on "universal design"
- Same emphasis on AYP and other factors
- Focus on access to instructional materials



# Number 3 (cont'd)



- Screening to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education or related services
- *Student may not be considered disabled due to a lack of appropriate instruction in reading*





# Number 2



- The federal regulations that implement the provisions of *NCLB* apply to paraprofessionals working in a program supported with funds under Title I, Part A. These funds are directed to schools that offer “targeted assistance” and those with “school-wide programs.” A paraprofessional who is “working in a program supported with funds under subpart A” of Title I is: (a) *a paraprofessional in a targeted assistance school who is paid with such funds, or* (b) *any paraprofessional in a school-wide program school.*
- All paraprofessionals newly hired after January 8, 2002, in programs supported with funds under Title I, Part A must meet the requirements of *NCLB*. All other paraprofessionals working in programs supported with Title I funds and covered under *NCLB* must meet the requirements by January 8, 2006.

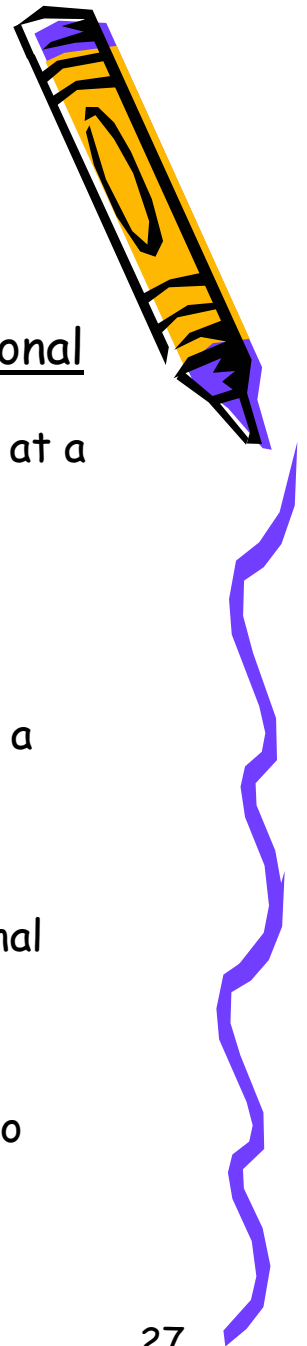


# NUMBER 2 (cont'd)

- The requirements set forth in *NCLB* for paraprofessionals working in programs supported with Title I funds provide that they shall have:
  - • Completed at least two years of study at an institution of higher education; or
  - • Obtained an associate's (or higher) degree; or
  - • Met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment
    - (1) knowledge of, and the ability to assist in the instruction of, reading/language arts, writing, and mathematics; or
    - (2) knowledge of, and the ability to assist in the instruction of, reading readiness, writing readiness, and mathematics readiness, as appropriate.
- All paraprofessionals must have at least a secondary school diploma or its equivalent (state law).



# NUMBER 2 (cont'd)



- Paraprofessionals are defined as individuals who provide instructional support, which is defined as:
  - one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
  - assisting in classroom management;
  - assisting in computer instruction;
  - providing support in a library or media center; or
  - providing instruction support services under the direct supervision of a teacher.
- A paraprofessional is considered to be working under the direct supervision of a teacher if:
  - (a) the teacher plans the instructional activities that the paraprofessional carries out,
  - (b) the teacher evaluates the achievement of students with whom the paraprofessional is working; and
  - (c) the paraprofessional works in close and frequent physical proximity to the teacher.



# NUMBER 2 (cont'd)

State Requirements for Paraprofessional Approval (Effective June 1, 2004). Except for designated special education paraprofessionals, all paraprofessionals (teacher aides) must have a statement of approval from the Illinois State Board of Education based on one of the following:

- Completed 30 semester hours of college credit from a regionally accredited institution of higher education. Evidence is transcript, **or**
- Completed a paraprofessional training program approved by ISBE or ICCB. Evidence is an ICCB transcript or certificate of completion, **or**
- State Assessment
  - Passed the ETS Parapro Assessment, with 460 as the minimum passing score. Evidence is an official score report, **or**
  - Acceptable Score on ACT WorkKeys assessments (Applied Mathematics - 4, Reading for Information - 4, Business Writing - 3, and Acceptable on the Instructional Support Inventory). Evidence is the ACT WorkKeys "Proficiency Certificate for Teacher Assistants." The Instructional Support Inventory is an on-line performance assessment evaluation completed by a school administrator. It is the verification of satisfactory local performance.



# NUMBER 2 (cont'd)

- Because paraprofessionals providing instructional support for students with disabilities were not previously required to have State approval, a transition period has been provided for such individuals.
- Paraprofessionals first employed in programs for students with disabilities on or before June 30, 2005, have until July 1, 2007 to meet the State requirement. These individuals do not have to fill out an application for state approval until they meet the requirements.
- Paraprofessionals first employed in special education programs after June 30, 2005 must meet state requirements at the time of employment. Beginning July 1, 2007, all paraprofessionals must have State approval.

NOTE: This extended timeline for state approval does NOT change the Federal timeline for paraprofessionals providing instructional support in a program supported with Title 1, Part A



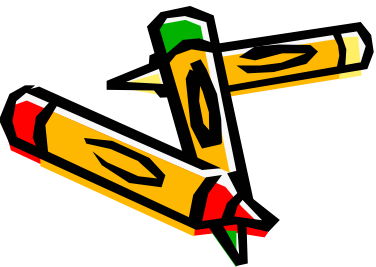
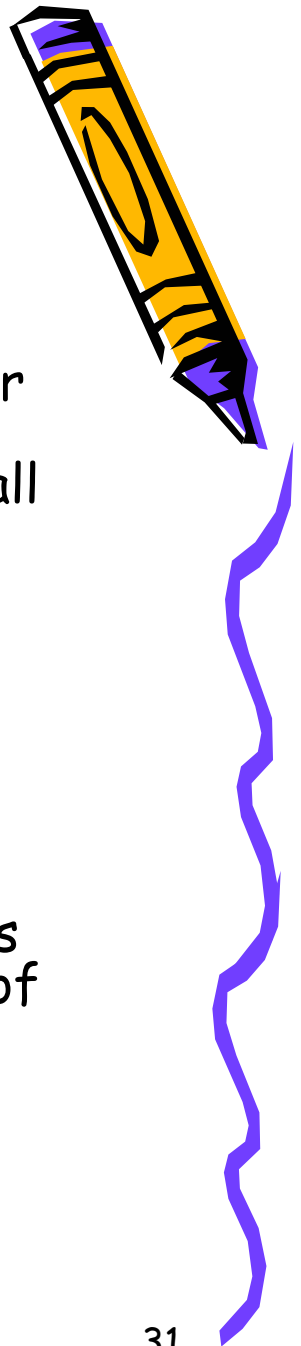
# NUMBER 2 (cont'd)

- School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel as paraprofessionals to assist in the instruction of pupils, so long as each noncertificated individual is under the immediate supervision of a teacher who holds a valid certificate and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code).
- **Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2005, in a program serving students with disabilities shall be subject to this requirement as of July 1, 2007.**
- Each paraprofessional shall be under the direct supervision and control of a fully certificated teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully certificated teacher. The certificated teacher shall be continuously aware of the paraprofessional's activities, i.e., the teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.



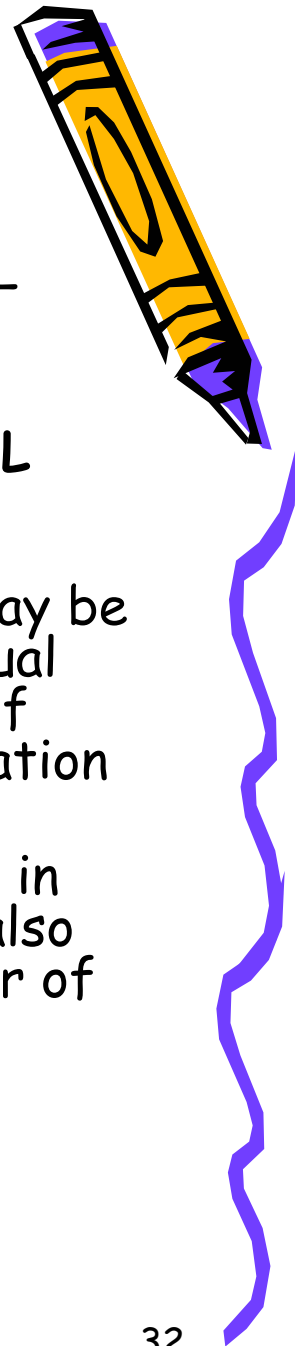
# NUMBER 2 (cont'd)

- Paraprofessionals shall not be utilized as substitutes for or replacement of certificated teachers, and they shall not have equivalent responsibilities. Certificated teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
- Each school district shall:
  - submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
  - maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510; and



# NUMBER 2 (cont'd)

- ICCB approved sites, e.g., Waubensee Community College — AAS/Cert
- ISBE Form 73-95, "REQUEST FOR PARAPROFESSIONAL APPROVAL/APPROVAL FOR PARAPROFESSIONAL EMPLOYMENT IN TITLE I POSITIONS." *Except for designated special education paraprofessionals*, no one may be employed to serve as a paraprofessional unless the individual holds a statement of approval issued by the State Board of Education in consultation with the State Teacher Certification Board.
- Persons seeking employment in Title I funded positions, or in school-wide programs supported with Title I funds, must also meet one of the requirements listed in Part III. The letter of approval will have a designation as either "State Approved Paraprofessional" or "State and NCLB Approved Paraprofessional."





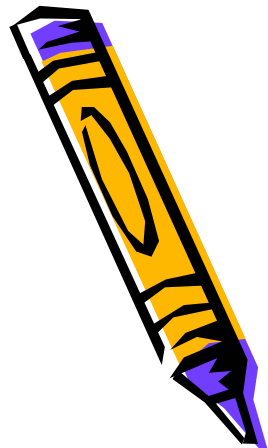
# NUMBER 1—Check for details!


- NCLB had required teachers with a special education certificate, if they also teach core academic subjects to students with disabilities, to demonstrate subject matter knowledge in each of the core subjects they teach.
- Section 602 of IDEA says that highly qualified teachers says that special education teachers of core subjects must *still show* mastery of appropriate subject matter.
- Teachers of two or more core subjects who are already highly qualified in math, reading or science have two years *after* their hiring date to demonstrate competence in the other subjects they teach.
- Another IDEA provision allows teachers of students who are studying material below their nominal grade level to demonstrate subject matter competence at a level deemed appropriate by the state.



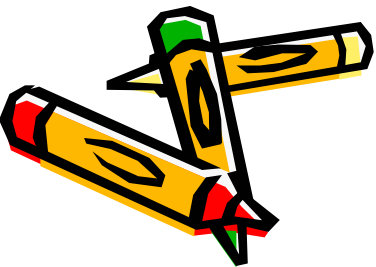
# NUMBER 1!!!

- *NCLB* exempts those special education teachers who provide solely consultative services to core subject teachers.
- States may design a HOUSSE especially for special education teachers as long as it does not establish "a lesser standard for the content knowledge requirements of special education teachers compared to the standards for general education teachers."
- IDEA provisions go into effect in 2005-06.
- ISBE is required to establish and maintain qualifications for personnel, including that those persons have the content knowledge and skills to serve children with disabilities.
- State shall adopt a policy that includes measurable steps to recruit, hire, train and retain highly qualified personnel.





How Do IDEA and *NCLB* Cross Walk?  
Here are some examples of issues.



# Important Provisions

## Parental Choice

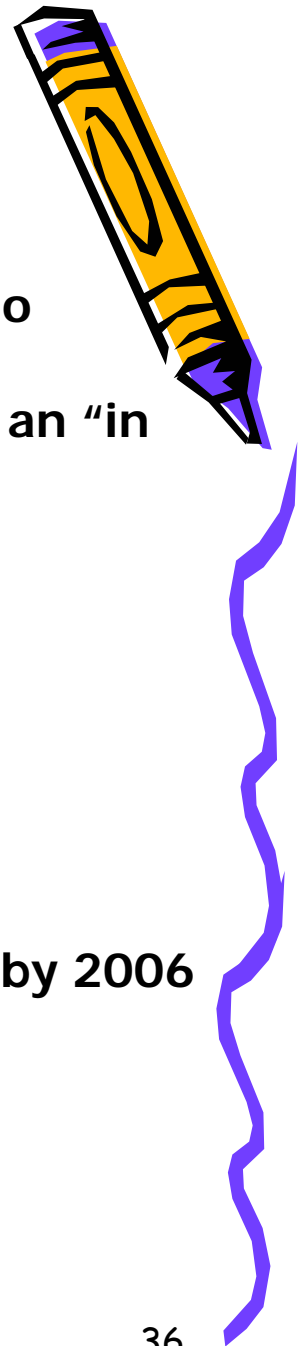
- ✓ If child is in a school in need of improvement, can transfer to another public or charter
- ✓ Up to approximately \$1000 for private tutoring of a child in an “in needs of improvement” school

## Reading First Initiative

- ✓ Effective, proven methods of reading instruction backed by scientific research, K-3
- ✓ Funds triple by 2002

## Teacher Quality

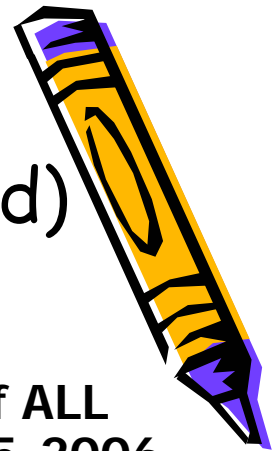
- ✓ Highly-qualified in every classroom by 2002, for new hires; by 2006 for all
- ✓ Teacher opportunity payments for choice of professional development opportunities



# Important Provisions (cont'd)

## Accountability

- ✓ States must develop and implement annual assessments of ALL students in mathematics and reading in grades 3-8 by 2005-2006 school year
- ✓ States must develop science standards by 2005-2006 and implement assessments by 2007-2008 in one grade 3-5, 6-9, 10-12
- ✓ Benchmark will be NAEP
- ✓ States must meet 100% academic proficiency within 12 years (defined by state)
- ✓ Adequate yearly progress (AYP) must apply specifically to disadvantaged students as well as to the overall student population, including a subgroup for individuals with disabilities
- ✓ Data must be disaggregated



# Important Provisions (cont'd)



## Safe Schools

- ✓ Victim of crime or attends unsafe school may transfer to a safe public school
- ✓ School officials can take reasonable action to maintain order without fear of frivolous lawsuits

## English Fluency

- ✓ LEP students tested for reading and language arts in English after attending school in US for three consecutive years

## Rural Schools

- ✓ Greater say in how federal funds are used

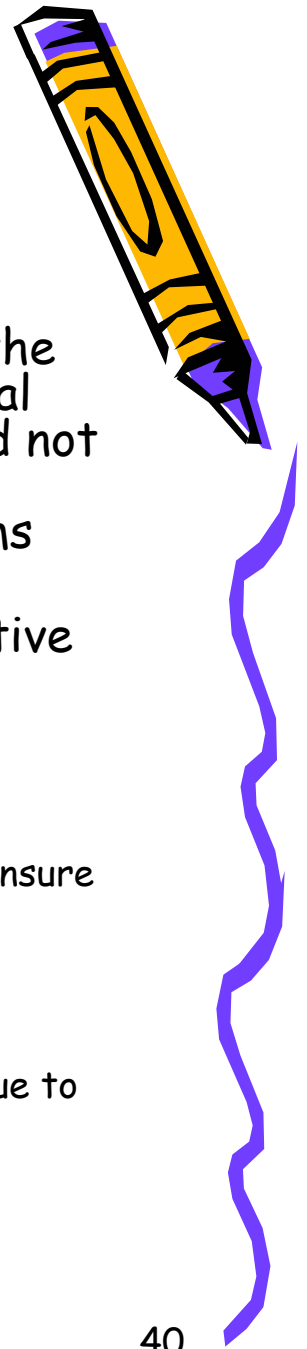


# Important Provisions (cont'd)

- ISBE has provided districts official information about Annual Measurable Achievement Objectives (AMAOs) and limited English proficient (LEP) children. According to *NCLB*, ISBE must hold school districts that receive Title III funding (LIPLEPS and/or IEP) accountable for meeting AMAOs developed for LEP children
- This is the first year that AMAO calculations will be made and published. These targets are based on the performance of cohorts of LEP students on locally-administered, state-approved English language proficiency assessments, and on state-administered achievement assessments (IMAGE or ISAT)
- AMAOs include three target criteria:
  - (1) Progress Towards English Language Proficiency
  - (2) Attainment of English Language Proficiency
  - (3) Adequate Yearly Progress (AYP)



# Important Provisions (cont'd)



- To meet *AMAOs*, a district must achieve all targets defined by the state for all three criterion. Details will be included in the official performance notification letters to districts. If your district did not meet its *AMAOs*, *NCLB* requires that LEAs inform all parents of children identified for participation in Title III- funded programs within 30 days of the official ISBE correspondence.
- In subsequent years, *NCLB* requires states to take other corrective actions to ensure that *AMAOs* are met. *NCLB* has indicated sanctions and possible courses of action at years two and four.
  - If a district fails to meet *AMAOs* for *two* consecutive years,
    1. the state must provide technical assistance to that district; and
    2. the state must require that the district develop an improvement plan to ensure that *AMAOs* are met in the future.
  - If a district fails to meet *AMAOs* for *four* consecutive years,
    1. the state must require the district to modify its curriculum, program, or methods of instruction; or
    2. the state must make a determination on whether the district shall continue to receive funds, and require the district to replace educational personnel associated with the district's failure to meet these objectives.





# Assessment

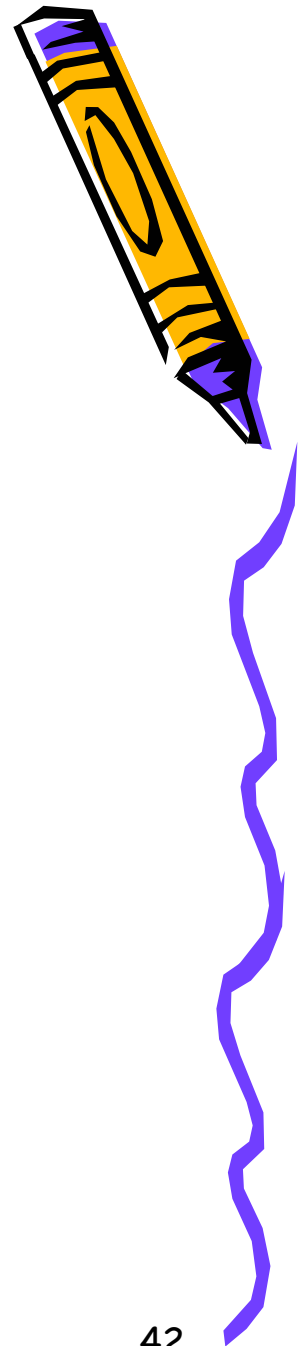
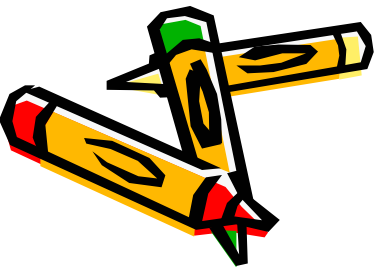
Students with severe disabilities take the Illinois Alternate Assessment (IAA) if participation in the state's regular assessments is not appropriate. The IAA uses a portfolio of student work collected over the course of the school year. Students in grades 3, 5, and 8 now take the IAA in reading and math. Students in grades 4 and 7 take the IAA in science. Students in grade 11 take the IAA in all three subjects.



# Assessment (cont'd)

Progress for 2003-04 data [IAA test of 2004] on students with disabilities progressing and attaining by grade:

- ✓ Grade 3—reading, 37.4%; 17.9%
- ✓ Grade 4—soc sci, 25.4%; 10.4%
- ✓ Grade 5—reading, 34.5%; 19.7%
- ✓ Grade 7—soc sci, 25.5%; 10.9%
- ✓ Grade 8—reading, 32.5%; 15.5%
- ✓ Grade 11—reading, 32.7%; 22.6%



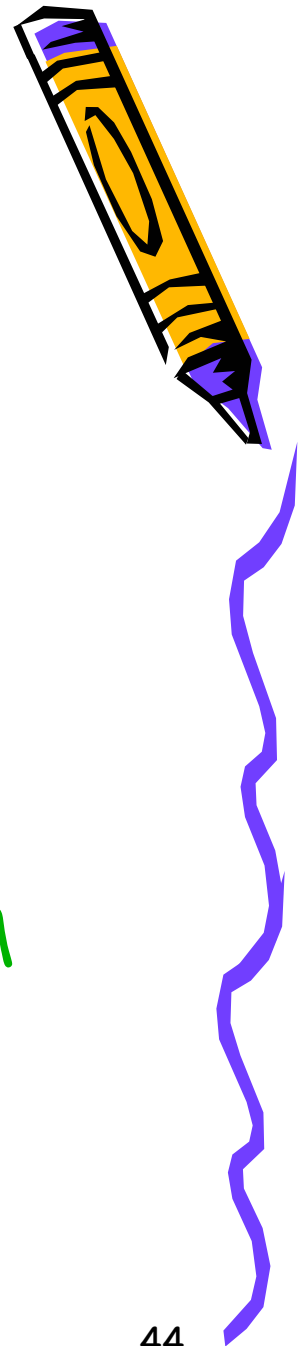
# Assessment (cont'd)

- ✓ 1% cap on scoring in the proficiency level—not at school level but at district and state levels.
  - ✓ Process for requesting an exception by district
    - Eighty-four (84) school districts applied; seventy-four (74) were approved.
    - Four (4) were denied; three (3) applied but did not require the waiver; and three (3) applied but later withdrew the application.
- ✓ Approvals generally for low population districts or areas with significant housing of individuals with disabilities in a district.
- ✓ Will review process and ascertain how well it worked for any revisions for 2005.



# Federal Funding for 2004 (2004-05) to Illinois

- Title I: \$523M
- Title II: \$118M
- Title II, Tech: \$28M
- Title III: \$25M
- Title IV: \$ 17.6M
- 21<sup>st</sup> CCLC: \$39.4M
- IDEA: \$447M
- IDEA Preschool: \$17.9M
- Career and Tech Prep: \$48.7M
- Homeless: \$2.5M
- Student Testing: \$12.9M



# Resources

- USDE at [www.ed.gov/news/pressreleases/2004/11/11172004a.html](http://www.ed.gov/news/pressreleases/2004/11/11172004a.html)
- ISBE at [www.isbe.net/spec-ed/default.htm](http://www.isbe.net/spec-ed/default.htm)
- NASDSE at [www.nasdse.org/NCLBpaper.doc](http://www.nasdse.org/NCLBpaper.doc)
- WestEd at [www.wested.org/cs/we/view/rs/744](http://www.wested.org/cs/we/view/rs/744)
- Congress at [edworkforce.house.gov/issues/108th/education/idea/idea.htm](http://edworkforce.house.gov/issues/108th/education/idea/idea.htm).

