

Unintended Consequences of No Child Left Behind  
By: Chad Kirkpatrick, MetLife Fellow, TNLI Chicago

“Can I help you?” the receptionist asked.

“Yes, my name is Chad Kirkpatrick, I teach children with Autism in a Chicago Public School. I am here to see Mrs. Johnson to discuss the reauthorization of No Child Left Behind (NCLB) legislation,” Chad stated.

“Do you have an appointment?” she inquired.

“In fact, I do,” he said looking her straight in the eyes. He wanted her to know that he was serious about this meeting.

“One moment please,” the receptionist responded and left the room.

When she returned, she said, “She will be right with you.”

“Thank you,” Chad said and sat down in what seemed to be a padded folding chair.

Chad picked up a magazine and, on the front cover, he saw the big topic in education these days in bold lettering: NCLB. He thumbed through the magazine while waiting and read an article that described the basis of this legislation. He thought that, in theory, the idea of NCLB was great, but its application was flawed.

He started thinking about how this has impacted his students—in particular, Tony. He recalled an exchange he had with Tony earlier in the day.

“Tony, it is work time,” he said, “it is time to come to the work table.” Tony didn’t even bat an eye. He has Autism Spectrum Disorder, is non-verbal, easily distracted, and it is difficult to get his attention. Tony is in the third grade and receives all of his formal direction in an instructional autism classroom. He does, however, participate with his regular education peers for music, computer lab, library, and gym classes, with a teacher aide to help support him.

Chad stood up, took Tony by the hand, and walked him over to the worktable. Tony sat down, and then Chad started to worry. Does he work on his Individualized Education Plan (IEP) goal or should he take today to work on his Illinois Alternative Assessment (IAA) goal. The IEP is an Individualized Education Plan for children with disabilities. An IEP team is made up of people who meet to discuss the goals for a particular student based on the student’s individual needs. The IEP team consists of parents, a special education teacher, a regular education teacher, a speech pathologist, an occupational therapist, and anyone else who the parents want to invite to help create an appropriate instructional plan for their child. The IEP team meets once a year to review goals and plan goals for the next school year.

IAA is for students with disabilities who are unable to take the Illinois State Achievement Test (ISAT). When Chad works with Tony, he has to work on two sets of goals that often run counter to each other. The goals on his IEP are designed to meet his needs and help him to become an independent adult, whereas the IAA goals are based on state standards for children without disabilities, and at times these are not appropriate for children such as Tony. For example, one state goal is for students to know the life cycle of a plant. His IEP goal for science is for Tony to be able to care for his environment—including wiping the table, sweeping the floor, and putting his things away. These goals are to address his functioning in the world. When Chad decided to work on Tony’s IAA goal one day, he tried to do so in a manner that worked for his ability level.

Tony sat at the table and waited for his teacher to put out the pictures that had been made of the plant life cycle. The goal was for Tony to sequence the events in the correct order, not to know or understand the life cycle of a plant. Knowing and understanding the plant life cycle was significantly above Tony’s ability. There was a knock at the door.

The principal, Mrs. Gian, walked in, “What are you doing there?” she asked in a pleasant way.

“We are working on the life cycle of a plant,” Chad responded.

Looking puzzled, she pulled him aside and said, “Why are you working on the life cycle of a plant? Shouldn’t you be working on “word to picture” identification? ISAT is coming soon and they’ll pull our funding if we don’t show gains.”

Mrs. Gian faced her own issues. Her goal was for the school to make their adequate yearly progress (AYP). If they don’t make AYP, then there were a series of consequences for the school and her. She had to report to her boss also, and wanted the school to do all it could for the students to make progress and keep the school achieving. If the school did not make AYP, it would be put on a watch list, go through restructuring, very possibly eliminating administration and teachers, and be known as a failing school.

Chad and Mrs. Gian said good day and she left. Tony was very good during this interruption and sat at the worktable and waited for Chad to return.

“Tony,” he prompted, “what goes first, planting the seeds or watering the seeds?” He chose the picture card for watering. “Good try,” he praised, “let’s try again. . . what goes first, the seeds or watering?” He chose seeds. “Very good Tony,” he applauded. They continued with this lesson for 10 minutes—at which time Tony earned a reward for working so well. Tony left the table and went to the computer center to play a math computer game.

“Olivia, come to the worktable please.”

Olivia walked over to the worktable and sat down. Olivia also had Autism Spectrum Disorder. She had limited speech, and when she did speak, it was usually echolalia. Echolalia was when she repeats what was said, exactly the way it was said. She will use the same words and inflection that the speaker uses. For example, when Chad said, “Olivia come to the worktable,” she repeated that sentence exactly the way it was said.

Chad had the same concerns for Olivia. Should he work on her IEP goals or her IAA goals? Olivia was also in the third grade and was highly distracted. She had a tendency to stare blankly in the sky and, at times, seemed to be looking right through him.

He decided to work on one of her IAA reading goals. This goal was for Olivia to be able to order yesterday, today, and tomorrow. Her actual IEP reading goal was to know how to use items in her environment. Examples of this are using a pencil to write, a book to read or look at, fork to eat with, and a knife for cutting.

“Olivia, I want you to put Monday on ‘Yesterday was,’ Tuesday on ‘Today is,’ and Wednesday on ‘Tomorrow will be’ on the chart by the calendar,” Chad directed.

Olivia walked over to the chart and stood there, not knowing exactly what it is she was to do. They have been working on this IAA goal for a month consistently, and she still doesn’t understand the concept, but when they work on her IEP goal she did much better. Olivia’s IEP goal had a purpose for her; her IAA goal was not always developmentally appropriate.

As Chad waited in Mrs. Johnson’s waiting room, he started to think about the end of his day.

The office called him to take a phone call. It was Claire’s parents. Her parents are very involved in her education and wanted to know why he had sent home work that she did with him during the day specifically reviewing and writing vocabulary words. They reminded him that nowhere in her IEP did it state for her to know and write vocabulary words. “Well,” he said, “I am working on her IAA and one of the goals is to be able to identify vocabulary from a story.”

“What is this IAA you are referring to?” Claire’s mother asked.

He explained to her that since Claire was unable to take the ISAT, the state required that he put together a portfolio of Claire’s work towards state standards. This was a way for the state

to measure school performance and address NCLB requirements for children with exceptional needs.

“Oh, I see,” she said, “but you are working on her IEP goals also. . . aren’t you?”

He assured her that he was and they hung up.

Chad was startled by a buzzing sound that distracted him from his thoughts. “She will see you now. Can I get you anything?”

“No thank you,” he answered, and began to feel nervous.

As he entered the office, it was not what he expected for a member of Congress. It was a modest office, with her degrees displayed and some campaign posters, left over from the last election. This put him at ease and he knew this was going to be an informative conversation.

Mrs. Johnson offered him a seat and then asked him his business. Chad started off by telling her that he was not there to argue issues, but rather to gather information on NCLB. She nodded her approval, and before he began, she told him she had just been discussing No Child Left Behind with the Governor.

Chad began with, “If I understand the legislation correctly, what is the idea of one size fits all? I don’t understand how a country made up of immigrants from all over the world, can implement legislation that suggests that we are all the same—especially when it comes to education.”

Mrs. Johnson explained to him that the legislation hopes to give all children the same opportunities to receive an appropriate and viable education. He was surprised by her soft spoken way—it almost seemed scripted. She probably gets these types of questions often, he thought.

She continued, “The idea of using standardized testing is so that there is a way of measuring how our children are performing nationally and globally. It is important that teachers are preparing our children for the world, not just for our country. We need our children to be ready for college, technical school, or whatever they want to do after high school. If we continue as we have been, our children will not be ready for today’s technical world. Business also has a stake in this and they need people who are knowledgeable and ready to work for them.”

“How do you see special-needs children fitting into this legislation?” he asked.

She replied, “Well, children with special needs should also be afforded the same opportunities as all other children.” He nodded his approval, and asked, “Wouldn’t you agree that the Individuals with Disabilities Education Act (IDEA), also a federal legislation, already tells us how to educate children with special needs?” IDEA is a legislation that tells educators that children with special needs should have an IEP that addresses their individual needs and helps them to become productive members of our society.

She appeared stumped for a moment and then replied, “Well yes, but shouldn’t children’s special needs be taken into account when planning for them under NCLB?”

Chad explained to her that IDEA is an act that takes into account the special needs of children with disabilities and mandates that their education be individualized based on their needs. NCLB does not suggest that.

“What part are you referring to?” she asked. But before he could answer, she explained that reading the test to children and providing them more time to take the test is individualizing for these children. She then added, “NCLB also allows for alternative means of assessing children who are unable to take the standardized tests.”

Chad took a deep breath and said, “Yes, NCLB does allow for those accommodations, however, a child who is in fifth grade and functioning at a first grade level takes the test at the fifth grade level. How is this fair? Also, we are not allowed to read any part of the reading assessment to these non-readers and students who are reading below grade level; is this justified? How is alternative assessment actually alternative if it is based on standards that are for the

regular population and not based on a student's IEP which IDEA says each child needs?" He stopped talking and gave her a chance to reply.

She asked him why a child's IEP didn't include state standards. Then she said, "When you write an IEP, why don't you write it addressing the state standards so the alternative assessment measures the child's progress toward the standards?" Chad took a moment to ponder this question.

"Well," he replied, "state standards don't always apply to students with disabilities." He gave her the following example and she watched him with interest and seriousness. "I have a student, Tony, who is non-verbal, has difficulty in taking care of his toileting needs, and is slow at processing information. State standards tell me that this child needs to know the life cycle of a plant and that alternative assessment will measure this understanding. How will knowing the life cycle of a plant help this child in their future?" Chad inquired.

There was a long pause. She told him, "I see your dilemma, but knowing about the world and how it works is necessary for all children, wouldn't you agree?"

"Yes," he agreed, "but in reality Tony's world is much different than ours, so as a special education teacher, I, his parents, and a team of other professionals, believe that addressing his IEP goals for alternative assessment would help him with daily life skills and functioning in the world as independently as possible."

"Indeed it does, but it is important that there is a uniform system of assessment for each and every child, so progress is noted and schools are able to be accountable and make their AYP," Mrs. Johnson said. "It is an issue of accountability and making sure that schools are preparing our children for the real world and doing all they can to help all children find their place in the world," she concluded.

"I see, it is the issue of a uniform way to measure student progress in order to ensure that schools are performing in the best way they can for our children and if they don't perform to standards, there are ways to help these schools do better for their students," he restated to her. She nodded approvingly.

They both stood and shook hands. She thanked him for coming to discuss this very important issue and he thanked her for her time. He then stood up to leave her office with a better understanding of this pressing piece of legislation.

"Oh, one more thing," Chad asked. "How do you feel about policymakers and teachers working collaboratively on the reauthorization of NCLB? Is it possible for policymakers and teachers, who are battling for the same idea—educating all children—to meet and look at this policy and work on making NCLB work for everyone, most importantly, the students?"

Mrs. Johnson agreed with Chad, but wondered where to begin.

#### Discussion Questions

1. How can we make alternative assessments more reflective of a student's needs?
2. Teachers should be a part of NCLB. How can teachers be involved in the implementation of its reauthorization?
3. In what ways can NCLB and IDEA be bridged?
4. When discussing NCLB, are children with disabilities a part of the equation? Specifically, are children with disabilities that are more severe than learning disabilities part of the equation?