



Council for
Exceptional
Children

**No Child Left Behind Act of 2001
Implications for
Special Education Policy and
Practice**

Selected Sections of Title I and Title II

September 2002

The Council for Exceptional Children

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No Child Left Behind Act of 2001 - Implications for Special Education Policy and Practice

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**No Child Left Behind Act of 2001
Implications for Special Education Policy and
Practice**

***Title I – Improving the Academic Achievement of the
Disadvantaged***

**Part A – Improving Basic Programs Operated
By Local Educational Agencies**

NCLB Act of 2001 Statute	Implications for Special Education Policy and Practice
<p><i>TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES</i> <i>Subpart 1--Basic Program Requirements</i></p>	
<p>SEC. 1111. STATE PLANS.</p>	
<p>(a) PLANS REQUIRED-</p> <p>(1) IN GENERAL- For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.</p> <p>(2) CONSOLIDATED PLAN- A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.</p> <p>(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY-</p> <p>(1) CHALLENGING ACADEMIC STANDARDS-</p> <p>(A) IN GENERAL- Each State plan shall demonstrate that the State has adopted</p>	<p>-- This language constitutes the foundation of everything which follows in the No Child Left Behind Act (NCLB Act), the core stipulations of which are contained in Title I, Part A.</p> <p>-- Note the reference to the Individuals with Disabilities Education Act. This NCLB state plan must be developed in coordination with IDEA. Professionals and families knowledgeable and involved in IDEA can be a valuable resource in the development of the plan.</p>

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<p>challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.</p> <p>“(B) SAME STANDARDS- The academic standards required by subparagraph (A) shall be the same academic standards that the State applies to all schools and children in the State.</p> <p>“(C) SUBJECTS- The State shall have such academic standards for all public elementary school and secondary school children, including children served under this part, in subjects determined by the State, but including at least mathematics, reading or language arts, and (beginning in the 2005-2006 school year) science, which shall include the same knowledge, skills, and levels of achievement expected of all children.</p>	<p>-- The “academic content standards” under this law will also require continuing examination (probably state by state) as these standards intersect with the “general curriculum” stipulations of the IDEA, Sec. 614(d).</p> <p>-- Note that the law addresses <i>all</i> public elementary and secondary school children, thus clearly including all children receiving (or potentially receiving) the support of special education.</p> <p>-- Standards shall be developed in subject areas determined by each state, but must include the subject areas of mathematics, reading or language skills and at a later date, science.</p>
<p>“(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY-</p> <p>“(1) CHALLENGING ACADEMIC STANDARDS-</p> <p>“(D) CHALLENGING ACADEMIC STANDARDS- Standards under this</p>	<p>-- The law requires both academic content standards and academic achievement standards.</p>

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<p>paragraph shall include--</p> <ul style="list-style-type: none"> `(i) challenging academic content standards in academic subjects that- <ul style="list-style-type: none"> `(I) specify what children are expected to know and be able to do; `(II) contain coherent and rigorous content; and `(III) encourage the teaching of advanced skills; and `(ii) challenging student academic achievement standards that-- <ul style="list-style-type: none"> `(I) are aligned with the State's academic content standards; `(II) describe two levels of high achievement (proficient and advanced) that determine how well children are mastering the material in the State academic content standards; and `(III) describe a third level of achievement (basic) to provide complete information about the progress of the lower-achieving children toward mastering the proficient and 	<p>-- Careful attention will need to be directed (probably state by state) to the requirement for “performance goals and indicators” (IDEA, Sec. 612(a)(16)) for children receiving the support of special education in relation to the student academic achievement standards under these statutes.</p> <p>-- The law calls for three levels of student achievement, basic, proficient, and advanced, with <i>proficient</i> clearly being the primary objective through the course of further requirements in the legislation.</p> <p>-- Note: A definition for “lower-achieving children” has not been discovered in these statutes. Question for the field: Is this</p>

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<p>advanced levels of achievement.</p>	<p>term presumed to include all-- or a portion of -- those children receiving the support of special education?</p>
<p>(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY-</p> <p>(2) ACCOUNTABILITY-</p> <p>(A) IN GENERAL- Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools make adequate yearly progress as defined under this paragraph. Each State accountability system shall--</p> <p>(C) DEFINITION- 'Adequate yearly progress' shall be defined by the State in a manner that--</p> <p>(i) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;</p> <p>(ii) is statistically valid and reliable;</p> <p>(iii) results in continuous and substantial academic improvement for all students;</p> <p>(iv) measures the progress of</p>	<p>-- <i>Adequate yearly progress</i> (AYP) is the central controlling measurement applied throughout this legislation in determining accountability toward the achievement of student proficiency at the state, local school district, and local school levels.</p>

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<p>public elementary schools, secondary schools and local educational agencies and the State based primarily on the academic assessments described in paragraph (3);</p> <p>`(v) includes separate measurable annual objectives for continuous and substantial improvement for each of the following:</p> <p> `(I) The achievement of all public elementary school and secondary school students.</p> <p> `(II) The achievement of--</p> <p> ` (aa) economically disadvantaged students;</p> <p> ` (bb) students from major racial and ethnic groups;</p> <p> ` (cc) students with disabilities; and</p> <p> ` (dd) students with limited English proficiency;</p> <p>except that disaggregation of data under subclause (II) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable</p>	<p>-- This language requires a breakout of annual objectives for specific populations within the overall student population. NOTE - This breakout of population groups is referred to constantly throughout this portion of the statute and will be referred to in this document as the (C)(v) groups.</p> <p>-- Of critical note: <i>separate</i> measurable annual objectives shall apparently be developed for each of the specified student population subgroups, and except where noted, data shall be disaggregated for these subgroups.</p> <p>-- According to the definitions section of this legislation <i>students with disabilities</i> would appear to have the same meaning as <i>child with a disability</i> under Sec. 602 of the IDEA. However, it might also include students coming under the purview of Sec. 504. But judging by the nature of all further stipulations respecting students with disabilities, IDEA eligible and served children constitute the target population being cited.</p>

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<p>information or the results would reveal personally identifiable information about an individual student;</p> <p>“(vi) in accordance with subparagraph (D), includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other academic indicator, as determined by the State for all public elementary school students; and</p> <p>“(vii) in accordance with subparagraph (D), at the State's discretion, may also include other academic indicators, as determined by the State for all public school students, measured separately for each group described in clause (v), such as achievement on additional State or locally administered assessments, decreases in grade-to-grade</p>	<p>-- This segment requires the inclusion of graduation rates at the secondary level using the standard of a regular diploma. The field will want to be attentive to the manner in which the varied forms of matriculation for students receiving the support of special education factors into the stipulation of “regular diploma.”</p> <p>-- Stipulation is made, at state’s discretion, for the inclusion of other academic indicators in the determination of AYP, and, importantly, “measured <i>separately</i> for each group described in clause (v)...” (the (C)(v) provision)</p>

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<p>retention rates, attendance rates, and changes in the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.</p>	<p>-- Members of the field in the area of children with gifts and talents should take specific note of the reference to changes in the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.</p>
<p>“(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY- “(2) ACCOUNTABILITY- “(F) TIMELINE- Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that not later than 12 years after the end of the 2001-2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3). “(G) MEASURABLE OBJECTIVES- Each State shall establish statewide annual measurable objectives, pursuant to subparagraph (C)(v), for meeting the requirements of this paragraph, and which-- “(i) shall be set separately for the assessments of mathematics and reading or language arts under subsection (a)(3); “(ii) shall be the same for all</p>	<p>-- These provisions present the long-term timeline of 12 years in which time all students in the state will meet or exceed the proficient level of the standards of academic achievement. Required provision of intermediate annual objectives is also included.</p>

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<p>schools and local educational agencies in the State; `(iii) shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in subparagraph (C)(v);</p>	<p>-- The importance of (iii) should be observed. The state shall identify a single minimum percentage of students <i>annually</i> who are required to meet or exceed the proficient level on academic assessments <i>that applies separately to each group</i> of students under (C)(v). Students with disabilities (IDEA), as already noted, constitutes one of these groups.</p>
<p> `(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY- `(2) ACCOUNTABILITY- `(I) ANNUAL IMPROVEMENT FOR SCHOOLS- Each year, for a school to make adequate yearly progress under this paragraph-- `(i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic</p>	<p>-- This section provides a potentially important exception to the “adequate yearly progress” requirement for a particular school if any of the groups specified in (C)(v) fails to meet the annual objectives in any given year (one of the groups, of course, being students with disabilities). Along with what may be called the “10 percent factor,” note the further stipulation of progress on one or more of the “additional” academic indicators included previously in this document in (C)(vi) and (C)(vii).</p>

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<p>achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and (ii) not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments, consistent with paragraph (3)(C)(xi) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).</p>	<p>-- 95 percent of <i>each</i> group of students described in (C)(v) are required to participate in the assessments, with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under Sec. 612(a)(17)(A) of the IDEA. The section of IDEA referenced is that section which requires children with disabilities to participate in general state and district-wide assessments and which spells out the terms of alternate assessments. Interestingly, this reference to IDEA appears to apply to all of the subgroups cited in (C)(v).</p>

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<p> `(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY- `(3) ACADEMIC ASSESSMENTS- `(A) IN GENERAL- Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State's challenging student academic achievement standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007-2008 school year. `(B) USE OF ASSESSMENTS- Each State educational agency may incorporate the data from the assessments under this paragraph into a State-developed longitudinal data system that links student test scores, length of enrollment, and graduation records over time. `(C) REQUIREMENTS- Such assessments shall-- </p>	<p>-- This section lays out at some length the construct of academic assessments required of the states, local school districts, and individual schools, including timelines, test groupings by grade, and circumstances under which some delay is allowed.</p>

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<p> `(i) be the same academic assessments used to measure the achievement of all children; `(ii) be aligned with the State's challenging academic content and student academic achievement standards, and provide coherent information about student attainment of such standards; `(iii) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards; `(iv) be used only if the State educational agency provides to the Secretary evidence from the test publisher or other relevant sources that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, and such evidence is made public by the Secretary upon request; `(v)(I) except as otherwise provided for grades 3 through 8 under clause vii, measure the proficiency of students in, at a minimum, </p>	

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<p>mathematics and reading or language arts, and be administered not less than once during--</p> <ul style="list-style-type: none"> `(aa) grades 3 through 5; `(bb) grades 6 through 9; and `(cc) grades 10 through 12; <p>`(II) beginning not later than school year 2007-2008, measure the proficiency of all students in science and be administered not less than one time during--</p> <ul style="list-style-type: none"> `(aa) grades 3 through 5; `(bb) grades 6 through 9; and `(cc) grades 10 through 12; <p>`(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding;</p> <p>`(vii) beginning not later than school year 2005-2006, measure the achievement of students against the challenging State academic content and student academic achievement standards in each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts, except that the</p>	

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<p>Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that the State will complete implementation within the additional 1-year period;</p> <p>`(viii) at the discretion of the State, measure the proficiency of students in academic subjects not described in clauses (v), (vi), (vii) in which the State has adopted challenging academic content and academic achievement standards;</p> <p>`(ix) provide for--</p> <p> `(I) the participation in such assessments of all students;</p> <p> `(II) the reasonable adaptations and accommodations for students with disabilities (as defined under section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the</p>	<p>-- Provision is made for reasonable accommodations in assessments for students with disabilities as defined under Sec. 602(3) of the IDEA (that citation comprises the definition of a child with a disability).</p>

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<p>academic achievement of such students relative to State academic content and State student academic achievement standards; and</p>	
<p> (b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY- (3) ACADEMIC ASSESSMENTS- (C) REQUIREMENTS- Such assessments shall-- (xii) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii) that allow parents, teachers, and principals to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, and principals, as soon as is practicably possible after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; </p>	<p>-- The required assessments shall produce (among other factors) individual student interpretive, descriptive, and diagnostic reports to be shared as soon as possible with parents, teachers, and principals after an assessment is given. The field will want to pursue the scope of these reports, including the underlying intent of <i>diagnostic</i> reports. Further, questions arise respecting how such reports are related to the IEP, reevaluations, and any other already required reports to parents.</p>

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<p>“(xiii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged,</p>	<p>-- Assessments must be so constructed as to allow disaggregation among the distinct groups cited. Disaggregation for students with disabilities in each state as already required under the IDEA (Sec.612(a)(17)) should obviously be wholly interfaced with procedures under these statutes. In fact, such interface should already be well advanced in most states, with the need now to attend primarily to new stipulations of the NCLB Act.</p>
<p>(h) REPORTS- (1) ANNUAL STATE REPORT CARD “(C) REQUIRED INFORMATION- The State shall include in its annual State report card-- “(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(3) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically</p>	<p>-- Each state is required to have an annual report card; and each local school district must have a corresponding annual report card, both of which shall be public information. Further, each state must report annually to the U.S. Secretary, who reports annually to designated committees of the Congress.</p>

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<p>reliable information or the results would reveal personally identifiable information about an individual student);</p> <p>(viii) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State.</p>	<p>-- The annual state report card must address the professional qualifications of teachers, including those teaching with emergency or provisional credentials. This theme of full public disclosure of teacher qualifications permeates this law, including strong emphasis on parental “right-to-know” the precise qualifications of teachers. While it appears that special education teachers are included under this general heading of teachers, official clarification of this interpretation is pending.</p>
<p>(h) REPORTS-</p> <p>(6) PARENTS RIGHT- TO- KNOW</p> <p>(A) QUALIFICATIONS- At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the</p>	<p>-- The detail and precision of this section communicates with great force parental “right to know” respecting professional qualifications, and undoubtedly will be examined carefully in relation to present and future stipulations under the IDEA. Regardless, special education teachers may be included in this provision (clarification pending).</p>

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<p>professional qualifications of the student's classroom teachers, including, at a minimum, the following:</p> <ul style="list-style-type: none"> ^(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction. ^(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived. ^(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree. ^(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications. <p>^(B) ADDITIONAL INFORMATION- In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent--</p> <ul style="list-style-type: none"> ^(i) information on the level of achievement of the parent's child in each of the State academic 	

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<p>assessments as required under this part; and (ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.</p>	
<p><i>TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES</i> <i>Subpart 1--Basic Program Requirements</i></p>	
<p>SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.</p>	
<p>(b) PLAN PROVISIONS (E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as-- (i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and (ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent</p>	<p>-- Section 1112 of this law lays out the requirements of the local (not state) educational agency plans, which largely reflect all of the requirements already presented in this document.</p>

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<p>youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;</p> <p>`(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;</p>	<p>-- This paragraph is highlighted for two purposes: to indicate that preschool programs are acknowledged throughout this law, but that Section 619 (preschool) and Part C (early intervention) of IDEA are not mentioned.</p>
<p><i>`TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES</i> <i>`Subpart 1--Basic Program Requirements</i></p>	
<p><i>`SEC. 1114. SCHOOLWIDE PROGRAMS.</i></p>	
<p><i>`(a) USE OF FUNDS FOR SCHOOLWIDE</i></p>	<p>-- The authority for schoolwide programs is continued in this</p>

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<p>PROGRAMS-</p> <p> ` (1) IN GENERAL- A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.</p> <p> ` (2) IDENTIFICATION OF STUDENTS NOT REQUIRED-</p> <p> ` (A) IN GENERAL- No school participating in a schoolwide program shall be required--</p> <p> ` (i) to identify particular children under this part as eligible to participate in a schoolwide program; or</p> <p> ` (ii) to provide services to such children that are supplementary, as otherwise required by section 1120A(b).</p> <p> ` (B) SUPPLEMENTAL FUNDS- A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including</p>	<p>law, but with two important constraints relating to the IDEA: funds available under this authority must supplement and not supplant state and local funds provided to the school for special education; and, federal statutory and regulatory provisions can be removed, but not the requirements under the IDEA in Section 613(a)(2)(D) (which addresses schoolwide programs in IDEA).</p>

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<p>funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.</p> <p>“(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS-</p> <p>“(A) EXEMPTION- Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.</p>	
<p><i>“TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES</i></p> <p><i>“Subpart 1--Basic Program Requirements</i></p>	
<p>“SEC. 1115. TARGETED ASSISTANCE SCHOOLS.</p>	
<p>“(a) IN GENERAL- In all schools selected to receive funds under section 1113(c) that are ineligible for a</p>	<p>-- A fundamental difference between this targeted assistance schools program and the schoolwide program is that this program</p>

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<p>schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.</p> <p>“(b) ELIGIBLE CHILDREN-</p> <p> “(1) ELIGIBLE POPULATION-</p> <p> “(A) IN GENERAL- The eligible population for services under this section is--</p> <p> “(i) children not older than age 21 who are entitled to a free public education through grade 12; and</p> <p> “(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.</p> <p> “(B) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION- From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected</p>	<p>does not include a population trigger based on the presence of students from low-income families.</p> <p>-- This authority emphasizes children failing or most at risk of failing; emphasizes support for preschool age children along with K through 12 children; and allows funds under this authority to be used for health, nutrition, and other social services (“full service school”) as a payor of last resort.</p>

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<p>solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.</p> <p>`(2) CHILDREN INCLUDED-</p> <p> `(A) IN GENERAL- Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, are eligible for services under this part on the same basis as other children selected to receive services under this part.</p>	<p>-- This section states clearly that children with disabilities are eligible for services under NCLB on the same basis as other children.</p>
<p><i>`TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES</i></p> <p><i>`Subpart 1--Basic Program Requirements</i></p>	
<p>`SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.</p>	
<p> `(b) SCHOOL IMPROVEMENT-</p> <p> `(1) GENERAL REQUIREMENTS-</p> <p> `(A) IDENTIFICATION- Subject to subparagraph (C), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for 2 consecutive years, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).</p> <p> `(E) PUBLIC SCHOOL CHOICE-</p> <p> `(i) IN GENERAL- In the case of a school identified for school</p>	<p>-- Section 1116 of this law lays out in considerable detail a complex, highly prescriptive combination of initial supports and later punishments for schools that are identified as failing to make progress toward proficiency for their students -- depending on how long the failure persists over a potential five-year period. Three chronological phases are stipulated, <i>school improvement, corrective action, and restructuring.</i></p> <p>-- At the very inception of identification of a school for <i>school improvement</i>, students are given the option of transferring to</p>

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<p>improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.</p> <p>“(ii) RULE- In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).</p>	<p>another public school in the school district. If all of the schools in a school district are identified as failing, or if an entire local school district is identified by the SEA as failing, students are given the option of transferring to a school in another school district.</p> <p>-- The field will need to explore the implications of this student option of public school choice as it relates to students receiving the support of special education. For instance, will the receiving school chosen by the student and her/his family be required to offer identical program options -- or even similar program options -- <i>in that particular receiving school?</i></p>
<p>“(b) SCHOOL IMPROVEMENT-</p> <p>“(12) DURATION- If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, the local educational agency shall no longer subject the school to the</p>	<p>-- To remove itself from this “carrot and stick” cycle, a school must show adequate yearly progress for two consecutive years. However, a student and the student’s family who have chosen another public school may choose to remain at the receiving school until the student has completed the highest grade in that school. The field will need to aggressively investigate this public</p>

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<p>requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.</p> <p>“(13) SPECIAL RULE- A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for, transportation for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for school improvement or subject to corrective action or restructuring.</p>	<p>choice option of remaining in the receiving school, from the standpoint of provision of the full array of special education options in individual schools.</p>
<p>“(e) SUPPLEMENTAL EDUCATIONAL SERVICES-</p> <p>“(1) SUPPLEMENTAL EDUCATIONAL SERVICES- In the case of any school described in paragraph (5), (7), or (8) of subsection (b), the local educational agency serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.</p> <p>“(A) require the local educational agency to develop, in consultation with parents (and the provider chosen by the parents), a</p>	<p>-- If a school is in any of the three phases of <i>school improvement, corrective action, or restructuring</i>, the LEA shall arrange the provision of supplemental educational services to eligible children. The statutes refer to this entity as the <i>provider</i>, to be selected by the parents and approved by the state educational agency. The SEA is required to maintain a list of approved providers. The law clearly envisions children with disabilities as a group eligible for provider services since a required statement of specific achievement goals for these children must be consistent with the student’s individualized education program (IEP), pursuant to section 614(d) of the IDEA.</p>

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<p>statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act;</p>	
<p>`(e) SUPPLEMENTAL EDUCATIONAL SERVICES- (12) DEFINITIONS ` (B) the term `provider' means a non-profit entity, a for-profit entity, or a local educational agency that-- ` (i) has a demonstrated record of effectiveness in increasing student academic achievement; ` (ii) is capable of providing supplemental educational services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111; and ` (iii) is financially sound; and ` (C) the term `supplemental educational services' means tutoring and other supplemental academic enrichment services that are-- ` (i) in addition to instruction</p>	<p>-- The field will want to explore further both the nature and qualifications underscoring the term <i>provider</i> and the relationship of <i>supplemental educational services</i> to special education, related services, and supplemental aids and services as required under the IDEA. Particular attention should be given to the term “other supplemental academic enrichment services” and to the phrase “in addition to instruction provided during the school day....”</p>

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<p>provided during the school day; and (ii) are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the academic assessments required under section 1111 and attain proficiency in meeting the State's academic achievement standards.</p>	
<p><i>TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES</i> <i>Subpart 1--Basic Program Requirements</i></p>	
<p>SEC. 1118. PARENTAL INVOLVEMENT.</p>	
<p>(a) LOCAL EDUCATIONAL AGENCY POLICY- (1) IN GENERAL- A local educational agency may receive funds under this part only if such agency implements programs, activities, and procedures for the involvement of parents in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children. (2) WRITTEN POLICY- Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall be</p>	<p>-- This parental involvement segment emphasizes both the determination to realize maximum parent involvement in all programs and activities of this law, and the determination to provide parents full transparency of consequent data and other information generated.</p>

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<p>incorporated into the local educational agency's plan developed under section 1112, establish the agency's expectations for parent involvement,</p>	
<p>^TITLE I--PART A--IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES ^Subpart 1--Basic Program Requirements</p>	
<p>^SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.</p>	
<p>^(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES-</p> <p>^(1) IN GENERAL- Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.</p> <p>^(2) STATE PLAN- As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum--</p> <p>^(A) shall include an annual increase in the percentage of highly qualified teachers at</p>	<p>-- A sharp and notable distinction exists between what must occur immediately upon enactment of this law and what must occur later. All teachers hired after the day of enactment <i>teaching in a program supported with funds under this part</i> (Title I, Part A) must be highly qualified. This has been interpreted to mean so-called Title I teachers only, but this issue requires continuing clarification.</p> <p>-- By the end of the 2005-2006 school year all teachers teaching in <i>core academic subjects</i> must be highly qualified. In essence, "highly qualified" means that a teacher must be fully certified or licensed, hold a bachelor's degree, and demonstrate competence in both content knowledge and teaching skills. It may be further noted that some have interpreted the <i>core academic subjects</i> requirement to apply to all teachers teaching <i>in classrooms where</i> core academic subjects are taught. Further, given the intersection of core content and specialized methodology in the work scope of special education teachers and given the continuing movement to greater inclusion, one might naturally assume that special</p>

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<p>each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005-2006 school year;</p> <p>`(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and</p> <p>`(C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.</p>	<p>education teachers fall within this 2005-6 school-year mandate. Nonetheless, precise clarification is in order.</p>
<p>`(c) NEW PARAPROFESSIONALS-</p> <p>`(1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired after the date of enactment of the No Child Left Behind Act of 2001 and working in a program supported with funds under this part shall have--</p> <p>`(A) completed at least 2 years of study at an institution of higher education;</p> <p>`(B) obtained an associate's (or higher) degree; or</p> <p>`(C) met a rigorous standard of quality and can demonstrate, through a formal State or</p>	<p>-- This section respecting paraprofessionals takes a somewhat similar but not identical chronological approach to qualified paraprofessionals. All hires, working in a program supported with these funds, after the date of enactment, must meet the qualifications of (c) as presented here. All paraprofessionals hired before the date of enactment must meet these qualifications not later than 4 years after enactment. One should take note in the qualifications that possession of a secondary school diploma (or equivalent) is required but not sufficient.</p>

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<p>local academic assessment--</p> <ul style="list-style-type: none"> `(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or `(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate. <p>`(2) CLARIFICATION- The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).</p> <p>`(d) EXISTING PARAPROFESSIONALS- Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c).</p>	
<p>`(g) DUTIES OF PARAPROFESSIONALS-</p> <ul style="list-style-type: none"> `(1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection. `(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED- 	<p>-- This relatively detailed statutory portrayal of the responsibilities of paraprofessionals will require careful continuing review in relation to the succinct authority for paraprofessionals contained at Section 612(a)(15)(B)(iii) of the IDEA and its accompanying regulations. Two items of interest are the constraints placed on one-on-one tutoring and the provision of instructional services.</p>

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<p>A paraprofessional described in paragraph (1) may be assigned--</p> <ul style="list-style-type: none"> `(A) to provide 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; `(B) to assist with classroom management, such as organizing instructional and other materials; `(C) to provide assistance in a computer laboratory; `(D) to conduct parental involvement activities; `(E) to provide support in a library or media center; `(F) to act as a translator; or `(G) to provide instructional services to students in accordance with paragraph (3). <p>`(3) ADDITIONAL LIMITATIONS- A paraprofessional described in paragraph (1)--</p> <ul style="list-style-type: none"> `(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and `(B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond 	

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classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.	



No Child Left Behind Act of 2001 Implications for Special Education Policy and Practice

Title II – Preparing, Training, and Recruiting High Quality Teachers and Principals

Part A – Teacher and Principal Training and Recruiting Fund and Selected Sections of Title IX – General Provisions – Part A – Definitions

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`TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND	
`SEC. 2101. PURPOSE.	
<p>The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to--</p> <p>(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and</p> <p>(2) hold local educational agencies and schools accountable for improvements in student academic achievement.</p>	<p>-- This is an important new program which combines federal funding from the prior Eisenhower and Class Size Reduction authorities to provide grants to state and thence local educational agencies for the purposes listed opposite in the quoted statute.</p> <p>-- The importance attached to this program is emphasized by the dollar amount authorized for appropriations in the first year of funding, namely \$3.175 billion (though this is <i>authorized</i> funding, not <i>actual</i> appropriations).</p> <p>-- 95% of funds made available to a state under this program must be allocated in subgrants to local educational agencies; 2.5 percent of funds must be allocated to local partnerships described elsewhere in this document; and the remainder of funds may be used for state-level activities.</p>
`TITLE IX--GENERAL PROVISIONS	
`SEC. 9101. DEFINITIONS.	
<p>(23) HIGHLY QUALIFIED- The term 'highly qualified'--</p> <p>(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that--</p> <p>(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing</p>	<p>-- Four definitions which are contained in the definitions section (Title IX, Part A) of the No Child Left Behind (NCLB) Act are critical underpinnings of this title, and are in fact important points of reference for all the major segments of the NCLB Act. They are the definitions for <i>highly qualified</i>, <i>professional development</i>, <i>scientifically based research</i>, and <i>teacher mentoring</i>.</p> <p>-- With respect to the definition of <i>highly qualified</i> teacher, the organization of the definitional components should be carefully</p>

<p align="center">NCLB Act of 2001 Statute</p>	<p align="center">Implications for Special Education Policy and Practice</p>
<p>examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and</p> <p> (ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;</p> <p> (B) when used with respect to--</p> <p> (i) an elementary school teacher who is new to the profession, means that the teacher--</p> <p> (I) holds at least a bachelor's degree; and</p> <p> (II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or</p> <p> (ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by--</p> <p> (I) passing a rigorous State academic subject test</p>	<p>observed. A foundation is defined in segment (A); followed by two components in segment (B), namely a <i>new</i> elementary school teacher followed by a <i>new</i> middle or secondary school teacher; followed by an elementary, middle, or secondary school teacher who is <i>not new</i> to the profession in segment (C).</p> <p>-- A <i>new</i> teacher is defined in the NCLB Act as being any teacher hired after the enactment of the NCLB Act. A teacher who is <i>not new</i> is defined as any teacher hired before enactment. Enactment occurred when the President signed the NCLB Act.</p>

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<p>in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or</p> <p> ` (II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and</p> <p> ` (C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and--</p> <p> ` (i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or</p> <p> ` (ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that--</p> <p> ` (I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;</p> <p> ` (II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;</p>	<p>-- Among other highlights, attention should be given to inclusion of the clause "... certification obtained through alternative routes to certification..." Also to be noted are the stipulations in (ii) of segment (C), which are preceded by the word "<i>or</i>."</p>

<p align="center">NCLB Act of 2001 Statute</p>	<p align="center">Implications for Special Education Policy and Practice</p>
<p> ` (III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;</p> <p> ` (IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;</p> <p> ` (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;</p> <p> ` (VI) is made available to the public upon request;</p> <p>and</p> <p> ` (VII) may involve multiple, objective measures of teacher competency.</p>	<p>-- Though precise interpretation of the relation of this definition to special education teachers is still pending, careful consideration of both the construct and content of this definition as they relate to present and future stipulations within the IDEA is clearly called for.</p>
<p> ` (34) PROFESSIONAL DEVELOPMENT- The term 'professional development'--</p> <p> ` (A) includes activities that--</p> <p> ` (i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;</p> <p> ` (ii) are an integral part of broad schoolwide and</p>	<p>-- Given the Title II objective of promoting and maintaining highly qualified teachers, principals and other educational professionals, <i>professional development</i> is continuously mentioned. Thus, the importance of this definition.</p>

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<p>districtwide educational improvement plans;</p> <p> (iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;</p> <p> (iv) improve classroom management skills;</p> <p> (v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and</p> <p> (II) are not 1-day or short-term workshops or conferences;</p> <p> (vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;</p> <p> (vii) advance teacher understanding of effective instructional strategies that are--</p> <p> (I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and</p> <p> (II) strategies for improving student academic</p>	<p>-- Linkage is consistently maintained to challenging state student academic content standards and academic achievement standards as portrayed in Title I.</p> <p>-- Recruiting, hiring and training are all encompassed in this definition, including alternative routes to certification.</p> <p>-- Effective instructional strategies are to be advanced based on scientifically based research, though this is not required under Part D, "Enhancing Education through Technology."</p>

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<p>achievement or substantially increasing the knowledge and teaching skills of teachers; and</p> <p> (viii) are aligned with and directly related to--</p> <p> (I) State academic content standards, student academic achievement standards, and assessments; and</p> <p> (II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);</p> <p> (ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;</p> <p> (x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;</p> <p> (xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;</p> <p> (xii) as a whole, are regularly evaluated for their</p>	<p>-- Activities must be aligned with and directly related to the curricula and programs tied to the student academic standards, except that this shall <i>not</i> apply to activities described in clauses (ii) and (iii) of section 2123(3)(B). This refers to the use of funds at the local level to provide professional development activities to improve the knowledge and skills of teachers and principals concerning effective instructional activities as they relate to teaching and addressing the needs of students with different learning styles, <i>particularly students with disabilities, students with special learning needs (including students who are gifted and talented) and students with limited English proficiency</i>. This exception also applies to training in methods to improve student behavior in the classroom and in identifying early and appropriate interventions to help all of the student groups mentioned above. Thus, an exception to academic standards and their relation to curricula is apparently allowed when the focus is on effective instructional strategies and other methodology directed for specific purposes to these groups of students. Though on its face this would appear to be an informed and necessary exception, the field will want to pursue continuing interpretation.</p> <p>-- All professional development activities must be developed with extensive participation not only of teachers, principals, and administrators of schools, but parents as well. Parents thus are invited into the core planning of professional development activities.</p>

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<p>impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;</p> <p> (xiii) provide instruction in methods of teaching children with special needs;</p> <p> (xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and</p> <p> (xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and</p> <p> (B) may include activities that--</p> <p> (i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;</p> <p> (ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and</p> <p> (iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another</p>	<p>-- Activities are authorized for the provision of instruction in methods of teaching children with special needs. It may be presumed that this authority applies to all teachers: general, special education, bilingual education, and so on. However, the field will want to pursue, possibly, a more precise interpretation.</p> <p>-- Programs are authorized to enable paraprofessionals to become certified and licensed teachers, which will need to be considered in relation to IDEA statute and regulations with respect to paraprofessionals and assistants.</p> <p>-- Finally, it must be emphasized that this listing of professional development activities under Title II cannot be reasonably</p>

<p align="center">NCLB Act of 2001 Statute</p>	<p align="center">Implications for Special Education Policy and Practice</p>
<p>clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.</p>	<p>compared in scope to the modest professional, Secretary-administered program or modest state-level program currently contained in IDEA. Rather, this is a multi-million dollar professional effort of which 95% of the Title II-Part A funds are managed, through subgrants, at the local school district level. The field will want to consider how the mission of IDEA can be advanced through the relatively mammoth resources provided under this Title II authority.</p>
<p>“(37) SCIENTIFICALLY BASED RESEARCH- The term ‘scientifically based research’--</p> <p> “(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and</p> <p> “(B) includes research that--</p> <p> “(i) employs systematic, empirical methods that draw on observation or experiment;</p> <p> “(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;</p> <p> “(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;</p>	<p>-- The term <i>scientifically based research</i> appears frequently throughout the NCLB Act and is particularly central to Title II. It will be of interest to the field both because of its applicability to this law and because of its present and future relationship to IDEA professional development authorities and IDEA-authorized research activities generally.</p>

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<p>(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;</p> <p>(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and</p> <p>(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.</p>	
<p>(42) TEACHER MENTORING- The term 'teacher mentoring' means activities that--</p> <p>(A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that--</p> <p>(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and part of an ongoing developmental induction process--</p> <p>(I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational</p>	<p>-- The presence of a federal statutory definition of <i>teacher mentoring</i> indicates the increasing importance attached to that professional development function, and this definition provides a useful reference in the further development of IDEA statutes and regulations.</p>

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<p>agency, or institution of higher education; and</p> <p> ` (II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and</p> <p> ` (B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.</p>	
<p><i>`TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND</i></p>	
<p><i>`SEC. 2102. DEFINITIONS.</i></p>	
<p> ` In this part:</p> <p> ` (1) ARTS AND SCIENCES- The term `arts and sciences' means--</p> <p> ` (A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and</p> <p> ` (B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).</p> <p> ` (2) CHARTER SCHOOL- The term `charter school' has the meaning given the term in section 5210.</p> <p> ` (3) HIGH-NEED LOCAL EDUCATIONAL AGENCY-</p>	<p>-- Title II opens with further definitions beyond those just cited from the overall definitions section of the NCLB Act which bear particular relevance to Title II.</p> <p>-- The definition of <i>highly qualified paraprofessional</i> reiterates</p>

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<p>The term 'high-need local educational agency' means a local educational agency--</p> <p> (A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or</p> <p> (ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and</p> <p> (B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or</p> <p> (ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.</p> <p> (4) HIGHLY QUALIFIED PARAPROFESSIONAL- The term 'highly qualified paraprofessional' means a paraprofessional who has not less than 2 years of--</p> <p> (A) experience in a classroom; and</p> <p> (B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.</p> <p> (5) OUT-OF-FIELD TEACHER- The term 'out-of-field teacher' means a teacher who is teaching an academic subject or a</p>	<p>the language contained in Title I. Careful attention needs to be directed to the definition of <i>out-of-field teacher</i> and to the outline of what constitutes a <i>high-need local educational agency</i> (the latter being a focus of Subpart 3 of Title II).</p>

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<p>grade level for which the teacher is not highly qualified.</p> <p> (6) PRINCIPAL- The term 'principal' includes an assistant principal.</p>	
<p>TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND Subpart 1--Grants to States</p>	
<p>SEC. 2112. STATE APPLICATIONS.</p>	
<p>(a) IN GENERAL- For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.</p> <p>(b) CONTENTS- Each application submitted under this section shall include the following:</p> <p>(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.</p> <p>(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.</p> <p>(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with</p>	<p>-- The reader will observe that the terms previously defined, i.e. <i>professional development, scientifically based research, and teacher mentoring</i>, are all cited as components of the state application to receive a grant.</p> <p>-- Further, the references to section 1119 of Title I at subsections (9) and (10) reflect the requirements for <i>highly qualified</i> teachers and paraprofessionals, including timelines, already portrayed in the Title I segment of this document</p> <p>-- Alignment is required under this program with the state academic content and student academic achievement standards,</p>

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<p>challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.</p> <p> (4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.</p> <p> (5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.</p> <p> (B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.</p> <p> (6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.</p> <p> (7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the</p>	<p>state assessments, and state and local curricula, also already portrayed in the Title I segment.</p> <p>-- A requirement is included that state professional development activities under this program be coordinated with such activities under any other federal, state and local programs. The field will want to focus on interface of this program with the comprehensive system of personnel development (CSPD) and state improvement grants authorized in the IDEA.</p> <p>-- In the interest of keeping this document reasonable in length, the very considerable statutory listing of allowable uses of funds reserved for state education agency activities is not portrayed here. However, authorized state-level activities include: reforming teacher and principal certification and licensing; establishing, expanding or improving alternative routes to certification; developing mechanisms for effective recruitment and retention; reforming tenure systems; promoting reciprocity of teacher and principal certification or licensing between or among states; and providing assistance to teachers to enable them to meet certification, licensing and other requirements to become highly qualified by the deadline stipulated in Title I.</p>

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<p>activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.</p> <p> ` (B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.</p> <p> ` (8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.</p> <p> ` (9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).</p> <p> ` (10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).</p> <p> ` (11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides</p>	

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<p>for the exemption.</p> <p>(12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).</p>	
<p>TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND</p> <p>Subpart 2--Subgrants to Local Educational Agencies</p>	
<p>SEC. 2123. LOCAL USE OF FUNDS.</p>	
<p>(a) IN GENERAL- A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:</p> <p>(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only--</p> <p>(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and</p> <p>(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.</p>	<p>-- To reiterate, 95% of funds allocated to a state under this program must be passed through in subgrants to the state's local educational agencies. The local application to the state educational agency closely mirrors the state application to the federal government already portrayed and therefore is not presented here. Of note, however, is a requirement that the local application must include a needs assessment addressing professional recruitment, preparation, and retention.</p> <p>-- However, the authorized activities for the "<i>Local Use of Funds</i>," given the sheer number as well as the nature of specific authorized uses, are presented for the reader's review and reflection. The field will want to consider these activities from two vantage points: their relation to activities conducted under the authority of the IDEA and their potential <i>as Title II-funded activities</i> in helping to meet the special education and related services professional personnel needs <i>in conjunction with</i> IDEA fiscal resources.</p> <p>-- Note the qualifications placed on the use of these funds for the recruitment and retention of pupil services personnel which</p>

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<p>(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including--</p> <p>(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach--</p> <p>(i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and</p> <p>(ii) in schools in which there exists a shortage of highly qualified teachers;</p> <p>(B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and</p> <p>(C) establishing programs that--</p> <p>(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);</p> <p>(ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to</p>	<p>correlates in certain disciplines to related services personnel under the IDEA.</p> <p>-- Note the emphasis given to school districts and schools where there exists a shortage of highly qualified teachers.</p> <p>-- Note the authority to establish programs to train and hire special education teachers, including hiring special education teachers to team-teach in the regular classroom.</p> <p>-- Note the authority for highly qualified teachers of <i>special needs children</i> as well as “teaching specialists in core academic subjects who will provide increased individualized instruction to</p>

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<p>students;</p> <p> (iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and</p> <p> (iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.</p> <p> (3) Providing professional development activities--</p> <p> (A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning--</p> <p> (i) one or more of the core academic subjects that the teachers teach; and</p> <p> (ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and</p>	<p>students.” Continuing clarification is required here.</p> <p>-- Note the emphasis given to the recruitment of qualified professionals from fields other than education and to the provision of alternative routes to certification, but using a system of intensive screening.</p>

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<p>(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that--</p> <p>(i) involve collaborative groups of teachers and administrators;</p> <p>(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;</p> <p>(iii) provide training in methods of--</p> <p>(I) improving student behavior in the classroom;</p> <p>and</p> <p>(II) identifying early and appropriate interventions to help students described in clause (ii) learn;</p> <p>(iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and</p> <p>(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.</p> <p>(4) Developing and implementing initiatives to promote</p>	<p>-- Note the provision for training in how to teach and address the needs of students with <i>different learning styles</i>, particularly students with disabilities, students with special learning needs (including students with gifts and talents), and students who are English language learners (aka, LEP students).</p> <p>-- Note the emphasis placed on the retention of highly qualified</p>

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<p>retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide--</p> <p> (A) teacher mentoring from exemplary teachers, principals, or superintendents;</p> <p> (B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;</p> <p> (C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or</p> <p> (D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.</p> <p> (5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as--</p> <p> (A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy,</p>	<p>teachers in schools having a high percentage of <i>low-achieving</i> students, including financial incentives to teachers with a demonstrated record of success in helping such students.</p> <p>-- Note the authority for incentives, including financial incentives, to <u>principals</u> who have a demonstrated record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and <i>students with disabilities</i>.</p>

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<p>are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;</p> <p> ` (B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;</p> <p> ` (C) tenure reform;</p> <p> ` (D) merit pay programs; and</p> <p> ` (E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.</p> <p> ` (6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.</p> <p> ` (7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.</p> <p> ` (8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.</p>	<p>-- Note the emphasis on recruiting and retaining highly qualified teachers in order to reduce class size, particularly in the early grades, including <i>special education teachers</i>.</p>

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<p>(10) Carrying out programs and activities related to exemplary teachers.</p>	
<p>TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND Subpart 3--Subgrants to Eligible Partnerships</p>	
<p>SEC. 2131. DEFINITIONS.</p>	
<p>In this subpart:</p> <p>(1) ELIGIBLE PARTNERSHIP- The term 'eligible partnership' means an entity that--</p> <p>(A) shall include--</p> <p>(i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;</p> <p>(ii) a school of arts and sciences; and</p> <p>(iii) a high-need local educational agency; and</p> <p>(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a</p>	<p>-- 2.5% of the total funds received by any given state must be reserved to provide subgrants to eligible partnerships under this subpart.</p> <p>-- The required participants in a partnership are an institution of higher education along with its division that prepares teachers and principals, a school of arts and sciences (see the definition of such a higher education unit appearing earlier in the Title II segment of this document), and a high-need local educational agency (see the definition for such an LEA appearing at the same place earlier in this document).</p>

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<p>prekindergarten program, a teacher organization, a principal organization, or a business.</p> <p>(2) LOW-PERFORMING SCHOOL- The term 'low-performing school' means an elementary school or secondary school that is identified under section 1116.</p>	<p>-- A <i>low-performing school</i> means a school which has been identified for <i>school improvement, or corrective action, or restructuring</i> as delineated in section 1116 of Title I (portrayed in the Title I segment of this document).</p>
<p><i>TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND</i></p> <p><i>Subpart 3--Subgrants to Eligible Partnerships</i></p>	
<p>SEC. 2132. SUBGRANTS.</p>	
<p>(a) IN GENERAL- The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.</p>	
<p><i>TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND</i></p> <p><i>Subpart 3--Subgrants to Eligible Partnerships</i></p>	
<p>SEC. 2134. USE OF FUNDS.</p>	
<p>(a) IN GENERAL- An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for--</p> <p>(1) professional development activities in core academic subjects to ensure that--</p> <p>(A) teachers and highly qualified paraprofessionals,</p>	<p>-- These partnerships are clearly designed to bring higher education expertise to bear on some of the most troubled local school districts within a state, and, correspondingly, the least successful schools within such school districts. Further, the mission of the partnerships is high-quality professional development directed toward teachers, paraprofessionals, and principals.</p>

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<p>and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and</p> <p> ` (B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and</p> <p> ` (2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that--</p> <p> ` (A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;</p> <p> ` (B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and</p> <p> ` (C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.</p>	<p>-- These partnerships are focused on school districts that combine a significant population of students and their families with incomes below the poverty line with the presence of a notable percentage of teachers who are not <i>highly qualified</i>. A more specific target for the partnerships, though apparently not the only target, is a <i>low-performing school(s)</i> within an eligible school district.</p>

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<p>“(b) COORDINATION- An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.</p>	
<p>“TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND “Subpart 4--Accountability</p>	
<p>“SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.</p>	
<p>“(a) IMPROVEMENT PLAN- After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.</p> <p>“(b) TECHNICAL ASSISTANCE- During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall--</p> <p>“(1) provide technical assistance to the local educational agency; and</p> <p>“(2) provide technical assistance, if applicable, to schools</p>	<p>-- This section authorizes a program of technical assistance focused primarily on professional development to be provided by the state educational agency (SEA) to a local educational agency (LEA) which is failing to meet its annual measurable objectives toward having all teachers <i>highly qualified</i>. The program is sequenced to coincide with the time frame for LEA identification by the SEA for <i>the school improvement</i> phase of problem-solving for schools and LEAs.</p> <p>-- The reader should note the intensification of this program if it is necessary to carry this activity forward into a second year. Also of note: this program <i>does not</i> require a specific incidence of students and their families below the poverty line as does the previously portrayed partnership program.</p>

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<p>served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).</p> <p>“(c) ACCOUNTABILITY- After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency--</p> <p>“(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities;</p>	
<p><i>“TITLE II--PART A--TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND</i></p> <p><i>“Subpart 5--National Activities</i></p>	
<p>“SEC. 2151. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.</p>	
<p>“(a) NATIONAL TEACHER RECRUITMENT CAMPAIGN- The Secretary is authorized to establish and carry out a national teacher recruitment campaign, which may include activities</p>	<p>-- This segment of this document selects certain sections of the U.S. Secretary-administered national activities of particular interest to readers of this side-by-side.</p>

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<p>carried out through the National Teacher Recruitment Clearinghouse, to assist high-need local educational agencies in recruiting teachers (particularly those activities that are effective in retaining new teachers) and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. In carrying out the campaign, the Secretary may promote and link the activities of the campaign to the information and referral activities of the National Teacher Recruitment Clearinghouse. The Secretary shall coordinate activities under this subsection with State and regional recruitment activities.</p> <p> (b) SCHOOL LEADERSHIP-</p> <p> (1) IN GENERAL- The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as--</p> <p> (A) providing financial incentives to aspiring new principals;</p> <p> (B) providing stipends to principals who mentor new principals;</p> <p> (C) carrying out professional development programs in instructional leadership and management; and</p> <p> (D) providing incentives that are appropriate for</p>	<p>-- A national teacher recruitment campaign is authorized. Correspondingly, the Secretary is authorized to conduct a principal recruitment campaign. Further, the Secretary is directed to encourage and support advanced certification or advanced credentialing for teachers. <i>Eligible entities</i> should be carefully studied at section 2151(c)(3).</p>

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<p>teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.</p> <p> (2) GRANTS- If the Secretary uses sums made available under section 2103(b) to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to--</p> <p> (A) high-need local educational agencies;</p> <p> (B) consortia of high-need local educational agencies;</p> <p>and</p> <p> (C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.</p> <p> (c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING-</p> <p> (1) IN GENERAL- The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.</p> <p> (2) IMPLEMENTATION- In carrying out paragraph (1), the Secretary shall make grants to eligible entities to--</p> <p> (A) develop teacher standards that include measures</p>	

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<p>... tied to increased student academic achievement; and</p> <p> ` (B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.</p> <p> ` (3) ELIGIBLE ENTITIES- In this subsection, the term 'eligible entity' includes--</p> <p> ` (A) a State educational agency;</p> <p> ` (B) a local educational agency;</p> <p> ` (C) the National Board for Professional Teaching Standards, in partnership with a high-need local educational agency or a State educational agency;</p> <p> ` (D) the National Council on Teacher Quality, in partnership with a high-need local educational agency or a State educational agency; or</p> <p> ` (E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.</p>	
<p> ` (e) EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT-</p>	<p>-- National activities include an authority for early childhood professional development to be administered by the U.S.</p>

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<p>“(1) PURPOSE- The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.</p> <p>“(2) PROGRAM AUTHORIZED-</p> <p>“(A) GRANTS TO PARTNERSHIPS- The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of--</p> <p>“(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or</p> <p>“(II) another public or private entity that provides such professional development;</p> <p>“(ii) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and</p>	<p>Secretary through the awarding of grants to partnerships. The statutory purpose of the program and the nature of the partnerships are portrayed here. In the interest of length the entire statute is not presented here, but readers are encouraged to read it.</p> <p>-- One should take note of the attention to training of early childhood educators in the identification and prevention of behavior problems at section 2151(e)(2)(iii).</p>

NCLB Act of 2001 Statute	Implications for Special Education Policy and Practice
<p>(iii) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.</p>	
<p>TITLE II--PART C--Subpart 1 CHAPTER B--TRANSITION TO TEACHING PROGRAM</p>	
<p>SEC. 2311. PURPOSES.</p>	
<p>The purposes of this chapter are--</p> <p>(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and</p> <p>(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.</p>	<p>-- Part C of Title II includes programs under the heading of "Innovation for Teacher Quality." Chapter B of Part C presents a major program to recruit highly qualified mid-career professionals and recent higher education graduates through <i>alternative routes to certification</i>.</p> <p>-- Special attention should be given to "...in high-need schools...." and the careful structuring of the definition of <i>Eligible Participant</i>. Readers interested in the detailed federal legal framework for alternative certification are encouraged to read the full statute for this program.</p>
<p>TITLE II--PART C--Subpart 1 CHAPTER B--TRANSITION TO TEACHING PROGRAM</p>	
<p>SEC. 2312. DEFINITIONS.</p>	
<p>In this chapter:</p> <p>(1) ELIGIBLE PARTICIPANT- The term 'eligible participant' means--</p>	

NCLB Act of 2001 Statute	Implications for Special Education Policy and Practice
<p>“(A) an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or</p> <p>“(B) an individual who is a graduate of an institution of higher education who--</p> <p>“(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and</p> <p>“(ii) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.</p>	