

INTRODUCTION

The No Child Left Behind Act is a large, complex statute. What does the law say about reading? What are the essential components of a reading program? What is scientifically based reading research?

What does the law say about annual proficiency tests? Who must be tested? In what subjects? Whose scores must be reported? What does the law say about accommodations? Who is exempt from annual proficiency tests?

What does the law say about accountability? School and school district report cards? What does the law say about schools in need of improvement? What are the sanctions for schools that do not improve? What does the law say about public school choice? Supplemental educational services and tutoring?

What are the requirements for highly qualified teachers? When do these requirements go into effect? How do the highly qualified teacher requirements affect special education teachers? English language teachers?

What are the educational requirements for paraprofessionals? Do all paraprofessionals have to meet these requirements? When do these requirements go into effect? How does the law limit the duties paraprofessionals may perform?

What does the law say about parental involvement? Parents' right to know the qualifications of their child's teachers? The parent's right to observe their child's classroom? Parental access to instructional material?

Wrightslaw: No Child Left Behind will help you find answers to your questions in the No Child Left Behind statute, regulations, and publications from the U. S. Department of Education.

WHO SHOULD READ THIS BOOK?

If you are the parent of a child who attends school, you represent your child's interests. To effectively advocate for your child, you need to learn about your rights and responsibilities under the No Child Left Behind Act and how this law affects your child's education. You need to know what your child is entitled to.

If you work as a teacher, principal, pupil personnel specialist, or administrator, No Child Left Behind will have a profound impact on you and your job. You may have received inaccurate information and conflicting advice about this law. You need to know what the law actually says. If you are knowledgeable about the law, you will be able to meet the challenges of The No Child Left Behind Act.

If you are a teacher or principal, you may be interested to learn about mentoring, bonus pay, scholarships and fellowships for advanced certification, and other financial incentives. You will want to take advantage of training opportunities. You may be interested in the new teacher liability protections.

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If you are a school board member, you need to know your responsibilities. If you are a superintendent, you need to collect data, assess curriculums, monitor progress, and determine staff qualifications for specific roles.

If you are a tutor or school administrator in the private sector, you may want to provide services as a supplemental educational service provider. If you are an entrepreneur, you may wish to apply for grant money that is available for innovative programs and cooperative ventures with school districts and states.

If you are an employee of a state department of education, you may be responsible for monitoring compliance in your state, collecting data, aligning state assessments with academic standards, writing assessments, or other activities to improve compliance or achievement. If you are a state legislator, you need to know the law that accompanies the federal money that your state applied for and received.

If you are an attorney or advocate who represents children with disabilities, you need to have the statutes, regulations, and guidance publications. In *Wrightslaw: No Child Left Behind*, your primary legal references are in one place.

If you are a taxpayer, you may be interested in accountability in federal programs.

WHO IS COVERED BY NCLB?

Accountability follows the money in No Child Left Behind. All states applied for and received NCLB funds. In return, states agreed to implement annual academic assessments of student proficiency to measure their progress in accomplishing the purpose for which the money was intended. “The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.” (20 U. S. C. § 6301 Statement of Purpose) States will issue annual report cards to report on their progress toward reaching this goal.

Ninety percent of school districts applied to their states for a portion of the funds available under Title I of No Child Left Behind. Sixty percent of schools received Title I funds from their school districts. School districts must provide detailed annual report cards about the progress of their schools toward meeting the goals for which they accepted these funds.

The federal definitions of reading, scientific research, diagnostic reading assessment, essential components of reading instruction and other definitions apply nationally. If you are defining reading in a legal context, you will find the definition of reading in the No Child Left Behind Act. If you are evaluating a reading program, the program must include the essential components of reading instruction specified in No Child Left Behind.

The federal minimum standards for teacher quality, reading instruction, research based instructional programs, and professional development in No Child Left Behind are now the standards nationally.

Ten percent of school districts in the country did not apply for Title I funds under NCLB. These school districts do not face federal penalties if they do not have highly qualified teachers in the classroom or do not meet other quality standards of NCLB. However, if they do not meet these standards, they are operating below the nationally recognized minimum standards. This may have implications in special education disputes regarding the provision of an appropriate education.

HOW THIS BOOK IS ORGANIZED

Wrightslaw: No Child Left Behind is divided into four sections. **Section One** is **Learning About the Law**. Chapter 1 is **A Short History of No Child Left Behind**. In this chapter, you learn how the law has evolved since it was enacted as the Elementary and Secondary Education Act of 1965. Chapter 2 is **Law, Regulations and Caselaw**. Chapter 3, **An Overview No Child Left Behind by Title** provides the high points of the law by Title. Chapter 4 is **Frequently Asked Questions about No Child Left Behind**.

Section Two is How No Child Left Behind Will Affect You. Chapter 5 is **No Child Left Behind for Parents.** In this chapter, you learn about annual proficiency testing, accountability and adequate yearly progress (AYP), school and school district report cards, public school choice, supplemental educational services, reading, highly qualified teachers, parental involvement and empowerment, and parents' right to know the qualifications of their child's teachers. This chapter also includes information for parents of children with special educational needs.

Chapter 6 is **No Child Left Behind for Teachers, Principals and Paraprofessionals.** In this chapter, you learn how NCLB affects teachers who teach different grade levels and subjects. You learn about the new highly qualified teacher requirements, parent involvement requirements, parent's right to know the teacher's qualifications. You learn about adequate yearly progress, annual proficiency testing, and training and professional development, teacher retention and recruitment, and teacher liability protection.

Chapter 7 is **No Child Left Behind for Attorneys and Advocates.** In this chapter, you learn about reading, reading instruction, reading research, and assessments. You also learn about highly qualified teachers, accountability and adequate yearly progress (AYP), requirements for English language learners and immigrant children, report cards and notices to parents, transfers, privacy and instructional materials. This chapter includes *Questions for the Attorney and Advocate.*

Chapter 8 is **No Child Left Behind for School Leaders and Academics.** In this chapter, you learn about accountability and assessments, parent options, new requirements for teachers and paraprofessionals, research-based instruction, and the need to "know the rules" about data collection and analysis.

Section Three is Advocacy Strategies. In Chapter 9, **How to Obtain Information and Request Action,** you learn how to write letters, how to use the Freedom of Information Act and Open Government laws to obtain information, and strategies for writing good letters. Chapter 10 is **How to Report a Problem or File a Complaint.** In this chapter, you learn how to write persuasive complaint letters and about letter writing pitfalls. In Chapter 11, **Sample Letters,** you will find fifteen sample letters about No Child Left Behind issues that you can tailor to your circumstances.

Section Four is the No Child Left Behind Statute with Commentary. Chapter 12 is **Table of Statutes of the No Child Left Behind Act.** Chapter 13 is the full text of **Title I of the No Child Left Behind Act** with overviews, commentary, and cross-references.

You will find two **Appendices** at the end of the book. Appendix A is the **Glossary of No Child Left Behind Acronyms, Abbreviations and Terms.** Appendix B includes the **List of Publications and Resources** on the *Wrightslaw NCLB CD-ROM.* The book also includes a comprehensive index.

The *Wrightslaw NCLB CD-ROM* includes the full text of Titles I through X of the No Child Left Behind Act with overviews, commentary, cross-references, and resources, the No Child Left Behind regulations published by the U. S. Department of Education, and the No Child Left Behind Act (Public Law 107-110).

The *Wrightslaw NCLB CD-ROM* also includes the *No Child Left Behind Deskbook, A Parent's Guide to No Child Left Behind, A Toolkit for Teachers,* and dozens of Fact Sheets and Guidance publications on key topics from the U. S. Department of Education.

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Icons

This book includes icons that alert you to Overviews and Comments, Resource publications, Cross-references, and Internet resources.

➔ Overview or Comment

📖 Resource publication

📁 Cross-reference

🌐 Internet resource

STRATEGIES: HOW TO USE THIS BOOK

First, read the chapters that precede the No Child Left Behind statute. Some chapters will approach the law from your perspective, some from the viewpoints of others. When you see the law from several angles, you will have a clearer picture of the law. Next, read a few Guidance publications on the *Wrightslaw NCLB CD-ROM*. Select publications on subjects that interest you.

Guidance publications are official U. S. Department of Education publications that are one step short of being regulations. If you are looking for clarification about an issue, you are likely to find relevant information quickly in the Guidance publications or the *No Child Left Behind Desktop Reference*. When you read these publications, you will begin to understand the scope and depth of this law.

The No Child Left Behind Act specified that the U.S. Department of Education would write regulations for the Act. The U. S. Department of Education published a limited number of regulations on December 2, 2002. The U. S. Department of Education has published Guidance publications for clarification and will issue formal regulations on other issues in the future. Guidance publications issued after this book is published will be available on the Wrightslaw NCLB website at www.wrightslaw.com/nclb/

After you read Guidance publications that interest you, review the *NCLB Desktop Reference*, the **Table of Statutes of the NCLB Act** (Chapter 11), and the **Glossary of Abbreviations, Acronyms and Terms** (Appendix A). When you have an idea about how the law is structured and what it covers, begin reading sections of the statute.

📖 Guidance publications, the *No Child Left Behind Desktop Reference*, and the NCLB regulations are on the *Wrightslaw NCLB CD-ROM*.

In this book, the statutes are set in Minion font. We used **bold type** to emphasize important words and phrases in the statute. Commentary in Helvetica font preceded by a large arrow like this ➔ is **not** part of the statute. Look at the example below.

➔ **OVERVIEW:** The Statement of Purpose is the **most important statute** in No Child Left Behind because it describes the overall purpose of the law: “that all children will have a fair, equal, and significant opportunity to receive a high-quality education” and reach “at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.”

CONTACT US

What did you like about *Wrightslaw: No Child Left Behind*? How can we improve the book so it meets your needs? Send your ideas, thoughts and comments to: Harbor House Law Press, Inc., P. O. Box 480, Hartfield, VA 23071. (877) 529-4332 or (877) LAW IDEA or by email to ideas@harborhouselaw.com