

## **Children Are Left Behind: An Analysis of Special Needs Education Policy in the United States since *No Child Left Behind***

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### **Abstract**

The purpose of this paper is to explore the impacts of centralized education policy in the United States on special education. The policies that will be examined within the article are federal education policies enacted from the Bush administration's No Child Left Behind Act, 2001; to those enacted during the Obama administration; and finally those under consideration by President Trump. By examining the research done on the practical implications of the education policy, it is demonstrated that the key policy initiatives have been better trained teachers, better access to the classroom, and funding necessary to allow students with special needs to succeed. This demonstrates that the policies that have been enacted in the last decade fall short of the practical implications discussed by education policy researchers such as Sindelar et al., Poetter et al., and Kirby.

**Keywords:** No Child Left Behind Act, Every Student Succeeds Act, Special Education, Race for the Top.

## Introduction

Within the United States, education policy has long been a topic of debate and discussion within the political parties and the governmental institutions. It has become a political issue, with just one example in recent years being President Bush's "No Child Left Behind Act, 2001" (NCLB). However, one area of discussion that is not always at the forefront of this debate is that of special education, and how the general education policies impact these children with special needs. It is important to see what influence NCLB and the policies that were adopted after it have had upon special education; in turn providing a method of understanding the effectiveness of the policies themselves. By conducting this analysis, it will become clear that while the policy changes have delivered some form of benefit to the special needs population, the policies implemented post-NCLB are not meeting the needs of the students who require special needs education, nor the needs of their parents. Additionally, this analysis also provides an opportunity to explore whether or not a nation-wide education policy can be adopted; thereby seeing if centralization of important policy-making decisions, such as education, is possible in a political climate that is distrustful of centralization. This analysis will be conducted by examining the policies related to the "No Child Left Behind Act" during the Bush administration, the studies of the impact of those policies during the Obama administration, and finally the proposition that then Presidential Candidate Trump gave to "eliminate the Department of Education," and what he sees as being implemented instead. In turn, this will provide possible areas of consideration for the current and future administrations upon areas of improvement, and where to best focus the attention of policy-makers.

Prior to the beginning of the analysis, the author deems that it is important to provide a disclaimer in the instances of some word choice. While the lexicon of ways to address children and adults with special needs has evolved in the modern day, there are still titles and names of historical importance that are used for reference purposes in direct citations from certain pieces of legislation.

These descriptors reflect the views of the people of those times and do not at all reflect the views of the author.

### **Historical Context of General and Special Education policies**

In order to understand the current policy situation for Special Needs education, it is important to first understand the history of policies that came before No Child Left Behind. The Special Needs Education movement owes a lot to the Civil Rights movement, particularly to the court decision from *Brown vs. Board of Education* in 1954, where the courts decided that “in the field of public education the doctrine of 'separate but equal' has no place”. This use of the Protection of the 14th Amendment in order to assure the “equal protection” of all people in the United States opened the door for special needs education activists to have a legal precedent in order to ensure the inclusion of children with disabilities within the classroom (Spring, 2014). The equivalent case for disability rights advocacy came with the decision handed down after the *Pennsylvania Association for Retarded Children (PARC) v. the Commonwealth of Pennsylvania*, which used the argumentation in *Brown* to demonstrate that the rights of Special Needs children and their access to the classroom has in many ways mirrored the segregation of African Americans (Spring, 2014). The courts ruled in favour of PARC, stating that the government is obligated to provide special needs students with access to “a free, public program of education and training appropriate to the child’s capacity” (1972). Despite this favourable ruling, due to the variety of court cases in play at the time, advocacy groups also turned to Congress to ensure that the creation of some form of policy would occur quickly to enshrine Special Education rights within the framework of the American School System (Brown & Cooper, 2011). In 1973, the Education for Handicapped Children Act (EHCA) was passed, which deemed that children with disabilities would be allowed to have “access to the public education system regardless of the severity of the disability in the least restrictive environment” (Brown & Cooper, 2011). This policy evolved into the Individuals with Disabilities Education Act

(IDEA) in 1990, which was a policy created along six tenants that worked towards the complete inclusion of children with disabilities into the classroom with free range of access and with the adequate supports needed - no matter the disability. This would be done, unlike the EHCA, via Individual Education Plans, or IEPs, that would provide the teachers in the classroom with a tool in order to grant each student an equitable access to the class and the subject matter within it. The IEPs would serve as roadmaps without having to have a different case scenario for every type of disability case imaginable. In order to ensure compliance to IDEA, the Federal Government would be the one implementing a system of checks and balances (Section 1402, IDEA, 1994), thus creating a more centralized approach to education. However, it became clear that this type of Federal oversight, while possible in theory, did not transmit well into practice. As described by Kramarczuk, Voulgarides, and Tefera “actual enforcement and subsequent sanctions [for violating the tenants of IDEA] are minimal from federal and state agencies...” (p.163); hence making many advocacy groups believe that not enough is being done to actually provide support for children with special needs. As the Office of Special Needs Education is part of the Department of Education, it is comprehensible that there are simply not enough personnel to be able to keep track of all possible problems at one time. Despite the concerns the public has had with the Act, IDEA still continues to be the leading piece of policy in the United States that protects education rights for students with disabilities. The policy is renewed every few years, with the latest iterations occurring in 2008, and then in 2016 under the Obama administration, which still goes by the title of IDEA due to it simply expanding upon some areas of policy control that had not been touched upon in the previous versions of the legislation (Kirby, 2017). In essence, IDEA and the few amendments to the Americans with Disabilities Act (enacted 1990, amendments occurred in 2008) represent the few pieces of legislation in the United States that protect the needs of this particular

minority group, and are the historical backdrop for the further developments within Special Education Policy reform.

Concerning education policy in general, the important piece of legislation that was passed is the Elementary and Secondary Education Act of 1965 (ESEA). This legislation is the groundwork for Federal Elementary and Secondary Education Policy in the United States, and its reauthorizations have given root for the No Child Left Behind Act (NCLB) of the Bush administration and the Every Student Succeeds Act (ESSA) of the Obama administration. The purpose of the ESEA was the first attempt by the Federal Government of the United States to “strengthen and improve educational quality and educational opportunities in the Nation’s elementary and secondary schools.” (Statement of purpose, 1965). This 32-page act only mentions the “handicapped” twice, and both are in the context of providing children with disabilities the technology necessary in order to access the classroom (Sec. 503 (10)). This demonstrates the historical model used to address the needs of Students with Special Needs (SWSNs), a model that to a degree continues to affect special education to this day. This model works under the assumption that “disability is an inherent flaw within a person...used for justification for legislative decisions....that favours placement in special education as a means to remedy the area of weakness” (Kirby, 2017). This model has led to many students spending their time in resource rooms and not within the actual classroom. Consequentially, this places a precedent within the way teachers in the classroom view special needs students, making them believe that entry into the classroom is a “privilege” and not a right (Kirby, 2017). This stereotype may seem historically expected in the 1960s, however the study that found these types of beliefs in teachers was conducted in 2013, meaning that since the inception of the ESEA and IDEA, there may be formal policy that has been enacted, but there is still work to be done in terms of social training for teachers within the school system. As such, with each change that has been made to the ESEA, more specific

information has been added in order to work towards equitable access to education, as opposed to just “improving” educational quality and opportunities, at least in theory.

### **The Bush Administration and *No Child Left Behind***

Perhaps the largest educational policy movement within the last few administrations has been the *No Child Left Behind Act*, which was a bipartisan piece of legislation enacted in 2002 during the early Bush administration in an effort to ameliorate the standing of the United States within International Education Standards. Within the NCLB, the focus shifted to the creation of a national education policy that would establish national standards and curricula that would mean all children in the United States, regardless of background, would receive the same form of education (Sec. 1001, 2002). The legislation’s purpose was two-fold in order to achieve this goal: on the one hand, standardized forms of assessment would be used to verify that the students are being educated as expected and to flag trouble students, troubled schools, or teachers; on the other hand, the legislation would offer incentives to school administrators, teachers, and school boards whose students achieved high scores on standardized tests, ergo providing a method of evaluating teachers and schools. In theory, this would be a system which would provide schools who are doing well with extra resources to continue delivering the same standard of education, while also allowing schools with less funds an opportunity to receive more by having students do well on the assessments. However, as the years have gone by since the passing of NCLB, what sounded like a good system on paper has fallen short of reaching the goals it has placed on a practical level. This is due to a variety of factors, such as the standardized tests not being accessible to all students. Additionally, teachers’ feelings of pressure are resulting due to the knowledge that they are being evaluated, making them more likely to simply “teach the test” (Poetter, 2006). This is especially true for SWSNs, who are explicitly mentioned within the policy, and yet suffer the consequences of being excluded despite the appearance of the contrary.

It is important to look at the provisions within NCLB in order to understand where exactly the legislation falls short of securing the support that SWSNs need. Specifically, it is necessary to analyze the NCLB provision that the students are entitled to receive in terms of supports, and how this is practically achieved within the society; thus demonstrating the impact that policy has in actuality. One such area is student assessment and standardized testing, which is a method of measuring the abilities of students nationally in order to ascertain if they are learning at the established level required for their age and grade. Additionally, certain scholars hold the belief that standardized testing can pressure teachers, students, and the system to perform better, as they are aware of some form of consequence if they do not perform well (Smyth, 2008). However, this type of attitude towards standardized testing misses the implications that there are certain groups of students who are not able to gain access to the tests, given that there may be physical or psychological reasons that stop them from doing so. This goes fundamentally against IDEA, which says that education for students must be done within “the least restrictive environment” (Brown & Cooper, 2011). The No Child Left Behind Act does recognize that there are some forms of existing barriers. For example, there is a provision in Section 6111.2.G that discusses that it is the responsibility of each state to use a portion of the education funding in order to provide for the inclusiveness of children with disabilities and other minorities within the assessment space (2001). Despite this article in the Act, as shown within a study in Ohio, “test scores have shown....that students from marginalized and minority groups are not passing the tests at the same rate as white, middle-class students.” (Haerr, 2006). This study demonstrates a disconnect between policy and application.

Not being able to write the standardized tests poses a greater problem for the students than the lack of data might to the government. Without passing certain tests a student is incapable of receiving their GED (general educational credential), thus barring them from many jobs as well as

moving on to post-secondary education (Rubin, 2016). This is discriminatory, and demonstrates that although the NCLB policy may be trying to create a policy of inclusion and provide for a place of learning, it is still a vehicle of discrimination and, in fact, infringes on the rights of the SWSNs on the grounds of the Amendments created under the Americans with Disabilities Amended Act of 2008 (ADAA) which contains a clause concerning students in educational settings (Rubin, 2016). This is why, due to the negative effects of standardized tests, some states have begun to allow SWSNs to graduate with a “special education diploma” with the intent to allow the student to at least be recognized for having graduated from high school in the first place (Rubin, 2016). However, this special diploma is not recognized in most post-secondary institutions, and therefore, again discriminates against SWSNs as not having truly completed the GED. Therefore, this demonstrates a very concrete area within which the NCLB did not provide adequately for the needs of students who require special education. This area is the implementation of assessments that are not created for the purpose of inclusivity from the get go, despite that NCLB, IDEA, and ADAA all legislating for the ability for students to be included within the education system of the United States.

As mentioned previously, teachers are finding it extremely difficult to comply with the NCLB in relation to standardized testing as well, mostly due to the “overemphasis on testing results” which creates an “unbalanced curriculum,” and that the “test emphasis affects students negatively, and it manifests itself in physical, psychological, or emotional symptoms.” (Smyth, 2008). This is something that is applicable in both classrooms with typically developing children, as well as in special needs education. The NCLB has many points of policy in place in order to facilitate the funding and recruitment of qualified educators in order to ensure that students are receiving the best. Yet many schools complain of a lack of funding even with these provisions set out within the NCLB, which places a strain upon the resources that exist within schools. School

administrators find it difficult to provide adequate support within the classroom, which includes having well-trained special education teachers. This places schools in a precarious position, for they “contend that it is nearly impossible for schools with special needs populations to stay in compliance with the federal legislation.... [as the federal government] does not adequately fund the demand [for special education teachers]” (Smyth, 2008). Ergo, the students who need supports the most, such as SWSNs, are the ones who suffer the consequences of an inadequately enforced policy. Darling-Hammond describes this concept as the ‘diversity penalty’, where it is the schools who are serving the minority and marginalized populations such as students with special needs, who stand to lose the funding first due to them simply not being able to meet the standards set by the NCLB (2007).

Now this is not to say that there were no efforts made to rectify the situation. 2003 saw over 105 million U.S. dollars go to funding alternative programs to becoming teachers such as Troops to Teachers, Transition to Teachers, and the American Board for Certification of Teacher Excellence test-only routes in order to combat the teacher shortage (Sindelar, McCray, Kiely & Kamman, 2015). These routes are created upon the guidelines outlined within the NCLB, which provides “subject experts” a quick way to end up in the field while also working towards receiving their teaching accreditation (Sindelar et al., 2015). However, the data from a survey in 2007 conducted by Corbett et al. indicated that 63% of the individuals were actually making more money as teachers than they had been in their previous careers, and few making the career change from “more lucrative or prestigious positions” (quoted from Sindelar et al., 2015). Ergo, it seems the incentives to gain true “subject experts” did not work in getting them to change their careers towards teaching, as had been the hopes of the NCLB. In fact, as Sinderlar et al. further points out, often times the individuals becoming teachers through these alternative routes had “no other options” and, were seen as less effective in comparison with their traditional route counterparts

(2015). This points towards the fact that SWSNs are not receiving the qualified teachers that they need, though according to Sindelar et al., the shortage for special education teachers appears to be relatively stable with small shifts in the downward direction (2015). Hopefully this will allow for more teachers join the workforce as fully qualified special education teachers who are then able to provide support to SWSNs, as the No Child Left Behind policy legacy continues to influence students to this day.

Teachers are impacted by the way they teach curriculum, with more emphasis on passing the test than learning content, which for certain conditions, is not possible to do. Consequentially, teachers, schools, and SWSNs are then negatively impacted in terms of salary and funding. Additional policy moves created by States to supplement the GED are not completely thought through either as many post-secondary institutions do not recognize these types of degrees. Ergo, even without studies at the time, the effects of NCLB were felt within special education as practical needs were not met and even, arguably, exclusionary practices were enacted through standardized testing.

### **The Obama Administration and *Every Student Succeeds Act***

As the effects of NCLB began to truly be seen and studied during the beginning of the Obama administration, there were high hopes from the education community that there would be policy changes observed when President Obama took office. These hopes seem to be justified to a degree, as demonstrated within the 2013 report to Congress from the Department of Education concerning the implementation of IDEA. Within Exhibit 36 of the report, the chart demonstrates that between 2001-02 through to 2010-11, the percentage of students with special needs aged 14-21 graduating with a regular high school diploma (i.e. GED) was increasing, while the rate of students with special needs dropping out of school was decreasing (Report, 2013). This is encouraging, given that these numbers would seem to imply that the policies are achieving some

form of results within Special Education. While these trends as a whole are positive, there are areas for concern once the results are broken down into specific subcategories of special needs. The highest graduating subgroup is that of individuals with *visual impairments* (Department of Education, 2013); a physical condition that has, arguably, had significant resources and attention devoted to it throughout the years. By contrast, the subcategory with the lowest amount of graduates is the students with *emotional disturbances* (Department of Education, 2013), which are part of a group of illnesses called “invisible illnesses”; as such, harder to treat, these illnesses have not been taken seriously until fairly recently. Furthermore, students with emotional disturbances are also the ones with the highest rate of dropouts, despite the number of dropouts decreasing from 61% in 2001 to 37% in 2010 (Department of Education, 2013). This points towards an element of reality that policy-makers do not see: that of assisting the visibly disabled before the invisibly.

As a piece of legislation, IDEA as well as NCLB and the later reauthorization under Obama as the Every Child Succeeds Act (ESSA, 2015), are all written in broad strokes as to be vague enough for a large umbrella of conditions to qualify for an IEP and assisted learning. However, this can be argued to be too vague, where specific subgroups, who are harder to treat and have less support, are overlooked in favour of individuals with more physical needs; ones that only require adapting the environment in specific ways. As the author of this paper can attest from working in programs with special needs children in Canada, it is much more difficult to adapt the environment to the needs of the child when the triggers that can cause stress reactions from the students are not always in evidence, except for obvious emotional reactions post-triggering event. This type of situation no doubt can also occur within a classroom in the United States, which would push teachers to be more apprehensive toward SWSNs, as well as feel a diminished confidence towards instructing them. This sentiment is echoed within a study conducted in 2011 by Ohan et al., who found that the teachers and teaching students participating in their study to have increased “negative

expectations” and therefore “more negative emotions and decreased participants’ confidence in their ability to instruct...” when dealing with a child labeled with ADHD. This brings the argument that there still exists a significant bias in terms of disorders that are more neuro-biological or psychological in nature, to the point that even with training, teachers still react negatively to the students.

The fact that this type of attitude is present as late as 2011 points towards a more specific problem: that although the U.S. Department of Education was able to report in 2013 that the amount of fully certified instructors for SWSNs was over 97% in most disability subgroups, this does not mean that the teachers are receiving the appropriate training to help themselves and avoid stereotyping their students. Coupling this with the pressure of having their pay tied to how well students perform on standardized tests makes it even worse. While then-candidate Obama campaigned on a platform that spoke towards lowering the amount of standardized tests a student would be subjected to throughout the course of their education, it seems that in fact, the amount only grew; to the point where even comedians began to notice. As discussed within an episode of *Last Week Tonight* with host John Oliver, “between benchmarks, diagnostics, pre and mock tests... a total average of 113 different ones [standardized tests] by graduation...” (original quote from PIX 11 news show, 2:48-3:03, 2015). This amount of test taking is staggering, and as already mentioned, the amount of negative side effects associated with too many standardized tests would further increase. This becomes especially evident, when, as Oliver points out, even official test instructions contain information as to “what to do if a student vomits on his or her test booklet.” (originally quoted from the Ohio Department of Education Achievement Assessments instructions, 3:28-3:32, 2015). This type of testing anxiety is not conducive to a healthy learning environment, especially when factoring in SWSNs, who are already at a disadvantage when the test is not completely accessible to begin with. This demonstrates how policy implications have a negative

effect on the actuality of the education of SWSNs. The increase of standardized tests can arguably be linked to the collective policy initiative created under the Obama administration, called “Race for the Top” (RTT).

The policies that were created under “Race for the Top” demonstrate a furthering of federalization within the education system by incentivizing States to adopt the national curriculum template. This was done in the form of a competition, where applying States needed to demonstrate plans that would “develop and adopt common core standards...longitudinal data systems....provide high-quality pathways for aspiring teachers,” and others, to name a few categories (Howell & Magazinnik, 2017). In turn, successful states would receive financial rewards if they implemented policies in a way that was to the federal government’s standards, with winning states in each phase of the competition gaining up to \$700 million USD in funding (Howell & Magazinnik, 2017). One of the elements of RTT that was encouraged during the process was to increase charter schools, in the hopes that these schools would provide greater opportunities for minority and marginalized groups such as SWSNs (Finley, 2015). Charter schools are defined as schools that have signed contracts with the state, or charters, in order to allow for more regulatory freedom away from the traditional public school system, while theoretically, being held accountable through the charters (Rhim, Ahearn and Lange, 2007). These schools have for a long time been viewed as an attractive alternative to parents with children with special needs because these schools could “use their newfound flexibility to meet the needs of at risk students...” (Cooper, Fusarelli, & Randall, p.2004). However, this turns out not to be the case, where in a survey done in Texas, it was found that the number of SWSNs enrolled in charter schools was actually lower than the State average (Cooper et al., 2004). Furthermore, as argued within the study conducted by Rhim, et al. “while all of the charter statutes contain provisions regarding anti-discrimination...the lack of specificity regarding special education is arguably problematic...”

(2007). For as the study shows, out of the 41 states who have charter statutes, only 5 of them had some form of explicit accountability for special education (2007). It becomes clear that the Obama administration's policy that encourages the creation of more charter schools is not truly protecting SWSNs, for the majority of States do not have charter schools who comply to the standards set forth in IDEA.

Therefore it becomes clear that the policies created during the Obama era have, for the most part, continued to place stress upon the school systems and the teachers who are trying to provide an education for students, with or without special needs. The movement towards more Charter schools places more pressure on parents in order to determine if these schools will in fact comply with IDEA in order to ensure their children are as included as possible. With more students transferring out of the special education classroom and into the regular classroom, it shows that the federal government is working towards moving its national education policies away from a medical model of dealing with SWSNs and more so towards an environmental and social model of inclusion. However, teachers, who may have an easier time accessing the system due to the policies set out in NCLB and then later in ESSA, are not necessarily trained in how to avoid the stereotypes of certain medical conditions and how to feel confident in working with children with particular conditions. It becomes clear that the changes from the over 600 page NCLB to the over 1,000 page ESSA have not been very successful in reality in terms of assisting SWSNs. As the Obama administration came to an end, the election of President Trump does not necessarily promote confidence in any policy amelioration.

### **The Trump Administration and current Education policy movement**

With the election of President Donald Trump, a lot of policy areas have come into question, with education policy being no exception to this rule. On March 27, 2017 Congress passed public law 115-13, or the joint congressional disapproval for the submission of a rule in 2016 concerning State

accountability within the context of the Elementary and Secondary School Act of 1965 (amended to the ESSA). Before the passing of Public Law 115-13, the Department of Education had gone through a “freeze” of movement within its programs “pending review”; thus placing programs that could benefit special needs students and schools in need of funding to administer already existing programs in jeopardy. This forced school administrators to wait for the Congress and Senate to decide which portions would remain within the Every Student Succeeds Act, in order to allow for the implementation of policy plans. The portion that finally was disapproved was the provision concerning Consolidated State Plans, which stipulated that “a State educational agency that submits a consolidated State plan...shall not be required to submit separate State plans or applications...” (sec.8302 (2)). Therefore, this would present a more streamlined application process for the Department of Education, as well as provide states with a more facilitated process of asking for funding without having each separate educational entity submitting duplicate information for consideration. This would have allowed for easier oversight on the part of the Department of Education, which given that this is the only method that provides for some form of accountability between the states and the federal government, is an important consideration. However, due to the congressional disapproval within Public Law 115-13, this portion of the ESSA became null and void, leaving a policy void as the States must now follow the old method of submission of State plans. On March 13, 2017, Education Secretary Betsy DeVos wrote a policy letter to State School Officers stating that the department “planned to develop a revised consolidated State plan template that would require...information... ‘absolutely necessary’ for consideration of such a plan...” The Secretary then continues to reassure that this new plan template will provide “flexibility” while “also maintaining essential protections for subgroups of students, including...students with disabilities...” Despite these assurances, this new policy raises a concern of whether the determination of “Absolutely necessary” will provide enough of a description in order to satisfy

the requirements of accountability to the Federal Government that was promised within the policies that came before the ESSA. This is especially concerning for Special Needs Educators and SWSNs, for whom the only positive of policies such as NCLB have been the assurance of federal oversight, as minimal as it may actually be in practice. It can be argued that Public Law 115-13 is failing minority groups due to it not focusing on correcting the real issue - the lack of communication between the federal government, states, education agencies, and education providers.

This can be seen within the ESSA under the description in Section 8304, which discusses how the only need the Department of Education requires from the states is to “have on file with the Secretary a single set of assurances, applicable to each program for which the plan is submitted...” (ESSA 2016). This is cause of concern for special needs education and other minority groups, for while the assurances are important, it becomes clear that these assurances can be used without the knowledge of all stakeholders involved, as these assurances are coming simply from education agencies, not teachers and service providers. Therefore, this Section of the ESSA is in fact arguably a place of concern for special needs education programs and policies, for it denies the voice of teachers, students, parents and all who are working on the ground to ensure compliance with IDEA and other acts that provide for the right to access education equitably for minorities. The current administration has had the opportunity to provide for a more inclusive method of assuring compliance within the education system in a centralized way with the federal government, and yet have chosen to leave a crucial area of accountability to be disseminated by the States and educational agencies. This again weakens any form of federal oversight that could be of benefit for SWSNs, and instead continues the nominal protection that the Acts provide. The Department of Education needs to open up more direct lines of communication with the people on the ground in special education in order to assure that practical considerations are included within theoretical policy, that the practical demands are truly met, and that legislative rights are also met.

This level of oversight is of course only possible if the Department of Education exists, which is of particular concern during the current administration. As this administration is still fairly new, not many policies have yet been passed. It is important to turn to other sources of information to gain insight as to what the President is thinking to do with education policy. This must be done in a way that can be referenced in a manner that is physically inalterable, which is to say not the President's many tweets on social media, but more so within his books, particularly the one that he wrote during the Presidential campaign. In his book *Great Again: How to Fix Our Crippled America*, then candidate Donald Trump discussed how he believed that "...the Department of Education should just be eliminated... If we don't eliminate it completely, we certainly need to cut its power and reach"(2015). This proposition can be interpreted as moving away from the centralization model that has existed since the 70s, to a model where the states return to being the primary controllers of education programs. While this may not seem like a negative move, it does pose problems in terms of federal government policy such as IDEA, which requires federal oversight in order to work. If Trump is seriously contemplating the dissolution of the Department, this poses a great concern for SWSNs and other minorities who depend on the federal programs and oversight in order to maintain some form of access to the education system. In fact, the President goes on further to state "it's [the Education Department] a disaster." (2015). However, the proposed solutions that are offered within the book do not seem to be anything new. Trump says that "we have to get tougher" (2015) yet the school system already places a distinct amount of pressure on students due to standardized testing, not to mention this hurts students with special needs, who are already under pressure simply due to being alive. Trump goes on further to discuss "schools competing for students" is the approach he believes most effective in "forcing schools to get better or close..." (2015). Yet schools are already closing or considered to be failing simply because they are working with minority populations such as students with special needs, thus

lacking funding. This model would continue to perpetuate an already unequal system, where rich public schools get as much as \$30,000 USD per student, while the poorest receive around \$3,000 (Darling-Hammond, 2007). Finally, the other point that Trump raises within his book is the concept of paying teachers by merit, and not by seniority, in order to “attract the best people to the profession” (2015). Again, the proposal is something that already exists within the education system, hence why the teachers feel pressured for their students to pass the tests that are administered - as this is the way that their “merit” is based. As already discussed, these forms of policy initiatives under NCLB and the Obama-era Race for the Top and others are discriminatory and detrimental to minority and marginalized children such as Students with Disabilities, who are in need of professionals who see to their development, not only in order to ensure that they are paid.

#### **Discussion and Conclusion: Implications of Policy on the Future of Special Education**

The assessment of policies in the United States Education System may seem bleak, but that does not mean there are no efforts being made on a local level in order to advocate for change. As discussed by Bushweller, schools are advocating for increased use of education technology within the testing system (2014), which will in turn, allow for students with special needs to gain access to their personalized accommodations. Yet even this positive development is limited by lack of funding, thus continuing to block equitable access for SWSNs into the classroom. Even groups such as civil rights organizations for standards and accountability, as discussed within a study done by Rhodes, shows that advocacy groups are also not entirely capable of achieving all of the changes that they deem necessary in order to provide the equitable access that children deserve (2011). This can be seen echoed within the frustration of many parents, teachers, health care and education experts who see many disparities between the proposed goals of the laws and the actual practical

implications. It would be worth considering a further study upon these lines, with concrete expert suggestions as to what can be done moving forward.

It is clear that the United States Education system is trying to work towards creating an inclusive and equitable experience for all students, especially those with Special Needs. However, it is also evident that the policies created in the years following and including the No Child Left Behind Act have not done well in resolving the actual problems on the ground. Instead, these policies have created an atmosphere of tension for parents, students, teachers, administrators and other education specialists as they struggle to work with increased standardized testing, a centralized program approval system, a shortage of qualified educators, and competition between public and charter schools. These are just a few of the areas where special needs students are directly impacted, and as such making it more difficult for children to actually receive the education they require; on top of that, if they do manage to get some form of diploma once they graduate, if it is not the General Education Diploma, their chances of continuing into higher education or being hired will not be as high. While IDEA and the Americans with Disabilities Act both exist to provide the legislative protection for individuals with disabilities, they are not always able to provide for every instance that is encountered within the United States education system, despite being considered “institutions within the American School system” (Brown & Cooper, 2011) . The fact that these policies are already in trouble is particularly concerning given that the current President has expressed his strong lack of faith towards federal intervention within the education system, and has expressed his opinion that the Department of Education is a federal institution that could be gotten rid of. Whether or not this will be enacted in official policy remains to be seen; yet this places accountability that exists in the education system concerning the precepts of IDEA for inclusive education for SWSNs at risk. Additionally, it seems to be clear that the reforms the current Congress has already passed are ones that do not focus on the real issues of lack of communication

to those really affected by legislation, the staggering amount of standardized tests, and the true equity of all programs within the country.

It becomes evident that while the policies since No Child Left Behind have been attempting to provide more inclusion for students with special needs, as well as to move away from a “medical” approach to a more “social” one, the policies today still leave much to be desired and are falling short of what they are supposed to achieve. It seems that there is a big opportunity for the current administration to create some meaningful changes within education policy that will better reflect the needs of students with special needs. If the current administration makes the choice to step in and listen to the concerns of educators that discuss how the policies that have existed in the past only work to a certain degree, and do not fully promote equity within the school system, then there is a possibility for policies such as IDEA to become more than just a pillar of the American School System, but an actual force of change.

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