

# The Meaningful Participator

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## Reauthorization of Individuals with Disabilities Education Improvement Act Seeks to Align with No Child Left Behind

Though often criticized since its enactment in 2002, the No Child Left Behind Act (NCLB) was intended to create accountability and progress in education. Under NCLB, progress is largely measured through standardized and achievement testing, thus raising questions about how the needs of children with disabilities are considered in this process. As a result, Congress recently reauthorized several provisions of the Individuals with Disabilities Education Act, now renamed Individuals with Disabilities Education Improvement Act (IDEIA), in order to streamline the objectives of the two acts.

In its reauthorization, IDEIA was amended in the area of assessments to align with the stipulations of

NCLB. IDEIA now requires that students with disabilities must be assessed in the areas of reading and math annually during grades 3-8, and at least once in high school as is required under NCLB. Beginning with the 2007-08 school year, students must also be assessed in science at least once during grades 3-5, 6-9 and 10-12. Additionally, students are expected to be "proficient" in reading and math by the 2013-2014 school year.

All students must participate fully in these proficiency assessments at their individual grade levels, however, appropriate accommodations and alternative assessments must be provided if deemed necessary. A few examples of appropriate

accommodations include, but are not limited to environmental accommodations (use of a quiet room or study carrel), scheduling accommodations (tests given only at specified time of day, over several days, presenting the test in a different order and/or providing frequent breaks), and presentation accommodations (extra time, large print, sign language, reading aloud, and prompting attention). Non-standard accommodations, those considered so extensive that they alter the test or testing situation causing the test to be invalid, are not allowed.

In addition to accommodations, some students may qualify to receive alternate assessments. According to the State of Ohio Operating Standards for the Education of Children with Disabilities, alternate assessments are typically provided for those students with "the most significant cognitive disabilities." These students include children whose cognitive abilities and adaptive behaviors prevent them from attaining grade-level proficiency, and who primarily receive a functional curriculum

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Nessa G. Siegel Co., LPA  
4070 Mayfield Road  
Cleveland, Ohio 44121

### Notes from Nessa

As I write this, the Ohio Achievement Tests for this year are wrapping up. Students with disabilities took these tests with their non-disabled peers, either with or without accommodations, in record numbers. Just a few years ago, before the implementation of the No Child Left Behind Act, there were few mechanisms available to assist parents in determining whether their kids were meeting state academic standards. Proponents of the tests feel they are a way to measure student achievement based on performance. Opponents question whether or not singular tests are capable of capturing a child's achievement, especially in the critical area of socialization.

I don't have the answers, but I do know one thing - creating an expectation that disabled children achieve mastery of the same basic concepts as their non-disabled peers is admirable and offers a step in the right direction.

### Nessa G. Siegel & Co. Welcome Andrea Valentino in New Position

Andrea began as a law clerk at Nessa G. Siegel Co., L.P.A in 2005. Since then, she has been an invaluable asset to the firm reviewing and evaluating IEPs, conducting legal research and writing, developing seminars, and generally handling client claims under the supervision of practicing attorneys. Andrea grew up on the east side of Cleveland, and attended Miami University where she received a bachelors degree in Elementary Education, magna cum laude, and a masters in Reading Education. This past May, she was awarded her J.D., magna cum laude, from Cleveland-Marshall College of Law. Andrea brings educational expertise to her position, having served as a teacher in a suburban Cincinnati school district for four years prior to entering law school. Under No Child Left Behind, she is a highly qualified teacher in the area of elementary education. We are thrilled to welcome Andrea as full time employee this August!

## Keith's Corner

Keith Paskoff, Nessa's first cousin, who suffered from Cerebral Palsy and cognitive delay passed away in 2003. The stories featured here are submitted by families who want to share their experiences and dedicate them to Keith's memory and his parents' unending effort to help him live his life as fully and completely as possible.

### The Blessing and Miracle of Mario

From the first moment I held each of my children in my arms, I felt a closeness, a bond of love beyond words. My heart throbbed, and I felt an indefinable and intense closeness that was so awesome and unique. I told myself, "This is the best day of my life, one that I will cherish till the end of time."

April 4, 2006, is a day in our family history that will never be forgotten, the day Mario was diagnosed with autism. My husband, Elias, and I will never ever forget it for as long as we live. To say that we felt as if we were hit with the heaviest, most intense bomb would be an understatement. We thought that we had hit rock bottom, that our lives were no longer worth living, until we realized that it was actually the complete opposite.

We were actually one of the luckiest families around, for God had chosen us to be the parents of our precious angel, Mario. Besides Mario, we have two other blessings in Habib and Celine that complete our lives. Our three angels remind us every morning that life is so special and precious, as is each of them in his or her own way.

Without a doubt our lives have changed forever and will never be the same. I can't tell you how many people have made apologetic comments to me as if we had been struck with a huge disaster of some sort. To any and all families that are or will be affected by autism as we are, I ask you from the bottom of my heart not to despair. Do not think it is the end of the world, or that you are now considered to be the parent of a child with a disability. Today I am one hundred-fold the mother that I was before Mario's diagnosis. My special, beautiful, little person has taught me more about life than I could have ever acquired in all my living years. He makes me look at everything in life from a different perspective. He's brought out patience and understanding in me that I never knew existed.

My husband and I have been chosen by God to walk beside Mario on a path that may have more obstacles than smooth sailing, but I wake up every morning and thank him for believing in us, and for making us worthy of such a blessing. Yes, a blessing. We have never and will never look at Mario as a challenge. On the other hand, we have risen to the challenge of being the most loving, nurturing and adoring parents we can be. Our son brings out the best in us. He has taught us not to take anything in life for granted, to take advantage of every moment together and cherish life for what we make of it.

To parents of autistic children I say, keep faith. Autism is not a journey we choose, rather it is a journey that chooses us. Fight for your child. Give your child the utmost of any and all opportunities out there to maximize his potential and allow him to be the very best that he can be. As loving and supportive parents, we have choices in life. The only choice I will ever allow myself to make for my Mario and all the Marios out there, is to be his rock, just as he is my shining star, my miracle, my gift from above. Always remember that it is NOT about "us," but about our children that are affected with the disorder.

Thank you God for loving me, believing in me, and trusting in me enough that I, with my loving husband and the innocent love of our precious Habib and Celine, under your guidance alone, will make the very best of every day that is yet to come. We will conquer the world for Mario.

Yes, all is attainable but only through love ...

Love,

Claude E. Akouri aka "CoCo

## IDEIA and NCLB Intersect

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designed to achieve life skills.

Other amendments emphasize high-quality, intensive pre-service preparation and professional development by mandating teachers be qualified in the use of scientifically-based instructional practices. Like NCLB, the IDEIA also requires teachers of core academic subject area to be "highly qualified," meaning a public school teacher must hold a bachelor's degree, hold full state certification and demonstrate subject-matter competency. General educators meeting the highly qualified standard in their subject area may also teach special education students in their general education classes without being certified in special education. Highly qualified special education teachers must have full certification in special education or must have passed a special education licensing exam and have a license to teach as a special education teacher. Licenses and/or certification requirements that have been granted on an emergency,

temporary or provisional basis are not valid.

Additionally, special education teachers teaching in grades 7-12 must also have subject-matter competency for each core academic subject he/she teaches, including special education teachers that are in a team-teaching, co-teaching, collaborative or resource situation. Special Educators that do not directly instruct, but provide behavioral interventions or consultation do not need to have subject-matter competency. Finally, a special educator teaching core academic subjects exclusively to students who are given alternate assessment may meet highly qualified standards by either (1) meeting subject-matter competency, or (2) have subject-matter knowledge appropriate to the level of instruction being provided.

Paraprofessionals must also be highly qualified. Paraprofessionals are distinguished from an aide or attendant by their ability to provide instructional support. At all times, a paraprofessional must act under the direct supervision of a teacher. Paraprofessional duties may include: providing one-on-one tutoring when the student is not otherwise receiving instruction from a teacher; providing instructional support services

under the direction of a teacher; and assisting with classroom management such as organizing materials. Solely providing personal care services and no instructional support does not qualify a person as a paraprofessional, so such a person does not need to be highly qualified. To be a highly qualified paraprofessional, one must have completed at least two years at an institution of higher education; obtained an associate's degree or higher; met a rigorous standard of quality; and demonstrated, through state or local assessment, the knowledge and ability to assist in instructing, reading readiness, writing readiness and mathematics readiness as appropriate.

Despite the controversy surrounding NCLB, one of its objectives is to require schools to focus more attention on traditionally under-served populations, including children with special needs. In doing so, NCLB has helped raise the standards of special education under the IDEIA's reauthorization as well. By way of these amendments, IDEIA aligns many of its provisions with NCLB, providing consistency between the two laws in efforts to create accountability in education and ensure children with disabilities are being appropriately served.

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