

Laws for america's education system

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Laws for the Improvement in Educational Standards “ No Child Left Behind is an excellent sword that we can use to open doors for the children we represent” (Wright, Attorney at Law). Peter Wright is an attorney who specializes in cases surrounding children with Special Educational needs. When he made this statement, he was referring to a law that President George W. Bush's administration passed in 2001. No Child Left Behind (NCLB) is a law that requires states to assess the basic skills for children in certain grades. This was not the first law to be created by the government. Before NCLB was created, first there was Section 504 of the Rehabilitation Act, and the second was the Individual with Disabilities Educational Improvement Act (IDEIA) also known as Public Law 94-142. Every since the first law was created in the early 1970s schools all over have complained. So schools would not have to abide by these laws states would refuse the funding that was given to them by the government foreducation. When these laws were created, it was to protect all children with any kind of special needs. Before Section 504 was created schools could legally expel any child they thought may have had a learning disability.

Section 504 of the Rehabilitation Act In 1973 Section 504 of the Rehabilitation Act was created to be an anti-discriminationstatute meant to stop discrimination against students with special needs from governmental actors and to protect these students' equal rights. For a student to qualify for protection under Section 504 he or she must be determined to (1) have a physical or mental impairment that can limit one or more major life activities; (2) it must be on record that the child does have an impairment; or (3) the child must be looked at as possessing said impairment.

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All students who qualify under Section 504 are entitled to a “ free and appropriate public education” also known as FAPE. If a school violated the Section 504 laws the student must show (1) that he or she does have a disability stated in Section 504; (2) that the student does qualify for said benefit that he or she were denied; (3) that the student was denied because of his or her disability, and (4) that the benefit that student was denied is obtaining money from the government to help with the program (Hoffman-Peak, 2009).

The US Department of Education (ED) is responsible for enforcing Section 504 for all schools receiving funds. Recipients of these funds include all public schools, colleges, and other education agencies within the state. Individual with Disabilities Educational Improvement Act In 1975 Congress created the Education for All Handicapped Children Act (Public Law 94-142). This Act stated that any school receiving federal funds is required to provide equal access to education for children with any kind of disability.

With the input of the child's parents public schools had to evaluate the student and create an educational plan that would be as close as possible to that of a non-disabled student. The Act also stated that school districts must provide administrative procedures for parents so they may dispute decisions surrounding their child's education. Once these administrative efforts had become exhausted, the parents would be allowed to seek a judicial review under Section 504. The system of dispute resolution created by PL 94-142 was to help with the financial burden created by litigation.

In 1997 President Clinton and Congress amended the law to Individuals with Disabilities Education Act (IDEA). This would be the first time since Public Law 94-142 was created in 1975 that a significant change was made while retaining the basic protections. The goal was to clarify, strengthen, and provide guidance on the law. The second time would be in 2004 when Congress would once again make amendments calling it Individual with Disabilities Educational Improvement Act (IDEIA).

For 20 years the research showed that education can be more effective if; (1) it is ensured that the child receives general education to the maximum extent possible; (2) the parent's role in the child's education is stronger; (3) coordinating efforts from the school and agencies are made to guarantee that children are benefiting from these efforts. Also that special education is a service for children not a place for them to be sent off to, and (4) all personal who work with children with special needs will receive the proper education to teach these students.

Because Public Law 94-142 was created a great deal of progress has been made toward meeting our nation's goals for creating programs for individuals with special needs. Such accomplishments had included, one that a majority of children with special needs were included in regular classrooms with non-disabled children. No Child Left Behind Act Immediately after taking office in 2001 President George W. Bush proposed the idea for the No Child Left Behind Act. The bill passed through the United States House of Representatives on May 23, 2001, and again on June 14, 2001 by the United States Senate.

After first proposing the Act close to a year before President Bush signed the Act into law on January 8, 2002. The goal behind this law was to hold schools and states accountable for improving the education of both disabled and non-disabled students. The purpose was to identify than transform schools that have not provided an excellent education to students. These schools would be turned into successful schools. Furthermore, NCLB intentions are to close the learning gap between high and low achievers, minority and non-minority students as well as advantaged and disadvantaged students.

To accomplish this goal the reform planned to use a state assessment system designed to ensure all students are meeting the state academic and grade level content. The implementation of these goals, call for a high level standard that can be measured for all students. There is no doubt that this Act has brought a closer look on students who normally have performed on a lower level of education, causing it to be praised, while at the same time this law has been criticized by many because inconsistencies found within the law.

Title One of the No Child Left Behind Act states a measure called Adequate Yearly Progress (AYP) in which schools, districts, and states must be held accountable for the education performance of students. However, there are faults with the Adequate Yearly Progress; one of these faults is whether or not AYP can provide an accurate measurement of the goals because states are allowed to make their own standards. Statistics show that there are 50 different educational measurement standards across the country.

Because these states can create their own standards, they can manipulate their AYP, thus resulting in schools giving the impression that they are successful in teaching when they may not be. The Reauthorization of the Elementary and Secondary Education Act In 2010 President Obama and Congress assembled a blueprint of reform called The Reauthorization of the Elementary and Secondary Education Act. This blueprint builds and re-envisions a federal role around these five priorities.

It states that (1) all students despite their race, income, ethnic or language background, or disability will be college and career ready when they graduate from high school. The government will support all states to implement a better education through an improvement of a professional development. (2) The government will elevate the teaching profession so as to recognize excellence in teaching. All school districts must develop a system that supports teachers. (3) Schools that have the most improvement from their students will be rewarded.

This includes students graduating and those on their way to graduating by 2020. To make sure that the responsibility for improving does not fall all on the schools, states and districts will be held accountable for not providing their schools the support they need to succeed. (4) Incentives will be provided to encourage state and districts to work with schools to improve education of students. The government will support college going strategies to help students succeed. (5) A new competitive funding will help with flexibility, reward results, and ensure that these funds provided are used wisely.

While districts will not be restricted on how they spend the funding. The government will help create new ideas that support family and the community with their child's education (The Reauthorization of the Elementary and Secondary Education Act). Conclusion Since 1973 when Section 504 of the Rehabilitation Act was introduced into Congress there has been one clear goal amongst government. This goal is for all students no matter their background or disability are to receive an education. In the past 38 years Congress has reformed and amended all the education laws for improvement in the education system.

It would no longer be acceptable for schools to fail in giving students the education they deserve. Throughout the years statistics have shown that despite laws created our education system is failing and needs vast improvement in order for the next generation to succeed in the future. As stated by President Barack Obama in a letter, he wrote to be placed in the introduction of The Reauthorization of the Elementary and Secondary Education Act. " America was once the best educated nation in the world. A generation ago we led all nations in college completion, but today 10 countries have passed us.

It is not that their students are smarter than ours. It is that these countries are being smarter about how they educate their students" References Author unknown (September 2010) Adequate Yearly Progress, Education Week Retrieved on May 23, 2011, from <http://www.edweek.org/ew/issues/adequate-yearly-progress/> Berlatsky, N. (2011) No Child Left Behind Is a Good Law. *Opposing Viewpoints: School Reform*. Detroit:

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