

8-5-2006

Writing Individualized Education Plans for Students with Specific Learning Disabilities: Compliance After The No Child Left Behind Act

Robin Richards Ballard

Follow this and additional works at: <https://scholarsjunction.msstate.edu/td>

Recommended Citation

Ballard, Robin Richards, "Writing Individualized Education Plans for Students with Specific Learning Disabilities: Compliance After The No Child Left Behind Act" (2006). *Theses and Dissertations*. 5039. <https://scholarsjunction.msstate.edu/td/5039>

This Dissertation - Open Access is brought to you for free and open access by the Theses and Dissertations at Scholars Junction. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of Scholars Junction. For more information, please contact scholcomm@msstate.libanswers.com.

WRITING INDIVIDUALIZED EDUCATION PLANS FOR STUDENTS WITH
SPECIFIC LEARNING DISABILITIES: COMPLIANCE AFTER THE
NO CHILD LEFT BEHIND ACT

By

Robin Richards Ballard

A Dissertation
Submitted to the Faculty of
Mississippi State University
in Partial Fulfillment of the Requirements
for the Degree of Doctor of Philosophy
in Curriculum and Instruction
in the Department of Curriculum and Instruction

Mississippi State, Mississippi

August 2006

Copyright by
Robin Richards Ballard
2006

WRITING INDIVIDUALIZED EDUCATION PLANS FOR STUDENTS WITH
SPECIFIC LEARNING DISABILITIES: COMPLIANCE AFTER THE
NO CHILD LEFT BEHIND ACT

By

Robin Richards Ballard

Approved:

R. Dwight Hare
Professor
Curriculum and Instruction
(Co-Director of Dissertation)

Terry Jayroe
Associate Professor
Curriculum and Instruction
(Co-Director of Dissertation)

Vince McGrath
Professor
Curriculum and Instruction
(Committee Member)

Arthur Stumpf
Assistant Professor
Instructional Systems, Leadership
and Workforce Development
(Committee Member)

Barbara Moore
Professor
Education and Human Sciences
Mississippi University for Women
(Committee Member)

Linda T. Coats
Interim Department Head
Associate Professor
Graduate Coordinator
Curriculum and Instruction

Richard L. Blackburn
Dean, College of Education

Name: Robin Richards Ballard

Date of Degree: August 5, 2006

Institution: Mississippi State University

Major Field: Curriculum and Instruction

Major Professors: R. Dwight Hare and Terry Jayroe

Title of Study: WRITING INDIVIDUALIZED EDUCATION PLANS FOR
STUDENTS WITH SPECIFIC LEARNING DISABILITIES:
COMPLIANCE AFTER THE NO CHILD LEFT BEHIND ACT

Pages in Study: 83

Candidate for Degree of Doctor of Philosophy

IDEIA requires a student who receives special education services to have an IEP that is specific to each student and NCLB requires that all students be taught the same knowledge and skills. The purpose of this study was to determine with which federal school law, No Child Left Behind (NCLB) or Individuals with Disabilities Education Improvement Act (IDEIA), school districts in Mississippi are choosing to comply and what drives that decision. The research questions were: (a) Are Mississippi school districts choosing to comply with NCLB or IDEIA when writing IEPs for their students receiving special education services? and (b) What are the reasons for that decision?

A multiple-case design was used in this study resulting in a more convincing explanation because when more cases are involved variation increases across the studies. Real-life applications and issues were noted in case studies. The researcher was the main

instrument for data collection and analysis. Three school districts participated in the study that included 11 teachers. Five themes emerged from the case studies. Those were: (a) teacher opposition, (b) out-of-level testing, (c) achievement test preparation, (d) lack of written guidelines, and (e) different approaches in meeting educational needs of students receiving special education services. Recommendations included: (a) development of guidelines for special education students who do not take the grade level MCT , (b) mandatory training on standardized IEP guidelines, (c) further study on report of numbers of special education students within schools, (d) further study on self-concept of special education students who participate in out-of-level instruction and testing, (e) comparative study of inclusion and resource students using MCT as pre- and post-test.

DEDICATION

This is dedicated to my father, Harvey Willis Richards, who encouraged me to travel on this path. I know he is in the balcony, beaming with pride, and cheering me on.

ACKNOWLEDGMENTS

I am blessed to share my life with my best friend, my husband, who has been in my balcony since high school and through three degrees, taking our sons hunting or fishing or anywhere while I did school work. Thank you, Kenny. To my sons, Kyle and Preston: I hope that I make you proud and that I've modeled for you that through dedication and determination, dreams do come true when you have the help of a supportive family.

To my beautiful and smart mother, who has modeled for me what it is to be brave, courageous, and a strong woman. Thank you for enabling me to fulfill this dream!

Thank you to my committee members: Dr. Jayroe; who offered a fresh perspective of doctoral studies, Dr. McGrath; who offered an exploration into my beliefs, Dr. Stumpf; who taught me that "Vision without strategy remains an illusion.", and to Dr. Moore, my mentor from the W, the dwelling place of my dreams. Many, many thanks to Dr. Dwight Hare who helped me find my way on this journey. You have shown me what "paying forward" is all about and I am a much better person because of it.

Thank you to the teachers that participated in my study during achievement test week and IEP time. I'm truly grateful for you allowing me a peak into your world as educators.

TABLE OF CONTENTS

	Page
DEDICATION	ii
ACKNOWLEDGMENTS.....	iii
CHAPTER	
I. INTRODUCTION AND LITERATURE REVIEW	1
Literature Review	2
The Individualized Education Plan	2
No Child Left Behind Act of 2001	4
Individuals with Disabilities Education Improvement Act 2004.....	6
Incidents of Conflict between IDEIA and NCLB	8
Summary	13
Purpose of the Study	14
Justification of the Study.....	15
Research Questions	16
Definition of Terms.....	16
II. RESEARCH METHODS.....	19
Design	19
Participants.....	20
Procedures	21
Data Analysis	23
Validity and Reliability	24
III. RESULTS AND DISCUSSION	26
Case Presentation	26
Appleview Elementary School.....	30
Analysis.....	35
Ballview Elementary School.....	37
Analysis.....	41

CHAPTER	Page
Cottonview Middle School	43
Analysis.....	48
Cross-Case Analysis	50
Discussion of Related Literature.....	51
IV. SUMMARY, IMPLICATIONS, AND RECOMMENDATIONS	58
Summary	58
Implications.....	63
Recommendations.....	65
REFERENCES	69
APPENDIX	
A. Researcher’s Curriculum Vitae.....	73
B. Interview Protocol.....	78
C. Observation Protocol.....	80
D. Document Analysis Protocol	82

CHAPTER I

INTRODUCTION AND LITERATURE REVIEW

A result of President Bush's No Child Left Behind (NCLB) Act ("Title 1: Part A," n.d.) has been that an increasing number of schools have found themselves in "school improvement" because they have failed to make adequate yearly progress (AYP) as measured by state achievement tests within certain subgroups of students tested. One such subgroup is those students who are learning disabled. NCLB states that learning disabled students must not only be tested on their current grade level, but also should score on a "proficient" level by the year 2014. The Individuals with Disabilities Education Improvement Act (IDEIA) ("IDEA-Reauthorization," n.d.) requires that learning disabled students have Individualized Education Plans (IEP) that guide their instruction based on their functioning ability levels as indicated by placement tests. While NCLB ("Title 1: Part A," n.d.) mandates grade level testing for all students, IDEIA ("IDEA-Reauthorization," n.d.) mandates the highly student-specific IEP. This raises the question: Does the IEP team write that plan to meet the mandates of NCLB ("Title 1: Part A," n.d.), which is grade-level instruction to facilitate grade-level testing, or is that plan written to meet the mandates of IDEIA ("IDEA-Reauthorization," n.d.), which calls for instruction to be based on functioning ability-level that is unique to each student receiving special education services? NCLB and IDEIA are in conflict as the IEP

team strives to meet the needs of learning disabled students and the schools strive to meet the requirements of NCLB.

The purpose of this study is to determine with which federal school law, NCLB or IDEIA, Mississippi school districts are choosing to comply and what drives that decision. This study will gather and analyze data to serve as a basis for education stakeholders to utilize when deciding how to write the education programs for their learning disabled students. Research results will contribute to the literature surrounding No Child Left Behind, IDEIA, and educational practice in kindergarten through 12th grade classrooms.

Literature Review

This review of literature includes the historical perspective of the IEP, a description of the section of NCLB that addresses the learning disabled student, how the reauthorization of IDEIA affects IEPs, and documented recent incidents where IDEIA and NCLB are shown to conflict. The literature review will conclude with a summary.

The Individualized Education Plan

The Individualized Education Plan (or Program) (IEP) is the foundation of the Individuals with Disabilities Act (IDEA), which was the name prior to the 2004 reauthorization and is now termed IDEIA. Smith (2000) termed the IEP as a “quasi-contractual agreement” (p. 1) that serves to direct instruction for learning disabled students based on each of his or her specific needs on academic, behavioral, and social levels.

The IEP emerged during the 1970s as a result of The Education for All Handicapped Children Act, otherwise known as P.L. 94-142, in an effort to “normalize” and “mainstream” children with disabilities (Smith, 1990). It was directly influenced by its predecessor, the Individual Habilitation Plan which was a federal court order for people living in the Partlow State School and Hospital in Alabama. Contributing to this concept were education leaders of the 1970s who were calling for increased accountability for the learning disabled student. They were advocating the use of an “education services contract” and a “special education contract” to serve as guides to instruction. During legislative hearings for P.L. 94-142, the U. S. House of Representatives noted that individualized programs allow input from the child, the parent, and professionals; provide a specifically “tailored” program for individual needs in a “least restrictive environment”; and ensure accountability through reviewed evaluation. According to Smith, witnesses touted the advantages of individual programs for individual needs and the Individualized Education Program (IEP) became a federal mandate for each child receiving special education services. In 1990, this law was amended and its name changed to the Individuals with Disabilities Act, P.L. 101-476 (“Questions,” 2000, “Part 1” section). The IEP was to be developed with input from the teacher, a school representative, the parents or guardians, and the child, if appropriate. According to Angel (“Education for,” n.d.), the IEP must have the following components: (a) the present academic performance level of the student; (b) annual goals with short-term instructional objectives; (c) specific education services provided and the extent to which the child will be able to participate in regular education programs; (d)

dates for initiation and duration of services; and (e) the criteria and evaluation procedures with timelines for evaluation of achieved objectives.

No Child Left Behind Act of 2001

On January 23, 2001, President George W. Bush asked Congress to take an active federal role in the effort to “close the achievement gap between disadvantaged and minority students and their peers” (“Fact sheet,” n.d.). The result of that request is the No Child Left Behind Act (NCLB), a reauthorization of the 1965 Elementary and Secondary Education Act (ESEA). NCLB has been touted as a sweeping education reform and consists of seven titles or sections. Title One, Part A is the section that affects learning disabled students. It is called “Improving Basic Programs Operated by Local Educational Agencies” and is intended to eliminate the achievement gap for disadvantaged students (“Part A,” n.d.). The achievement gap is the difference in the standardized test scores of low-income and minority children as compared to their classmates (“Glossary,” n.d.). Title One, Part A consists of several components, such as standards, adequate yearly progress (AYP), and consequences for schools who fail to demonstrate growth.

Title One states that not only must student assessment scores be reported as in the past, but those scores must be now disaggregated by race, gender, English language proficiency, disability, and socio-economic status (“Title 1,” n.d. “Summary” section, para. 4). The students in each of these categories must demonstrate sufficient growth in meeting state standards. This is termed adequate yearly progress or AYP. Low-

performing schools (those not meeting AYP for one academic year) will be labeled as “needing improvement” and will be assisted through federal funding to enhance their performance. Any assistance provided through state funding will be based in research that is scientifically-based. If the school does not meet AYP for two consecutive school years, corrective action must be put into place where all students are offered public school choice. After three consecutive years of non-AYP, disadvantaged students of that school may choose to attend a higher performing public or private school or can obtain “supplemental educational services” of their choosing funded by Title 1. Schools that fail to make AYP in any subgroup face a decrease in funds from the federal government.

NEA Today (“Test and,” 2004) reported 6,794 schools from 39 states had missed AYP for two or more years in 2004. That number represents 12% of the schools in those states reporting their AYP status to NEA Today. That number was twice the number from the year before.

One of the AYP eligibility requirements for schools, is that 95% of students with disabilities must participate in annual state testing (“Spellings announces,” 2005). Schools that make gains in closing the achievement gap are rewarded from a school bonus fund and an “Achievement in Education” state bonus fund (“Title 1,” n.d. “Rewards” section). Jarrell (2005) noted that an added hurdle is these performance targets are raised yearly, so the odds are not in favor of a school getting out of school improvement in the third year after not meeting AYP for the two preceding years.

States are now required to assure accountability with NCLB for learning disabled students. This requirement is directly stated under Section 1111 (a) Plans Required of the

NCLB Act. It reads that other programs, such as, IDEA (name changed to IDEIA after the reauthorization of 2004), the Carl D. Perkins Vocational and Technical Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act and the McKinney-Vento Homeless Assistance Act, should be in concert with each other and coordinate with NCLB. More specifically, Section 1111 of subpart 1, Basic Program Requirements, states that “the State plan shall describe a strategy for ensuring that students are taught the same knowledge and skills in such subjects and held to the same expectations as are all children” (“Part A” n.d. Sec. 1111, b, 1, E). Gilmore (2004) noted that accountability requirement is one of NCLB’s central themes. This statement appears to be in direct conflict with IDEIA, which calls for Individualized Education Plans (IEP).

Individuals with Disabilities Education Improvement Act of 2004

The Individuals with Disability Education Act has had several amendments, with the most recent change being called IDEIA : the Individuals with Disabilities Education Improvement Act or IDEA-Reauthorization, P.L. 108-446 (“Special Education,” 2004, para. 2). It was signed into law in December 2004, and took effect July 1, 2005. This amendment was enacted in an effort to coordinate NCLB and IDEA (“IDEA-Reauthorized,” n.d., para. 1).

The changes in IDEIA that affect the IEP process are noted below. These changes also reflect what the IEP should include.

1. A statement of the student’s current level of academic achievement and functional performance; including information about alternate assessment being

aligned to alternate achievement standards, a description of benchmark or short-term objectives, and measurable annual goals.

2. A statement regarding individual appropriate accommodations that are necessary to measure academic achievement and functional performance.
3. A description of how student progress in meeting annual goals will be measured and when reports will be sent to parents or guardians.
4. A statement on special education or related services, and supplemental services or aids to be provided to the child.
5. Appropriate postsecondary goals that are measurable based on age-appropriate transition assessments for the child at age 16 for training, education, employment, living skills, and services for that transition.
6. Requirements for disabled students who transfer school districts within states and between states.
7. Rule of construction. This means that no other information should be in the IEP and the IEP team does not have to include information in one section of the IEP that is already included in another section of the IEP (“IDEA-Reauthorized,” n.d).

The U. S. Department of Education states that each public school child who receives special education services must have an IEP, designed for only one student, and must be a “truly individualized” document (“Guide to,” 2000, “Introduction” section). Herein lies the dilemma. No Child Left Behind states that each student must be taught the same knowledge and skills, and held to the same expectations as are other children

("Part A", n.d., Sec. 1111, b, 1, C). If IDEIA ("IDEA-Reauthorization," n.d.) requires a student who receives special education services to have an individualized educational plan (IEP) based on specific learning needs as indicated by placement testing, but NCLB requires that students receiving special education services to be taught the same knowledge and skills as all other students, the IEP cannot meet the requirements of both. The Council for Exceptional Children (2005) termed this individualization, which is the foundation of IDEIA, versus standardization, which is the foundation of NCLB.

Incidents of Conflict between IDEIA and NCLB

Educators from around the country have realized this area of conflict and some change or reconciling of the two federal laws seems to be occurring. Margaret Spellings ("Spellings announces," 2005), the U.S. Secretary of Education, released new guidelines that address this issue. The new guidelines state that a restricted number of students with disabilities, approximated at 2% of all students, will be allowed to be assessed utilizing tests that are directly related to student abilities as long as the state provides evidence of improved teacher-practice. This evidence is meticulous teacher training that is based in research, better assessments, and facilitating collaborative relationships between the special and regular educators. As stated, 95% of the school's students with disabilities must take the tests for the school to meet AYP, yet only 2% of that 95% can take a test that is specifically selected to match their abilities. The question becomes, for example, how a seventh grade student who has a learning disability in mathematics and a

functioning ability of a third grade student, can score at a proficient level when required to take the state's seventh grade math assessment.

Fiedler and Rylance (2004), in an article in the *Journal of Disability Policy Studies*, stated: "Many state and local school leaders are growing increasingly critical of testing provisions for students with disabilities. Many have blamed this category of students for their placement on state improvement lists" (p. 253). They further explained that some on the House Education and the Workforce Committee said to a group of advocates for special education that NCLB should be viewed as a "great educational victory" (p. 254) for learning disabled students because states are now required to keep high academic standards for students with disabilities. States are also now accountable for assuring that those high academic standards are being met.

Some policymakers and stakeholders calling for measures to remove learning disabled students from NCLB testing mandates are citing IDEIA as a means for the change. Margaret McLaughlin (as cited in Olson, 2004), a professor of education at the University of Maryland, said that the learning disabled subgroup have learning problems by definition, and that to think that they "can or should learn the same content at the same levels within the same time frame as their non-disabled peers flies in the face of what we know about many of these students" (p. 32). Joseph O'Brien (as cited in Olson, 2004), a school superintendent in Pennsylvania, stated that NCLB conflicts with the focus of the special education law that is driven by IEPs with goals that are written to meet unique needs of the learning disabled student.

This sentiment is being echoed widely. The United States Department of Education was sued by two Illinois school districts because of this conflict between IDEIA's IEP requirement and NCLB's AYP requirement. The suit was filed February 3, 2005. According to Samuels (2005), these districts failed to meet AYP because of the learning disabled subgroup. The suit was dismissed in July 2005, because the judge said the students were not injured by changes made by NCLB that affect students with learning disabilities. The districts planned to resubmit (Trotter, 2005).

In Tennessee, Donna Parker (as cited by Riley & Long, 2003), president of the Tennessee Association of Special Education Administrators, stated that educators have addressed the individual needs of students and that there will be times when these needs are not compatible with testing requirements. She further noted the unfair nature of having learning disabled students take tests out of their level of performance.

This is the same sentiment noted in an article by Dennis Jarrell (2005), assistant school superintendent in Dexter, Missouri. He noted several problems with NCLB, each of which is a result of having a diverse student population represented in today's classrooms, and detailed "commonsense" (p. 66) approaches to correcting NCLB. One problem he noted is that each child will be proficient by the year 2014. Jarrell stated that this will never happen, due to the varied nature of the motivational drives of the children in our classrooms. He noted that some hard workers were high achievers and some hard workers were lower achievers. Also noted were those who didn't fit in either category, regardless of their cognitive ability. Another problem that Jarrell described was "one size fits all" (p. 66). This phrase has surfaced several times throughout the literature and

Jarrell stated that some students with IEPs can perform in the classroom and work on weaknesses to eventually test out of special education programs. Yet, for many IEP students, this kind of high pressure, high stakes testing is cruel. He further noted that grade level testing coupled with grade level performance “defies commonsense” (p. 68) and “borders on insanity” (p. 68). A third of Jarrell’s commonsense fixes to NCLB is AYP or bust, as he termed it. His position is that as long as learning disabled students are expected to perform on state tests equal to their non-learning disabled peers, “failing is just a matter of time” (p. 68).

The National Center on Educational Outcomes (NCEO) (2003) addressed the IDEIA-NCLB conflict by noting that NCLB complements components of IDEIA by making the school publicly accountable at all levels for all learning disabled students. NCEO further noted that NCLB actually builds upon IDEIA. NCEO differentiated the two laws stating that accountability is provided through a student’s IEP and that accountability is publicly acknowledged through NCLB. The U. S. Department of Education (“No Child,” n.d., “Flexibility” section) has added a new provision in order to address the dilemma of the learning disabled subgroup. This provision states that schools will not be labeled as needing improvement if the most severely, learning disabled students are unable to demonstrate achievement at the same levels as their peers. Schools now have some options within the children with learning disabilities subgroup. Students who have the most severe cognitive impairments are allowed to be assessed based on alternate achievement standards and they are expected to score “proficient” on those assessments. However, the number of students that can fall into this alternate assessment

category can not be greater than 1% of the student population for that grade. The U.S. Department of Education estimates that number to be about 9% of all students with disabilities (“No Child,” n.d., para. 4).

Some states have attempted to predict when the time of failure will be and the percentages of schools that will be in school improvement. In September 2005, The National Education Association (NEA) (“NCLB ayp,” 2005), published the analyses from several states. The Connecticut Education Association projected 93% of its schools will fail to meet AYP. The California Department of Education projected its failure rate to be 99%. Pennsylvania schools were predicted to be at 77% AYP failure as predicted by a report from The Communities for Quality Education Association. Massachusetts is projected to have a failure rate of 75% of its schools not meeting AYP.

Arizona State University conducted a study centered around six states in the Great Lakes region. The Great Lakes Center for Educational Research and the Education Policy Studies Laboratory of Arizona State University released the findings that by the year 2014, 95% of the schools in that region would fail to meet AYP standards (Wiley, Mathis & Garcia, 2005).

While legislators have made an attempt to make these two federal laws more compatible, what is missing in recent research is specific guidelines for schools to follow so that educators can more effectively meet the individual learning needs of the learning disabled subgroup while working to meet AYP requirements of NCLB for their school. This study will present data regarding whether Mississippi school districts are writing their IEPs at an instructional level (IDEIA) or a grade level (NCLB), and the reasons

behind that decision. Some states have taken a stand against NCLB, and some have even brought law suits against the federal government. Mississippi has taken no such action. This study will provide the education leaders of the state with data regarding how Mississippi school systems are addressing this dilemma.

Summary

This literature review presented a discussion of the Individualized Education Plan (IEP), No Child Left Behind (NCLB), the Individuals with Disabilities Education Improvement Act (IDEIA), and incidents of conflict between NCLB and IDEIA that surround students who receive special education services. The IEP is a legal document with a background spanning several educational laws. It is written with the IEP team to determine the best instructional procedures and goals for children who receive special education services.

Title 1 of NCLB, the section that applies to students receiving special education services, is intended to increase the efforts by schools to close the achievement gap present in our schools. It mandates that scores on achievement tests be disaggregated by different sub-groups. If a school fails to show progress in closing the achievement gap in any of those sub-groups, the school does not meet AYP and is placed on an improvement plan.

The reauthorization of IDEA in 2004 was written in an effort to make NCLB and IDEA coordinate with each other. This reauthorization created seven changes that affect the IEP process. These changes relate to the student's current level of achievement, goal

setting, appropriate accommodations, how academic growth will be measured and how that measurement will be communicated to parents or guardians. The changes also include a description of supplemental services or aids that would be provided to the student. Other changes noted in the reauthorization address postsecondary transition goals and requirements that relate to district transfer within and between states.

Recent incidents of the conflict between NCLB and IDEIA were noted in the literature where education stakeholders are feeling the pressure of meeting the NCLB mandates related to the subgroup of students receiving special education services and are making their positions noticed through articles, studies, and litigation against the federal government. Some policymakers and educators want to rid NCLB mandates requiring grade-level testing of students who receive special education services because those students are not intellectually able to score “proficient” as their regular education peers. Many states are predicted to be labeled as “failing” in the coming years for not meeting AYP for the learning disabled subgroup.

Purpose of the Study

Title 1 of NCLB affects students who receive special education services by attempting to eliminate the achievement gap between disadvantaged students and other students. As schools work to close that gap, they must demonstrate growth in meeting AYP as evidenced by student scores on annual achievement tests. These scores must be disaggregated by subgroups, with one of those subgroups being students who receive special education services. Those students are required by NCLB to be tested on the

same content as other students. However, to receive special education services, students must have a specific learning disability as measured by school placement procedures. Once a learning disability is indicated, the IEP team develops a unique plan of instruction for each student receiving special education services. IDEIA requires a student who receives special education services to have an IEP. This IEP plan is based on the unique specific learning needs of each child who receives special education services and those needs are determined by the placement tests. A dilemma is raised relating to reconciling NCLB and IDEIA with regard to instruction and testing. NCLB requires that students receiving special education services to be taught the same knowledge and skills as other students. The IEP cannot meet the requirements of both of these laws that govern the instruction of students who receive special education services. The purpose of this study is to determine with which federal school law, NCLB or IDEIA, school districts in Mississippi are choosing to comply and what drives that decision.

Justification of the Study

Resolving the dilemma between NCLB's grade level assessment mandate and IDEIA's IEP requirement is important as the daily instruction of the students receiving special education services is held in the balance. As stakeholders and legislators debate the value of NCLB, teachers in classrooms need specific guidelines on which instructional route they should follow in order to meet the educational needs of students receiving special education services while complying with federal laws. This study will

gather data for education leaders of Mississippi regarding how Mississippi school districts are addressing this dilemma.

Research Questions

This study's research questions are:

1. Are Mississippi School districts choosing to comply with NCLB or IDEIA when writing IEPs for their students receiving special education services?
2. What are the reasons for that decision?

Definition of Terms

The terms used throughout this study are taken from federal law and have universal meaning. Most of these terms were taken from the U.S. Department of Education website ("Glossary of," n.d.) unless otherwise noted.

Adequate Yearly Progress (AYP)-an individual state's measure of yearly progress toward achieving state academic standards. AYP is the minimum level of improvement that states, school districts, and school must achieve each year.

Assessment - Under NCLB, tests are aligned with academic standards. Beginning in the 2002-03 school year, schools must administer tests in each of 3 grade spans: (a) grades 3-5, (b) grades 6-9, and (c) grades 10-12 in all schools. Beginning in the 2005-06 school year, tests must be administered every year in grades 3 through 8 in math and reading. Science achievement must be tested in the 2007-08 school year.

Corrective action - when a school or school district does not make yearly progress, the state will place it under a "Corrective Action Plan." The plan will include

resources to improve teaching, administration, or curriculum. If a school continues to be identified as in need of improvement, then the state has increased authority to make any necessary, additional changes to ensure improvement.

Disaggregated data - to separate a whole into its parts. In education, this term means that test results are sorted into groups of students who are economically disadvantaged, from racial and ethnic minority groups, have disabilities, or have limited English fluency. This practice allows parents and teachers to see more than just the average score for their child's school. Instead, parents and teachers can see how each student group is performing.

IEP Team - group of people composed of the parents of the student who is receiving special education services, at least 1 regular educator, at least 1 special educator, a representative of the local education agency (LEA) who is qualified to provide or supervise special education, knows the general curriculum, and knows the resources available to the agency, any person who is knowledgeable about the child, and the child; if appropriate ("Draft policies", 2006). The agency representative is from the local education institution and is considered the chairperson of the team.

Other Health Impairments - Having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and

sickle cell anemia; and adversely affects a child's educational performance ("Other Health", n.d.).

CHAPTER II

RESEARCH METHODS

This chapter includes an explanation of the design of the research, the participants, and the procedures used for data collection. It concludes with a plan of how to analyze the data once collected.

Design

The purpose of this study is to determine with which federal school law, NCLB (“Title 1: Part A,” n.d.) or IDEIA (“IDEA-Reauthorization,” n.d.), school districts in Mississippi are choosing to comply and what drives that decision. A case study research method will be used for this study. Merriam (1998) defined a qualitative case study as “an intensive, holistic description and analysis of a single instance, phenomenon, or social unit” (p. 27). Olson (as cited in Merriam, 1998) noted several characteristics of case studies that make it the best choice for this study. From a particularistic vantage point, the case study approach can offer suggestions of what to do or what to avoid when faced with a comparable situation. Descriptively, varied opinions can be delineated and can further note how these differences have influenced certain issues. Case studies have a heuristic quality when reasons are explained for a particular problem. Multiple case studies were used in the design of this research. Merriam (1998) stated that the more cases that a study involves the more the variation increases across the studies

and the more convincing the explanation. The advantage of using this method is that real-life application and issues will be noted.

A major characteristic in any qualitative research is that the main instrument for data collection and analysis is the researcher. Merriam (1998) referred to this as the “human instrument” (p. 7). I’ve taught in the public school system for 12 years (see Appendix A for curriculum vitae). For 5 of those years, I team-taught in a fourth grade inclusion setting with a special educator. Other grade levels that I’ve taught are second grade, third grade, and seventh grade as a science teacher. I have been an adjunct instructor at Mississippi University for Women teaching graduate students. I am a National Board Certified Teacher and have supervised 10 student teachers during my teaching career.

Participants

I secured educators from IEP teams from 3 different school systems to serve as case study participants. The educators of the IEP team consist of the special educator, the regular educator, and the special education coordinator. These team members offer input in writing the education plan or program. The special education teacher is responsible for maintaining IEPs for the students that they serve. This is considered purposive sampling. Merriam (1998) defined this type of sampling as being “based on the assumption that the investigator wants to discover, understand, and gain insight and therefore must select a sample from which the most can be learned” (p. 61). The sampling criteria for the target population of participants is they will be sought from Mississippi public schools within

100 driving miles and have achieved at least a Level 4 status as measured by the Mississippi Curriculum Test. I chose this high standard of achievement because I believe it is an indicator of the caliber of staff that is present at those schools. This information is public knowledge that I can obtain from the Mississippi Department of Education website.

Procedures

Following IRB approval, I sought approval from the participating schools' superintendents. Once that has been obtained, I sought approval from the principals of the participating schools. Then, the participants were solicited, provided with an informed consent form, and a convenient meeting time was scheduled. The purpose of this meeting was to conduct the focus group interview and collect any archival data. It focused on the areas of the protocol, which were developed based on the literature.

Merriam (1998) noted that interviews are the most common mode of collecting data when conducting qualitative research and the most common form of interviews is the person-to-person interview. The focus group interview was held at the participants' schools to increase the participants' comfort levels. I anticipated that the interview would last approximately 45 minutes. During the interview, the participants' responses were recorded on an audio cassette which I transcribed at the earliest opportunity following the interview. Merriam stated that "verbatim transcription of recorded interviews provides the best database for analysis" (p. 88).

The protocol areas to be addressed in the interview process (see Appendix B) were: (a) educational background of the educators, (b) current teaching placement, (c) how IEPs are written in that school, (d) NCLB, and (e) IDEIA. I discussed with the participants whether the school district had specific guidelines for writing the IEPs for the students receiving special education services and asked for a copy. Those guidelines were to be analyzed for specific references to leveled instruction of students who receive special education services. Those guidelines were to serve as archival data for document analysis.

During the focus group interviews, I observed how the IEP team interacted with each other (see Appendix C). Since the interviews were recorded on audio tape, direct quotes, silences, and other audible noises as throat-clearing, sighs, or moans were noted. Observational or field notes allowed me to track non-verbal behavior that was significant to the conversation that is not evident on the audio tape as smiles or nudges. Merriam (1998) noted that the audio tape would complement observational notes. Merriam listed several subtle occurrences that are not so obvious but can add value to the interview. Those noted by Merriam were: (a) informal and unplanned activities, (b) symbolic and connotative meanings of words, (c) nonverbal communications as dress and physical space, (d) unobtrusive measures as physical clues, and (e) things that do not happen that should.

According to Merriam (1998), the data that comes from documents serves as excellent sources because they “ground an investigation in the context of the problem being investigated” (p. 126). The IEP guidelines served as data for document analysis

and were examined for any references to instructional approach for the students who receive special education services (see Appendix D). The analysis would include a description of the document and any historically relevant information regarding it, as date of publication or author. Specific references to the NCLB mandates of grade level instruction and IDEIA ability level instruction were to be noted and recorded on the matrix.

Data Analysis

The goal for data analysis in case studies is to communicate understanding and it is best done simultaneously with data collection (Merriam, 1998). During the interview process, I recorded field notes regarding aspects of the interview that were undetectable through audio recording. Those aspects related to body language evident during the interview process. Following verbatim transcription of the interview, I noted the body language that was observed at that point in the interview. Archival data was analyzed for references relative to NCLB and/or IDEIA.

Each focus group interview was managed through analysis advised by Merriam (1998). That is a 2-step process. The first is with-in case. The data from each interview was treated as an individual case. These were managed by transcribing the interview, noting observed body language, and developing a coding system as the data is collected. The focus group interviews were stored in printed form in file folders and electronically. A matrix system was used to categorize the participant's responses and information from archival data. This consisted of summarized responses during the interview.

The second step was executed at the completion of all case studies. This step is cross-case analysis. Yin (as cited in Merriam, 1998) noted this step as when a “general explanation” (p. 195) is sought by the researcher that is evident in each of the individual cases. A final matrix was constructed when all focus interviews were completed and served as a compilation of participants’ responses and archival data as common themes and patterns emerged. If there was an indicated need for follow-up questioning resulting from the final matrix, I posed those questions through phone contact or through electronic mail with those responses added to the final matrix for analysis. Each participant was allowed to review their final case study for accuracy.

Validity and Reliability

Merriam (1998) stated “Ensuring validity and reliability in qualitative research involves conducting the investigation in an ethical manner” (p. 198). According to Merriam, internal validity relates to how well the study’s findings correspond to the real world. Triangulation is a strategy that enhances internal validity. This was achieved as multiple sources of data were gathered from the participants. This data was in the forms of interviews, observations, and archival data. Member checks were used as the participants were allowed to read the final analysis of their case to check for accuracy.

External validity is the degree to which one study’s findings are relevant to other circumstances (Merriam, 1998). This generalization of research findings is not the intent of qualitative research. In studies such as this one, those who are most affected by similar situation; the practitioners, are the ones who are more likely to seek

generalizations from the study (Fraenkel & Wallen, 2003). Merriam (1998) described this as “reader or user generalizability” (p. 211).

Merriam (1998) noted that reliability “refers to the extent to which research findings can be replicated” (p. 205). To enhance reliability of this study protocol was followed with each participant as data was collected. As in internal validity, reliability can be strengthened when the researcher uses triangulation. I used triangulation during this study through interview, observation, and in the analysis of archival data.

CHAPTER III

RESULTS AND DISCUSSION

The purpose of this study was to determine with which federal school law, No Child Left Behind (NCLB) or Individuals with Disabilities Education Improvement Act (IDEIA), school districts in Mississippi are choosing to comply and what drives that decision. The specific research questions were: (a) Are Mississippi school districts choosing to comply with NCLB or IDEIA when writing IEPs for their students receiving special education services? and (b) What are the reasons for that decision? This chapter is divided into three sections. These sections are: (a) case presentation and with-in case analysis of each case, (b) cross-case analysis of the cases data with discussion of related literature, and (c) summary.

Case Presentation

According to the Mississippi Guidelines for Testing Students with Disabilities (“Making assessment”,2005), the IEP team is responsible for making the decision concerning the type of state assessment that is most appropriate for students that are considered learning disabled and for ensuring “maximum access to the general curriculum” (p. 1). The assessment chosen is used to most accurately measure a student’s growth and performance. The IEP team can chose one of three different types of state testing for students who are learning disabled.

The three types of state testing are: (a) grade level MCT with accommodations that are considered necessary and allowable, (b) instructional level MCT with accommodations that are considered necessary and allowable, and (c) an alternate assessment process. The alternate assessment process is intended for students for “whom an accurate measure of performance and progress cannot be obtained using the standard statewide testing programs even with appropriate accommodations and modifications” (p. 1) or students with significant cognitive disability (SCD). These guidelines state that according to NCLB, only those students who are SCD are to take an instructional level MCT or an alternate assessment. Any other student who receives special education services is expected to participate in the MCT test on grade level with “necessary allowable accommodations” (p. 1). SCD is defined as meeting all of the following criteria: “(a) The student demonstrates significant cognitive deficits and poor adaptive skill level that prevent participation in the standard academic curriculum or achievement of the academic content standards, even with accommodations and modifications, (b) The student requires extensive direct instruction in both academic and functional skills in multiple settings to accomplish the application and transfer of those skills, and (c) The students inability to complete the standard academic curriculum is not the result of excessive or extended absences or primarily the result of visual, auditory, or physical disabilities, emotional-behavioral disabilities, specific learning disabilities, or social, cultural, or economic differences” (p. 2).

Determining which cases to study began 4-6 weeks before the first case study was conducted. Only the educators of IEP teams were to be studied because they are the

members in charge of writing and maintaining the IEPs in general. Parents, who are also IEP team members, were not included because their interest would be more child-specific. Each case was to be an IEP team from a level 4 or 5 school. This information was taken from the Mississippi Department of Education website from a document titled Mississippi Statewide Accountability System: 2005 Results. This document lists each Mississippi school district and name along with: (a) accreditation status, (b) achievement level, (c) school performance classification, and (d) AYP progress in reading/language, math, and a category for other indicators. The superintendents from the level 4 and 5 schools that were within 100 miles were contacted through electronic mail or by telephone to introduce myself and briefly explain the study. Their contact information was also found on the Mississippi Department of Education website. This initial contact was followed by another electronic mail or facsimile containing the Letter of Authorization. Some of the superintendents granted verbal permission but never granted written permission, some granted verbal permission and quickly provided the written permission, and one required a meeting for me to provide a detailed explanation of the study. Following this initial stage of securing superintendent approval, there was a pool of 5 districts of which I could obtain 3 cases to study. One superintendent granted permission and a focus group interview was scheduled but had to be rescheduled because written permission had not been received. Another interview was scheduled for that case after the written permission was received, but the special education director had to cancel because of a death in his family. That case was never studied because the interview would have been held during the last week of their school year and that could have had a

negative impact on the case. The superintendents who granted permission to study a case in their districts provided names of those to contact. One district's special education director denied my request to conduct a case study because she did not feel that she could get any teachers to volunteer because the teachers were attending to a large number of end-of-year responsibilities.

The three cases chosen to study were Appleview, Ballview, and Cottonview. Appleview school district was very courteous. A high level of professionalism was experienced with each contact that was made during the case study. Appleview's superintendent referred me to their director of special education. She spoke with the school's principal to gain permission, provided the names of the teachers at Appleview, and she set up the interview for the case. The superintendent of Ballview referred me to the assistant superintendent who wanted a meeting to learn more details about the study. That meeting lasted for one hour and he expressed his concerns about confidentiality issues of which I assured him that there would be no reference to any district, school, or teachers' names. Following this meeting, he referred me to the director of special education for his approval and provided him information about the study so that he would be familiar with it when I made contact with him. The special education director granted permission and I then contacted a principal at one of the level 4 schools in the district. She told me that she would talk with teachers from her school and would telephone me with an interview time. She never telephoned me with that information so I telephoned the Ballview principal. At first she thought that I wanted to interview each of the 50 teachers at Ballview and was close to denying my request. After that issue was

clarified, she granted permission and an interview was scheduled for two weeks later with teachers that she asked to participate. Following three attempts to contact the Cottonview superintendent, permission was granted and I contacted the principal who also granted permission. The interview was scheduled to include four teachers, but one of them had to cancel due to illness.

Appleview Elementary School

Appleview Elementary School is a rural Mississippi School that houses kindergarten through the sixth grade. Approximately 600 students attend this school with an average class size of 21 students per class. Appleview Elementary is a Level 4 school that has met AYP. The children who receive special education services are served by four teachers. Two teachers serve students who have been determined to have a specific learning disability (SLD) and two teachers serve students determined to have lower ability levels, such as SCD (Significant Cognitive Disability). There are more students in the SLD category with a total of 31 students. I was not provided the total number of students in the lower ability levels following three requests.

The teachers at Appleview Elementary who were interviewed are responsible for those students who have specific learning disabilities. They are Alice and Annie. Alice has a bachelor's degree in speech pathology, a master's degree in special education and six hours toward a specialist degree. She has been at Appleview for 16 years, having taught special education for each of those years. Currently, Alice serves nine children in first, second, and third grades. These children have SLD rulings in various areas of

reading and/or math. Annie has a bachelor's degree in elementary education with a special education add-on certification. She has 13 years of teaching experience with 3 years at Appleview as a special educator. Annie serves 22 students this school year: 4 in fourth grade, 7 in fifth grade, and 11 in sixth grade.

A student's eligibility ruling for special education services drives how the IEP at Appleview Elementary is written. This was a directive from their special education director. Alice and Annie were provided with no written district or state guidelines to follow. IEPs have been written in this manner since incorporating inclusion in 2003. Alice said that before that time, they wrote IEPs on the functioning levels of the students as determined by evaluative tests. She said that the reason for the change from using the student's ability level to using a student's eligibility ruling was because of the "push from the state department to put students into regular education due to No Child Left Behind." Alice further explained that the Mississippi Department of Education has mandated that all students who have a specific learning disability (SLD) be put into regular education classrooms.

The result is that all SLD students at Appleview are taught in inclusion classrooms and the special education teachers facilitate the child's learning in those classrooms with the regular education teachers. These children are individually taught on an as-indicated basis whenever necessary as determined by degree of difficulty in mastering a particular skill. There are 31 students who fit into this category and these students have IEPs that are written to each child's grade level. This indicates compliance with NCLB. However, one of these teachers, Annie, expressed her personal

disagreement with this practice because she did not feel it was best for the students. She said, “All of the IEPs are written to grade level, not the level of the child. Which I think personally is wrong.” Annie felt that IEPs are written to grade level in an effort to meet adequate yearly progress (AYP). She noted, for example, that if a 6th grade child is functioning on a 3rd grade level in math, it affects the AYP if that child were to take a test on his or her 3rd grade ability. Here again, Annie said that she did not think it was “best for the kids.” Even though writing grade level IEPs appeals to standardization, Alice and Annie individualize their instruction as much as possible through accommodations and modifications.

Students who are not SLD, the lower functioning students, are served in a self-contained resource room and mainstreamed into the classrooms as much as possible. These students have IEPs that are written to their individual ability levels. This practice demonstrates compliance to IDEIA. Alice stated that from talking with the other special education teachers, these lower functioning students take alternative assessments that are intended for students who “can’t take the MCT (Mississippi Curriculum Test)” because it is “not appropriate for them.”

The state’s achievement test, the Mississippi Curriculum Test, is the grade level test that the SLD students were preparing to take beginning the day following the interview with Alice and Annie. The MCT is given each spring, near the end of the school year. Both Alice and Annie felt that progress would be noted within individual scores of the students that they serve, but not in terms of “district requirements.” They felt that their students would perform to the best of “their ability” and that ability may

not meet “district expectations” because these students were being tested out of their ability level. Individual progress is what Alice said they look at as an indication of success, but not in terms of being classified by the MCT as “basic, minimal, or proficient.” Annie said that she intended to read the MCT to her older students; that she would go back and read everything to them. She felt that if her students who have Attention Deficit Disorders will “pay attention” they will perform satisfactorily. She further explained that she knew that some of her students would only draw “lightning bolts on the answer sheet.” That was acceptable to her because she felt the material being tested was “way over their heads.”

This out-of-level testing was of great concern to Alice and Annie. They both felt that some of their students would be frustrated and have test anxiety. Annie told about a 6th grade boy who is new to the district. He is functioning on a second grade level in math but is required to take the MCT based on his grade level placement. She said that she told him to “circle something in his book and it will be okay.”

Alice is concerned about her second graders taking the MCT because it is their first year to take the test. She noted that their maturity levels and the length of the test are her major areas of concern. She said that these second graders have never had to take tests as long a period of time as the MCT, even with the MCT practice tests that they have done in preparation. This preparation has been in place since the beginning of the second semester of this school year. The testing format was introduced, but not the length of the test. Of Alice’s 9 students, 2 will take the MCT with her. Those students she expects will show extreme frustration by crying or throwing something.

Mississippi has what is termed “benchmark” grades. Those are 3rd and 7th grades.

If a student in these “benchmark” grades fails the MCT in any content area, he or she is allowed to go to the next grade but will re-take that content area of the MCT in January of that school year, following a semester of instructional intervention. When MCT scores are returned to the schools in July, each content area of English, Mathematics, and Reading is evaluated as pass or fail for each student. The Mississippi Department of Education has noted instructions for addressing promotional recommendations for students with disabilities who take an instructional level MCT and an alternate assessment for the MCT, but not students with disabilities who take the grade level MCT. Alice said that the MCT limits the allowable accommodations for students who have reading disabilities. She said they take the test with no accommodations. Alice allows the students to read test items aloud to her and she reads only the test directions for the reading component of the MCT. This component of the test is taken in their regular education classroom. The language and math components are taken with Alice and Annie, in a smaller group environment, depending on how each student’s IEP is written and the accommodations that are noted on the IEP. Alice noted that if a student is normally tested in a small group setting during the school year, MCT would be tested the same way.

Appleview Elementary demonstrates compliance to No Child Left Behind due to the grade level testing of the students who have specific learning disabilities. No Child Left Behind compliance is also demonstrated in the IEPs that are written for the SLD students. However if the special education numbers were to shift from more students

being ruled SLD to having fewer SLD students and more with lower functioning ability, more IEPs would be written to the student ability level, resulting in compliance with IDEIA. This compliance is by circumstance rather than some district policy and could change if the special education population were to shift.

Analysis

Appreview's approach to meeting the mandates of NCLB is to provide grade level instruction to facilitate understanding of the grade level content of the MCT that students who receive special education services are expected to take and score at a proficient level. This approach is what drives the IEP content to be written on each student's grade level. Annie and Alice had not been provided with any written district or state guidelines to follow or to explain policies, even though they would seem to benefit from such guidelines. Alice, in her comments concerning the reasoning behind this approach to teaching students who receive special education services, stated that as a result of NCLB, the Mississippi Department of Education has "put students into regular education." Annie, the younger and less-experienced of the two special educators demonstrated much disapproval in the grade level mandates of NCLB. Her strong passion and negative opinions were evident in several statements made during the interview. She said that the practice of writing grade level IEPs was "wrong" and that it was not "best for the kids". Both she and Alice felt that the norm-referenced nature of the scores was not appropriate for students who receive special education services. They added that student progress would be noted for the students they serve but that progress

would be noted on individual growth which indicates their preference to the more criterion-referenced nature of score reporting. They felt that out-of-level testing would result in their students experiencing test anxiety and frustration. This would have a detrimental effect on Appleview's AYP. Annie and Alice serve 31 students and they said that they serve more than the other special educators at Appleview. I asked both of these teachers and the Special Education coordinator for the total number of special education students enrolled at Appleview, but was not provided with that number by either request. For Appleview to meet AYP, 95% of the school's students with disabilities must take the MCT and 2% of that 95% are allowed to take either the ability-leveled test or the alternate assessment ("Spellings announces," 2005). This can be calculated using the following 2-step method where N is the number of the school's special education students. The first step is $95\%N = \text{MCT Takers}$. The second step is $2\% \text{MCT Takers} =$ those students who are allowed to take the ability level or alternate assessment. If the total number of special education students at Appleview is 46, 44 would have to take the grade level MCT in order to be calculated for AYP. Only 2 students would be allowed to take an ability-leveled MCT and only 1 student would be allowed to take an alternate assessment. If Appleview were to experience a shift in the special education numbers and have fewer SLD students, they would not make AYP because of the high number of lower functioning students who would take an ability-leveled MCT and would therefore, not be included in the AYP calculation. Ninety-five percent of Appleview's special education population would not take the grade level MCT.

Ballview Elementary School

Ballview Elementary School is a Mississippi city school that houses kindergarten through the fourth grade. It is part of a district that serves over 5,000 students. Ballview Elementary has 39 certified staff members and is a level 4 school that has met adequate yearly progress for 4 consecutive years. There are approximately 550 students at Ballview Elementary with an average class size of 21 students per class. Four special educators serve the 60 students who receive special education services with IEPs that are written to each child's ability level. All 60 students are served in a resource room.

The Ballview principal gathered 5 educators for the interview and she decided she would sit in on it, too. The principal was Barb and the teachers were Bailey, Betsy, Betty, Billi, and Bobbi. Barb has a specialist's degree in administration and has been the principal at Ballview for 7 years. Bailey, the curriculum specialist, has a master's degree and 36 years of teaching experience with 10 of those years at Ballview. Betsy, the librarian, has been in this district for 37 years and has a degree in library science. Betty has a master's degree in speech pathology and 22 years of experience with 9 of those years at Ballview. Billi was the special educator with 26 years of experience with 10 years at Ballview. The youngest of the IEP team was Bobbi. She has been with Ballview for only 2 years with a total of 14 years as a regular educator.

Barb said that the district's special education program is driven by IDEIA and she felt that her school is in compliance with both IDEIA and NCLB. She did not have any specific district or state guidelines that she follows other than her understanding of how to interpret these laws. IDEIA compliance is demonstrated by having individualized IEPs

that are written to each child's ability level and NCLB compliance is demonstrated in how Ballview assesses those children who receive special education services. This assessment is the Mississippi Curriculum Test and she noted that she did not "necessarily agree" with the "state mandated assessment with sped children on grade level not instructional level." She presented the example of a 4th grade student who has a functioning ability on the 2nd grade level being made to take a 4th grade level test as being the "NCLB part." Billi, the special education teacher who has taught there for 10 years and is responsible for 17 students, added that it was "not appropriate to assess children above their instruction and their ability to comprehend that instruction." Each Ballview student who receives special education services has instruction that is based on that child's functioning ability level. Barb said that the teachers assess the students and teach them to the "level that they are most able to work." They strive to advance a child from his or her current ability level to the next grade level within one academic year, she said. The example that she gave was a 4th grade-aged student who might be working at the beginning of the 2nd grade level. They try to get that child performing successfully at the end of the second grade level by the end of the school year.

When asked how they handled the frustration of children taking out-of-level tests, she joked that they were just complying and then continued that they did not like it and do not feel that it is appropriate. Barb interjected that they, as a faculty, work hard to prepare the child for taking the grade level MCT.

This preparation at Ballview begins at the first of the school year. It is done to help "prevent him (the student) from being as frustrated as we know he might be." The

preparation comes through support services of the library, the regular classroom teachers, and from the speech pathologist. The librarian said that the library has the students reading in their levels and through materials such as videos and activities that support science and social studies. Bobbi, the regular classroom teacher, said that even in her first grade classroom, the students are given weekly tests that are formatted to match the format of the MCT. The MCT format is one of multiple-choice with four answer choices that are marked in a “bubbling in” fashion usually on a separate sheet or form. Bobbi said that this practice was done in every subject, in every grade, and in every regular class. In agreement was Barb, the principal. Billi, the special education teacher, added that she uses the same preparation in her resource room. The speech pathologist aids in preparation by following any IEP objective that may relate to improving language skills.

The MCT was given the week before I met with this IEP team. When asked how they thought their children who receive special education services performed on the MCT, Barb said “We’re very hopeful.” This was the first year for many of their students who receive special education services to take a grade level test. During the previous school year, some of the students took the grade level MCT, some took an ability leveled MCT, and others were given an alternate assessment. This was in accordance to the child’s IEP and it was a decision made by the IEP team.

Barb stated that in August 2005, “the United States Department of Education issued a guidance statement regarding SPED students.” This guidance statement stated that students who receive special education services but who are not classified as having a Significant Cognitive Disability (SCD) must be tested by the MCT on grade level so as

to be included in the calculation of rates of participation, the 95% of the special education population of the school. Students who are classified as having SCD are given alternate assessments. Billi stated that in school year 2004-2005, all of her students took the MCT based on ability level. She said her students were very focused but she could not predict if they did well. Billi noted none of them got visibly upset, but that she thought some might get upset because “some of them were taking test way above their ability.” She encouraged them not to dwell on something from the test that was difficult for them, but for them to try their best and work on.

Barb said that she thought it was beneficial for the “regular education community” to have “some accountability for how the sped students perform.” When discussing the fairness of taking out-of-level tests, Billi said that the population of students who receive special education services is relatively small and that “not many people are concerned about it.” She stated that often the parents of special education students are also disabled and are not aware of testing fairness. She felt that it was not a fair method of measuring progress for the students that she serves.

When writing their IEPs, Ballview is choosing to comply with IDEIA. This is evidenced by those IEPs being written to each student’s ability level. As far as state testing is concerned, Ballview is choosing to comply with NCLB as they are meeting the mandate of grade level testing. The principal stated that the districts’ “sped program is driven by IDEIA” that calls for an individualized education plan.

Analysis

Ballview's approach to teaching their students who receive special education services demonstrates partial alignment to NCLB and direct alignment with IDEIA. With their ability-leveled IEPs, they are able to serve each student based on their individual learning needs as indicated by placement tests. These educators do not agree with out-of-level testing and they do not practice out-of-level instruction. The IEPs of their students who receive special education services are individualized and serve to guide the unique learning needs for each of those students' daily instruction. The NCLB testing mandate is addressed through testing special education students using the grade level MCT and all of Ballview's students receive adequate test taking preparation as they are familiarized with test format and method of test answering.

An important component of NCLB seems to be absent from Ballview's educational approach. That component is that students who receive special education services are to have "maximum access to the general curriculum" ("Making assessment", 2005). This access is not achieved when students have IEPs that are written to ability levels and when they are served in a resource class setting. The intent of this NCLB component is to provide more exposure to the general curriculum on a daily basis. This could be achieved through some form of inclusion with more exposure to grade level instruction to be facilitated or reinforced by the special educator. Ballview's approach is commendable as they strive to have a more individualistic approach in meeting the educational needs of their students, the question becomes how AYP will be met when these students have not had any grade level instruction. The students are familiar with the

testing format, so that aspect of testing is satisfied and should work to decrease test anxiety regarding what the test will look like. It will be a moot point if those students don't understand the test's grade level content, especially if those lower-functioning students are used to performing 2-3 levels below the test content.

For Ballview to meet AYP, 95% of the school's students with disabilities must take the MCT and 2% of that 95% are allowed to take either the ability-leveled test or the alternate assessment ("Spellings announces," 2005). This can be calculated using the following 2-step method where N is the number of the school's special education students. The first step is $95\%N = \text{MCT Takers}$. The second step is $2\% \text{MCT Takers} =$ those students who are allowed to take the ability level or alternate assessment. Barb, the principal, stated that Ballview has approximately 60 students who receive special education services. Fifty-seven of those would have to take the grade level MCT, 3 would take an ability leveled MCT, and 1 would take an alternate assessment.

Barb noted that during testing for the current school year, some special education students took a grade level MCT, some took an ability-leveled MCT, and others were given an alternative assessment. This is accordance to the Mississippi Statewide Assessment System Guideline ("Making assessment", 2005).

This interview generated much policy-driven information but Ballview did not have any district or state guidelines that they follow. This was probably because the principal, Barb, participated in the interview and she was the one who offered that policy-driven information. A question becomes why there are no such specific written guidelines and training for school districts.

Cottonview Middle School

Cottonview Middle School is a Mississippi Middle School serving grades 6 through 8. It is located on a large campus with an elementary school and a high school serving over 3,200 students in kindergarten through 12th grades. Cottonview Middle School has 772 sixth, seventh, and eighth graders and 47 certified staff members, 3 of whom are National Board Certified teachers. It currently is a Level 4 school but was previously a Level 5. This school is on school improvement because it has not met adequate yearly progress (AYP) for 2 consecutive years. This means the school has received certain consequences and these consequences will increase if it continues to not meet annual goals. The consequence for Cottonview is students have the option of transferring to another school and the district must provide funds and transportation for any student who chooses this option. A school is no longer considered as needing improvement when it meets AYP for 2 consecutive years. Cottonview is working to remove itself from the school improvement category by having compensatory math and English classes for 7th and 8th grade special education or regular education students. The regular education and special education students chosen for these classes scored in the minimal or basic categories on the 2005 MCT. The math strategies classes are for 6th grade special education students. These classes complement the instruction that special education students and regular education students receive in their grade level math class.

Three educators from the Cottonview IEP team were interviewed. They were Carla, Cathy, and Cecelia. Carla is a regular education teacher with 16 years of teaching experience and 14 of those have been at Cottonview. She is a National Board Certified

teacher in the area of English and Reading and holds a bachelor's degree and master's degree in elementary education. She teaches inclusion with Cathy. Cathy is the special educator of the inclusion team. She has a bachelor's degree in special education and mathematics with add-on certification in secondary mathematics. She is certified in educationally handicapped for kindergarten through the 12th grade. Cathy and Carla have taught 6th grade inclusion together for 9 years and they have 21 or 22 students who receive special education services. These students are ruled SLD. Cecelia teaches 7th grade students in math and English inclusion with 2 different classroom teachers and she teaches compensatory math. She has a bachelor's degree in elementary education that includes a special education add-on certification as well as English, social studies, and computer add-on certifications. She is responsible for 25 students who receive special education services. Most of Cecelia's students are also ruled SLD. She said that a few of them have OHI (Other Health Impairments) and one is hearing impaired.

Cottonview Middle School has approximately 95 students who receive special education services. These students are served by 6 certified teachers and 1 teacher's aid. One of those 6 teachers is responsible for students who are ruled severe and profoundly handicapped and she has a fulltime teacher's aid. There are two classes at Cottonview that have 6th, 7th, and 8th grade students that are not as low functioning as the severe and profoundly handicapped students, but who are too low for inclusion. These students are mainstreamed into regular classes mostly to enhance their social skills and they are usually classified as non-graded in those classes. Carla and Cathy teach the 6th grade inclusion class. They teach 3 blocks of math and English. Cecelia teaches 7th graders in

math and English inclusion and there is another special education teacher who does the same kind of inclusion with 8th graders.

When writing IEPs, all are written on grade level except the IEPs for those students who are in the severe and profoundly handicapped setting and a couple of students who are in the mainstreamed setting. Cathy stated that it was “a joke, but that is the way it’s done.” Writing IEPs has been a source of some confusion in the last year. Since Cottonview has not made AYP for 2 consecutive years, the principal has sought ways to improve the MCT scores in the subgroup that was noted as having not improved. That subgroup was special education, specifically eighth grade math. According to these teachers, in the fall of 2005, the principal spoke to a testing coordinator at the Mississippi Department of Education and was told that the IEPs were to be written to the grade level of the student. As a result of that conversation, the principal instructed the teachers to rewrite their IEPs to grade level. Later that fall, the principal invited people from the special education division of the Mississippi Department of Education to come to Cottonview to offer advice to the special educators on score improvement since that was the subgroup that had not improved. Attending this meeting from Cottonview were the special education coordinator, the special educators, and the principal. This group was told by the state department that IEPs were to be written on each student’s functioning ability level. Cathy noted this as a conflict between No Child Left Behind and the testing coordinator at the Mississippi Department of Education. Cecelia agreed, stating that the people from the testing department and the special education department had given 2 different directives for writing the IEPs. At present time, the IEPs are written to grade

level to demonstrate compliance with No Child Left Behind. Cecelia stated that not meeting AYP is bigger than not complying with IDEIA because the consequences are greater when AYP is not met. She added that Cottonview was “kind of not doing IDEIA” because they were “trying to make AYP.” Cathy noted that the IEPs are written to grade level because all students have to take the grade level MCT. She described an IEP that she had just completed for a 14 year old student who is presently in the 5th grade and who was functioning on a 2nd grade level. He will be placed in the 8th grade with his same age peers for the 2006-2007 school year and he will be expected to take the 8th grade MCT next school year. Last school year, 2004-2005, he took an ability-leveled MCT of 2nd grade. From the 2004-2005 school year to the 2006-2007 school year he will take a MCT that will have skipped 5 grade levels. Cecelia added that Cottonview was not individualizing their IEPs. She stated that all of the IEPs that she writes were “basically the same” because each of her students are expected to demonstrate mastery in all subjects with 70% accuracy and that they “are all having basically the same accommodations.”

An interesting point that these teachers made was that a subgroup is comprised of 40 members and that at Cottonview, they have enough students who receive special education services for more than 2 subgroups. Cathy and Cecelia stated that some schools limit the number of students who are ruled eligible for special education services and that this is how many schools are avoiding the consequences of not achieving AYP.

When discussing the Mississippi Curriculum Test, these teachers felt their special education students tried to do their best. Cathy felt that by the 3rd day of testing, her

students were getting tired. To prepare for the test, she and Carla had their students practicing with the MCT workbook and the method of answering by filling in the “bubbles”. They felt that the focus on the MCT was taking away instruction time from other valuable learning experiences in their classroom. Carla and Cathy have noticed that they have not been able to include as many activities in their daily instruction because of the instructional time that has been devoted to MCT preparation. Each of these teachers said that they were not allowed to read anything other than the directions of the reading test to the students because it was a test of reading skills. Cathy said that one of her students who functions on a 3rd grade reading level could not read or pronounce some of the 6th grade reading test. She said that he stopped working on the test. She noted that she knew that he knew what those words meant but that he could not read them well enough to understand them on his own. Cathy also stated that the literature in the reading part of the MCT was too long to hold the attention of some of her students. Cecelia’s students were in groups of 4-5 and everything was read to them as well as being reinforced by her. Cathy said that NCLB is asking students “to do something they just can not do” and it would be like her trying to pass the medical exam.

These teachers were concerned with out-of-level testing. Cathy stated that “every student is getting tested except for that percent that’s not.” She was talking about the 2% of a school’s special education population that is allowed to take an ability level test or alternative assessment.

Cottonview is choosing to comply with NCLB when writing their IEPs. This compliance with NCLB is so that the school can meet AYP and no longer be in the

category of needing school improvement. The testing coordinator at the state department of education instructed the principal to have IEPs written to grade level. This was done to guide instruction at the student's grade level placement because each child is to take the MCT at his or her grade level, not ability level.

Analysis

Cottonview's approach to meeting the educational needs of their students who receive special education services is based on individualism. They educate these students in a variety of settings based on each functioning ability level even though their IEPs are written to grade level. These educators do not agree with this out-of-level practice and they strive to close the gap between the level of instruction and the functioning level of the students by having those students placed in the compensatory classes or the math strategies classes. Writing the IEPs to grade level demonstrates compliance with NCLB. This school year, the IEPs were first written to ability level and then changed to grade level as a result of 2 conflicting directives from 2 different divisions of the Mississippi Department of Education. Each point of view from these divisions is understandable. One view point is that of the testing department; a grade level test should require grade level instruction and the IEP should drive that instruction. The other view point comes from the special education department; IEPs should be written to each student's functioning ability. Cathy called the grade level practice of writing IEPs a "joke" and Carla said the IEPs were just "a piece of paper."

The special educators at Cottonview would greatly benefit from having some kind of written guidelines or professional development regarding IEPs. Some of the confusion has been because of the conflict statements made to them from the state department and some can be credited to the retirement of their special education coordinator. They don't feel like anyone knows and they are not receiving the guidance that they should.

They have grade level instruction to because of the grade level MCT and because they are trying to make AYP. For Cottonview to meet AYP, 95% of the school's students with disabilities must take the MCT and 2% of that 95% are allowed to take either the ability-leveled test or the alternate assessment ("Spellings announces," 2005). This can be calculated using the following 2-step method where N is the number of the school's special education students. The first step is $95\%N = \text{MCT Takers}$. The second step is $2\% \text{MCT Takers} = \text{those students who are allowed to take the ability level or alternate assessment}$. In order for Cottonview to reach the calculation requirement of 95% of its special education population taking a grade level MCT, 90 special education students must take the MCT on grade level. Only 2 students are allowed to take an alternate assessment.

Cathy and Carla seemed to resent the amount of instructional time that they feel is devoted to test preparation. They noted how they have noticed that they have been unable to provide many learning experiences to their students because they have spent that time focusing on specific test taking skills. Perhaps they should make that test preparation part of those experiences that they have not been able to do. If they were to

incorporate the two, the students would benefit from having an experience to link to the test preparation and they would feel more effective as educators.

Cross-Case Analysis

The IEP teams that participated in this study were selected by proximity and by their level of achieved performance on the Mississippi Curriculum Test. Each of the schools represented have earned a Level 4, exemplary performance based on the scores of the May 2005 MCT test. Two of the schools, Appleview and Ballview, have met adequate yearly progress, while Cottonview has not for 2 consecutive years and is now on school improvement. There are other similarities and differences that need to be noted. These deal with student placement and how the IEPs are written.

Appleview and Cottonview have several educational approaches in common. The first is how the students are placed for daily instruction. Appleview and Cottonview have their special education students separated by ability. The SLD students are taught in an inclusive setting while the lower functioning children are taught in a more traditional, resource class setting. This allows grade level instruction to be facilitated by the special educator. Ballview differs in its approach to daily instruction. All of their special education students are mainstreamed with regular classes for homeroom, music, lunch, physical education, and art but report to the resource room for instruction.

The two different approaches are reflective of how the IEPs are written. Both Appleview and Cottonview write their IEPs to grade level, so having the special education student in the regular class follows what the IEP dictates. Ballview's IEPs are

written to each student's ability level and the special educator can best address those individual needs in a smaller class setting.

Discussion of Related Literature

Five themes emerged from the case studies. Those were: (a) teacher opposition, (b) out-of-level testing, (c) achievement test preparation, (d) lack of written guidelines, and (e) different approaches in meeting educational needs of students receiving special education services. The following is a discussion of how these themes presented themselves and each is supported by evidence from the interviews.

In each of these case studies, teacher opposition to grade level instruction was noted. The NCLB mandate stating that each student must be taught the same knowledge and skills, and held to the same expectations as are other children is the statement that drives IEPs to be written to grade level ("Part A", n.d., Sec. 1111, b, 1, c). At Appleview, Annie did not feel that is was best for the students and expressed this practice as going against her professional ethics. Billi and Barb at Ballview, offered comments that they did not "necessarily agree" with grade level instruction and that the teachers at Ballview instruct and assess their students at levels where they are "most able to work." The instruction that Ballview's teachers provide is based on the ability of each child. Cathy and Carla, the 6th grade inclusion team from Cottonview, stated that NCLB is asking the students to perform at a level that is unattainable. They felt that the IEP is not serving the purpose that it was intended to serve. Cathy said it was "a joke" and Carla said the IEP was "just a piece of paper." Cecelia noted that her IEPs were not as individualized today

as in the past, and that the IEPs were all basically the same. The Council for Exceptional Children (2005) termed this as standardization. In Tennessee, Donna Parker (as cited by Riley & Long, 2003), president of the Tennessee Association of Special Education Administrators, stated that educators have addressed the individual needs of students and that there will be times when these needs are not compatible with testing requirements.

Donna Parker (as cited by Riley & Long, 2003) noted the unfair nature of having learning disabled students take tests out of their level of performance. This was a major concern for all of these educators. Each school's effort to meet AYP requirements was credited as reason for testing the students out of their ability levels. Annie explained that if students take tests based on their ability levels, AYP is negatively affected. This out-of-level testing was noted as the cause of not making AYP for one of these participants. Fiedler and Rylance (2004) stated in an article in the *Journal of Disability Policy Studies* that: "Many state and local school leaders are growing increasingly critical of testing provisions for students with disabilities. Many have blamed this category of students for their placement on state improvement lists" (p. 253). A study by Haretos (2005) reiterated earlier findings that AYP has an achievement-based definition and it is not indicative of individual academic progress of students. Students who receive special education services who take an ability-leveled test or an alternate assessment are not included in the calculation for AYP. Ballview's students are tested on grade level at the end of the school year but have their daily instruction delivered to them based on their ability levels. They do not agree with the out-of-level testing policy, they just "comply" with it. Making AYP is especially important to Cottonview as they face more sanctions if

AYP is not made for the third year. Being on school improvement has meant providing additional compensatory and math strategies classes to the students who receive special education services in an effort to improve the scores on the MCT. Each of the teachers in the case studies noted that the out-of-level testing caused test anxiety and frustration in the students who they serve. The students displayed these emotions by giving up, just marking an answer, or by acting out aggressively. Margaret McLaughlin (as cited in Olson, 2004), a professor of education at the University of Maryland, said that the learning disabled subgroup have learning problems by definition, and that to think that they “can or should learn the same content at the same levels within the same time frame as their non-disabled peers flies in the face of what we know about many of these students” (p. 32).

The time spent preparing for the state tests was an issue with the participants. Noted in each case was a high degree of emphasis placed on the achievement test as test format and answering methods were practiced and other learning activities were not experienced by the students. This sentiment is directly reflected in an article from USA Today (“Schools aren’t”, 2006). That article noted that the focus of test preparation has resulted in a diminished curriculum. The idea of a diminished curriculum could be noted in each case. Appleview started the test preparation at the beginning of second semester. The focus has been on the format of the test. Ballview students begin preparing for the MCT at the start of school. Each class in each grade provides instruction on test taking skills including the format of the test and how to answer on a separate form in a “bubbling” in fashion. Cathy and Carla at Cottonview were negative about the

instructional time that they feel is lost due to test taking preparation. They have noticed that they have not been able to conduct as many activities that supplement and enhance their instruction because of the time devoted to test preparation.

None of the participants had been provided with any district or state guidelines to use when writing IEPs or in planning instruction for their students who receive special education services. Each of them said that they receive their guidance verbally through directives given from their special education coordinators or the principal; sometimes both. Cottonview has experienced the most confusion when dealing with what level to write their IEPs due to the conflicting directives that came from the state department to adjusting to a new special education coordinator. The Division of Special Education on the Mississippi Department of Education website has a training module that describes ways of determining which method to use to assess special education students. The guideline manual entitled “Making Assessment Decisions for Students with Disabilities under IDEA” (2005) stated that under NCLB, “the only students who should be assessed using instructional level tests and alternate assessments based on the Extended Curriculum Frameworks are students who fall under the state’s definition of Significantly Cognitively Disabled (SCD). All other students should be assessed against grade level standards using the regular state assessments with any necessary allowable accommodations. While the state does not prohibit the IEP team from recommending instruction level testing or an alternate assessment for a non-SCD student, that decision may have an adverse impact on school and district level Adequate Yearly Progress (AYP) results” (p.1). The Mississippi Department of Education (“Making assessment”,

2005) defines Significant Cognitive Disability (SCD) as meeting all of the following criteria: “(a) The student demonstrates significant cognitive deficits and poor adaptive skill level that prevent participation in the standard academic curriculum or achievement of the academic content standards, even with accommodations and modifications, (b) The student requires extensive direct instruction in both academic and functional skills in multiple settings to accomplish the application and transfer of those skills, and (c) The students inability to complete the standard academic curriculum is not the result of excessive or extended absences or primarily the result of visual, auditory, or physical disabilities, emotional-behavioral disabilities, specific learning disabilities, or social, cultural, or economic differences” (p. 2). Noted in each case was knowledge and understanding of which assessment to use for their students who receive special education services.

These participants approached meeting the educational needs of their students who receive special education services through different instructional approaches. No Child Left Behind does not indicate how students are to be taught, only that each student must be taught the same knowledge and skills, and held to the same expectations as are other children (“Part A”, n.d., Sec. 1111, b, 1, C). Two of the participants practiced forms of inclusion to facilitate grade level instruction. Those were Appleview and Cottonview. Weiner (2003) detailed the findings of his study regarding achievement test performance of regular education and special education students. In his study, there were a higher percentage of students in inclusive classes that improved at least 1 performance level when compared to non-inclusive students. Appleview’s approach is guided by

student ability. If a student is determined to have a specific learning disability, he or she is placed in an inclusion setting. This student receives grade level instruction and will take the MCT on grade level. If a student is determined to be functioning on a lower cognitive level, he or she is taught through a mainstreamed approach. This student will take an ability-leveled MCT or have an alternate assessment. The approach to instruction of special education students at Cottonview is similar to Appleview's approach. The SLD 6th, 7th, and 8th graders are taught in an inclusive setting. The lower functioning students are placed in a resource room setting of 6th, 7th, and 8th graders who function on similar cognitive levels. The majority of these students take the MCT on grade level. Instruction is further enhanced through math strategies classes and compensatory math and English classes. The only students who take an alternate assessment are those who are in the severe and profoundly handicapped class. Ballview's special education students are taught strictly on ability level in a resource class setting. They are mainstreamed for homeroom, lunch, physical education, art, music, and library. If a student is classified as having SCD, that student takes an alternate assessment and if a student is classified as SLD, that student takes the MCT on grade level.

An issue that emerged that was not in the literature came from the Cottonview case and it was the issue of schools limiting the number of students that could be served through special education. Cathy explained that she knew many schools that were practicing this as a means to make AYP because the school would not have enough members to comprise special education subgroup of 40 members. According to the United States Department of Education website, each state can determine how many

members will constitute a subgroup (“Charting the”, 2004). The Mississippi subgroup number is 40 members. The Mississippi Department of Education website has a power point presentation with proposed changes to AYP in 2004-2005 (“Accountability and”, 2005). The proposed change was to increase the subgroup number from 40 members to 50 members. That request was denied by the United States Department of Education.

Another issue that the Cottonview case presented was that of some schools purposely not indicating whether or not a student was one who received special education services on the Mississippi Student Information System (MSIS). The Mississippi Department of Education website (“The history”, n.d.) noted how MSIS that created as compliance with Performance Based Accreditation Model that was established by the 1982 Education Reform Act and that it provides for electronic data relating to teachers, students, administration, and school board members. Cecelia stated that the electronic indicator that marks if a student is classified as one who receives special education services is not marked for the entire school year. This was a proposal sent to the United States Department of Education but was denied. The proposal was for the MSIS indicator would have to be marked for 70% of the school year for the student to be considered part of the IEP group as part of AYP calculations (“Accountability and”, 2005).

CHAPTER IV

SUMMARY, IMPLICATIONS, AND RECOMMENDATIONS

The purpose of this study was to determine with which federal school law No Child Left Behind (NCLB) or the Individuals with Disabilities Education Improvement Act (IDEIA), school districts in Mississippi are choosing to comply and what drives that decision. The specific research questions that led to an answer were: (a) Are Mississippi school districts choosing to comply with NCLB or IDEIA when writing IEPs for their students receiving special education services? and (b) What are the reasons for that decision? This chapter is divided into summary, implications, and recommendations.

Summary

The IEP is a legal document with a background spanning several educational laws. It is written with the IEP team to determine the best instructional procedures and goals for children who receive special education services. Title 1 of NCLB, the section that applies to students receiving special education services, is intended to increase the efforts by schools to close the achievement gap present in our schools. It mandates that scores on achievement tests be disaggregated by different sub-groups. If a school fails to

show progress in closing the achievement gap in any of those sub-groups, the school does not meet AYP and is placed on an improvement plan.

The reauthorization of IDEA in 2004 was written in an effort to make NCLB and IDEA coordinate with each other. This reauthorization created seven changes that affect the IEP process. These changes relate to the student's current level of achievement, goal setting, appropriate accommodations, how academic growth will be measured and how that measurement will be communicated to parents or guardians. The changes also include a description of supplemental services or aids that would be provided to the student. Other changes noted in the reauthorization address postsecondary transition goals and requirements that relate to district transfer within and between states.

Recent incidents of the conflict between NCLB and IDEIA have noted where education stakeholders are feeling the pressure of meeting the NCLB mandates related to the subgroup of students receiving special education services and are making their positions noticed through articles, studies, and litigation against the federal government. A professor at the University of Maryland's education department, said that because special education students have learning disabilities they can not be expected to learn the same content, at the same rate, and at the same levels as their non-learning disabled peers. A Pennsylvania school superintendent stated that NCLB conflicts with the focus of the special education law that is driven by IEPs with goals that are written to meet unique needs of the students who receive special education services. Two Illinois school districts filed suit against the federal government because of the conflicting requirements of NCLB's AYP and IDEIA's IEP. Donna Parker of Tennessee, stated that the individual

needs of students with learning disabilities have been addressed by educators but there are times when the individual needs are not compatible with testing requirements. Some policymakers and educators want to rid NCLB mandates requiring grade-level testing of students who receive special education services because those students are not intellectually able to score “proficient” as their regular education peers. Many states are predicted to be labeled as “failing” in the coming years for not meeting AYP for the learning disabled subgroup.

IDEIA requires a student who receives special education services to have an IEP that is specific to each student and NCLB requires that all students be taught the same knowledge and skills. The purpose of this study was to determine with which federal school law, NCLB or IDEIA, school districts in Mississippi are choosing to comply and what was driving that decision. The questions were (a) Are Mississippi school districts choosing to comply with NCLB or IDEIA when writing IEPs for their students receiving special education services? and (b) What are the reasons for that decision?

There is need for a resolution in the dilemma between the NCLB mandate of grade level testing and IDEIA’s IEP requirement. The data from this study were collected from Mississippi school districts to determine how they are addressing this dilemma.

Merriam (1998) stated that case studies offer a more convincing explanation when more cases are involved because variation increases across the studies. Real-life applications and issues were noted in case studies. As the researcher in this study, I was the main instrument for data collection and analysis.

Three school districts participated in the study. The schools from these districts were all Level 4 (exemplary) schools. Three school districts participated in the study with a total of 11 teachers from the 3 school districts. Two special education teachers were from Appleview Elementary School. Collectively, they serve 31 SLD students from 1st through 6th grade in an inclusion class setting. Six educators from Ballview Elementary school participated: principal, librarian, special education teacher, speech and language teacher, curriculum coordinator, and a first grade teacher. This school serves their 60 special education students in a resource class setting. Three educators participated from Cottonview Middle School: two special education teachers and one a regular education teacher. Cottonview Middle School's approximately 95 special education students are taught in resource class settings and in inclusion class settings.

A focus group interview was held at each of the participant's schools and each one lasted 40-60 minutes. Each interview was transcribed immediately upon completion. Each case was sent by electronic mail to the participants for them to comment on their case. Requested were guidelines that would serve as archival data and could be analyzed for specific references to leveled instruction of students who receive special education services. None of the participating schools had any guidelines. Documents found on the Mississippi Department of Education's website were used to confirm comments made by the participants.

A cross case analysis was conducted to determine the themes of the study. I made further contact with some of the participants by telephone or electronic mail during the transcription and analysis to clarify any issues that I felt were unclear. Additionally,

participants were provided an opportunity to review and confirm the case report of each school.

The research questions for this study were (a) Are Mississippi school districts choosing to comply with NCLB or IDEIA when writing IEPs for their students receiving special education services? and (b) What are the reasons for that decision? Each individual case was presented in detail and then followed by that case's analysis. Applevue Elementary School demonstrated compliance with NCLB because the majority of their IEPs were written to each student's grade level and because their SLD students took a grade level MCT. This was a directive from the special education director. Ballview Elementary School demonstrates compliance with both federal school laws. NCLB compliance is demonstrated by grade level MCT testing of their students who received special education services and IDEIA compliance is demonstrated by the ability level IEPs and instruction that their special education students received daily. This practice was also done as a directive from the special education coordinator. Cottonview Middle School demonstrated compliance with NCLB as IEPs were written to grade level and their special education students received grade level instruction. This was a directive from the school's principal.

From this cross case analysis, five themes emerged. Those were: (a) teacher opposition, (b) out-of-level testing, (c) achievement test preparation, (d) lack of written guidelines, and (e) different approaches in meeting educational needs of students receiving special education services. Two additional issues were raised in one of the cases. Those were schools limiting the number of special education students served by

those particular schools and some schools purposely not indicating on MSIS that a special education student was indeed a special education student. Both of these practices were done in an effort to make AYP by providing a false sense of the actual number of special education students present at those schools.

These themes were all present in the literature except for the 2 that were raised during the Cottonview case. The last 2 themes were not presented in the literature review. Those were that of the lack of written guidelines and different approaches in meeting the educational needs of students receiving special education services. Available on The Mississippi Department of Education's website was a printable booklet that addresses assessment of students who are learning disabled. These teachers did not have that booklet.

Implications

This study sought to provide insight into how individualized education plans (IEPs) in Mississippi are written, whether to a student's grade level or to a student's instructional or ability level. The educators from different school districts were asked to share their practices and knowledge of issues that surround NCLB and IDEIA. Mississippi has not made any legal action against the federal government or taken a stand against NCLB, as some states have. According to Samuels (2005), two Illinois school districts failed to meet AYP requirements because of the learning disabled subgroup. Fielder and Rylance (2004) stated that there have been several state and local school leaders that have become more critical of testing provisions for students who

receive special education services and blame learning disabled students for being placed on school improvement. When educators share their knowledge, education leaders of Mississippi gain insight into how Mississippi school districts are writing IEPs which guides the daily instruction of students who receive special education services.

Each of these cases revealed teacher concern with out-of-level testing of students who have a functioning ability lower than the grade level contents of the MCT. These participants had first-hand knowledge and experience of the frustration that their students faced when trying to perform well on the high stakes MCT. This implies the need for some kind of restructuring of grade level testing that NCLB mandates.

These schools each approach meeting the daily educational needs of their students who receive special education services through different ways. One school's approach was a more traditional mainstreaming approach and the other 2 schools have implemented some forms of inclusion. These approaches were not relative to grade level or the number of special education students that were served or the number of special education teachers that were serving those students. It was relative to how the IEPs were written. If the IEP was written to grade level, inclusion was the approach to teaching and students were separated by ability. If the IEP was written to ability level, a resource setting was the approach to teaching. This indicates a need for some state-wide method of teaching special education students so that all Mississippi schools teach special education students through the same approach and would work to make all Mississippi IEPs written in a more uniform manner.

Since none of the participants had any guidelines in writing their IEPs a need is indicated. These guidelines could be used in developing and writing the IEPs and the confusion that Cottonview experienced could be avoided. These teachers seemed frustrated by the lack of leadership in regards to knowing what level to which IEPs should be written and what criteria would make that determination.

There was an implication of school inconsistency when reporting the actual number of special education students. This inconsistency would seem to impact MCT scores used to determine AYP and Accreditation Levels.

Recommendations

None of the participants in this study had been provided with written district or state guidelines to use when developing or writing individualized education plans (IEPs) for their students who receive special education services. The Mississippi Guidelines for Testing Students with Disabilities booklet (“Making assessment”, 2005) obtained from the Mississippi Department of Education website addresses the decision making process educators can use when deciding which assessment best suits each special education student. This booklet noted that a student’s IEP should be written to provide the “maximum access to the general curriculum” (p. 4). It is recommended that the participants in this study search the information available on the Mississippi Department of Education website. It is recommended that the state develop guidelines that would address writing the IEPs for those students who are determined to take an ability level MCT or an alternate assessment. It would seem that students who are not able to take the

grade level MCT should not receive daily instruction that is leveled out of their zones of proximal development. It is recommended that there be some state standard for all Mississippi school districts to follow. This could help eliminate confusion regarding how to level the daily instruction of students who receive special education services. Doing so would enable school districts in Mississippi to follow the same procedures when teaching students who have been determined to have learning disabilities. It is recommended that mandatory, extensive state-wide staff development be implemented that is conducted by a highly-trained staff to disperse, describe, and train special education teachers and special education coordinators on a standardized state plan. This could be conducted by a task force funded by the Mississippi Department of Education and created by appointment by district superintendents. The task force could consist of special education stakeholders as: special education teachers and coordinators, regular education teachers, principals, and superintendents. The task force members could then have the responsibility of conducting staff development within their appointed sections of the state. The task force members would be awarded a stipend contingent on the effectiveness of their staff development as evidenced by districts implementing the guidelines developed by the task force. The timeline could be: immediately appoint and contact the task force members, set date for task force retreat to develop standardized state plan, task force members conduct staff development, schools implement changes by rewriting IEPs of those students that are affected by the changes. This could mean additional IEP meetings and schedule changes for those students affected.

There needs to be further study into the reporting of the number of special education students within a school. It seems that the NCLB sanctions of not making AYP are so detrimental that some schools resort to possible incorrect reporting of their special education population.

Further study needs to be conducted on the special education student's self-concept when dealing with grade level instruction and grade level testing. Each of the participants voiced their opposition to asking students to perform at a level above their functioning abilities and described behaviors that were exhibited by some of the students. The students' perspectives need to be understood. With many special education students being taught and tested several levels above their own levels to comprehend, there seems a negative effect would ensue. There is a need for determining how special education students internalize the pressure to perform with their same age, non-learning disabled peers.

There needs to be a comparative study of Mississippi special education students comparing the achievement of special education students who are being taught in a resource class setting to the special education students who are being taught in an inclusion class setting. The participants in this study approached teaching their students who receive special education services in each of these different settings, but the students took the MCT on their grade levels. The tool to gauge student achievement in the different settings would be a MCT practice test to be administered in a pre-test and post-test manner. Information from a study such as this could assist in the development of

state guidelines about how best to approach the issue of grade level instruction or ability level instruction.

REFERENCES

- Accountability and assessment updates. (2005, June). Mississippi Department of Education. Retrieved May 30, 2006, from <http://www.mde.k12.ms.us/ACAD/osa/SPEDMASS05.ppt>.
- Charting the course: States decide major provisions under No Child Left Behind.(2004, January). U. S. Department of Education. Retrieved May 30, 2006, from <http://www.ed.gov/news/pressreleases/2004/01/01142004.html#elements>.
- Council for Exceptional Children. (2005). NCLB under siege. Retrieved October 22, 2005, from <http://www.cec.sped.org/bk/cectoday/NCLB>.
- Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142 (S.6). (n.d.). Retrieved November 12, 2005, from <http://www.asclepius.com/angel/special.html>.
- Fact sheet on the major provisions of the conference report to H.R. 1, the No Child Left Behind Act. (n.d.). U. S. Department of Education. Retrieved October 22, 2005, from <http://www.ed.gov/print/nclb/overview/intro/factsheet.html>.
- Fiedler, C. R. & Rylance, B. J. (Eds.). (2004). Disability policy newsbreak. *Journal of Disability Policy Studies*, 14(4), 253-254.
- Fraenkel, J. R. & Wallen, N. E. (2003). *How to design and evaluate research in education*. New York: McGraw-Hill Companies, Inc.
- Gilmore, J. (2004, March). No child left unbrainwashed. *The New American*, 20 (8). Retrieved October 15, 2005, from <http://www.thenewamerican.com/tna/2004/04-19-2004/child.htm>.
- Glossary of terms. (n.d.). U. S. Department of Education. Retrieved October 15, 2005, from <http://www.ed.gov/print/nclb/index/az/glosary.html>.
- Guide to individualized education program. (2000, July). U. S. Department of Education. Retrieved October 22, 2005, from <http://www.ed.gov/parents/needs/speced/iepguide/iepguide.pdf>.

- Haretos, C. (2005). The No Child Left Behind Act of 2001: Is the definition of “adequate yearly progress” adequate? *Kennedy School Review*, 6, 29-46.
- IDEA-Reauthorized statute: Individualized education program (IEP). (n.d.). Retrieved October 22, 2005, from <http://www.ideapartnership.org/osepdocprint.cfm?osepid=12>.
- Jarrell, D. (2005, September). Sounding board: What’s wrong with the law-and what could set it right. Five commonsense fixes for NCLB. *American School Board Journal*, p. 66-68.
- Making assessment decisions for students with disabilities under IDEA. (2005, September). Mississippi Department of Education. Retrieved May 23, 2006, from http://www.mde.k12.ms.us/special_education/docs/AA_TRAINING.doc.
- Merriam, S. (1998). *Qualitative research and case study applications in education*. San Francisco, CA: Josey-Bass.
- National Center on Educational Outcomes. (2003). Accountability for assessment results in the No Child Left Behind Act: What it means for children with disabilities. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes. Retrieved October 17, 2005, from <http://education.umn.edu/nceo/OnlinePubs/NCLBdisabilities.html>.
- NCLB ayp: ‘Fail now or fail later’. (2005, September). National Education Association. Retrieved October 22, 2005, from <http://www.nea.org/esea/greatlakesayp.html>.
- No Child Left Behind provision gives schools new flexibility and ensure accountability for students with disabilities. (n.d.). U.S. Department of Education. Retrieved November 05, 2005, from (<http://www.ed.gov/print/nclb/freedom/local/specedfactsheet.html>).
- Olson, L. (2004, August). No Child Left Behind Act changes weighed. *Education Week*, 24 (4), 31-34.
- Other health impairments. (n.d.). Retrieved May 30, 2006, from <http://www.gc.peachnet.edu/socsci/specialed/13categories/otherhealthimpairments.htm>.
- Part A-improving basic programs operated by local educational agencies. (n.d.). U. S. Department of Education. Retrieved October 22, 2005, from <http://www.ed.gov/print/policy/elsec/leg/esea02/pg2.html>.

- Questions and answers about IDEA. (2000). National Dissemination Center for Children with Disabilities. Retrieved October 20, 2005, from www.nichcy.org/pubs/newsdig/nd21txt.htm
- Riley, C. & Long, D. (2003, October). Special ed dilemma. *The Tennessean*. Retrieved September 11, 2005, from <http://www.bridges4kids.org/articles/11-03/Tennessean10-29-03.html>.
- Samuels, C.A. (2005, February). Suit says NCLBs demand conflict with those of idea. *Education Week*, 24 (23), 23.
- Schools aren't factories. (2006, April). USA Today, p. 12.
- Smith, S. (2000, December). Creating useful individualized education programs. Retrieved from <http://ericec.org/digests/e600.html>.
- Smith, S.W. (1990, September). Individualized education programs in special education—from intent to acquiescence. *Exceptional Children*, 57(1), 6-15.
- Special education law enacted. (2004, December). National Collaborative on Workforce and Disability. Retrieved October 15, 2005, from http://www.ncwd-youth.info/assets/info_briefs/infobrief_issue10.pdf.
- Spellings announces new special education guidelines, details workable, “common-sense” policy to help states implement No Child Left Behind. (2005, May). Retrieved October 22, 2005, from <http://www.ed.gov/news/pressreleases/2005/05/05102005.html>.
- Test and punish. (2004, November). NEA Today, p. 10.
- The history of MSIS. (n.d.) Mississippi Department of Education. Retrieved May 30, 2006, from <http://www.mde.k12.ms.us/msis/history.html>.
- Title 1, part A: Closing the achievement gap for disadvantaged students. (n.d.). Retrieved October 22, 2005, from <http://www.whitehouse.gov/news/reports/no-child-left-behind.html>.
- Trotter, A. (2005, August). Federal court rebuffs Illinois NCLB challenge. *Education Week*, 24(44), 32.
- Weiner, H. (2003, July/August). Effective inclusion. *Teaching Exceptional Children*, 35(6), 12-19.

Wiley, E., Mathis, W., & Garcia, D. (2005, September,). The impact of the adequate yearly progress requirement of the federal “No Child Left Behind” act on school in the Great Lakes region. Arizona State University: Education Policy Studies Laboratory.

APPENDIX A
RESEARCHER'S CURRICULUM VITAE

CURRICULUM VITAE
Robin Richards Ballard

PERSONAL INFORMATION

Home Address 60 Summerlane Drive
Columbus, Mississippi 39702
(662) 327-7884
E-Mail: rballard@cableone.net

Business Address New Hope Middle School
462 Center Road
Columbus, Mississippi 39702
(662) 244-4740
E-Mail: rrb66@msstate.edu

EDUCATIONAL BACKGROUND

Doctor of Philosophy: Mississippi State University
Major Area: Curriculum and Instruction
Minor Area: Leadership
Dissertation Title: Writing Individualized Education Plans
for Students with Specific Learning Disabilities:
Compliance after the No Child Left Behind Act
Anticipated Graduation Date: August 2006

Master of Education: Mississippi University for Women
Major Area: Instructional Management
2000

Bachelor of Science: Mississippi University for Women
Major: Elementary Education
1992

PROFESSIONAL EXPERIENCE

August 2002- present Teacher, Science, Seventh grade
New Hope Middle School
Columbus, Mississippi

Fall 2005	Staff Development, New Hope Middle School Differentiated Instruction - 3 Sessions
Spring -Summer 2005	Adjunct Instructor, Mississippi University for Women Methods and Materials for Teaching Diverse Learners
Spring 2005	Student Teacher Training for Mississippi State, hosted ten student teachers from Mississippi University for Women and Mississippi State University
Fall 2001-Spring 2002	Critiqued Entries for National Board Candidate
Spring 2002	Fourth Grade New Hope Representative to Mississippi Writing Test Training; Presented State Expectations/Information to fourth gradecolleagues
2001-2002	Teacher, Fourth grade New Hope Elementary School Columbus, Mississippi
2001	Mentor, Second grade New Hope Elementary School Columbus, Mississippi
Summer 2000 Spring 2001	Guest Speaker, Mississippi University for Women Topic: My Personal Quest toward National Board Certification
1999-2001	Teacher, Second grade New Hope Elementary School Columbus, Mississippi
1999	Reading Renaissance National Convention Nashville, Tennessee
Summer 1995	S.T.A.I. Training Mississippi University for Women
1994-1999	Teacher, Full Inclusion, Fourth Grade New Hope Elementary School Columbus, Mississippi
1993-1994	Teacher, Third grade, St. Mary School Columbus, Mississippi

- Fall 1991 Third Place Poetry Award and Publication in Dilettani,
M.U.W. student literary magazine
- RESEARCH
- Summer 2005 Dual Enrollment, Annotated Bibliography for CCL 8113 at
Mississippi State University
- Spring 2005 Influence of National Board for Professional Teaching
Standards on National Board Certified Teachers Group Research
Project for EDF 9453 at Mississippi State University
- Fall 2004 Climate and Culture of a Rural Mississippi Middle School, Survey
designed and implemented as part of course requirement for EDF
9373 at Mississippi State University
- Fall 2004 Dual Exceptionalities, Research paper for EPY 8223 at
Mississippi State University

APPENDIX B
INTERVIEW PROTOCOL

Interview Protocol

1. Teaching degree
2. Years you have been teaching
3. Years have you been teaching at your current placement
4. Students served with current placement
5. Students receiving special education services
6. Are the IEPs at your school written to a student's ability/instructional level or are they written to grade level?
7. Why are they written to that level?
8. Is your school closer to complying with NCLB or IDEIA?
9. Why do you think that?
10. How is your school addressing the NCLB mandate of grade level testing for all students, including those that receive special education services?
11. How many of your students do you think will be successful on the Mississippi Curriculum Test with the allowable accommodations?

APPENDIX C
OBSERVATION PROTOCOL

Observation Notetaking

School:

Grade:

Date:

Protocol Area	Teacher 1	Teacher 2	Teacher 3	Teacher 4	
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					

Worth noting:

Observation Protocol Areas

1. What is happening during any silences.
2. Audible noises: throat clearing, sighs, laughs, moans
3. Nonverbal cues: smiles, nudges, eye movement
4. Subtle occurrences: informal/unplanned activities, symbolic/connotative word meanings, dress/physical clues, unobtrusive physical clues, “should haves”

APPENDIX D
DOCUMENT ANALYSIS PROTOCOL

