

No Special Education Child Left Behind?

A Review of NCLB and its Effects on Special Education

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1. Introduction

On January 8, 2002 President Bush signed the *No Child Left Behind Act of 2001* into law with overwhelming bipartisan support. This law soon became one of the most influential and controversial education policies in American history. The law was created to uphold the ideals and standards of *Brown v. Board of Education* and the Elementary and Secondary Education Act of 1965.¹ It is meant to federally support the public education system and make it more inclusive and responsive to all students. This law demonstrates an important change in U.S. education policy. Until this point, education has been primarily controlled by state and local governments; however, NCLB shifts significant control to the federal government for the first time. By signing NCLB, the federal government committed itself to bringing all students to proficient or advanced on state tests by 2014 and not leaving a single child behind. Although this was the plan and promise of the law, the following years have been filled with complexities and controversies. Whether the law will successfully change education policy is still in question; however, it is already apparent that high stakes testing, highly qualified designations of teachers, and the inclusion of Special Education students has impacted students and educators in public education.

Although NCLB plays a role in all public school students' education, this role is perhaps even more significant for students with special needs who qualify for academic, behavioral, and/or emotional services through Special Education programs at public schools. As identification of learning disabilities occurs earlier in one's education career and as these disabilities become more prevalent, the number of students enrolled in Special Education is on the rise. For this reason, it is very important for educators and

¹ Paige, R. (2004). A Guide to Education and *No Child Left Behind*. U.S. Department of Education.

parents to understand the law's effects on this group of students. Prior to NCLB, needs and services of Special Education students were determined and provided by school districts. Under NCLB, however, inclusion of these students and accommodations and services for these students are decided on a nation wide scale. Individual needs are replaced by federal policies. In the past few years, much of the literature regarding NCLB in general has been negative. Despite this negativity, scholars and advocates of Special Education have split feelings on the effects the law has on these students. Growing debates concerning accountability and accommodations makes this issue complex and contentious. This paper takes a closer look at the literature surrounding this issue and attempts to answer the research questions through empirical research.

The question that guided my research on NCLB and Special Education follows:
How does inclusion of Special Education students in No Child Left Behind high-stakes testing affect their academic achievements and opportunities?

a. Does NCLB successfully hold public schools accountable for their Special Education students?

b. What percentage of students should be allowed accommodations on high stakes testing?

At first glance, these questions seem to address three different issues; however, it is necessary to understand the information and answers to the two subquestions in order to fully comprehend the complexities of the main question. Accountability and accommodations are two key concepts that affect Special Education students more heavily than general education students. No Child Left Behind attempts to deal with both of these issues in terms of Special Education students, and therefore the answers to both subquestions can help make sense of the main question. The two subquestions are simply

a part of the larger question at hand, and all three parts of the question will be addressed in the research and conclusions.

To answer these questions I chose to study four schools in the Philadelphia Metropolitan Area: Independence Charter School, Overbrook Elementary School, Lower Merion High School, and Radnor Township High School. Each of the schools provides a different view on NCLB, and the combination of the schools allows for a more accurate portrayal of NCLB's effects on Special Education. A more detailed description, as well as an explanation for why I chose to study each school, will be provided below.

This paper begins by looking at the history of education policy in America. I give a general background of this policy followed by a discussion of the evolution of Special Education policy. Finally, I explain the origins and development of NCLB and describe the law's Special Education aspects. Following the historical review, I offer a review of the scholarly literature regarding NCLB. I begin with a brief summary of NCLB in general before proceeding to a more detailed explanation of the schools of thought on NCLB and Special Education.

I then discuss the methodology for my empirical research. I have divided the empirical part of the thesis into two sections based on my two hypotheses. I provide background information for each school and an analysis of the data I collected through interviews, observations, newspaper articles, and school reports. I conclude the empirical section by connecting the four schools I studied to the larger Philadelphia Metropolitan Area, and I offer policy implications for NCLB in the future. Finally, I close this paper by examining the implications of my empirical research for existing scholarship and exploring further research on this topic. Throughout the thesis, I attempt to consider the

two sides of the argument, both praise and critique of NCLB and its effects on Special Education. However, despite some more positive review in the literature, after interviewing many experts in schools in the Philadelphia area, I argue that NCLB has lofty goals that have not been implemented or funded properly and therefore have hurt the academic opportunities and performances of students in Special Education.

2. Historical Review

The national system of public education in the United States began in the nineteenth century with such founders as Thomas Jefferson, Horace Mann, and Catharine Esther Beecher. Prior to the 1800s, some forms of public and private schools were in existence; however, they were primarily founded to provide religious education to children.² During these years, most people in America were either Puritans or Congregationalists, and therefore public religious schools were easy to implement. As more people of different faiths and backgrounds came to America, these schools of faith began to weaken and parents sent their children to private schools instead. Nonetheless, with the signing of the Declaration of Independence and on into the 1800s public education once again began to grow in America.

Thomas Jefferson was the first prominent American to support the growth of the public school system. He believed that education should be available to all people in a society despite their status. In addition, Jefferson believed public schools should be free from religious teachings and should be controlled by the government. Despite

² Thattai, D. "A History of Public Education in the United States." [Accessed March 12, 2008]. <http://www.servintfree.net/~aidmn-ejournal/publications/2001-11/PublicEducationInTheUnitedStates/> McGuinn, P.J. (2006). *No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005*. Lawrence, Kansas: University Press of Kansas.

Jefferson's views, education in the early 1800s was still highly localized and only available to children of wealthy families.³ Horace Mann, as well as other influential leaders, fought for free public education for all children. Mann published the *Common School Journal*, which brought his ideas on education into the public. Eventually, the efforts of these educational reformers led to new laws on education. By the end of the nineteenth century, free public elementary education was available to all children in the United States, and in 1852 Massachusetts became the first state to create compulsory school attendance laws.⁴ At this time, very few children attended high school. However, the percentage of teenagers who graduated from high school dramatically increased in the 1900s, and throughout the twentieth century states enacted legislation that required children to attend school through the age of sixteen.⁵

The United States differs from most other countries because individual states, as opposed to the federal government, have primary authority over public education. Every state has a department of education which creates laws regulating finances, hiring of personnel, attendance, and curriculum. In addition to state control, local governments have significant authority over local schools, such as the overseeing of the administration of individual schools. State funding and local property taxes make up the majority of public school finances, with the federal government only contributing 5-10% of public education funds.

Racial and gender equality have both been concerns throughout the development of public education. *Plessy v. Ferguson* (1896) upheld segregation in schools; however, this was overturned in the 1954 landmark case, *Brown V. Board of Education of Topeka*.

³ Thattai, 1.

⁴ Ibid., 2.

⁵ Ibid., 2.

This case was complemented by civil rights legislation such as the National Defense Education Act of 1958 and the Elementary and Secondary Education Act of 1965, both of which significantly increased funding for primary and secondary schools.⁶ The NDEA intended to improve education in science and mathematics, and the Elementary and Secondary Education Act increased funding for professional development, materials and resources, and parental involvement programs. Women have also suffered from inequality in education, and in the early years of public education, girls were not encouraged to attend. Title IX of the 1972 Education Amendments prohibits discrimination on the basis of sex in educational institutions that receive federal funding.⁷ Despite various laws, discrimination and inequality are still apparent in public schools.

By the 1980s, government leaders began to recognize that American children were underperforming compared to students in industrialized societies. This recognition led to an emphasis on raising educational standards, and these standards are measured through the use of effective and frequent standardized state tests.⁸ While this emphasis on state testing began in the 1980s, it has become far more widespread and mandatory with President George W. Bush's signing of No Child Left Behind.

In addition to the changing role of general public education in the United States, Special Education has also gone through many changes and advancements. Landmark Supreme Court cases, as well as important civil rights legislation, form the foundation of Special Education in the United States. Early attempts to advance educational

⁶ Ibid, 3.

⁷ Ibid., 4.

⁸ Ibid., 3.

opportunities for students with disabilities focused on gaining access to public schools.⁹ Civil rights litigation, including *Brown v. Board of Education* and *Mills v. the Board of Education of the District of Columbia* (1972), determined that education should be available to all on equal terms. Both of these cases upheld and expanded the 14th amendment to include students with any type of disability. The early advocates of Special Education profoundly succeeded when the Supreme Court established that all students with disabilities were entitled to a free, appropriate public education. FAPE is a Special Education program designed to meet the individual needs of all students with disabilities. It ensures that these students will receive necessary services to prepare them for further learning or employment.

Following the *Mills* case, the Education for All Handicapped Children Act of 1975 was enacted. This law, later renamed the Individuals with Disabilities Education Act (IDEA), mandates free, appropriate public education for all children with disabilities.¹⁰ Two other laws also assist in providing education rights for students with disabilities. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, together with IDEA, form the legal foundation of Special Education. Under Section 504 of the Rehabilitation Act an individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.¹¹ This law ensures that students with disabilities are given free, appropriate public education, and this must include an individualized education program if

⁹ McLaughlin, M.J. and Henderson, K. (2000). "Defining U.S. Special Education into the Twenty-First Century." In: Winzer, M.A. and Mazurck, K. 2000. *Special Education in the 21st Century: Issues of Inclusion and Reform*. Washington: Gallaudet University Press. 41.

¹⁰ *Ibid.*, 42.

¹¹ *Ibid.*, 44.

necessary.¹² Students with 504 accommodations can, but do not have to, qualify for Special Education services. While the Americans with Disabilities Act does not use the term “free, appropriate public education,” it does require that services and accommodations are provided to students with disabilities in the most integrated setting appropriate to the needs of the individual.¹³ In addition, this act protects children in non-sectarian private schools as well as public schools.

Unlike the previous two laws, IDEA applies specifically to students with disabilities and Special Education programs. IDEA makes the U.S. Department of Education responsible for regulating rights to children with disabilities. Each state education department is also responsible for developing Special Education policies and services for eligible children.¹⁴ Under IDEA, a student with one or more of the following disabilities can qualify for Special Education services: autism, deafness, hearing impairment, mental retardation, orthopedic impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment.¹⁵ In addition to services, schools are required to develop Individualized Education Programs for all eligible students.

Individualized Education Programs, or IEPs, are a large part of the education of students with disabilities. IEPs provide a better opportunity for Special Education students to participate in general education classrooms while accounting for their individual needs and learning goals. Under IDEA, IEPs must include a range of goals

¹² An Individualized Education Program (IEP) is a plan designed to meet the unique educational needs of one student. A student’s needs are identified by an evaluation process. IEPs should describe how students learn and explain what services teachers can provide to help the student learn effectively.

¹³ McLaughlin and Henderson, 45.

¹⁴ *Ibid.*, 44.

¹⁵ WVATS Fact Sheet 3: Disabilities that Qualify for Special Education Services Under IDEA. (2005). *Center for Excellence in Disabilities*. West Virginia University. <http://www.cedwvu.org/programs/wvats/factsheets/factsheet3.html> (19 December 2007).

and assessments. These include, but are not limited to: records of recent levels of education performance, a statement of measurable annual goals and how these goals will be measured, a statement of aids and services, a statement of program modifications, and a statement of modifications needed for state or district wide achievement assessments.¹⁶

IEPs are created by an IEP team which consists of Special Education teachers, general education teachers, parents, and other individuals who have expertise about the child.

While laws and litigation, including those mentioned above, attempt to hold schools accountable to their Special Education students, this has not always been easy. Schools struggle with discipline and academic issues with this set of students making accountability and success challenging for some students. For example, schools have struggled to create discipline procedures for students with disabilities who violate school rules. One prominent dispute regards providing a free, appropriate education to students with disabilities including those who have been suspended or expelled from school. Under the 1997 reauthorization of IDEA, students with disabilities cannot be suspended for more than ten days, and if a change in school placement is necessary, this cannot be applied for any longer than a student without disabilities would be punished.¹⁷ As schools attempt to abide by this law, they must also provide a safe environment for all students in the school. Until the implementation of NCLB, schools and local governments were primarily responsible for the education and discipline of students with disabilities.

Despite national attempts at education policy such as the Elementary and Secondary Act, most education policies prior to 2001 were under state and local

¹⁶ McLaughlin and Henderson, 54.

¹⁷ Ibid., 55-56.

authorities. No major federal legislation had been signed into law since Lyndon Johnson's presidency, and therefore, NCLB marks a significant change in United States education policy. Plans for NCLB began during the campaign season for the 2000 presidential elections. During speeches and debates, George W. Bush recognized the failure of public schools and promised to make education reform his priority in domestic affairs.¹⁸ As promised, on his second day in office Bush began creating, revising, and implementing the groundwork for NCLB.

Legislative efforts to enact NCLB were bipartisan. However, there were many compromises made and challenges faced during the planning stages of the law. For example, Bush's original proposal contained rules and regulations regarding the following: annual tests (states required to test all students in grades 3-8 in reading and mathematics in order to receive Title I funding), vouchers (students in failing schools can use Title I funds to transfer to higher-performing public or private schools), school choice (efforts to expand parental choice in schools), reading (encourage states to establish a reading program anchored in scientific research), flexibility, rewards and punishments (high-performing states and schools that improve overall student achievement are rewarded financially, while schools that fail to meet objectives have funding reduced), and teacher quality.¹⁹ In the final bill however, Congress and the President changed the wording and various components of the law to accommodate both conservatives and liberals. Annual testing remained an important part of the law, and by the 2005-06 school year, all states had to begin administering annual tests in reading and mathematics. Academic improvement was measured based on proficiency. All states had to set a base

¹⁸ McGuinn, P.J. (2006). *No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005*. Lawrence, Kansas: University Press of Kansas. 165.

¹⁹ *Ibid.*, 168.

proficiency level and improve upon this gradually by meeting Adequate Yearly Progress (AYP) goals. If a school fails to make AYP for two consecutive years it will be placed in corrective action. When this occurs, the school receives assistance from the district and must allow school choice for parents and students. After three years of failing AYP, a school must offer supplemental educational services, such as private tutoring. If the school continues to fail, it must take actions such as replacing staff members and restructuring the government of the school. States and school districts must also provide report cards that give information on student achievement overall and broken down into subgroups. Teacher quality remained an important aspect of the law, and all teachers hired under Title I must be “highly qualified.” This highly qualified designation means that a teacher has been certified or licensed and demonstrates a high level of competence in the subjects that he or she teaches. Reading First programs based on scientific research remained a highlight of the law. Districts were given transferability of funds and flexibility of aid. Finally, the law offered funding and planning to support public charter schools.²⁰ While many of these changes reflected Bush’s original plans, they more accurately accommodated the suggestions and preferences of Democratic supporters of the bill, whose backing was needed to secure passage of the measure. In actuality, the Bush administration’s views on education more closely aligned with New Democrats than with conservative Republicans.²¹ After changes and revisions were made to Bush’s law, and with the help of both Democrats and Republicans, the No Child Left Behind Act of 2001 was signed into law on January 8, 2002.

²⁰ Ibid., 180-181.

²¹ Ibid., 166.

No Child Left Behind passed in the House by a vote of 381-41 and in the Senate by a vote of 87-10.²² Multiple Senators and Congressmen of both parties were strong advocates of the law and played important roles in its formation, including Senator Edward Kennedy (D), Senator Judd Gregg (R), Congressman George Miller (D), and Congressman John Boehner (D).²³ To prove his commitment to compromise and to the law itself, Bush signed the bill in multiple states, including those of major sponsors. With this, the President signed into law one of the most significant pieces of federal education legislation since 1965.

NCLB required states to create and implement standards and assessments and to use these assessments to hold schools accountable for the performance of their students. In addition, NCLB also required states to disaggregate the academic achievement of students by their race, gender, ethnicity, special education status, and whether they were limited English proficient.²⁴ In the past, many of these categories had been overlooked as school districts and states only looked at overall average test scores. NCLB forces schools to look at scores of students in different categories to ensure that every child made progress. This system attempts to hold schools accountable to all students. Previously, schools with overall high scores would be applauded even if their minority students lagged behind; the implementation of NCLB would effectively end such reward systems, and scores of subgroups would no longer be hidden. Based on AYP measurements, which pertain to students in every subgroup, the overall goal of the law is to make 100% of students proficient or advanced by 2014.

²² Ravitch, D. (2005). "A Historical Perspective on a Historical Piece of Legislation." In: Chubb, John E. (ed.) 2005. *Within Our Reach: How America Can Educate Every Child*. Stanford: Hoover Institution. 48.

²³ Ibid., 48-49.

²⁴ Ibid., 49.

While the creation and initial support of NCLB was overwhelming bipartisan, the first few years of its implementation proved to be challenging. The Bush administration was strict with its enforcement of the law and threatened to remove federal funding from states that did not comply; however, the Departments of Education in many states felt as though they were poorly guided by the federal government with regards to regulations of the law, technical assistance, and the creation of assessments, and they were therefore unable to smoothly implement the law.²⁵ Many schools were slow to release NCLB report cards, and schools across the country have been identified as “in need of improvement” for failing to meet AYP goals. By 2004, legislators in 31 states were seeking greater funding for implementation or greater flexibility with standards, assessments, and accountability.²⁶ The national Department of Education responded by saying that NCLB was here to stay so states better start complying, and if states do not comply, they will lose federal funding. Despite this seemingly rigid response, Secretary Margaret Spellings is willing to work with the states to allow more flexibility for testing students with learning disabilities. She also agreed to look for alternative calculations for AYP standards.

Overall, in the first six years of implementation, NCLB has faced many successes and challenges. Although some schools are successfully closing achievement gaps, other schools and students, including students with disabilities, are falling more behind. As the year 2014 quickly approaches, proponents and opponents will continue to argue over the effectiveness of the law. The federal government will likely make changes to different parts of the law, and a new administration in 2009 could entirely revamp NCLB.

²⁵ McGuinn, 183.

²⁶ Ibid., 185.

As shown above, Special Education policy in the United States has gone through many changes in the past half century. Like all other students, the students in Special Education programs across the country have been greatly affected by the implementation of NCLB. The reauthorization of IDEA in 1997 required that students with disabilities be included in state and district assessments, and NCLB intended to uphold that requirement. NCLB ensured that students with disabilities would be tested to see how well they learned the material in reading and mathematics.²⁷ This set of students can receive accommodations such as extended time, questions read aloud, and use of calculators. Although, students with the most significant cognitive disabilities can qualify for alternative tests, 95% of all Special Education students must take state tests, and their scores must be included in overall assessments. States have the right to determine the N-size of subgroups, meaning, the number of students that a school must have in a given group to be required to disaggregate the scores of that group. For example, in Pennsylvania, if a school has 40 or more Special Education students, these scores must be disaggregated.

In addition to including Special Education students in high-stakes testing, NCLB also requires schools to include these students in general education classrooms or programs that parallel the general education curriculum. This aspect limits the time students with learning disabilities spend with Special Education teachers and increases the time they spend with nondisabled peers. Along with all public school teachers, Special Education teachers must be highly qualified in the subject that they teach. This has led many Special Education instructors to go back to school or to teach at lower grade

²⁷ U.S. Department of Education, Office of the Secretary, Office of Public Affairs. (2004). "A Guide to Education and *No Child Left Behind*." 21.

levels. Finally, all school courses must meet state standards, and therefore, schools have had to remove some Special Education classes that did not meet curriculum standards. The consequence of this aspect has been an increase of Special Education students in classes that are too difficult with teachers who are not prepared to teach them.

Throughout Bush's presidency and the implementation of NCLB, the funding for students with disabilities has grown by over four million dollars. In 2005, Special Education Grants to States Program received a record \$11.1 billion; this was the highest federal support ever requested for this set of students.²⁸ Despite this increase in federal funds, schools have struggled to include all of their Special Education students in NCLB testing, and many teachers and principals criticize the law for the effects it has on this set of students. These issues will be further explored in both the literature review and the empirical research section.

3. Literature Review

3.1 No Child Left Behind: Support and Criticism

In the years following the passage of NCLB, the law has become far more polarized and controversial, and it is more often supported by the Republican Party than the Democratic Party. Nevertheless, Republicans have been critical as well because they oppose a broad federal government role in education. Various scholars have researched and reported on NCLB and there is a great deal of evidence both in support and in criticism of the law. Although the research question and the emphasis of this literature review focus on Special Education, it is important to recognize some of the common thoughts regarding the law in general.

²⁸ Ibid., 21.

Scholars in support of the law, such as Patrick McGuinn, Paul Peterson, and Martin West argue that the implementation of NCLB ensures that the federal government will have an increased role in public education.²⁹ Now that federal law has a larger impact on education policy, the federal government must assess the policy and consider it for reauthorization. There are long-term goals that accompany the law, and these will keep education on the federal agenda for years to come. Involving the federal government in education could also mean more federal funds for succeeding schools, and this will encourage struggling schools to improve performance. Proponents of the law believe that the mere involvement of the federal government will improve accountability, funding, and performance of public schools. Finally, these authors, as well as many other supporters of the law, claim that although the federal government is more involved, the law gives local government more discretion in allocating federal funds.³⁰ However, this point will be disputed in the criticism section.

The option of school choice is greatly contended among scholars, with some claiming that it is necessary for students, and parents of students, in failing schools. School choice puts parents in charge of improving their children's education. Rather than trapping students in failing schools with unqualified teachers, school choice programs, including NCLB, allow parents to choose a better education for their children.³¹ This educational freedom has a positive impact on families and communities.

²⁹ McGuinn, P.J. (2006). *No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005*. Lawrence, Kansas: University Press of Kansas. Peterson, P.E. and West, M.R., eds. (2003). *No Child Left Behind? The Politics and Practice of School Accountability*. Washington D.C.: Brookings Institution Press.

³⁰ Paige, R. (2004). A Guide to Education and *No Child Left Behind*. U.S. Department of Education.

³¹ Alliance for School Choice. (2008). "About School Choice." www.allianceforschoolchoice.org.

The effects high-stakes testing have on students is also controversial. A research review published by The Center for Public Education concluded that a majority of teachers, parents, and the general public believe high-stakes testing is beneficial to education.³² Tests are a critical way to measure progress of students and they encourage schools to spend more classroom time on math and reading. In addition, they force schools to look at the test scores of struggling students. Despite this general support, there is an overall fear of relying too heavily on one test; the public essentially agrees that student success should be measured by tests, teacher evaluations, and graduation rates.³³ This worry leads to claims made by scholars who critique the law.

In contrast to the support, there is a plethora of criticism concerning NCLB. To begin with, many scholars argue that the federal government does not offer enough funding for the implementation of the law. Danielle Ewen and Hannah Matthews explain that the law has not received an increase in funding in the past two years, while at the same time costs for materials and salaries of school officials are increasing.³⁴ Schools cannot maintain services or successfully comply with NCLB standards without appropriate funding.

Other scholars, such as Jonathan Kozol, argue that new high-stakes testing, numerous standards, and the challenge to meet Adequate Yearly Progress (AYP) have led to robotic forms of instruction.³⁵ The pressure to make AYP has caused schools and teachers to remove creativity and culture from the curriculum. Instead, teachers find

³² Mitchell, Ruth. (2006). Research review: Effects of high-stakes testing on instruction. *The Center for Public Education*. www.centerforpubliceducation.org.

³³ Ibid.

³⁴ Ewen, D. and Matthews, H. (2007). Recommendations to Support High-quality Early Education Programs Through Reauthorization of the No Child Left Behind Act. *Center for Law and Society Policy*. 6.

³⁵ Kozol, J. (2005). *The Shame of the Nation: The Restoration of Apartheid Schooling in America*. New York: Crown Publishers. McKenzie, J. (2006). "Killing NCLB in 2007: 17 Reasons Why NCLB Must Go." *NoChildLeft*. 4 (8).

themselves “teaching to the test” and constantly implementing test prep and benchmark tests. This type of instruction negatively affects both the teachers and the students. Teachers are less motivated and encouraged to teach in public schools, and students only learn what test makers claim to be important.

While supporters of the law argue that school choice is necessary, critics claim that the option to choose a new school happens too late in the year and parents do not rely on AYP information to choose a new school.³⁶ Because the NCLB option of changing schools occurs late in the previous year, many parents that would consider this option have already exercised their choice through a different program. Therefore, this issue could be resolved by changing the NCLB application date. However, there are many parents that are unaware of any choice program; student participation in NCLB’s school choice program is rare, and less than 5% of the students who could participate actually do.³⁷ A lack of parental knowledge about this program is the primary cause of the low rates of participation. In addition, those parents that do choose a new school for their children often rely on state ratings of schools as opposed to AYP status, which demonstrates parents’ distrust in the NCLB system.³⁸ Although this does not critique NCLB’s attempt at school choice, it does show fundamental issues with the implementation process. Better awareness of the choice program, as well as more confidence in NCLB, is necessary for choice to be effective for students. Lastly, some opponents of school choice programs believe that choice takes funding away from struggling schools and does not address the root of the problem. Therefore, these critics

³⁶ Hannaway, J. and Cohodes, S. (2007). “Miami-Dade County: Trouble in Choice Paradise.” In: Hess, F.M. and Finn, C.E. (2007). *No Remedy Left Behind: Lessons from a Half-Decade of NCLB*. Washington, D.C.: The AEI Press. 263-264.

³⁷ Breaden, M. (2007). “NCLB and School Choice.” *Education Week*. 27(9).

³⁸ Hannaway and Cohodes, 263.

believe that fixing schools, and not school choice, is the solution to the failing public education system.

Finally, some scholars believe that the law has been completely ineffective at achieving its goals and argue that the government should end NCLB. Neal McCluskey and Andrew J. Coulson point out that NCLB has had unintended consequences and has not had a significant effect on reading or math achievement.³⁹ They claim that “average achievement remains flat in reading and grows at the same pace in math as it did before NCLB was passed.”⁴⁰ They also conclude that students learned less in the year after NCLB was passed than in the year before it.⁴¹ The test focuses on academic outcomes as opposed to inputs, which encourages states to find holes in the law or lower AYP goals in order to appear to be passing. In addition, opponents argue that the law takes power away from local governments; the federal government, which has little knowledge of individual schools, gains more control while local governments lose influence. This most frequently occurs when a school fails to achieve AYP for consecutive years and is taken over by either the state or a company. Further support and criticism of the law is available, however this information provides a general background that helps to understand the effects NCLB has on public school students.

3.2 No Child Left Behind and Special Education

While NCLB and high-stakes testing affect all students and teachers in public education, there has been less scrutiny regarding the law and its effects on the subgroup of students in Special Education. Similar to the effects of the law in general, there has

³⁹ McCluskey, N. and Coulson, A.J. (2007). End It, Don't Mend It: What to Do with No Child Left Behind. *Policy Analysis, CATO Institute*, No. 599. 3. “Divided We Stand.” (2007). *Reason*. 38 (9). Kozol, J. (2005). Azzam, Amy M. (2007-2008). “Left Behind – By Design.” *Educational Leadership*. 65(4).

⁴⁰ *Ibid.*, 3.

⁴¹ *Ibid.*, 5.

been both support for and criticism of its effects on Special Education. On the whole, scholars who support the law believe that NCLB forces schools to include Special Education students, which holds the schools accountable to these students. In contrast, opponents of the law argue that schools are able to make accommodations and excuses in order to keep Special Education scores out of overall AYP scores for the school. These scholars argue that new accountability systems have been ineffective and NCLB has the potential of harming students with learning disabilities. After reviewing the literature on this topic, two schools of thought become clear: those who believe that the law has positive effects on Special Education and those who believe it has negative effects.

3.2.1 Positive Assessments

Many scholars believe that NCLB benefits students in Special Education.⁴² In fact, it is much easier to find supporters of the law in terms of Special Education than it is to find supporters of the law in general. There are multiple reasons why scholars argue in favor of the law; however, many of these reasons revolve around accountability. Under IDEA and previous education laws, schools have not always been held accountable to their students with learning disabilities. These students have not always received the necessary services, and schools have often moved these students from one grade to the next without ensuring that they have mastered the material. While IDEA was intended to improve school responsibility for these students, it often failed to do so. IDEA calls for education in the least restrictive environment; however, the law is not clear on how this is determined. Under IDEA it is likely that students with disabilities will be placed in the

⁴² McLaughlin, M.J. and Thurlow, M. (2003). Educational Accountability and Students with Disabilities: Issues and Challenges. *Educational Policy*, 17(4), 431-451. Nagle, K., Yunker, C., and Malmgren, K.W. (2006). Students With Disabilities and Accountability Reform: Challenges Identified at the State and Local Levels. *Journal of Disability Policy Studies*, 17(1), 28-39. Schrag, J.A. (2003). No Child Left Behind and Its Implications for Students with Disabilities. *The Special Edge*, 16(2).

wrong setting, and thus receive inappropriate services or a lack of services. Therefore, with the signing of NCLB, many parents and advocates believed that this would be the first law that truly held schools accountable to Special Education students.

In 2003, Margaret J. McLaughlin and Martha Thurlow conducted a study on accountability and students with disabilities.⁴³ In this study, the authors reviewed former accountability laws and made implications for accountability systems based on the progression of the laws. While McLaughlin and Thurlow recognize that some improvement in these systems is still needed, they also highlight the improvements that NCLB has offered. First, the authors discuss the guidelines for the law, and emphasize that AYP measurements must include the performance of all students (at least 95% of each group of students enrolled in the school must take the assessment).⁴⁴ By forcing schools to include the scores of Special Education students, they are inevitably held responsible for these students and their scores. Because all schools are striving to meet AYP measurements, schools must ensure that their Special Education students perform well. This ensures that the school will attempt to provide the necessary services for these students.

In addition, McLaughlin and Thurlow argue that all students should have access to the general education curriculum.⁴⁵ Inclusion programs aligned with NCLB guarantee that students with learning disabilities will have at least partial access to general education. Finally, these authors suggest that NCLB will require public schools to report the performance of students in Special Education. This will increase the public scrutiny

⁴³ McLaughlin, M.J. and Thurlow, M. (2003). Educational Accountability and Students with Disabilities: Issues and Challenges. *Educational Policy*, 17(4), 431-451.

⁴⁴ Ibid., 439-440.

⁴⁵ Ibid., 447.

of this group of students and their scores, and will in turn, hold schools more accountable to these students.⁴⁶ This article was written shortly after NCLB was signed into law, and therefore, the authors admit that implementation challenges may occur; however, they speculate that the inclusion of Special Education students in testing and in general education, as well as the increase in public scrutiny, will effectively improve the education for these students.

Much of the research on NCLB and Special Education is qualitative and uses interviews, observations, and review of literature to develop theories on the issue. One pertinent example of such research is an article by Katherine Nagle, Carolyn Yunker, and Kimber W Malmgren who argued in favor of NCLB for Special Education students.⁴⁷ These authors analyzed data from the Educational Policy Reform Research Institute, reviewed policy documents, and collected in-depth research on education policy at all levels of government. In addition, they made site visits at schools and conducted interviews with educators.⁴⁸ These interviews dealt with questions of participation of students with learning disabilities and the impact of AYP on schools and students. Through this research, the authors found that the success of NCLB in general depends on the positive and negative impacts it has on students in Special Education. The success of these students, in turn, depends on multiple factors, such as access and inclusion to general education. Similar to McLaughlin and Thurlow, these scholars argue that NCLB improves the inclusion of these students, and thus improves the success of Special

⁴⁶ Ibid., 431.

⁴⁷ Nagle, K., Yunker, C., and Malmgren, K.W. (2006). Students With Disabilities and Accountability Reform: Challenges Identified at the State and Local Levels. *Journal of Disability Policy Studies*, 17(1), 28-39.

⁴⁸ Ibid.

Education.⁴⁹ By increasing the emphasis on accountability, NCLB encourages schools to invest in teaching methods and reform strategies that will better help low achieving students and a diverse group of learners.⁵⁰ While this claim is made, there is little proof that new methods are being created, and instead, this seems to be merely a hope of the law's creators.

Although NCLB is a federal policy, states still have substantial control over education and standards. For this reason, policies of participation and levels of standards vary from state to state. This makes it more difficult to compare results and inclusion policies between states, and therefore, it can be hard to assess the success of the law. However, in a 2005 study by Martha L. Thurlow, Sheryl S. Lazarus, et al, the authors contacted states and requested copies of policies on participation; they requested both current policies and 1999 policies in order to compare the changes and improvements.⁵¹ They examined the policies from each state and studied the differences between current policies, 1999 policies, and policies from different states. While the authors noted that policies have changed multiple times throughout the years, the changes show a trend toward a better understanding of the needs of Special Education students. No Child Left Behind has made policies for participation and accommodations more specific, and different types of participation have become more accessible through new accommodations.⁵² Accommodations include more time on tests for some students, having questions read aloud to students, and using a calculator on the math section.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Thurlow, M.L., Lazarus, S.S., Thompson, S.J., and Morse, A.B. (2005). State Policies on Assessment Participation and Accommodations for Students with Disabilities. *The Journal of Special Education*, 38(4), 232-240.

⁵² Ibid.

Schools determine which students receive accommodations, and test proctors can offer such accommodations to all students, despite their IEP status. The authors argue that NCLB recognizes the need for accommodations in order to include students with learning disabilities in high-stakes testing. As policies continue to evolve, these authors call for a more detailed examination of new policies in place.

By studying the framework of the law, Dr. Judy A. Schrag analyzes the effects it has on students in Special Education.⁵³ The four foundations of the law, as explained by Schrag, are: accountability for results; flexibility in the way states and communities are allowed to use educational funding; research-proven effectiveness in the chosen instructional methods and materials in the classroom; and influence, information, and choice for parents.⁵⁴ Each foundation of the law has implications for Special Education, and Schrag highlights the positive impacts of each one. Similar to above mentioned authors, NCLB ensures that schools are held accountable for score results (if schools do not make AYP for two years in a row, they will begin to suffer consequences, which has been seen in schools across the country and specifically in Philadelphia). In contrast to previous laws, NCLB also ensures that students with disabilities are included in testing and that their scores are included in AYP measurements. This inclusion of scores, in theory, forces schools to be held accountable to these students. Next, NCLB recognizes that school improvements must happen at the local level, and therefore schools and local governments are given more flexibility and leverage for change and improvement.⁵⁵ In order to have control of these changes, the local government is allowed more freedom

⁵³ Schrag, J.A. (2003). No Child Left Behind and Its Implications for Students with Disabilities. *The Special Edge*, 16(2).

⁵⁴ *Ibid.*, 1.

⁵⁵ *Ibid.*, 12.

over the allocation of federal funds. These funds can be used by schools to hire teachers qualified in Special Education and purchase more materials needed for students with disabilities. No Child Left Behind mandates that schools use materials approved by scientifically-based research. Schrag argues that this benefits all students, including those with disabilities. Instructional strategies and materials will improve, and schools will use funds on reading and math resources that have been proven to work. Finally, NCLB offers more options to parents and ensures that parents will receive reports of their child's school and school district. Schrag believes that both of these aspects of the law will increase parent involvement, and more parent involvement often leads to higher academic achievement for Special Education students.⁵⁶ While there are still challenges that lay ahead, the foundations and goals of NCLB should ultimately close achievement gaps among students, including those with disabilities.

In addition to improving the academic achievement of Special Education students, some scholars argue that NCLB also inherently improves the social skills and behavior of this group of students. These benefits are a direct result of including students with disabilities in a general education classroom. In a study by the Indiana Institute on Disability and Community, Cassandra Cole reported that teacher comments and observations following the implementation of NCLB showed improved social skills and lower levels of loneliness for these students.⁵⁷ Furthermore, the students in the study seemed to have a more durable peer network than they had in the past. Teachers also noted that students without disabilities became more tolerant of others and reduced their

⁵⁶ Ibid., 12.

⁵⁷ Cole, C. (2006). Closing the Achievement Gap Series: Part III What is the Impact of NCLB on the Inclusion of Students with Disabilities? *Center for Evaluation and Education Policy*. 4(11). 3.

fear of human differences.⁵⁸ Finally, as the level of inclusion in general education increased, the number of discipline referrals that these students received decreased. These students appeared more engaged in school activities and were less likely to cause problems in the classroom. Although Cole goes on to discuss more negative consequences the law has for students with disabilities, these non-academic improvements add to the strength of the *positive* argument.

The inclusion of Special Education students in general education classrooms has the potential of improving the knowledge and strategies of all educators. By aligning these students and classrooms, teachers must obtain skills to meet the needs of all students.⁵⁹ Educators across the country are attempting to bridge the gap between Special Education and general education to ensure that all students receive the necessary core curriculum. NCLB, unlike previous laws, is successfully attempting to combine Special Education with general education.

3.2.2 Negative Assessments

In contrast to the above school of thought, another group of scholars believes that NCLB has a negative impact on students in Special Education. These scholars primarily argue that the pressure of AYP and high-stakes testing forces schools to increase accommodations for students with disabilities or find loopholes in the law to reduce the number of Special Education scores included in AYP. Schools feel the need to place more students in remedial programs, and Special Education students are hurt by the pressure of the tests. Essentially, these scholars and advocates believe that the

⁵⁸ Ibid., 3.

⁵⁹ When Special Education and General Education Unite, Everyone Benefits. (2004). *WestEd*, 6(1). 9.

accountability and accommodations systems that accompany NCLB have failed students in Special Education.

Although *positive* scholars highlight the importance of state control and argue that state and local governments need to keep their power over education, the *negative* scholars contend that state implementation of NCLB can harm education. In a 2007 study by the National Center for Learning Disabilities, Lindy Crawford examined accommodation policies in various states.⁶⁰ In contrast to the study by Thurlow, Lazarus, et al, Crawford found that the variation in policies led to a decrease in validity of test scores. Crawford used both qualitative and quantitative data to show the differences in policies across states. Although NCLB has increased the participation rate of students in Special Education, accommodation policies and guidelines vary from state to state, with regards to what accommodations can be used on what test and who can use these accommodations.⁶¹ For example, some states allow the use of read-aloud accommodations on Reading portions of assessments or a calculator on Math portions, while other states do not.⁶² Because of these variations, scores cannot be accurately compared among states, and the validity and importance of the tests become questionable. In addition, differences in tests and accommodations hurt the law's attempt to unify education; NCLB intends to unify inputs in order to unify and improve academic outcomes across the country. By allowing states to determine accommodation policies, there is no unification of inputs for Special Education students. Furthermore, Crawford found that in many states, the people making decisions regarding accommodation policies

⁶⁰ Crawford, L. (2007). State Testing Accommodations: A Look at Their Value and Validity. *National Center for Learning Disabilities*. www.LD.org.

⁶¹ Ibid.

⁶² Ibid.

are unqualified for this position. These people are not always knowledgeable on this topic, and accommodation policies are often not implemented properly on test days.⁶³ For example, a student might take his test in the general education classroom when his special needs and IEP call for testing in a smaller environment. The policies in place determine which students will receive the regular assessment and which students will receive alternative assessments. The inconsistent and uninformed policies demonstrate that some students might not be tested appropriately. While NCLB gives states this flexibility, it can hurt the validity of the scores as well as students and schools who must comply with the policies.

Most of the studies that have been discussed up to this point use qualitative data to represent the connection between NCLB and Special Education. In comparison, Eric Hanushek and Margaret E. Raymond use quantitative data analysis to explain how schools exclude Special Education test scores.⁶⁴ The authors compare accountability systems of NCLB to similar systems in the 1990s. In the 1990s, such systems had a positive impact on student achievement; however, they were failing to close the achievement gap between white and minority students. President George W. Bush's plan to address both of these issues has failed. By 2005 schools seemed unresponsive to new accountability systems, and at the same time, the achievement gap has still not decreased.⁶⁵ Instead, schools are more frequently finding ways to exclude Special Education scores from AYP, and are therefore not held accountable to these students. This is done by placing more students in Special Education programs or holding students

⁶³ Ibid.

⁶⁴ Hanushek, E.A. and Raymond, M.E. (2005). Does School Accountability Lead to Improved Student Performance? *Journal of Policy Analysis and Management*, 24(2), 297-327.

⁶⁵ Ibid. 297.

back to repeat grades. In both of these cases, schools intend to improve overall scores. In conclusion, the authors claim that even if accountability improves, problems regarding low scoring minority students, who are often Special Education students, will continue.

Negative scholars also take issue with the idea that under NCLB students with learning disabilities are more often included in general education classrooms. Elise Frattura and Carol Topinka argue that the demands of NCLB make it more likely for schools to marginalize students with disabilities and place more students in remedial programs.⁶⁶ Because a small percentage of scores (approximately 5%) are not required to be included in overall AYP measurements, schools attempt to categorize low performing students as Special Education in hopes of disregarding their test scores. Therefore, students who should not be in Special Education or remedial programs end up there. Moreover, if schools are not including these scores in AYP, they are not held accountable to this group of students.⁶⁷ This perpetuates the status quo of education and furthers the neglect of students with disabilities. Despite the claim that NCLB creates more space for the alignment of general education and Special Education, these authors attempt to show evidence that disproves this theory. Students with disabilities continue to be less likely than their peers to receive a full academic course load in high school, they are 50% less likely to graduate from high school, and they are far less likely to enroll in college.⁶⁸ While these students might be included in general education classrooms, they are not receiving the services they require to be successful in school. The authors

⁶⁶ Frattura, E.M. and Topinka, C. (2006). Theoretical Underpinnings of Separate Educational Programs: The Social Justice Challenge Continues. *Education and Urban Society*, 38(3), 327-344.

⁶⁷ *Ibid.*, 327.

⁶⁸ *Ibid.*, 329.

ask educators to limit their categorization of special needs students and improve Special Education in the name of social justice.⁶⁹

In addition to the above failures of NCLB regarding accountability and accommodations, scholars such as David Shriberg, Amy Burke Shriberg, and Cassandra Cole believe that increased standardized testing can have a negative impact on dropout rates of high schoolers.⁷⁰ Shriberg and Shriberg argue that this has a stronger effect on minority students, and minority students often make up a larger percent of Special Education programs.⁷¹ Although at this time the specific percentages and connections between NCLB and the dropout rates of students with disabilities are unclear, it seems reasonable to believe that the pressure on both the student and the school could arguably lead to students dropping out. There has been some speculation of whether or not some educators encourage Special Education students to drop out in order to raise the overall scores of the school. This evidence has yet to be proven.⁷² Finally, NCLB has encouraged some schools to hold students back when they believe they will perform poorly on standardized tests in the next grade level. Although retention might be appropriate in some cases, research shows that retention of students leads to higher dropout rates later in their education career.⁷³ Therefore, the pressure of the school to perform well causes higher retention rates which leads to higher dropout rates. These statistics impact Special Education students at a greater rate than general education students.

⁶⁹ Ibid., 341-342.

⁷⁰ Shriberg, D. and Shriberg, A.B. (2006). High-Stakes Testing and Dropout Rates. *Dissent*, 53(4), 76-80. Cole, 4-5.

⁷¹ Shriberg and Shriberg.

⁷² Cole, 4.

⁷³ Ibid., 5.

4. Methodology

4.1 Hypotheses

1. Inclusion, as it is practiced, of Special Education students in No Child Left Behind testing causes a decrease in academic performance of these students.

This hypothesis essentially distinguishes the formal written law of NCLB from the way it is implemented in public schools. While the ideas behind NCLB are positive, they are poorly practiced and inadequately funded, and therefore schools cannot achieve the goals of the law. Special Education students who are included in test preparation, benchmark testing, and state standardized tests are expected to perform at high levels, and their scores are to be included within the overall school scores. The pressure of these tests and the unsuitable assessments that accompany the tests, damage the academic environment and success of students in Special Education.

2. The failure of NCLB accountability systems causes schools to evade requirements of the law.

Under NCLB, schools that fail to meet Adequate Yearly Progress for consecutive years suffer consequences—schools could lose funding, lose students, or be taken over by the state. These accountability systems are intended to hold schools accountable to their students. Because students in Special Education are included in testing and their scores are included in school scores, schools are intended to be held accountable to these students as well. However, schools do not want to suffer consequences, and therefore find ways to keep lower Special Education scores out of the overall scores. When this happens, the school is no longer held accountable to these students. In this sense, the

accountability systems have failed to inspect schools, and have thus failed Special Education students.

4.2 Concepts and Measurements

Hypothesis One:

Inclusion- Special Education students participate in test preparation, benchmark tests, and state standardized tests. In addition, these students spend a majority of the school day in general education classrooms.

Decrease- Student test scores decline and teachers notice a worsening of behavior.

Academic Performance- Student test scores, class work, student behavior in class, emotional status of student, and growth of student over time.

Hypothesis Two:

Failure- Schools are not closely inspected and can avoid rules and regulations that determine the percent of student test scores that must be counted in overall scores. For example, Special Education scores can be removed from overall school scores.

Accountability System- Rules and regulations included in NCLB that set consequences for schools that fail to meet AYP requirements.

Evade- Schools do not include Special Education scores in overall school scores.

4.3 Data Collection and Analysis

My primary method of collecting data was through interviews. I contacted Special Education teachers, regular education teachers, and principals at multiple schools in the Philadelphia Metropolitan Area. I interviewed three Special Education teachers and the Principal at Independence Charter School, a regular education teacher and the Principal at Overbrook Elementary School, a case manager/Special Education Teacher at

Lower Merion High School, and an Instructional Support teacher at Radnor High School.

I used a tape recorder and took notes for each interview. I began the interviews with background questions about the individual regarding their experiences in education and their teaching certificates. I then asked questions about the specific school, including the number of students in the school and in Special Education, the type of Special Education program the school uses, and how the school has performed on NCLB tests. Finally, I asked each interviewee specific questions regarding NCLB and Special Education:

1. Have you seen differences in Special Education instruction since the implementation of NCLB?
2. Has NCLB changed your teaching style or role in the school?
3. Do you think NCLB has affected Special Education students? How? In a positive or negative way?
 - a. Academic effects?
 - b. Behavioral or emotional effects?
4. Do you believe inclusion is right for all students? To what extent? In tests? In general education?
5. How do your students respond to test prep? Testing?
6. Do you believe that your school has the necessary resources and funding to follow NCLB? For general education and Special Education?
7. Do you think accountability systems have had an impact on Special Education and students in Special Ed?
8. Do you think there should be changes to NCLB? What changes are needed? Should we continue NCLB?
9. Do you think your role in your school affects your opinions of NCLB?
10. What is your overall assessment of NCLB and its effects on Special Education?

After completing each interview, I transcribed the data and compared the responses from different teachers and principals at the different schools.

In addition to interviews, I observed students in Special Education at Independence Charter School. I interned with a Special Education instructor at ICS and spent four to eight hours a week working with the students. I observed and interacted with these students in both general education and Special Education settings as well as

during test prep and PSSA testing. I noted the behavioral changes and academic successes and failures of these students. These observations have greatly added to my data findings; however, these observations are limited to ICS, and therefore, additional observations of students at the other three schools would be useful. I also collected and analyzed Senate and House hearings regarding Special Education, NCLB, and its progress in the United States. Finally, I gathered information in newspaper articles and NCLB school and district report cards about schools in the Philadelphia area. These report cards included those for Independence Charter School, Overbrook Elementary, Lower Merion, and Radnor. The analysis of each of these methods added to my findings on the overall assessment of NCLB and its effects on Special Education.

4.4 Case Selection

To evaluate my hypotheses I chose to compile research at four different schools in the Philadelphia Metropolitan Area; however, I have classified these schools into only three different case studies. Independence Charter School is an urban charter school in Center City, and its population comprises students from 44 districts within the city limits. Overbrook Elementary School is a Philadelphia public school with students from the West Philadelphia neighborhood. Both Lower Merion High School and Radnor High School are suburban public high schools outside of the city. The data from these two high schools will be combined to form one case study.

Throughout the country No Child Left Behind tests have shown that external factors, such as different types of schools and different amounts of funding, affect the performance of a school. These differences in schools also affect the performance and inclusion of Special Education students on NCLB tests. For this reason, it is important to

include a variety of schools in a study of NCLB. To account for differences I included an urban k-8 charter school, an urban public elementary school, and two suburban public high schools. The two suburban schools have more affluent and white populations and this will be taken into consideration when evaluating the interviews from these schools. ICS and Overbrook have largely black and poor populations; however, ICS has a more diverse population and the school benefits from fundraisers and donations from parents and community members. The differences among these schools will provide a better sense of the effects NCLB has had on Special Education students in different types of schools throughout the country.

While these case studies account for some variables and differences in schools, limitations still remain. For example, due to time and available contacts, I did not interview teachers at an urban high school. Although I can compare suburban schools to urban schools, the age and grade level of the students at the different schools might affect the responses teachers gave at the various schools. Therefore, I do not have enough cases to account for all of the different factors that might affect the scores of a school and the opinions of teachers and principals. In further studies, an urban high school should be reviewed and analyzed.

5. Empirical Research

5.1 Introduction: A Glance At Philadelphia Schools

Before taking a closer look at the four schools, I begin with an overall assessment of NCLB in Philadelphia and Pennsylvania. This review will provide a context to review ICS, Overbrook, Lower Merion, and Radnor.

No Child Left Behind gives states some flexibility in determining Adequate Yearly Progress goals for their schools and districts. While schools have individual goals and are expected to improve upon their scores each year, there are also state standards that schools must attempt to reach. The students in Pennsylvania take part in the Pennsylvania System of School Assessment, and the tests are usually referred to as the PSSAs. In Pennsylvania, the 2006-2007 state goals were set at 45% of students proficient or above in mathematics and 54% of students proficient or above in reading. Overall, the state met these goals in both subjects with 69% proficient in math and 67% proficient in reading.⁷⁴ In addition to looking at overall scores, the state looks at scores broken down by gender, ethnicity/race, and other groups including IEP students. In math, four categories of students in the overall state report did not meet the AYP goals: black, IEP, English language learners, and migrants. All other groups did meet the goals, with white and Asian students far exceeding their peers. In reading, six categories of students did not meet the goals: black, Latino/Hispanic, IEP, English language learners, migrants, and economically disadvantaged. Students in grades three through eleven were tested, and generally scores improved from previous years. A much higher percentage of students in the lower grades met the state AYP requirements than in the higher grades.

The Philadelphia city schools did not perform as well as the overall state. The district barely met the state standard in math with exactly 45% of the students testing at proficient or above, and it did not meet the standard in reading with only 41% proficient or above. In addition, fewer categories of students made AYP goals. In math, only 15% of the district's IEP students were proficient, and in reading only 11% of these students

⁷⁴ Pennsylvania Department of Education. (2007). "State Report Card." Commonwealth of Pennsylvania: The Grow Network/McGraw Hill. 3.

were proficient. Although the district generally improved its scores from previous years, it is still significantly far from the 2014 national goals. Graphs of the district's scores from 2002 to 2007 show greater improvements in math than in reading, which is most likely due to a stronger focus on math test prep during the NCLB years.⁷⁵ These same graphs also show that far more students with disabilities score below basic than any other group of students. This issue will be addressed in the analysis of the empirical research.

Pennsylvania and Philadelphia follow a similar trend to many states and cities in the country; while the overall state might meet AYP goals, inner city districts and students fail to meet these goals. The state scores, although they are lowered by city schools, are improved and outweighed by high performing suburban schools. This is the case in Pennsylvania, and it will be obvious in the differences in scores in the four schools studied below. Despite this generalization, fewer schools in the Philadelphia region, including high-performing suburban schools, met AYP benchmark goals in the past year. The primary reason for the decline was the increase in the grade levels tested.⁷⁶ In previous years, only students in certain grade levels took the PSSAs; however, in the past two years, the state added testing for fourth, sixth, and seventh grade. These additional tests made it more difficult for schools to meet AYP. In addition, some suburban schools are struggling to continue making improvements, which will be noted below in the analysis of Lower Merion and Radnor.

In many cases, IEP students in suburban schools also score higher than their peers in urban schools; however, students in Special Education in all schools tend to score far

⁷⁵ Office of Accountability, Assessment and Intervention. (2007). "School District of Philadelphia 2002-2007 PSSA Results." See Appendix.

⁷⁶ Hardy, D., Purcell, D. and Snyder, S. (2007, August 30). Pa. test scores up, but schools falter; Fewer in the city and its suburbs met targets for progress as three more grades took the PSSA. *The Philadelphia Inquirer*. A1.

lower than any other group of students. This observation hints at problems with NCLB and how it addresses students with disabilities. In January 2008, a Philadelphia Inquirer article noted that last year 45% of Pennsylvania seniors failed at least one of the statewide reading and math tests. Despite this poor performance, these students received diplomas and graduated with a lack of skills. According to the article, in some districts many of these students that are pushed through to graduation are Special Education students.⁷⁷ To ensure all students learn the skills they need to succeed in future plans, appropriate assessments are needed to measure each student's learning and growth. Although students should not be simply pushed through the system, the needs and capabilities of each student must be considered. A closer look at the Special Education students at four Philadelphia area schools helps to clarify the problems with implementation and offers recommendations and changes to NCLB in the future.

5.2 Background of Case Study Schools

Independence Charter School is an urban charter school in Center City Philadelphia. The school serves close to 700 students who come from 44 zip codes in Philadelphia. While most of the students live within the city limits, a handful of students who started at ICS and moved to the suburbs still attend the school. This k-8 school is community oriented and has an international focus. The mission of ICS is “to provide an intellectually stimulating curriculum with an international focus, emphasizing the arts, languages, ideas, and histories, from an array of cultures from around the world.”⁷⁸ To achieve these goals, ICS relies on resources in the community—museums, parks, historic landmarks, businesses, communities, and families. Every student at ICS takes Spanish

⁷⁷ Hardy, D. (2008, January 17). Receiving diplomas without skills. *The Philadelphia Inquirer*.

⁷⁸ Independence Charter School. (2008). http://www.independencecharter.org/about/our_mission

with some students receiving instruction for 30 minutes a day and others receive instruction for up to 75% of the day. Each year different classes study two countries in detail, which allows ICS graduates to be ‘experts’ on many countries. Finally, ICS has a diverse community of its own: 62% African American, 22% White, 13% Latin/Hispanic, and 2% Asian.

Independence Charter School was founded in 2001 by a group of parents and community members who wanted to raise their children in Philadelphia. The founders developed ICS’s mission and program, and many of these people still serve on the Board of Trustees today. In addition to a global outlook, ICS is devoted to “teaching young children the fundamental values of our pluralistic democracy, and the acquisition of the basic language, literacy, and computational skills necessary to function productively.”⁷⁹ The founders believe that it is never too early to begin teaching students how to be thinking citizens.

ICS has made Adequate Yearly Progress on NCLB tests for the past four years. However, some years it has made it with a confidence interval, meaning test scores were not quite high enough but with excellent attendance and other factors, the school still achieved AYP. Overall, in the 2006-07 school year 60% of all students were proficient or advanced in mathematics, and 63% were proficient or advanced in reading. Although most subgroups of students made state AYP goals as well, the IEP (Special Education) group at ICS did not meet the overall standards in math or reading.⁸⁰

At ICS, 12% of the student body receives support and individualized instruction from the Special Education Program. ICS practices full inclusion, and a team of Special

⁷⁹ Ibid.

⁸⁰ Pennsylvania Department of Education. (2007). “School Report Card: Independence CS.” Commonwealth of Pennsylvania: The Grow Network/McGraw Hill. 3.

Education teachers provide support to students both in the general education classroom (push-in) and in a small resource room setting (pull-out). Students receive various amounts of support depending on the needs indicated in their IEPs. All of these students and their scores are included in NCLB, and the students receive accommodations on NCLB standardized tests, including extra time, questions read aloud, and smaller group settings.

Overbrook Elementary School is an urban school located in west Philadelphia. The school is celebrating its 100 year anniversary this year. The school's vision is to create a high-achieving school "that makes considerable gains in student achievement each year."⁸¹ The school draws on community and technology resources, and it supports its students in becoming life-long learners. Overbrook hopes to generate a strong educational base for each child to prepare them for further learning and citizenship in the twenty-first century.⁸²

Overbrook has made AYP for the past two years. Overall, in the 2006-07 school year 62% of the students were proficient or advanced in mathematics, and 50% were proficient or advanced in reading. Thirty-three percent of IEP students were proficient or advanced in mathematics, however only 8% proficient in reading.⁸³ In previous years, Overbrook would essentially make AYP every other year. In response to the years the school did not make AYP, it was held in corrective action. The school did a self study and monitored teachers to improve instruction.⁸⁴

⁸¹ The School District of Philadelphia, Overbrook Elementary School. (2008). <http://webgui.phila.k12.pa.us/schools/o/overbrook/about-us>

⁸² Ibid.

⁸³ Pennsylvania Department of Education. (2007). "School Report Card: Overbrook Elem Sch." Commonwealth of Pennsylvania: The Grow Network/McGraw Hill. 3.

⁸⁴ Interview with Kathleen McCladdie. Principal of Overbrook Elementary School. February 8, 2008.

Overbrook is a k-5 elementary school that enrolls approximately 320 students; the school is predominately African-American. Six percent, approximately twenty students, receive Special Education support and have IEPs. The school offers an array of services including speech, occupational therapy, inclusion, resource room, and part-time support up to three hours a day. The IEP of the student determines the services and support that he or she receives. Special Education students are included in general education classrooms for the majority of the day. Students with severe needs can spend up to three hours in Special Education classes; however, most IEP students spend far less time than this. All teachers have a possibility of having one of these students in their class. All of the students are included in NCLB testing, and their scores are not disaggregated because Overbrook does not have enough of these students to make a subcategory (the N-size to disaggregate is 40 students).

Lower Merion High School is a suburban public high school located in Lower Merion Township, a community in the western suburbs of Philadelphia. Both the town and the school have a diverse social and economic population. Lower Merion High School prides itself on its excellent academic and co-curricular reputation throughout the country.⁸⁵

Thus far, Lower Merion has met all of the NCLB goals. Overall, in the 2006-07 school year 81% of the students were proficient or advanced in mathematics, and 87% were proficient or advanced in reading. In both math and reading, the IEP students at Lower Merion met the state AYP goals; however, their scores were significantly lower

⁸⁵ Lower Merion School District, Lower Merion High School. (2008). <http://www.lmsd.org/schools/lowermerion/info.php>

than the overall scores of the school.⁸⁶ Although the school has met all AYP goals, it does recognize struggles. Lower Merion School District has some students of lower economic class, and these students often perform at lower levels than the students that come from higher income families.⁸⁷

Lower Merion High School has 1,627 students, and about 7% of the students receive Special Education services. The school offers multiple levels of support for students with special needs. If a student does not have an IEP but is classified as needing a 504 plan, he or she receives nonacademic services. For example, if a student breaks his arm and needs accommodations for his injury but does not need academic accommodations, he would be classified 504. The next level is monitoring; these students have IEPs but are usually getting ready to exit the program. Next is the Instructional Support Lab; this group is made up of the standard learning support students, and each student receives services one, two, or three times a cycle. In addition, there are reading classes, pull out classes (which run parallel to the general curriculum), and co-taught classes taught by a Special Education teacher and a general education teacher. Finally, there are mentally retarded students and students with low end IQs who spend more of their days with Special Education instructors.⁸⁸ All the Special Education students are included in NCLB testing, and their scores are included in the overall school scores. The students receive accommodations for the tests according to their IEPs.

Similar to Lower Merion, Radnor High School is a suburban public high school located in Radnor Township in the western suburbs of Philadelphia. The school

⁸⁶ Pennsylvania Department of Education. (2007). "School Report Card: Lower Merion HS." Commonwealth of Pennsylvania: The Grow Network/McGraw Hill. 3.

⁸⁷ Interview with Christina Minecci. Lower Merion High School. February 19, 2008.

⁸⁸ Ibid.

addresses the needs of all of its students and its goal is “that each student receives an education at a level appropriate to his or her ability and has an equal opportunity to participate in the educational program.”⁸⁹

Radnor High School has met and exceeded all NCLB goals and benchmark standards. The school has a high number of gifted students, and it is located in an affluent community. However, Radnor has had trouble improving the scores of the handful of students who are struggling. In addition, each year it becomes harder for the school to meet the overall goals as these goals become closer to 100% proficient or advanced.⁹⁰ In the 2006-07 school year 83% of the students were proficient or advanced in mathematics and 89% were proficient or advanced in reading.⁹¹ The IEP students did not meet the NCLB state goals in either subject; 30% of these students were proficient in math and 44% in reading.

Radnor has approximately 1200 students and 16% of these students receive Special Education services. In addition, there are 56 students with 504 plans. In general, Special Education students are fully included in the general education classes; however, there are two math classes that are specifically identified as Special Education. There are also two programs in which the students take 50% or more of their classes outside of general education. One is an emotional support program that has its own curriculum for students who struggle with emotional issues, and the other is a life skills program for

⁸⁹ Radnor High School. (2007). “Student Handbook.”
http://radnortsd.schoolwires.com/60020529921217/lib/60020529921217/student_handbook_0708.doc

⁹⁰ Interview with Sandy Schoenholtz. Radnor High School. February 12, 2008.

⁹¹ Pennsylvania Department of Education. (2007). “School Report Card: Radnor SHS.” Commonwealth of Pennsylvania: The Grow Network/McGraw Hill. 3.

students with mental retardation.⁹² All of the Special Education students are included in NCLB testing and their scores are reported in the overall scores of the school.

5.3 Cases for Hypothesis One

Once again, the first hypothesis of this study addresses the effects of including Special Education students in NCLB high-stakes testing. Multiple interview questions attempted to speak to this hypothesis, and overall the data shows that inclusion has a negative effect on this group of students. However, teachers and principals at the four schools offered a variety of perspectives on this issue.

5.3.1 Independence Charter School

At ICS I interviewed four educators—three Special Education instructors and the school Principal. These interviews provided a wide range of responses regarding NCLB and Special Education; however, the overall sentiment was negative. I began by asking the interviewees how NCLB affects Special Education instruction and specifically their roles in the school. Based on the data, it seems that NCLB forces the school to focus too heavily on test preparation and accountability, and the cost of test prep is a loss of curriculum instruction. The Special Education students must take the test, and therefore they have to spend time preparing and understanding questions in the way they will be presented on the test. Thomas Henry, the Special Education teacher at the middle school level said:

You have to shut down every thing you do for awhile and become a test prep teacher. And then turn around and be a proctor. And some how turn off the switch of support and look at a student and say I can't help you now. And that's a very difficult thing for a child who gets used to that structure of this is the person who assists me, and now they are giving a test and can't assist me, and it changes their whole world.⁹³

⁹² Schoenholtz, February 12, 2008.

⁹³ Interview with Thomas Henry. Independence Charter School. February 26, 2008.

This response demonstrates that the teachers not only have to use class time for test prep and test proctoring, they also have to change their role toward the students. Students in Special Education depend on the services they receive from Special Education instructors; however, when they are forced to take state standardized tests without assistance, they no longer receive these services that they grow to depend on.

Another Special Education teacher at ICS does not feel that his role drastically changes for NCLB. Michael Farrell believes that it does not affect how he teaches on a daily basis; however he does “have to include test prep. Test prep is not always a bad thing because the students need to learn these skills for high school and college.”⁹⁴ Although test prep is necessary for the PSSAs, it is also necessary for success in higher levels of education. Therefore, Farrell takes a more positive look at ICS test prep, and hopes that it will help his students on the state tests as well as tests in the future.

In addition to these interview responses, my own observations at ICS showed me ways in which test prep and PSSA testing affects the students in Special Education. For example, on two different occasions the Special Education teacher that I work with, Michael Farrell, had to administer practice PSSAs and make-up PSSAs. On both of these days Farrell was administering tests to non-IEP students, and therefore he was not working with the students he primarily instructs. On these days, the students that normally work with Farrell in his office did not receive services.⁹⁵ These students lost valuable time with their Special Education instructor due to a need for test administrators. In this sense, NCLB testing affects Special Education students when they are taking tests and when their instructor is asked to proctor.

⁹⁴ Interview with Michael Farrell. Independence Charter School. March 6, 2008.

⁹⁵ Field Log. Independence Charter School. February 14, 2008. Field Log. Independence Charter School. April 10, 2008.

No Child Left Behind has drastically changed Special Education by forcing schools to include more of the students with disabilities in the general education classrooms. In the past, schools had specific classrooms for Special Education students, and these students would spend the entire day in these rooms. In contrast, under NCLB these students are in general education classrooms for the majority of the day. While these students might be pulled out by Special Education instructors for a few hours each day, they follow the curriculum of the general education class and spend much of the day with nondisabled peers. In this sense, these students are now fully included in the curriculum and classroom and only receive services when necessary. For some students with disabilities, this inclusion has improved their social skills and has enhanced their knowledge by providing them with the general grade level curriculum. However, inclusion has hurt those students who depended on a close mentoring relationship with Special Education instructors and on specific courses designed for students with learning disabilities.⁹⁶ Principal Jurate Krokys explains that Special Education instruction itself has not changed; however, the inclusion aspect of NCLB does change the way students with disabilities receive their education:

I think the complexity of all of this is the fact that all of our kids are fully included. When the kids are fully included, they're hearing and seeing the same stuff. As far as I know, I haven't said go forth and make sure your students do better in their test prep. I think what we've done, is what we've always done in Special Ed, at least I would hope so; we take a look at what is the challenge for the kid. We're not going to spend 75% of our time preparing them for a test. We are preparing them for life and for success depending on their challenge. Part of that is knowing how to take a test but it's not like we sweep everything aside and say this is all we're going to do. That makes no sense.⁹⁷

⁹⁶ Interview with Sandy Schoenholtz. Radnor High School. February 12, 2008. Interview with Principal Jurate Krokys. Independence Charter School. March 6, 2008.

⁹⁷ Interview with Principal Jurate Krokys. Independence Charter School. March 6, 2008.

In addition, Principal Krokys explained that ICS is not a heavy test prep school.

Although it does try to prepare their students for the PSSAs, it does not lose sight of the curriculum. For example, the students still take field trips despite the upcoming spring tests. Other schools focus more heavily on testing and test prep, and a lot of the teachers at these other schools leave and apply for jobs at places like ICS where there is more flexibility.⁹⁸ While these three instructors have different views on the way NCLB has affected Special Education instruction, they all agree that inclusion and test prep change the delivery of education to this set of students.

After gaining a better understanding of how NCLB affects the instructors, I then asked how testing and test prep affects the Special Education students both academically and behaviorally. While Farrell was more positive toward the first question, he became more pessimistic when asked about the students: “The Special Education students are not getting the percent of what they need, and teachers are not giving them the tools they need...They get frustrated with test prep, and their behavior gets worse.”⁹⁹ When students are included in general education test prep, they lose time with the Special Education instructors. These students are therefore not receiving the services they depend on, and the general education teachers are not trained to give Special Education students the tools and services they need. This frustrates the students, and they act out. In addition, Farrell said that “some Special Education students are fully capable, but others are taking the test on a level too high for them. Why are we making them sit through tests at a level we aren’t instructing at?”¹⁰⁰ This issue came up frequently across the schools I researched. NCLB forces schools to test their Special Education students at

⁹⁸ Ibid.

⁹⁹ Interview with Michael Farrell. Independence Charter School. March 6, 2008.

¹⁰⁰ Ibid.

their grade level rather than the level they are instructed at. Therefore, a fifth grade student who is reading and instructed at a third grade level still has to take the fifth grade test. These students do poorly and are easily frustrated. Their behavior worsens in hopes of being removed from the testing environment, and these low scores are included in the overall school scores.

In addition, although this does not occur at ICS, some schools attempt to omit their Special Education scores to improve the overall scores:

I think they're left out in a lot of senses, because if we are basing it off of tests alone the population is so insignificant in number that it doesn't affect the overall school statistics. Therefore, we're prepping students for a test that doesn't matter if they take it...On top of that, there are schools I know of where the Special Ed students are omitted depending on the state. They'll omit the Special Ed scores from their overall statistics. So why then do the kids take tests that are going to be omitted or not even looked at or have scores but it's not a big deal?¹⁰¹

States have different laws and regulations regarding the inclusion of Special Education scores. According to Henry, some schools are able to find loopholes in the law and omit scores. In other cases, schools have such a low percentage of Special Education students that these scores do not affect the overall scores; when this is the case, the school is not held accountable to these students. This is more likely to happen in states that have high N-sizes, and therefore many schools do not have to disaggregate their Special Education scores. In all of these cases, these students are forced to participate in test prep and testing, which causes stress and frustration, yet the scores are not important.

While testing and test prep can frustrate this group of students, accommodations that the students receive do help. ICS does its best to provide necessary accommodations to students in both Special Education and general education. Principal Krokys recognizes

¹⁰¹ Interview with Thomas Henry. Independence Charter School. February 26, 2008.

that many of these students are miserable during the test, but the school tries to stay on top of accommodations:

I think we do a good job of making sure that we understand the accommodations that can be given. And we do the same for other kids. The NCLB thing allows for accommodations, so if we have kids who are not Special Ed but have anger problems or frustration problems, we will put them into small groups. In terms of the Special Ed kids, I think that we do a lot of coaching in terms of, look do your best, try this. I'm sure there are kids crying and feeling really dumb because of this test we have to give them...It's frustrating and pointless.¹⁰²

Here the Principal believes that testing these students is pointless; however she points out that it is required. Therefore, if the students must take it, then schools and teachers must do everything they can to help the students. Both accommodations and encouragement seem to relieve some stress from the Special Education students.

Throughout my weeks interning at ICS, I saw Special Education students participate in test prep and PSSA testing. On two different days, I observed the negative effects of high-stakes testing and the pressure of the test. First, as I was working with fourth grade students on a test prep computer program, one of the Special Education students had a meltdown. He began crying and was unwilling to discuss the issue with his classroom teacher or the Special Education teacher. This student calmed down after visiting the Dean; however, he was unhappy the rest of the day.¹⁰³ This experience shows how the stress of PSSAs and test prep can ruin a child's day both emotionally and academically. This fourth grader was embarrassed in front of his peers and was unable to focus on his curricular work for the remainder of the day. In addition to this experience, I also observed fifth graders during the reading section of the PSSAs. There were five Special Education students in a small setting for testing. During this time, it was obvious

¹⁰² Interview with Principal Jurate Krokys. Independence Charter School. March 6, 2008.

¹⁰³ Field Log. Independence Charter School. March 6, 2008.

that some of the students were better able to succeed, while others struggle through the section. The students who were capable of performing well sat quietly and focused. In contrast, other students talked throughout the entire test and rushed through the last essay question in order to leave for lunch.¹⁰⁴ These students were most likely being tested at levels above their instruction, and they were not used to working alone without the help of the Special Education teacher. The struggling students resorted to talking and rushing to ease the testing process. Had the students been tested at a more appropriate level, these students might have tried harder and stayed on task. While ICS does its best to accommodate the students, there are times when these accommodations are not enough to help certain students through the PSSAs.

Next, I asked the instructors if inclusion in testing and in general education was right for all students; the overall answer was no. Although many teachers believe that inclusion helps many students, it is not right for everyone. NCLB encourages the inclusion of all Special Education students; however “inclusion has to be looked upon for every individual child. Not all fit the blanket mold of inclusion.”¹⁰⁵ According to some teachers, it is better to group students based on ability rather than grade level. In a fully inclusionary setting, many students are lost and are expected to perform on high levels.¹⁰⁶ Inclusion is an issue of cognitive versus social learning. In some cases it is better to focus on cognitive ability and levels; these same students can still receive social learning through lunch, gym, art, and music. Inclusion in testing is similar; while some Special Education students are capable of performing well on NCLB tests, others become frustrated and do poorly. Overall, inclusionary practices benefit some students; however

¹⁰⁴ Field Log, Independence Charter School. April 1, 2008.

¹⁰⁵ Interview with Barbara Zisk. Independence Charter School. March 6, 2008.

¹⁰⁶ Interview with Thomas Henry. Independence Charter School. February 26, 2008.

they are not right for every student. Special Education students should be assessed individually and then schools can determine how to include the student.

My own observations of inclusion of Special Education students at ICS once again gave me insight on the affects NCLB has on these students. Early in the year, I observed a firsts grade autistic boy in his general education classroom. During this time he was unable to concentrate and had trouble sitting still. His constant movement distracted students around him, and his own learning was impaired by his inability to focus.¹⁰⁷ In this situation, I question whether or not inclusion is appropriate for this student. While this student might develop social skills in this first grade classroom, his academic skills are not improving when he is unable to concentrate. In addition, he is harming the learning environment of his classmates with distractions. Although inclusion is helpful for some students with minor learning disabilities, this setup is not right for all students.

Finally, I asked the educators their overall opinions on NCLB and its effects on Special Education and Special Education students. In general, the interviewees recognized some strengths of NCLB: it forces schools to look at subgroups of students; it holds schools accountable by applying corrective action practices to failing schools; and it forces more students to be included. However, despite these more positive components, the overall feeling was negative: “we need to tailor the education of each individual child, it can’t be so generalized. The resource setting should depend on what the child needs.”¹⁰⁸ NCLB sets standards for states and the country as a whole. It does not focus on the individual needs of the students, and therefore it is in opposition to IEPs.

¹⁰⁷ Field Log. Independence Charter School. October 3, 2007.

¹⁰⁸ Interview with Barbara Zisk. Independence Charter School. March 6, 2008.

While it might be helpful to include some students in testing, the need to include all students at their grade level does not work.

In addition, Thomas Henry recognizes the positive attempt to standardized public education across the country; however, he sees immediate problems with this attempt:

It's a good attempt to try to uniform it, being as there is no uniformity. There are so many drastic differences across the country...it's nice to try to make education uniform and hold everyone to the same standards. It's just, to do that, everyone must have the same opportunity. They must have the same tools, materials, every thing has to be uniform and every thing must be presented uniformly for it to work properly. Because we all know test makers don't keep in mind a poor black kid from Louisiana or a recently immigrated Asian American, etc. They don't stop and think about that. So unless every thing is on the same page we just can't do anything about it.¹⁰⁹

Although Henry is broadening his evaluation of NCLB, his comment does relate to students in Special Education. These students are held to the same standards as every other child in their grade; however, test writers do not account for their individual needs, learning styles, and abilities. Therefore, these students do not have the same opportunities to perform well on the tests. If the country plans to hold these students to high standards, then tests must measure individual growth of students.

Lastly, Farrell and Krokys both believe that the test has had an overall negative effect on all students, and they would like this piece of legislation to die. There could be elements of the law, such as accountability systems and assessments, in a new program, but NCLB has simply made money for testing companies and does not truly hold schools accountable to all groups of students. The data collected at ICS thus provides confirming evidence to support hypothesis one. Although some educators have found positive components of NCLB, the implementation of the law and the inclusion of Special

¹⁰⁹ Interview with Thomas Henry. Independence Charter School. February 26, 2008.

Education students in testing has had a negative impact on their learning and their behavior in school.

5.3.2 Overbrook Elementary School

At Overbrook Elementary School I interviewed two educators: Principal Dr. Kathleen McCladdie and Hope Hendrix, a first through third grade Montessori teacher. I asked these interviewees the same list of questions that I asked the ICS teachers, and in many ways their responses were similar. While they note a few positive outcomes of NCLB, overall they believe that including Special Education students in NCLB testing is unfair and impractical.

Principal McCladdie explained that she has not seen changes in Special Education due to the implementation of NCLB. She said that “it didn’t help the students any. I don’t think that they added any funding, they haven’t changed the way that Special Education is done, and we don’t receive any additional training.”¹¹⁰ While the ICS teachers were pessimistic about the changes NCLB had on Special Education, the Overbrook Principal is unhappy with the lack of changes. Although the schools are now supposed to include their Special Education students in general education and in testing, the schools were not given any money to accomplish this task, and the general education teachers were not given training to work with students in Special Education. Had more money been provided, the school could have hired an additional Special Education instructor, provided tutoring programs for struggling students, and better trained general education teachers. Without this funding, however, the school has been unable to meet the needs of each individual student.

¹¹⁰ Interview with Kathleen McCladdie. Principal of Overbrook Elementary School. February 8, 2008.

In addition, I asked Principal McCladdie if NCLB changed her role in the school. Although some aspects have remained the same, the focus on testing has changed the emphasis on education:

I still do the same thing; I'm still the instructional leader. I still monitor instruction, but now there is more emphasis on testing and how children do on tests. I think less emphasis is put on what children actually know and having a love of learning, and more on how well people can perform on a test.¹¹¹

While McCladdie's leadership role in the school has not changed, her focus on standardized testing has. Rather than focusing on the needs of each individual student, she is forced to focus on the results of her school's test scores. This becomes increasingly true in the years that Overbrook fails to meet AYP requirements. Emphasizing test scores stresses out students, especially those in Special Education that perform poorly. Therefore, focusing on tests, as opposed to individual needs, hurts both the school and the students that need the most attention.

In comparison, Hope Hendrix recognizes a positive aspect of NCLB on Special Education instruction:

I think that the teacher tries to include the [Special Education] child a lot more and I think that they make every thing open for all the children. And in this classroom last year we made children without IEPs more aware of those children that have different needs... the kids really were compassionate about the children with differences... They don't really pinpoint the kids in the classroom that are different, and they don't really laugh at anyone that's different.¹¹²

Hendrix recognizes the benefit inclusion has on non-Special Education students. Having these students in her class helps all of the other students become aware of learning differences. In addition, Hendrix has to find new strategies and tools to help her Special

¹¹¹ Ibid.

¹¹² Interview with Hope Hendrix. Overbrook Elementary School. February 8, 2008.

Education students, and these strategies often help non-IEP students as well. By encouraging schools to include these students in general education, NCLB improves the awareness of mainstream students; however, what cost does this have on the Special Education students themselves? While these students receive services through pull out and part time programs, when included in the general education classroom they do not always get the attention and tools they need.¹¹³

When asked about her changing role in the school and how NCLB affects students in Special Education, Hendrix responded similarly to Thomas Henry of ICS. She also spends time on test prep and proctoring, and sees students struggle when their teacher can no longer provide the support they have grown to depend on:

I know what kind of questions are going to be there. I give them a ton of extra support, I try to help them out whatever way I can so they will do better. It's hard because for some of the tests you can't read the questions to them, we're just supposed to give them the book. It's hard a lot of times because you know that they have different problems and they are in the regular classroom and it's not really their fault that they can't read the questions or different things. I do help them out but then you feel like oh I'm not supposed to do that, and you're not supposed to read the question to them so that part is challenging.¹¹⁴

From this response it is clear that Hendrix is forced to change her teaching role when she is proctoring a standardized test. Although she helps her students as much as possible, there are restrictions that keep her from providing all the services that Special Education students need. When she cannot offer support to the students, many of them become frustrated and act out. Hendrix spoke about one particular student who “gets explosive with his behavior because he gets frustrated.”¹¹⁵ When this occurs, she tries to offer more help to the student, but often the student desperately wants to leave the testing

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

environment and will continue to misbehave. When a student becomes this frustrated with a test, it ruins the rest of his day. Therefore, Special Education students are not only performing poorly on the NCLB tests, they are doing worse in their regular school work due to the frustration of the tests.

Principal McCladdie also discussed how testing affects students in Special Education. Like Michael Farrell at ICS, McCladdie worries about the level at which the students are tested:

I can think of an instance where a child took the test and all they wanted to be was proficient because their mother would be so pleased. But their reading level was say second grade but they were taking a fifth grade test which really wasn't working out well. It's devastating. I can't understand why you would instruct somebody at one level and then test them at a totally different level.¹¹⁶

This quote addresses a number of issues. First, parents often put pressure on students to perform well on NCLB testing because they want their children to be proficient or advanced. Students feel the need to please their parents, and therefore put more emphasis and stress on the test. However, a student instructed and performing at one level and tested at a higher level is not going to be able to meet the standards of the parents or the state. As McCladdie points out, this stress and failure is devastating to the child.

Although she sees the benefit of standards and testing for some children, if NCLB continues, McCladdie would like for students to be tested at an appropriate level.¹¹⁷ If this occurs, rather than simply focusing on how children perform each year, the growth of the students should be considered. For this to happen, and for schools to perform better on NCLB testing, the law must be better funded in the future. Once again, while the ideals of NCLB are positive, the implementation has a negative effect on Special

¹¹⁶ Interview with Kathleen McCladdie. Principal of Overbrook Elementary School. February 8, 2008.

¹¹⁷ Ibid.

Education students. At Overbrook, the students in Special Education particularly suffer from hard tests that cause constant frustration mixed with a lack of attention and tools.

5.3.3 Lower Merion High School and Radnor High School

I interviewed one Special Education instructor at both Lower Merion High School and Radnor High School. Although both of the schools have performed very well on NCLB tests, and have outscored ICS and Overbrook Elementary School, the educators I spoke with still had many complaints about the implementation of NCLB especially regarding students in Special Education programs. Some of the responses to my questions were similar to those at the other two schools, and some brought up new issues with the law.

First, the educators at both schools spoke to differences in Special Education instruction in the years following the implementation of NCLB. Both spoke about the effects inclusion has on the students in Special Education. Christina Minecci said:

Content has to be provided by regular education classes even when that doesn't match up with the students' needs. Which in turn affects not only the special education students who have the extra work, but it severely affects the rest of the class and the classroom teacher. That has been a complete mess.¹¹⁸

It is clear from this statement that both the regular education students and the Special Education students are suffering from the full inclusion that NCLB requires. Special Education students do not receive the services designated by their IEPs, and regular education students and teachers are held back by the students who struggle. This change in instruction has hurt many students at Lower Merion High School.

In addition, Sandy Schoenholtz of Radnor High School also recognized huge changes in Special Education instruction:

¹¹⁸ Interview with Christina Minecci. Lower Merion High School. February 19, 2008.

Prior to NCLB, very seldom did we collect the kind of specific data about educational growth that we are now collecting. There were very few instances where a learning support teacher would be checking a kid's reading progress for instance. Now we have a whole system for that where there is periodic updating of a student's progress... We developed as a school five courses called essential writing skills, essential reading skills, essential study skills, essential life strategies. And each of those courses has its own curriculum that addresses specific skill building in those areas... the courses are for students who are in learning support or emotional support or regular education, so those essentials classes can be taken by anyone who has a weakness in a particular academic area. So now we are addressing IEP goals as well as building skills in regular education.¹¹⁹

This initial evaluation of the changes NCLB have had on Special Education instruction seems more positive. The school is better able to follow data and growth regarding the Special Education students, and all students, including those in general education, are able to receive support through the new essential classes. These courses offer more direct skill instruction, and therefore benefit students in Special Education. However, these courses also take the Special Education instructors out of the personal relationships with their students:

At the high school level in particular, when a kid has a learning disability and they are struggling academically, then one of the mainstays of their school progress is the relationship with an adult mentor. Because we've had to spread our Special Education staff out so much doing things like co-teaching and all of the essential courses, the relationship aspect of case management takes a backseat. And I think that that's a really key piece that we're missing.¹²⁰

While Schoenholtz initially recognized some of the positive aspects of NCLB changes, she then showed how these changes can actually hurt the Special Education students. If students have depended on their relationship with Special Education instructors throughout their education, but now no longer have that personal connection, their

¹¹⁹ Interview with Sandy Schoenholtz. Radnor High School. February 12, 2008.

¹²⁰ Ibid.

educational outlooks and opportunities change. They no longer receive individual attention, and the case managers know less about the needs of each student. Therefore, as Minecci pointed out as well, the inclusion of students in mainstream education has a negative effect on Special Education instructors and students and regular education students.

Minecci also spoke about the effects NCLB testing has on academics and behavior of students in Special Education:

First of all, academically I think that they are currently in classes that they are not prepared for with teachers that are not prepared to teach them. This leads directly to the emotional issues that we're seeing from the kids. We're seeing the kids shut down when they are in a class that they don't understand. We're seeing the kids act out when the material is not sufficiently understood. The frustration, the anxiety those all increase significantly.¹²¹

Not only are the instructors spread too thin and the regular education students held behind, the Special Education students suffer both academically and emotionally. As seen in all of the schools, students become frustrated when they are in classes or taking tests that are too hard for them. This can not only ruin a day's worth of learning, but if a student is in the wrong class, it can ruin a year's worth of learning. The students are constantly stressed out, and the teachers are not properly trained to teach the students in Special Education. They do not receive the tools and services they need, and therefore do not have the same educational opportunities as their classmates in general education.

Like teachers at the other two schools, Schoenholtz spoke about the level at which Special Education students are asked to perform:

I think it's ridiculous to expect that kids with certain kinds of disabilities can perform at the level of same age peers who have none of those issues...There are some kids who are boarder line who might have an IQ of

¹²¹ Interview with Christina Minecci. Lower Merion High School. February 19, 2008.

80 and they're expected to perform at the level of a kid of average intelligence and strong family background and no socioeconomic issues and all of those kinds of things. None of what I would call the soft factors are taken into consideration. So there are definitely serious problems with NCLB. Plus the funding...It's completely inadequate. And were lucky in this school because we can afford to put these programs in place and put resources toward them but a school district with a lower socioeconomic majority of their citizens, they're not going to be able to do that. Like the Philadelphia school district. It's just wrong.¹²²

Under NCLB, students with disabilities are compared to students with no disabilities.

They are asked to perform at the same level and succeed at the same rate. Simply including students with disabilities in test prep will not be enough to improve the scores of these students. Instead, these students need to be tested at the levels in which they are instructed. Schoenholtz broadens this issue by applying it to other factors including family background and socioeconomic status. Students who are disadvantaged in these areas are also expected to perform as well as the students who are privileged in these areas. Test makers do not consider these issues, and therefore these students are at a disadvantage when taking the tests.

In addition, without proper funding schools cannot address the needs of their students or respond to NCLB requirements. In this sense, Schoenholtz made the distinction between Radnor High School and Philadelphia public schools, such as Overbrook. Although Radnor is capable of meeting AYP and living up to the standards of NCLB, other schools are incapable of this due to their lack of funding. With extra funding, schools could ensure that all teachers are properly trained and could provide tutoring, and transportation to tutoring programs, that would benefit all students. In addition, principals and teachers could provide all the necessary resources and services to individuals with learning needs. Therefore, if NCLB continues, the national government

¹²² Interview with Sandy Schoenholtz. Radnor High School. February 12, 2008.

must reconsider how it distributes its money and must focus on the schools that actually need more funding.

Finally, I asked these two educators about changes they would like to see made to NCLB and their overall opinions on how NCLB has affected Special Education.

Although Schoenholtz recognized one benefit, more attention to skill development, both teachers primarily denounced the law. Minecci would like to see an end to NCLB and has the following overall views:

I would say it was poorly conceived, poorly funded, and poorly managed. I think that it has made the burden of Special Education much harder than it needs to be. It certainly has made being a Special Educator more difficult, more technically difficult because of the highly qualified requirement. I think it ignores individuality of kids in Special Education, which completely flies in the face of an IEP. I really think that it is in direct opposition to what I believe are the requirements to a student with an IEP. I really think that it came in without preparation, without real knowledge of what goes on in a school, and it came in without real knowledge of what a Special Education student needs.¹²³

According to this description, the NCLB law goes against previous laws, including IDEA. The students no longer actually receive an individualized education plan, and instead follow the plan of all students in America. Although schools might attempt to follow IEPs, they ultimately must follow the goals of NCLB and AYP. General education teachers need to be better prepared to assist Special Education students, and the progress students make in school should be recognized whether or not they meet the standards of NCLB. Students in all categories at the four different schools are making academic progress, and they are improving their reading and mathematics skills; however, this improvement is not recognized when students are tested at inappropriate levels and the growth of students is not measured. The type and number of tests have

¹²³ Interview with Christina Minecci. Lower Merion High School. February 19, 2008.

become far too expansive, and NCLB has created an industry for test writers. Writers and politicians benefit, but students do not.¹²⁴ NCLB has helped schools recognize their strengths and weaknesses, but it does not offer money or support to fix the weaknesses.

Although I interviewed educators at a variety of schools, some high performing and some low performing, the overall opinion was the same. Students in Special Education do not benefit from the number of tests they take or the level at which they take them. Rather, because of the way the law is implemented, the students suffer academically and emotionally, which proves that the law only hurts these students.

5.4 Cases for Hypothesis Two

The second hypothesis addresses the issue of accountability systems established by NCLB. The assumption of the hypothesis is that these accountability systems have failed, and they therefore allow schools to skirt requirements of the law. Although I did not find this to be completely true in the four schools I researched, I did find that the accountability systems often fail students in Special Education. In general, the interview questions aligned with this hypothesis were interpreted in a variety of ways by the interviewees. Therefore, a range of responses regarding accountability and funding provide a look into this issue.

5.4.1 Independence Charter School

The teachers and Principal of ICS had varied opinions on NCLB accountability systems. Generally, the interviewees believe that accountability systems are important and holding schools accountable to all students is necessary; however, they disagree on how effective the systems are at ICS and in the country. In addition, the respondents had different ideas of what counts as a NCLB accountability system, and therefore the

¹²⁴ Interview with Sandy Schoenholtz. Radnor High School. February 12, 2008.

effectiveness is skewed based on their ideas. Special Education instructor Thomas Henry once again spoke about students being omitted from overall scores versus having a large enough percent of students to affect school scores:

If you're a school that omits your Special Ed scores then accountability is out the window. And if you have a higher population within a grouping, enough to drop it a third to a fifth of the score, then yes people are accountable. Your teachers should be teaching the skills that the students need for the test. But this might mean that they disregard their IEP objectives to reach their goals. If you are a teacher you must have accountability for yourself because what kind of teacher are you if you don't have accountability for your instruction and the ways you approach students. If you make your students want to care, then they do care.¹²⁵

This response shows that if schools properly follow the NCLB regulations and include their Special Education scores in school scores than accountability systems should have a positive effect. However, too often schools have such a small Special Education population that their scores do not matter. In addition, based on Henry's position, it seems that omitting scores completely is also possible. In either of these cases schools are no longer held accountable to the success of this group of students.

Teacher Barbara Zisk believes that accountability systems have failed to hold schools accountable to their Special Education students.¹²⁶ Special Education students are their own entity in many schools and districts, and these schools are more concerned with overall scores than the scores of subgroups. Although the schools must include and evaluate the scores of Special Education students, these scores do not affect the overall scores, and therefore the school is less interested in improving them. In this sense, neither accountability systems nor the disaggregation of students benefits the education of Special Education students. In addition, Michael Farrell agrees that there is little

¹²⁵ Interview with Thomas Henry. Independence Charter School. February 26, 2008.

¹²⁶ Interview with Barbara Zisk. Independence Charter School. March 6, 2008.

accountability for these students, and he believes that “there needs to be some other assessment of Special Education students, such as a portfolio. The point of assessment is to see if the students are meeting the objectives of the curriculum.”¹²⁷ If schools had a better way of assessing their Special Education students, rather than testing them at higher levels than they are instructed at, then the administrators of the schools might be held more accountable to these students. If the administrators believed that the assessments were appropriate they might be more willing to address the standards of these students.

This issue of individualized assessments became clearer to me as I observed the students and instructors at ICS. My observations showed that schools and teachers can assess their students and often have a better idea of the growth and needs of each student. While state standards and assessments help to unify schools and provide national assessments, school and teacher assessments are still necessary. For example, I observed a Special Education teacher give third and fourth grade students a reading assessment. Each student worked individually with the teacher. He or she read various lists of words and the teacher marked whether the student read each word with no struggle, little struggle, or did not know the word.¹²⁸ This assessment allowed the teacher to work with each student to measure reading growth. There was communication between the teacher and student, and the teacher encouraged the students throughout the process. This type of assessment holds the instructor accountable to each Special Education student, and helps to demonstrate the student’s skills, growth of skills, and where the student needs help. ICS provided a school accountability system that ensured that each student was assessed.

¹²⁷ Interview with Michael Farrell. Independence Charter School. March 6, 2008.

¹²⁸ Field Log. Independence Charter School. December 5, 2007.

While teachers are held accountable to their class of students, the Principal is accountable to the whole school. Therefore, in many schools, the Principal feels greater effects of accountability systems than the individual teachers do. When schools suffer consequences of NCLB, it is the Principal who suffers. For this reason, the Principals of ICS and Overbrook had different responses than teachers to questions of accountability. Essentially, Principal Krokys believes that some accountability systems work while others have failed to have an effect on schools and students:

If you think of something like CSSP (comprehensive student support process) as an accountability system, I think it's a great system. It attempts to prevent kids from being referred to Special Ed by asking the right questions at the right time to find out if the kids are getting the support that's necessary for them to be successful. And I think that is an example of an accountability system that has done well. However, when the state says you have a really low number of Special Ed kids the question there can be, are you evaluating your kids well enough to know if you have kids struggling? Or, you have a really high number, have you over identified your kids, are you just making money off of them? And that's not necessarily a good thing. So accountability systems can be good if used properly.¹²⁹

This response shows that in many cases it is up to the school to determine whether accountability systems will work or not. If a school properly implements these systems, then groups of students will benefit; however, if schools or states ignore workable systems, then groups of students, such as Special Education students, will also be ignored.

In addition, Principal Krokys addressed accountability systems that force consequences upon schools that fail to meet AYP:

I think there is some merit to that because there are thousands of families and kids sitting in these horrendous schools where there might be 12 or 13 teachers absent every day or a group of kids that never has a teacher. Clearly those kids are not going to perform well so it is the responsibility

¹²⁹ Interview with Principal Jurate Krokys. Independence Charter School. March 6, 2008.

of the superintendent and the school reform commission to take a look at these schools and say what's wrong with this picture. On the other hand, some schools are so good but they aren't showing improvement because they can't get much better. So why should they be penalized, that's ridiculous. So there has to be some intelligence on the part of the people who are making these definitions of who's making progress. But there are places that should absolutely be closed down. There should be choices. And there should be money from NCLB for teachers working in highly impoverished schools who will make a difference. And you give the principal money. Though money is not the answer its part of what will attract people to jobs and so on.¹³⁰

Again, Krokys shows that there are times when accountability systems work, and times when they do not work. It seems that accountability systems should vary depending on the progress and success of the school. While some schools do need to work on accountability, other schools perform so highly that they cannot make progress every year. These comments apply less to Special Education students specifically and more to schools and school administrators. However, if the population of Special Education students is large enough to affect the overall school scores, then this type of consequential accountability system would affect Special Education students. If a school fails to meet AYP because of its Special Education students, then it must address this issue to avoid state consequences.

These responses show a variety of ideas and issues regarding accountability systems. In some cases and at some schools, accountability systems are not properly implemented and students suffer. However, smaller scale systems can be effective for holding schools accountable to their Special Education students. Not all schools are capable of evading NCLB regulations; however, in some cases Special Education scores are meaningless, and therefore accountability systems are unimportant. The school's

¹³⁰ Ibid.

implementation of systems and the number of Special Education students in a school control whether or not accountability systems work; this issue cannot be generalized.

5.4.2 Overbrook Elementary School

At Overbrook Elementary School both the teacher and the Principal discussed how Special Education scores affect overall scores, and therefore affect accountability. At Overbrook there are not enough Special Education students to make a subgroup, and therefore, the IEP student scores are included in the school scores. These scores pull down class averages and have an impact on teacher accountability:

I think for us to make the AYP for PSSA, I think it's really hard because they get counted in with everybody else. It's stressful to me because I know that any child who scores a 40% all the time on the benchmark tests that they aren't going to do well on the PSSAs, The scores are looked at as your third grade and even if they have a student with an IEP their grades and scores are counted the same. And even when we take our benchmark tests they take the average of the class so your average is always pulled down by your lower scores. You really want them to do well but they are doing the best that they can.¹³¹

Here, Hendrix explains how Special Education scores can have an effect on overall scores. Although the school and the teachers might know which students have IEPs, because the Special Education students at Overbrook are not a subgroup, the state and national government will not consider them when evaluating the scores of the school. Now, not only are students stressed out about challenging high-stakes testing, teachers are also stressed about the performance of their students. If teachers feel pressured to raise their score averages, they will find more time for test prep and teaching to the test. For this reason, Hendrix believes that teachers should not be held completely accountable:

¹³¹ Interview with Hope Hendrix. Overbrook Elementary School. February 8, 2008.

I know teachers get really upset when they see their whole class scores are horrible, and they feel like it's them, it's their teaching, their instruction. So the teachers shouldn't be accountable for every thing. I think it should be did the children make improvements, has their been any steps made in the right direction for these students.¹³²

While teachers do need to be accountable to their students and ensure that the students are making improvements, there are external factors that affect the success of a child. For this reason, the teacher cannot be completely responsible for the scores of the students. If a teacher is instructing a student at a first grade level, yet the student is tested at a third grade level, the teacher cannot be held accountable for that student's below basic scores. If the teacher is to be held accountable, there needs to be changes in the way certain students are tested, and schools and governments need to look at student growth as opposed to simply looking at year to year statistics.

Principal McCladdie believes that accountability systems are having a negative effect on students in Special Education because they are tested at inappropriate levels:

They are tested on a level different from the level they are instructed so they are found to be basic and below... There are blue ribbon schools that were getting awards and things and now aren't because they aren't reaching that subgroup. I don't have a subgroup so it doesn't affect this school.¹³³

When students perform poorly on standardized tests it can have negative consequences on their learning and academic interests. Therefore, when schools are supposedly held accountable to their Special Education students and are forced to test them at grade level, the students suffer. In this sense, accountability systems have failed these students and continue to put pressure on schools to test students at inappropriate levels. In addition, schools that have enough Special Education students to create a subgroup often fail to

¹³² Ibid.

¹³³ Interview with Kathleen McCladdie. Principal of Overbrook Elementary School. February 8, 2008.

reach AYP goals because of this group. High performing schools that generally meet AYP goals but do not make AYP for Special Education students should not be in the same category as schools failing all around. Standardized tests can show these schools that they need to improve their Special Education scores, but these schools should not be threatened by consequences. When schools are threatened, they are more likely to omit Special Education scores or pressure low performing students to drop out, leaving the school completely unaccountable to these students.¹³⁴

In addition, lack of NCLB funding can interfere with schools being accountable to their Special Education students. When asked what the school was lacking, McCladdie replied, “I find it really amazing that we have one Special Ed teacher to service all of the children from k-5.”¹³⁵ Although Overbrook is expected to test its Special Education students and improve their scores, NCLB has provided no extra funding for the school to comply with these goals. The school has one Special Education teacher to meet with all the students with IEPs; this is in contrast to the other three schools, which each have at least three Special Education instructors to work with the students with learning needs. If NCLB and its accountability systems are to function properly, schools need adequate funding to support all of the children’s needs. In this sense, not only have accountability systems failed the Special Education students, the entire implementation of the law has done so. Not all schools are pressured to omit scores or find loopholes in the law, but many schools continue to struggle to be accountable to all of their students.

¹³⁴ Dillon, S. (2008, March 20). States’ Inflated Data Obscure Epidemic of School Dropouts. *The New York Times*, A1, A23.

¹³⁵ Interview with Kathleen McCladdie. Principal of Overbrook Elementary School. February 8, 2008.

5.4.3 Lower Merion High School and Radnor High School

When asked about accountability systems, the teachers at Lower Merion and Radnor brought up issues regarding highly qualified teachers, limits to improvement, and the backwards incentives of NCLB. Under NCLB the national government attempts to hold schools accountable to their students by forcing all teachers to become highly qualified. Teachers can no longer teach content area courses without the highly qualified designation, and therefore many teachers have had to take tests and go back to school.

This form of accountability has affected Special Education instructors as well:

The issue many people have, for example, right now we have a class in consumer math (balancing a check book, telling time) and yet this teacher is supposed to be qualified as a high school math teacher. Well that's really seriously questionable, its basic math. What has happened, because of the requirements of NCLB, classes are now being required to match up or meet with state standards. Well there is no such thing as a state standard for consumer math. There's no standard for a high school student reading on a third grade level because they have a 75 IQ. So what's happening is testing is driving the curriculum instead of student needs driving the curriculum.¹³⁶

This attempt at an accountability system has hurt both the Special Education students and teachers. Teachers are forced to have higher levels of certification even though they are teaching students who perform at low levels. This discourages Special Education teachers from entering the high school realm or it encourages those teachers currently teaching to find a new position. In addition, students with mental retardation or low IQs who depend on life skills classes, such as consumer math, are no longer allowed to take these classes because they do not meet state standards. Although life skills classes do not meet state standards, they are absolutely necessary for some low-achieving students who plan to live on their own later in life. Therefore, by taking these classes away, the Special

¹³⁶ Interview with Christina Minecci. Lower Merion High School. February 19, 2008.

Education students are forced to take classes that are too hard for them and that do not prepare them for their futures. In both of these ways, this highly qualified designation is a failed accountability system. The issues of highly qualified teachers and state standards have been discussed in a roundtable meeting in Congress. Many teachers and parents voiced concerns with these systems, and the federal Congress and Department of education has offered to take these points into consideration when NCLB is reauthorized.¹³⁷

Minecci also discussed improvement limits for students in Special Education on NCLB testing. Although these students are able to make AYP improvements in the early years, they will reach a point when they can no longer cognitively improve. When this occurs, they will see consequences of NCLB:

Right now the thing about NCLB is, if you get a 50 on a test it's really easy to make a 20% gain. And then the next year another 20% gain. You reach a point where that simply is not realistic anymore. So very shortly those specific AYP requirements are going to bump up against the ceiling that I don't believe is going to be matched, particularly by the lower income and lower IQ special education students.¹³⁸

Thus far, students have made reasonable gains each year and the school, the teachers, and the students have not felt consequences from poor performance. However, when the students do reach that ceiling of improvement, the school will stop making AYP for this subgroup of students. A school that performs as highly as Lower Merion and has shown improvements for its Special Education students should not receive the same consequences as other schools who truly fail to meet AYP requirements. If the school was forced to make changes because students were no longer improving, the changes

¹³⁷ Committee On Health, Education, Labor, and Pensions. (2005). "Roundtable Discussion: Meeting the Highly Qualified Teacher Criteria for Special Education." Washington: U.S. Government Printing Office.

¹³⁸ Interview with Christina Minecci. Lower Merion High School. February 19, 2008.

could negatively affect the students rather than positively affect them. Again, as pointed out in other schools, this pressure on high performing schools encourages the school to omit low scores or urge Special Education students to drop out. Clearly that would prove that these accountability systems have worked in the opposite way than intended.

Sandy Schoenholtz of Radnor High School described the NCLB accountability systems as backwards, therefore implying that they have not helped Special Education students or other students in struggling schools:

It's like a backward system. If you don't make AYP then you don't get the incentives that schools that make AYP get. So you're even more in the hole in terms of resources and it's just a backwards system. You're rewarding the people who already have the resources, and you're punishing the people who don't have the resources and have to work with the most needy population of kids. So I remember one year in the beginning before we had a data team we made our AYP and we got some \$50,000, and I'm thinking, wait a minute this money should be going to Philadelphia or Chester... why are we getting it because we have top students. We are rewarding the people who don't really need it.¹³⁹

States have flexibility in determining awards for schools that achieve AYP goals. In many states, schools receive financial benefits, while schools that fail to meet AYP have funding reduced.¹⁴⁰ This system is intended to encourage schools to improve so they can receive more funding and incentives. However, if a school fails to make AYP and loses funding, it cannot improve. Furthermore, the school must fail to meet AYP for three years before it receives funding for tutoring programs.¹⁴¹ The system does not offer a way to help struggling schools in the early years of failure. When these struggling schools lose funding, they can no longer help their students that need the most services.

¹³⁹ Interview with Sandy Schoenholtz. Radnor High School. February 12, 2008.

¹⁴⁰ U.S. Department of Education. (2004). "Charting the Course: States Decide Major Provisions Under *No Child Left Behind*." Ed.gov.

¹⁴¹ McGuinn, P.J. (2006). *No Child Left Behind and the Transformation of Federal Education Policy, 1965-2005*. Lawrence, Kansas: University Press of Kansas. 180.

When generalized goals and numbers are used, as opposed to looking at individual schools and students, there will be obvious differences between scores based on resources and funding of the districts. Schools cannot make immediate improvements without resources and money; however, NCLB takes this away from the schools that must make the most immediate improvements. Again, the accountability systems have negative effects on schools and students, and the backwards incentive program only hurts the schools that need the most help.

5.5 Conclusion to Research

The Philadelphia school district is unique in terms of NCLB; in 2002 the state took over 45 “failing schools” and the district is now a test of this aspect of the law.¹⁴² Many of these schools were taken over by a company called Edison Schools Inc.; however, other businesses, nonprofits, and universities have also had a hand in reforming the Philadelphia public schools. This state takeover was intended to add a market, or competitive, aspect to education and school choice. Thus far, the reforms and businesses have not had a positive effect on school scores, and studies show no statistical differences in scores before and after the takeover.¹⁴³ Neither Lower Merion nor Radnor are within city limits, and therefore neither was included in the state take over project. In addition, although ICS and Overbrook are both city schools, neither was performing poorly enough to be taken over by any sort of company or partner. Furthermore, all four of these schools have made AYP in the last few years, which shows that state takeover and school competition is not essential for schools to perform well on NCLB tests. Nonetheless, each of these schools has room for improvements in various subgroups, and although this

¹⁴² Socolar, P. (2008, March 27). Panel on “High-stakes Testing and the Failing Schools.” Haverford College.

¹⁴³ Ibid.

does not require state takeovers, it does require the schools to focus on these struggling groups of students.

This research shows that it is not high-stakes testing or state takeover that holds schools accountable to their students and ensures high academic achievement among all groups. Rather, schools need adequate funding and students need individualized education and assessments. If NCLB is to continue past the 2008 presidential elections, there must be extreme reformation to ensure that Special Education students, as well as all students in schools across the country, are accounted for and not left behind.

5.5.1 Policy Implications

1. *Require all states to test students at the level in which they receive instruction.* When students are tested at their grade level as opposed to their level of instruction they fail to meet AYP and make improvements. This leads to frustration and lower academic performance. Testing at the level of instruction is a better indication of how well the student is learning, and therefore, a better indication of how well the school is meeting the needs of its students. Schools will be less inclined to omit Special Education scores because these scores will drastically improve. This change will allow schools and states to recognize progress of the students. Teachers, principals, and appropriate assessments, not state standardized tests, should determine when a student is ready to receive a higher level of instruction.

2. *Create a growth model to assess students from year to year.* NCLB currently isolates the scores of students by grade level. Rather than focusing on the improvement of students from year to year, states currently focus on how students perform in one given year. Assessing the growth of students will benefit all students, including those in

Special Education, and will also help schools chart the overall growth of their students. Under this type of assessment, Special Education students can show improvement and growth throughout their schooling years even if they are not performing at grade level. This growth model should be considered in overall AYP statistics.

3. Lower the N-size to no greater than 20 for all subgroups. As of now, groups of Special Education students at many schools are often not large enough to have an impact on overall scores or to have their scores disaggregated. When this is the case, schools are not held accountable to these students because they do not affect AYP standings. Therefore, the N-size for disaggregated groups should be no larger than 20 students so more schools are forced to look at these subgroups. Subgroup scores are considered in AYP assessments, and therefore schools will have to be accountable to more subgroups of students.

4. Remove the mandatory highly qualified designation from Special Education instructors. The highly qualified designation requirement discourages some teachers from teaching Special Education (especially at the high school level) and it forces many others to take tests or go back to school. If high school Special Education teachers are teaching content at elementary or middle school levels, they should not be required to be highly qualified at the high school level. In addition, the highly qualified designation should be reconsidered for all teachers at all levels to ensure that schools are not losing beneficial and qualified teachers due to these requirements. States should also reconsider requirements for certification, such as the need to be a permanent resident. Lessening the requirements of teachers will encourage more people to take a career in public education.

5. Encourage states to create alternative assessments that all students have access to.

Under current designations of NCLB, it is difficult for students to qualify for alternative assessments; only the lowest performing students with very low IQs qualify to take these tests. In addition, the current alternative assessments are difficult and time consuming. New alternative assessments, such as a student's portfolio of work, should be designed to assess all students who benefit from a different type of standard. These alternative assessments should also be assessed according to the level of instruction, and growth of a student should be considered. Alternative assessments will primarily benefit students with disabilities who struggle with standardized tests.

6. Allow teachers, principals, and parents to determine the appropriate amount of inclusion each individual student receives. Under NCLB, schools are instructed to fully include Special Education students in mainstream classrooms. Although this is appropriate for some students with minor learning needs, it hurts students who depend on a mentor relationship or small group environment. In addition, many general education teachers are not qualified to provide the services that Special Education students require. Therefore, teachers and principals at individual schools should determine the appropriate amount of time students spend in general education. Furthermore, teachers and principals should determine which students should be included in test preparation and high-stakes testing and which should opt for an alternative assessment.

7. Increase funding for No Child Left Behind. The funding for NCLB is completely inadequate. Low performing schools are unable to make improvements, urban schools have very few resources for Special Education students, teacher training lacks funding, and schools are forced to take money from other places to try to meet the requirements of

NCLB. Essentially, NCLB funding does not exist. For this law to improve in the future, and to make the above implications possible, the national government must fund this law.

8. *Do not punish high performing schools that hit an improvement ceiling.* States must distinguish between constantly low performing schools that fail to meet AYP and consistently high performing schools that are now struggling to make improvements because they have improved as much as possible. It is unreasonable to believe that all students will be advanced or proficient by 2014, especially considering students with disabilities. In the same regard, schools cannot be expected to have all their students proficient or advanced at this point. Threatening these high performing schools with consequences encourages them to omit their low scores and lose accountability to students with disabilities. These schools can continue to test their students and should be expected to make improvements in subgroups; however, the NCLB accountability systems should not threaten these schools.

9. *Require all states to disaggregate graduation rates and set goals to improve these rates.* NCLB tests students multiple times a year at every grade level; however, it does not take graduation into consideration. Graduation should be the final assessment of NCLB. Because graduation rates are not included in AYP goals, schools encourage low performing students to drop out in hopes of improving the overall school scores. This is extremely detrimental to Special Education students. If states have to include graduation rates in NCLB standards, they will be held accountable to students until the very end.

Each of the above policy implications modifies the current NCLB law. They assume that this law will remain in place, and that the federal government will not completely remove the law from education policy. If the law is to continue, these

implications must be addressed. However, the federal government should also consider revamping the framework of the law or ending it completely. Scholars show that NCLB has hurt not only Special Education students, but all public school students. Therefore, the federal government should discuss the effects high-stakes testing has on children and consider placing education policy and decision making back into the hands of state and local governments. Reducing pressure caused by tests, creating new and alternative assessments, funding education, and allowing schools and teachers to determine instruction would best address the needs of each student.

6. Conclusion

The data that I gathered in this study and the conclusions that I reached relate to much of what was discussed in the literature review; however, there are also important distinctions to be made. To begin, the positive authors, including McLaughlin, Thurlow, Nagle, Yunker, and Malmgren believed that NCLB would improve Special Education by ensuring that these students are included in testing and in general education classes.¹⁴⁴ While these authors were correct in predicting that NCLB would improve inclusion, they were incorrect in their assumption that it would improve accountability. Although these students' scores are part of overall school scores, the percentage of these students is often too small to affect the school scores. In addition, NCLB calls for inclusion of all students despite the fact that this is not appropriate for all students. Some students' needs go beyond that of general education and including them in general education can hurt these

¹⁴⁴ McLaughlin, M.J. and Thurlow, M. (2003). Educational Accountability and Students with Disabilities: Issues and Challenges. *Educational Policy*, 17(4). Nagle, K., Yunker, C., and Malmgren, K.W. (2006). Students With Disabilities and Accountability Reform: Challenges Identified at the State and Local Levels. *Journal of Disability Policy Studies*, 17(1).

students as well as the mainstream students. Therefore, it cannot be assumed that inclusion is equal to accountability.

Another set of positive scholars, Thurlow, Lazarus, et al, claimed that there was a trend toward a better understanding of the needs of Special Education students.¹⁴⁵ While these needs may be better understood, they are not addressed under NCLB. This law calls for uniformity and generalization of students. Therefore, if students have individual needs and individualized education plans, NCLB disturbs these needs. Finally, based on reports from general education teachers, Cassandra Cole claimed that including students in general education improves their social skills in behaviors.¹⁴⁶ However, the interview responses showed that testing and inclusion cause frustration and poor behavior. Special Education students know that they will fail the tasks at hand, and will change their behavior to be removed from the testing environment. Overall, despite hopes for Special Education students under NCLB, the law has generally had more negative effects on these students than scholars had anticipated.

While the negative scholars were more correct in saying that NCLB hurts students in Special Education, their reasons differ from some of the reasons found in this study. Hanushek found that schools exclude Special Education scores and are, therefore, unresponsive to accountability systems.¹⁴⁷ In contrast, none of the schools I studied excluded these scores; however, some of these schools' scores were not affected by Special Education scores. When this is the case, schools still do not have to be

¹⁴⁵ Thurlow, M.L., Lazarus, S.S., Thompson, S.J., and Morse, A.B. (2005). State Policies on Assessment Participation and Accommodations for Students with Disabilities. *The Journal of Special Education*, 38(4).

¹⁴⁶ Cole, C. (2006). Closing the Achievement Gap Series: Part III What is the Impact of NCLB on the Inclusion of Students with Disabilities? *Center for Evaluation and Education Policy*. 4(11). 3.

¹⁴⁷ Hanushek, E.A. and Raymond, M.E. (2005). Does School Accountability Lead to Improved Student Performance? *Journal of Policy Analysis and Management*, 24(2).

accountable. Shriberg, Shriberg, and Cole also found that the pressure of standardized tests could lead to higher dropout rates among low performing students.¹⁴⁸ This is not only the case in failing schools, but in high performing schools as well. As schools feel pressure to make greater improvements, they begin encouraging their low performing students to dropout to improve overall scores. Negative authors found many reasons to criticize NCLB in terms of Special Education. While these reasons are valuable, they do not all address the issues of implementation in schools; these negative aspects of the law are felt at the theoretical and political level. There are addition problems with testing, behavior, frustration, and pressure that can only be fully understood when in the schools working with students in Special Education. Therefore, this study sheds light on additional negative impacts the law has on Special Education students.

While this research is somewhat conclusive on the impacts of Special Education at the four schools used as case studies, there are limitations to my case studies and to the research. First, this study only looked at schools in Pennsylvania and in the Philadelphia region. States have flexibility in creating standardized tests, assessments, and AYP goals. It would be interesting to see if the results of this study apply to other states or even other cities within Pennsylvania that might implement the law differently. This research would suggest whether or not there is a common opinion toward NCLB and its effects on Special Education. Furthermore, different types of schools that were not included in this study should be investigated. This would include suburban elementary schools, urban high schools, magnet schools, and other charter schools. These additions would allow for more comparisons among different types of schools and different grade levels. In

¹⁴⁸ Shriberg, D. and Shriberg, A.B. (2006). High-Stakes Testing and Dropout Rates. *Dissent*, 53(4), 76-80. Cole, 4-5.

addition, at all of the schools a greater number of older teachers who have taught pre- and post-NCLB should be interviewed. Observations of students in Special Education at Overbrook, Lower Merion, and Radnor would also provide further conclusions.

In November 2008, Americans will vote for a new President and a new administration. Some of the candidates, such as Senators John McCain and Barack Obama, call for a continuation of NCLB. However, Obama calls for a reformation of the law, which would include more funding, better assessments, and new accountability systems that would help struggling schools. In contrast, Senator Hillary Clinton would end NCLB, and she instead promises to fund IDEA, recruit qualified teachers, and reduce the dropout rates in urban schools. Therefore, depending on who is elected President, the future of NCLB could drastically change. Further research on the effectiveness of this law and how it relates to Special Education should take place in the years following the 2008 presidential election. Although there is a great deal of criticism of the law now, opinions might change as the country approaches the 2014 goal. Implementation of the law might become more effective, and students in all subgroups could improve their scores. For these reasons, scholars should continue researching NCLB in general; however, the focus on Special Education should not be forgotten.

No Child Left Behind was a landmark piece of education legislation. It set high standards for all states and students, and nobody could disagree with the ideals of the law. Unfortunately, the law has been poorly funded and implemented, and it has failed many groups of students throughout the country. If the law is to continue, there must be many changes made to address the needs of all students as individuals. If these changes do not occur, Special Education students will be continuously left behind.

7. Appendix

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