INEQUITABLE MEASURES...THE IMPACT OF NCLB ON CALIFORNIA
SCHOOLS MAKING ADEQUATE YEARLY PROGRESS

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MAKING ADEQUATE YEARLY PROGRESS

A Dissertation

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Date
DEDICATION

This dissertation is dedicated to:

My wife Carmen Rene Williams-Walker and daughter Maya Denise Walker

for without their sacrifice and support this work could not have been accomplished.

We did it Bey!

Finally my mother Shirley Elizabeth Thompson, and stepfather Jerome Andre Thompson

who taught me how to read, and in loving memory of my grandmother Shirley Mae

Fergins.
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Abstract

of

INEQUITABLE MEASURES…THE IMPACT OF NCLB ON CALIFORNIA SCHOOLS MAKING ADEQUATE YEARLY PROGRESS

by

Marrio DeJonne’ Walker

Students in California Public Schools are increasingly failing to meet or exceed state proficiency standards found in the No Child Left Behind Accountability Act of 2002. Although there has been growth in every significant subgroup of proficiency in ELA and Mathematics in the state of California to include Students with Disabilities, Socially Economically Disadvantaged and English Language Learners subgroups, increasingly all student subgroups are failing to keep up with the pace needed reach proficiency targets each year.

Three consecutive years of statewide descriptive data on NCLB AYP performance targets was collected from the California Department of Education on school years 2007, 2008 and 2009 of some 3,700,000 students and 6000 schools. The findings were although proficiency rates of ELA and Mathematics have grown every year since 2007 for each subgroup on an average of two to four percent, state and federal AYP targets are growing an average of eleven percent each year, making it impossible for subgroups to make targets causing more and more schools to fall into Program Improvement Status and be labeled consistently low performing.

AYP targets as they currently exist are unrealistic. Therefore it is recommended that California education legislation be amended to use more equitable measures of performance that include, but are not limited to: proficiency targets based on the trend of growth for each subgroup. That legislation is research led, and that K-12 performance tests be connected to college and career readiness outcomes rather than what currently exists, which is proficiency for proficiency stake.
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Chapter 1
INTRODUCTION

Background

The No Child Left Behind Act of 2002 also known as NCLB, is without question, the most significant piece of social education legislation passed by Congress and signed into law probably since the Education of All Handicapped Children’s Act of 1975 or the Individuals with Disabilities Education Act IDEA of 1990. Because it seeks to ensure that all students are afforded the promise of a K-12 education no matter race, disability, or socio-economic condition through output measures of performance, choice, and standards based accountability. Because of NCLB’s social impact and transformational capacity, the legislation must be viewed as a watershed moment for K-12 public education much like Civil Rights legislation of the 1960s and 1970s was for minority US citizens. Simply put it was a game changer. However politically bold or some would argue foolhardy it is to say that "All Students Will Be Proficient In Reading and Math by 2014," there is a need to examine the impacts of NCLB policy on schools and districts throughout this country, to answer the question is the legislation researched based.

Federal policy supporting the development of standards has strongly influenced educational reform for students with disabilities. Prior to the passage of the 1997 amendments to Individuals with Disabilities Education Act of 2004 or IDEA, federal policy was primarily concerned with ensuring access to a free and appropriate public education (FAPE). In clarifying the definition of FAPE, the courts required schools to
make available individualized, specially designed instruction and related services resulting in some educational benefit (National Center for Education Statistics [NCES], 2007). Eventually, the educational benefit standard was expanded to ensure meaningful progress that could be measured for each student. However when the No Child Left Behind Act was signed into law in January 2002, there was a sense of optimism that the legislation would finally lead to the closing of the education achievement gap for various groups of students. For students with disabilities, the assumption was made that they would benefit by being held to higher expectations and exposed to more rigorous curricula. NCLB has, indeed, had a significant impact on the education system and students in schools, and it has been most successful, perhaps, in bringing to light various practices and behaviors that were preventing many students from achieving at high standards. However, there is evidence that the full promise of NCLB has not yet been achieved.

Statement of the Problem

The promise that all children will achieve higher levels of academic performance is the foundation of the current educational reform movement. Standards-based reform began with financial assistance to the states for the development of content and performance standards, improved teacher quality, and increased school accountability. The reform movement has evolved to federal corrective action under the No Child Left Behind Accountability Act (2002) and the Individuals With Disabilities Education Act of 2004 for schools and states that fail to make adequate yearly progress (AYP). The
problem however is that too many students with disabilities and increasingly other student subgroups are not making AYP. Students in California Public Schools are increasingly failing to meet or exceed state proficiency standards found in the No Child Left Behind Accountability Act of 2002. In summary AYP target rates as they currently exist are unrealistic and the pace is unattainable therefore it is recommended that California education legislation be amended in realignment with proficiency targets based on the trend of growth for each subgroup and researched based instructional strategies be included as one of the 46 criteria used in measuring Adequate Yearly Progress.

Many Schools and Districts throughout the country are finding it difficult keeping up with benchmarks mandated by the No Child Left Behind Act of 2002. Schools and Districts receiving Title I federal funds must demonstrate paced growth set by the state based on the proficiency of its students in ELA/Reading and Mathematics. This dissertation in essence is a policy analysis that examines: (a) How has student achievement status changed since the reauthorization of NCLB 2002, IDEA 2004, and the California Public School Accountability Act of 1999? (b) Accountability and school improvement: What does the research say is best practice? (c) Is it possible for future legislation to reflect researched based instructional strategies rather than just solely on end of year cumulative student performance test, and finally (d) using the theoretical frame work of the Logic Model are performance outcomes of proficiency in reading and math the right focus.

No Child Left Behind (NCLB) influences all students in general education programs and students with disabilities who participate in special education programs for
some part of their instruction. The accountability provisions included within NCLB may have the greatest impact on schools (Yell, Katsiyannas & Shiner, 2006). Many disabled students spend most of their time in regular education classrooms. Congress made certain that schools would be held accountable for the educational performance of disabled students by including these students in the accountability system of NCLB. High-stakes student assessments, which are attached to quality education standards, have been adopted by numerous states as valid accountability measures (Dufour, 2002). Nearly all students with disabilities are to be held to the standards for the grade in which the students are enrolled. These students must also be included in statewide-standardized assessments with the scores of the disabled students reported not only as a subgroup, but also as a part of the student group as a whole. Because the disabled student subgroups are the ones most likely to not to make AYP targets, schools and school districts must pay attention to the needs and progress of students with disabilities in order to meet these targets as mandated by NCLB (Buchanan, 2004). According to Allbritten, Mainzer and Ziegler (2004), “NCLB virtually guarantees that the presence of special education students in a school will contribute to the school’s failure to make AYP” (p. 157). If the students with disabilities in a school are not able to meet the proficiency level of students in their same grade, NCLB penalizes the school and the school district with failure ratings.

Because students included in the disabled subgroup frequently function below grade level, these students are most often not able to meet the proficiency level of students in their same grade. In order for the district and individual schools to meet AYP
goals the subgroup of disabled students must meet AYP. It is not known if the ability to meet AYP for high schools throughout the State of California is affected by the presence of the disabled students’ subgroup within these schools. The problem then becomes, is the nature of standardized tests misused to unfairly judge the quality of schools?

Theoretical Framework

The University of Wisconsin has developed a curriculum for program and policy implementation they call the Logic Model. A logic model is a depiction of a program or policy showing what the program will do and what it is to accomplish. A series of “if-then” relationships that, if implemented as intended, lead to the desired outcomes, which is central to the core of program planning and evaluation. Therefore this policy analysis will apply the Logic Model to NCLB and the California Public Schools Accountability Act of 1999 in the areas of Adequate Yearly Progress and Annual Performance Index both are covered extensively in Chapter 2 of this dissertation. A depiction of the Logic Model is available for review in the Appendices section and is Appendix B of this dissertation.

Finally, the conceptual framework of this research is rooted in a deep concern for ethics and social justice. Seldom do those engaged in crafting, implementing, and evaluating policy consciously examine and reflect on the ethical issues raised in their work. In Chapter 5, recommendations for change to No Child Left Behind include adding the ethical and social frames of Fusarelli, Cooper, and Randall’s work on the four dimensions of policy theory which include: Normative Dimension – Values and goals.
Structural Dimension – Government structures, systems and processes. Constituentive Dimension – elites and masses ethnic subgroups, and finally the Technical Dimension – practices: steps and stages, planning, implementation and evaluation of education policy. In order to craft better policies for better schools, there must be a systemic effort to center education policies around concerns for equity and social justice. As the above framework suggests, these values should be at the heart of education policy.

Nature of the Study

The objective of this policy analysis is to determine if current NCLB AYP proficiency measurements are set too high for Students with Disabilities and other significant subgroups in California Public Schools. Quantitative research methods will be applied and used to test this hypothesis. Units of data will be gathered from the California Department of Education (CDE) on set of variables namely, all districts and public schools throughout the state of California. The purpose is to determine if State and Federal legislation meets the policy and program components of the Logic Model. Again the tenants of the Logic Model seek to ensure that proper inputs are in place to achieve relevant outcomes of performance measures. A deeper explanation is provided in Chapters 3 and 5 on the type of quantitative research design used, how the research was designed, advantages and disadvantages of the experimental designed used and finally, Chapter 3 outlines instrumentation/materials used, and measures taken to protect the rights of students.
Purpose of the Study

The purpose of this study was to determine if student subgroups are growing at the rate of proficiency mandated by the No Child Left Behind Act and to demonstrate the likelihood of schools to exit Program Improvement (PI) once identified. Chapter 2 presents descriptions of federal and California education accountability legislation, and research on the best ways to improve academic performance and transformational change. The purpose was to amend and transform currently legislative language to include researched based practices, and eliminate current state Annual Measurable Objectives of eleven percent to more realistic annual targets for significant subgroups for Students with Disabilities, English Learners, SES, and others. Currently, education legislation uses a “one size fits all approach,” the same measure for all manifested fails to provide social justice of the individual subgroups and hence produces inequitable measures. This must change.

Research Questions

1. Are student proficiency rates of English Language Arts or ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace?

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends?
3. What is the likelihood of schools that do not make AYP to go into Program Improvement and what is the likelihood of schools once in PI to come out?

Operational Definitions

Accountability: The process by which schools and districts are responsive for student outcomes by requiring review, evaluations, and improvement in student achievement. The No Child Left Behind (NCLB) Act ties accountability to rewards and sanctions based upon student performance in regards to standardized tests.

Adjustment for Students with Disabilities (AJ): If a school or LEA does not make AYP in 2005 solely due to its students with disabilities subgroup not making AMO’s, 20 percentage points were added to the school’s or LEA’s percent proficient for this subgroup.

Adequate Yearly Progress (AYP): Defined by NCLB, it is an individual state’s measure of yearly progress toward achieving established state academic standards. AYP is the minimum level of improvement that schools, school districts, and states must achieve each year in order to be considered successful.

County Average (CA): For schools with no results on tests used in AYP calculations or no graduation rate (if applicable), calculations were based on the school district averages. If no school district values are available, countywide averages are used.

Passed using Confidence Intervals (CI): Small schools and LEA's with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores. These schools and LEA's met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEA’s with fewer than eleven valid scores
have adjusted API criteria to account for the very small number of test scores. These schools and LEA’s met the adjusted API criteria using confidence interval methodology.

**CAPA and CAHSEE Only:** Schools with *CAPA* and *CAHSEE* but no *CST* results have participation rates, percent proficient, and APIs based only on *CAPA* and *CAHSEE*.

**Consequential Validity:** Attention of the value implications of test scores as a basis of our actions and the political and social consequences of using the scores. Consequential validity recognizes the moral values that are unable to be separated from science.

**Criterion Referenced Tests:** Tests that allow users to make score interpretations in relation to a functional performance level. This type of interpretation is distinguished from those made in relation to the performance of others. Criterion-referenced interpretation examples include comparison to cut scores, interpretations based upon expectancy tables, and interpretations of domain-referenced scores.

**CAPA (CP):** Schools with only *CAPA* results have participation rates, percent proficient, and APIs based only on *CAPA*.

**Descriptive Statistics:** Used to describe the main features of a collection of data in quantitative terms. Descriptive statistics are distinguished from inferential or inductive, in that descriptive statistics aim to quantitatively summarize a data set, rather than being used to support inferential statements about the population that the data are thought to represent. Even when a data analysis draws its main conclusions using inductive statistical analysis, descriptive statistics are generally presented along with more formal analyses. For example, in a paper reporting on a study involving human subjects, there
typically appears a table giving the overall sample size, sample sizes in important subgroups (e.g. for each treatment or exposure group), and demographic or clinical characteristics such as average age, the proportion of subjects with each gender, and the proportion of subjects with related co-morbidities.

Disabilities: Impairments of a mental or physical nature that substantially limit an individual in one or more major life activities.

Disaggregated Data: Test results sorted into groups of students by gender, racial and ethnic minority groups, socio-economic, disability status, or limited English proficiency.

Equitable Measures: Education policy outcomes that perform a distributive function, the ensure that (1) the outcome process preserve the dignity and respect of people, (2) policy outcomes must are connected to both intrinsic and extrinsic value of individual subgroups, (3) policy outcomes process must ensure the equal consideration of interest.

Ethnic Subgroups: For the purpose of this research the eleven ethnic subgroups are defined the way the state of California defines subgroups. It is important to note that subgroups of: SES – Socially Economically Disadvantage, ELL – English Language Learners, and SWD – Student’s with Disabilities are composites of all ethnic subgroups and are reflected in “traditional ethnic subgroups,” i.e., African American, American Indian, Asian, Filipino, Hispanic-Latino, and White. Again California definition of subgroups is applied to this study.
District Average (DA): For schools with no results on tests used in AYP calculations or no graduation rate (if applicable), calculations were based on the school district averages. If no school district values are available, countywide averages are used.

Enrollment less than 50 (EA): Schools or LEA’s with less than 50 students enrolled do not have participation rate criteria, and "Yes" is shown for school-wide or LEA-wide in the "Met 2005 AYP Criteria" column on the report.

Enrollment 50 to 99 (ER): Small schools and LEA’s with 50 to 99 enrollments have slightly adjusted participation rate criteria to account for the small numbers. Schools or LEA’s with 50 students enrolled met participation rate criteria by having at least 47 students tested. Schools or LEA’s with between 51 and 99 students enrolled met participation rate criteria by having a school-wide or LEA-wide participation rate of at least 95 percent, but the rate is rounded up to the nearest whole number (unlike the standard criteria in which standard rounding is applied to the rate).

Grade 11 Only (G1): High schools without grade ten CAHSEE results and no grade nine CST results but with grade eleven CST results that include at least 95 percent tested on CST Math have participation rates, percent proficient, and APIs based on grade eleven CST results.

Grade 9 Only (G9): High schools without grade ten CAHSEE results but with grade nine CST results have participation rates, percent proficient, and APIs based on grade nine CST results.

High-Stakes Assessments: Any assessment for which the results have significant consequences for students, teachers, schools, and school districts. These stakes may
include promotion, retention, graduation, certification, and school/district rewards or sanctions.

**Individuals with Disabilities Education Act of 2004 (IDEA):** US federal law that governs how states and public agencies provide early intervention, special education, and related services to children with disabilities. It addresses the educational needs of children with disabilities from birth to age 21 in cases that involve 13 specified categories of disability. The IDEA is "spending clause" legislation, meaning that it only applies to those States and their local educational agencies that accept federal funding under the IDEA. While states declining such funding are not subject to the IDEA, all States have accepted funding under this statute and are subject to it. Under IDEA 2004:

- Special education and related services should be designed to meet the unique learning needs of eligible children with disabilities, preschool through age 21.
- Students with disabilities should be prepared for further education, employment and independent living.

**Individual Education Plan (IEP):** Each student who receives special education or related services must have an Individualized Education Plan (IEP). The purpose of the IEP is to create educational opportunities that improve the student’s academic performance. The IEP team, as defined by IDEA, is responsible for developing, reviewing, and revising the IEP for the student. The team is usually composed of a general education teacher, a special education teacher, a representative of the local education authority (LEA), the student, the student’s parent(s), someone who can
interpret the instructional implications of evaluation results, and anyone else the parents or school chooses to invite.

Inequitable Measures: Represents the same Annual Measurable Objectives being applied to all subgroups within the State of California. In addition, ELL, Students with Disabilities, and Socially Economically Disadvantaged being lumped together and not disaggregated by ethnicity and counted.

CAHSEE: Schools with CAHSEE but no STAR or CAPA results have participation rates, percent proficient, and APIs based only on CAHSEE.

Learning Disability (LD): A disorder in one or more basic psychological processes involved in understanding or using spoken or written language. The disability may manifest itself in a flawed ability to listen, think, speak, write, read, spell, or perform mathematical calculations.

Least Restrictive Environment (LRE): The environment in which opportunities for integration with non-disabled peers are maximized while also providing the disabled student with an appropriate education. A special class, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplemental aids and services cannot be achieved adequately.

Literacy Score (LS): This is based on the CST California Standards Test – STAR Reading, norm-referenced test.

Other (OT): In very rare cases, special calculations may have been required due to unique situations.
Manufacturing Line Indexes: Include researched based instructional strategies and industry standards that work that are cost effective and efficient.

No Child Left Behind (NCLB) Act: Signed into law by President George W. Bush on January 8, 2002, the law promotes standards-based education reform.

Norm-Referenced Test Interpretations: Score interpretations based upon a comparison of performance with others in specified reference populations.

Performance Standards: Specific examples and unequivocal definitions of what students have to know and demonstrate in order to be considered proficient in skills and knowledge outlined by the content standards.

Pair and Share (PS): California testing begins in grade two. For schools with only kindergarten and/or grade one, the scores for the schools to which these students matriculate were used. This is also referred to as “pairing and sharing”. For schools that do not supply pair and share data, the school district or county values are used (CA or DA).

California Public Schools Accountability Act 1999 (PSAA): An act passed in California in 1999 as the first step in developing a comprehensive system to hold students, schools, and districts accountable for improving student performance. The program now includes a Standardized Testing and Reporting (STAR) system, testing at the elementary levels, known as the California Achievement Test (CAT), and a high school exit exam (CAHSEE) both aligned with academic content standards, plus an Academic Performance Index (API) for measuring progress. These comprehensive accountability standards put California in a good position to meet the provisions of the
2001 federal law known as (NCLB) and are the components the state uses for measuring (AYP).

Race to the Top Abbreviated R2T or RTTT: A $4.35 billion incentive program designed by the United States Department of Education to spur progressive reforms in state and local district K-12 education. It is funded by the ED Recovery Act as part of the American Recovery and Reinvestment Act and was announced by President Barack Obama and Secretary of Education Arne Duncan on July 24th, 2009.

Passed by Safe Harbor (SH): The school, LEA, or subgroup met the criteria for Safe Harbor, which is an alternate method of meeting the AMO if a school, LEA, or subgroup shows progress in moving students from scoring at the below proficient level to the proficient level or above on STAR, CAHSEE, and/or CAPA.

Assumptions, Limitations, Scope and Delimitations

1. This policy analysis is delimited to districts that serve significant subgroup populations on schools making AYP in the state of California.

2. The study will be delimited to special education students not participating in alternative assessments and the general education students at the same grade levels.

3. This study will be delimited to students completing the 2007, 2008, and 2009 California Standardized Test (CST) and California High School Exit Examination (CAHSEE).

The following limitations were present in this study:
1. Data collected in one district or school may not reflect conditions in other districts or schools.

2. Ethnic Subgroups were defined by California which are not delineated to reflect variations that exists with the SES, ELL and SWD categories.

3. The No Child Left Behind Act (NCLB) has allowed each state to establish assessments and accountability systems. The assessments and accountability systems implemented by California systems are different than in other states.

4. The study is bound to quantitative nature of the study there is a limited ability to probe why proficiency rates or failure rates existing among student with disabilities and other subgroups on AYP.

5. This policy analysis is limited to “how many” and “how often” schools with significant subgroup populations of counties meet California’s AYP standards.

The following assumptions will be present in this study:

1. All special education students have been found eligible for services based on the criteria established by the California Department of Education.

2. Accommodations outlined in the Individual Education Plans (IEP) of students were followed explicitly during CST and CAHSEE administrations.

3. That students' put forth their best efforts as they participated in CST and CAHSEE administrations.
Significance of the Study

The results of this study illustrate the need for precise regulations and educational reform that extend beyond summative testing as barriers and examples of performance but rather educational legislation that includes language from sound research practice not only for special education students but all students and finally academic performance targets that are relative to individual subgroup growth. To move current legislation beyond the product of student outcomes on proficiency test in English Language Arts and Mathematics to more traditional measures of performance such as; attendance, dropout rates, facilities, and a “manufacturing line” indexes such as teacher knowledge gaps of instructional strategies, teacher motivational gaps based on weak incentives, and District and local LEA Organizational gaps of facilities and daily operations. All legislation should include researched based strategies that have been proven to work and are cost effective and efficient. Finally a new direction for counting the special needs population in the accountability process. Inclusion of special education students is essential and favorable; however, a just, adequate, and suitable system must be in place in order to access the growth of students with disabilities (National Center on Educational Outcomes, 2003).
Summary

The remainder of this study is divided as follows: Chapter 2, includes the reviewed relevant literature pertaining to the participation of students with disabilities in state accountability systems established as a result of No Child Left Behind. An in-depth review concentrated on the history of special education legislature, special education eligibility, the No Child Left Behind Act of 2001, and adequate yearly progress. Finally, Chapter 2 concludes with what the literature states on how accountability and school improvement should best be applied, and researched based literature on Instruction Strategies, Transformational Change, and Weak Incentives Theory. Chapter 3 describes the methodology and design of the quantitative research study. The descriptive non-experimental study will highlight the California Standardized Test (CST) and the California High School Exit Exam (CAHSEE), comparing scores of general education students and special education students. Proficiency rates of special education students are analyzed and students with disabilities were included and excluded from adequate yearly progress formula in an effort to determine if their inclusion impacted the ability of schools to meet adequate yearly progress. Chapter 4 covers data collection, data analysis, and results. Chapter 5 concludes the study with a summary, conclusions, and recommendations for further research and educational decisions regarding students with disabilities in school accountability.
Chapter 2
REVIEW OF THE RELATED LITERATURE

Introduction

Chapter 2 is divided into three parts or sections. Section 1 provides an analysis of literature pertinent to the impact of disabled students and all significant subgroups in the state accountability systems established on account of No Child Left Behind. A comprehensive review will focus on a historical view of legislation related to special education in public schools. In addition, a discussion regarding the determination of special education eligibility, the No Child Left Behind Act, and the process of measuring adequate yearly progress as an integral part of accountability measures will be incorporated within the literature review. Section 2 covers what research suggests, are best practices for closing the achievement gap through researched based instructional strategies (Marzano, Pickering & Pollock, 2001; Dufour, 2004; Reeves, 2002; Darling-Hammond, 2006). Finally, Section 3 provides research on ways to influence organizational change. First is Transformational Leadership, which is strategic and equitable leadership practices based on various theories, models, and approaches for achieving organizational transformation, especially in educational settings. Second, is Critical Policy Analysis and Action, which is to engage in critical analyses of policy at the local, state, national, and international level. Specific California and federal policy environment structures and processes will be examined, particularly those impacting education and how public policy is generated, potential consequences, ethical dilemmas,
social justice, and equity issues. This section is designed to be a direct link informed analysis of educational policy in order to positively influence educational policy in the K-12 and or community college settings. Finally, is Data Driven Decision-Making. This ability to make effective decisions is vital to the successful performance of visionary transformational leaders. Effective and strategic decision making needs to consider a multitude of constraints and obstacles, raw data, stakeholder perspectives, and potential consequences of decision choices.

A Historical Perspective: Education Accountability Legislation

Although improving education through increased accountability has been a dominant theme of recent education reform, accountability in education is hardly new. Education reform in the United States has a long tradition of achievement testing, use of behavioral objectives, and competency-based education. As a reform, accountability reflects the pressure in systemic reform simultaneously to loosen policies “mandating inputs while tightening state oversight of outputs (i.e., performance-based assessments)” (Cibulka & Derlin, 1995, p. 482). In the early half of the twentieth century, accountability was measured primarily as a function of inputs into the system. Traditional accountability measures have included class size, staff characteristics, expenditures, resources, and so on. Staff evaluations tended to reflect input-driven models as well: checklist were used to evaluate teacher lesson plans, how many times a teacher asked questions, and wrote on chalkboards (Cooper, 2004).
According to Jackson and Cibulka (1991), public demand for greater accountability in schools, “began to surface in the 1950s, during the Sputnik scare” (Cooper, 2004, p. 32). The movement continued to build throughout the 1960s and 1970s. During this period, education policymakers’ interest in theories of business and public administration, with their attendant emphasis on systems of planning, programming, budgeting, and management by objective, led state legislatures to enact accountability legislation – at least seventy-three such laws – between 1963 and 1974 (Rothmann, 1995). Most called for some type of assessment of educational performance (Rothmann, 1995). Accountability measures were also advocated as a result of increasing public anxiety over perceived declines in student achievement – clearly not just a recent phenomenon (Rothmann, 1995).

The movement toward greater accountability in education has been one of the hallmarks of the 1970s (Rich, 1978). In the early 1970s, the goal of accountability systems was “increased efficiency through better management and improved fiscal procedures” (Pipho, 1989, p. 662). In essence, more bang for the buck. As Mazzoni (1995) observed, “Accountability’ for education – and educators – had been the subject of extensive legislative and regulatory action throughout the 1970s” (p. 53). In the 1970s and early 1980s, minimum competency test were used as an accountability criterion. From years 1973 to 1983, the number of states with some form of minimum competency testing rose, from two to 34 (Crawford, 2001).

Pressure for greater accountability increased with the release in 1983 of A Nation at Risk (Ginsberg & Berry, 1998). Accountability has been the cornerstone of nearly
every major education reform of the last quarter century, including school-based management (decentralization), state takeovers (recentralization), and the drive for higher standards and high-stakes testing. Accountability rhetoric is usually couched in terms of the need to drive up standards (Ouston, 1998). There has been a shift, however, on measuring student performance and assigning responsibility for results (Pipho, 1998). One by-product of the renewed emphasis on accountability is a dramatic increase in testing (Hunter, 1999). Most states rely heavily on commercially available standardized test, although some states and districts have developed their own test (Linn, 2000). California is no exception.

Movements of past educational reform will be reviewed leading into the most current educational reform legislation, which is the No Child Left Behind Act. Adequate yearly progress, as it particularly relates to California, will be discussed. The chapter will conclude with an explanation of the accountability ratings given to public schools in the state of California. The No Child Left Behind Act (NCLB) was signed into law on January 8, 2002, reauthorizing the Elementary and Secondary Act of 1965, which was the establishment of the federal framework of how public education is provided throughout the country. NCLB is built upon that structure with the overall goal of having all students perform at proficient levels in the areas of reading and mathematics by the year 2014. NCLB also emphasizes closing the achievement gaps of specific groups of students. The targeted groups are those of different genders or minority groups; students that are limited in their proficiency of the English language; economically disadvantaged students; and disabled students (Schrag, 2003). All of the targeted student subgroups are
required to meet the same annual performance goals as all other students. “The provisions of NCLB that have caused the most controversy AND will most significantly affect schools and students with disabilities are the requirements related to accountability and ‘adequate yearly progress’ [AYP]” (National Education Association, 2004, p. 11).

Key Issues for Significant Subgroups

NCLB requires states to establish annual achievement objectives for disabled students. The adequate yearly progress provisions of NCLB necessitate the objectives to set annual performance targets for all students, with these targets also extending to students with disabilities. By the end of the 2013 – 2014 school year, all students are expected to be proficient in reading and mathematics. NCLB requires that ninety percent of all students with disabilities meet the same proficiency targets as those established for all other students. The goal is admirable; however, it is unrealistic to hold schools accountable for ninety percent of disabled students reaching proficiency according to grade level standards (National Conference of State Legislatures, 2005).

The Individuals with Disabilities Education Act (IDEA) assures all children with disabilities the right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE). The use of individualized education programs, or IEPs, was also reinforced with IDEA ’97. The IEP requires educators and parents to “determine how best to design an effective individual program of instruction for students with disabilities and to hold schools accountable for the student’s achievement” (National Conference of State Legislatures, 2005, p. 26).
In order to test the knowledge of students with disabilities aptly, the students were tested with regular grade level assessments, regular assessments with accommodations, alternate assessments based in grade-level standards, or alternate assessments based on alternate achievement standards. IDEA called the last type of assessment out-of-level standards and assessments. States were urged to include students with disabilities in the general education curriculum, IDEA acknowledged that doing this was unsuitable for some children who should be taught and tested according to their ability level rather than their grade level. By contrast, NCLB allows for only ten percent of the special education subgroup to be tested according to out-of-level standards. The remaining ninety percent of the subgroup must be testing according to grade level. “NCLB holds students with disabilities to unrealistic expectations and risks demoralizing and stigmatizing these students because special education subgroups have caused many schools to fail to meet AYP” (National Conference of State Legislatures, 2005, p. 27).

Special Education Legislation

Legislation at the federal level has helped develop the educational futures of disabled students in the United States. Democratic leaders in the nineteen sixties were at ease with active federal involvement in public education. Upon defeating Goldwater in the 1964 presidential election, Lyndon B. Johnson pushed an expansive social agenda. This agenda included the Elementary and Secondary Act of 1965, the first federal aid comprehensive package to education (Hess & McGuinn, 2002). The Elementary and Secondary Education Act or (ESEA), Public Law 89-10, passed in 1965 in order to
provide opportunities that were equal for all children and to reinforce and improve the educational quality of schools in the United States (Nagle, Yunker & Malgren, 2006).

The ESEA became the statutory basis for early special education legislation. Eight months after ESEA (PL 89-10) was authorized, the law was amended with The Elementary and Secondary Education Act Amendments of 1965, Public Law 89-313. This law authorized the first federal grants plan explicitly targeting students with disabilities. The Amendments sanctioned grants to state agencies in order to educate children with disabilities in schools and institutions that were operated or supported by the state (The National Information Center for Children and Youth with Disabilities, 1996).

The first federal grant program functioning at the local school level rather than state level was recognized with the acceptance of Public Law 89-750, the Elementary and Secondary Education Act Amendments of 1966. This section of the law became known also as Title VI. In addition, P.L. 89-750 created an agency in which all programs from the Office of Education would be managed for disabled children and youth. The agency was known as the Bureau of Education for the Handicapped, or BEH, and was authorized with assisting states to implement and monitor programs; provide for demonstration programs; assess federally funded programs and guide research; provide financial support for training special educators, regular education teachers, and other personnel or individuals working with disabled students; and support research and development as related to educational media (The National Information Center for Children and Youth with Disabilities, 1996). Finally, PL 89-750 sanctioned the National Advisory Council,
which is known today as the National Council on Disability (NCD), a fifteen-member panel appointed by the President and confirmed by the Senate. The general purpose of the agency is to “promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature or severity of the disability” (National Council on Disability [NCD], n. d.). The NCD also sought to allow disabled individuals to achieve economic independence, self-sufficient living, and inclusion within society.

The final special education legislation of the nineteen sixties at the federal level was Public Law 90-247, also known as the Elementary and Secondary Education Act Amendments of 1968. This law established a set of programs for the purpose of supplementing and supporting the improvement of services within special education. These programs would eventually be known as discretionary and included funding for regional resource centers, services and centers for children who were deaf and/or blind, the growth of instructional media programs, sustained special education research, and funding to establish a center to aid in the improved recruitment of educational personnel and to circulate information related to opportunities for education of disabled children (National Information Center for Children and Youth with Disabilities, 1996).

Until the 1970s, disabled children and youth were not willingly included within public education. Although legislation and programs existed for the purpose of targeting students with disabilities, these were not obligatory and nothing was in place to mandate equitable treatment for disabled children and youth in the realm of education (Faircloth, 2004). Two milestone cases occurred in the opening years of the decade, which served to
ascertain the rights of the disabled for a public education. Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania was brought on behalf of mentally retarded students in the state of Pennsylvania in 1971. The suit alleged that the Equal Protection Clause of the 14th Amendment to the US Constitution was violated due to the fact that mentally challenged students were not receiving a public education (Katsiyannis, Yell & Bradley, 2001). The second case was a class action lawsuit filed by the parents and guardians of children with a “range of disabilities including behavioral disturbances, hyperactivity, mental retardation, and physical impairments” (Faircloth, 2004, p. 34). The plaintiffs in Mills v. Board of Education (1972) claimed the District of Columbia failed to utilize proper due process when the disabled students were excluded from public education. These two court cases highlighted the need for special education legislation on a national level. Consequently, Congress became progressively more aware of the need to afford educational services to disabled students. Congress significantly amended existing laws in 1974 following the rulings in the PARC and Mills cases to include “the goal of full educational opportunity for students with disabilities” (Katsiyannis et al., 2001, p. 325).

The Education Amendments of 1974, also known as Public Law 93-380, was passed in 1974 establishing laws crucial to special education. The Amendments of 1974 detailed a number of changes to existing federal education programs established by the Elementary and Secondary Education Act (ESEA). One of the most imperative amendments was to Title VI of the ESEA, renamed as the Education of the Handicapped Act Amendments of 1974. The law required states to institute a “timetable toward
achieving full educational opportunity for all children with disabilities” (NICHCY, 1996, p.5). The Amendments provided routine safeguards to be used in the identification, evaluation, and placement of disabled children. Although Public Law 94-142 would replace Public Law 93-380, P.L. 93-380 was valuable for the attention brought on fully educating all children with disabilities through a major federal program to the states (NICHCY, 1996).

The Education of the Handicapped Act was amended in 1975 and became the Education for All Handicapped Children Act (EAHCA), also known as Public Law 94-142. The objective of the law was to protect the rights of individuals with disabilities. The requirement from the initial passage of this act was a free appropriate public education in the least restrictive environment for students with disabilities. Standards were established regarding effective programs and services for early intervention, special education, and related services. Prior to P.L. 94-142, numerous states had laws excluding certain students, including those who were blind, deaf, emotionally disturbed, or mentally retarded. Schools in the United States educated only one in five students with disabilities in 1970 (Office of Special Education and Rehabilitative Services, 1988).

The Education for All Handicapped Children Act has gone through numerous amendments since 1975 and is presently authorized as Public Law 105-17, the Individuals with Disabilities Education Act (IDEA). Congress passed the Education of the Handicapped Act Amendments of 1990, or Public Law 101-476, in 1990. The amendments presented noteworthy changes. The Education of the Handicapped Act was renamed the Individuals with Disabilities Education Act (IDEA). New discretionary
programs were created including programs for transition, improving services for emotionally disturbed children and youth, and a research and awareness program on attention deficit disorder. Transition services and assistive technology services were added as new definitions to IDEA for special education services that are required in the individualized education program (IEP) of a child or youth. Rehabilitative counseling and social work services were also presented as related services under the law. In addition, services and rights under IDEA were extended to more encompass children with autism and traumatic brain injury (NICHCY, 1996).

According to Turnbull and Turnbull (2000), the Individuals with Disabilities Education Act is guided by six principles, which make certain that disabled students receive free and appropriate education as guaranteed by law:

Table 1

Guiding Principles of IDEA

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description</th>
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<tbody>
<tr>
<td>Zero reject</td>
<td>No child with a disability may be denied the right to an education regardless of disability</td>
</tr>
<tr>
<td>Nondiscriminatory identification and evaluation</td>
<td>Students must be evaluated using multiple forms of assessment which do not present racial or cultural bias</td>
</tr>
<tr>
<td>Free and appropriate public education</td>
<td>Dependent on the development and condition of an individualized education program, or an IEP</td>
</tr>
<tr>
<td>Least restrictive environment</td>
<td>Distinguished by education with non-disabled peers in a general education setting to the maximum appropriate extent</td>
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Procedural due process  Assuring the right to be informed and to be heard prior to government action

Parental participation and shared decision-making  The parent(s) must be a part of the IEP team that makes the educational decision for the child.

Congress reauthorized the Individuals with Disabilities Education Act (IDEA) in 1997. The amended law “required that children with disabilities be included in general state and district-wide assessment programs, with appropriate accommodations and modifications provided as needed” (Faircloth, 2004, p. 34). Congress noted “research and experience has demonstrated that the education of children and youth with disabilities can be made more effective by having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible” (as cited in Leake & Stodden, 2002, p. 5).

Amendments resulting in the IDEA of 1997 also required measurable annual goals and benchmarks or objectives in the individualized education plan (IEP) of the student with a disability. The general education teacher is a mandatory part of the IEP team, with all states required to extend mediation in disputes between parents and the school district. Discipline procedures were also added to IDEA of 1997 in order to protect the rights of students with disabilities (Boyle & Weishaar, 2001).

The No Child Left Behind Act, a federal mandate significantly revising the Elementary and Secondary Education Act of 1965, was signed into law in January of 2002. Congress has amended and added to the original law since its inception in order to
raise standards, develop accountability within the law, and provide flexibility to schools
and districts regarding the use of federal education dollars so these entities can continue
to help disadvantaged children (National Education Association, 2004). The No Child
Left Behind Act, also known as NCLB, “significantly challenged the status quo if public
schools and established the US Department of Education as a responsible party for
increasing student achievement in public schools” (Bowen & Rude, 2006, p. 24).
Although NCLB was built upon the foundation of the ESEA of 1965, the law also “adds
four philosophic pillars of its own to ensure that every child – particularly the neediest –
receives a quality education” (Schrag, 2003, p. 1), they are: (1) accountability for
educational results; (2) flexibility in the use of state and local educational funds; (3) The
use of scientifically based research for the purpose of selecting instructional methods and
materials; and (4) Mandating more parental opportunities concerning choice and
involvement are the central themes of the No Child Left Behind Act (Simpson, LaCava &
Graner, 2004).

Almost $400 billion has been spent on public education since 1965. Regardless of
substantial infusions of federal dollars over the past forty years, state and national
appraisal of student progress indicate reading and math achievement has remained
dormant. NCLB has increased the federal role in public education and impacts not only
all students in general education programs, but also students with disabilities who attend
special education programs for any part of their instruction. The law mandates that
schools increase student achievement so that all public school students demonstrate
proficiency in reading and math by the end of the 2013–2014 school-year (Yell et al., 2006).

The US House of Representatives approved the Improving Education Results for Children with Disabilities Act of 2003 on April 30, 2003. The legislation sought to shift the focus from compliance on complex rules to “producing the academic results children with disabilities deserve” (Committee on Education and the Workforce, 2003, p. 1). The Improving Education Results for Children with Disabilities Act presented reforms to increase accountability and results for children, reduce the paperwork burden for special education teachers, and provide flexibility for local school districts in the implementation of early intervention strategies. The Act also seeks to reduce the number of children misplaced in special education, reduce litigation and enhance rapport between parents and schools, and align IDEA with the No Child Behind Act signed into law in 2002 (Committee on Education and the Workforce, 2003).

President George W. Bush signed the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 into law on December 3, 2004. IDEA 2004 sought to “improve educational results for children with disabilities by providing a performance driven framework for accountability to ensure that children with disabilities receive a free appropriate public education” (Yell, Katsiyannas, & Shiner, 2006, p. 36). In addition to reauthorizing the earlier IDEA legislation, a goal of IDEA 2004 was to align IDEA and NCLB. The alignment began in 2003 with the Improving Education Results for Children with Disabilities Act, and improved even further with this legislation. Earlier versions of
IDEA required states to establish performance goals for children with disabilities that were comparable to other goals and standards for children recognized by the state. The 2004 Reauthorization now requires the performance goals for children with disabilities to be consistent with the definition of adequate yearly progress established for all students (Gordon, 2006).

Prior to IDEA 2004, states were required to have children with disabilities participate in local and state assessment programs with appropriate accommodations when feasible. No Child Behind legislation mandates that students with disabilities participate in all state and district-wide testing used to ensure educational accountability. The 2004 Reauthorization indicated that all students with disabilities be included in standards-based testing for the purposes of evaluating accountability of a school or district. Accountability provisions within NCLB call for states to test all students in reading and math every year in grades three through eight. While IDEA 2004 allowed the option of alternative academic standards for students with disabilities, NCLB enforces a one percent limit for counting participation in alternative assessments towards academic progress. Schools and districts may no longer exempt students with disabilities from standards-based evaluation when calculating the progress of a school (Gordon, 2006). Although student with disabilities in California are currently do not have to pass CAHSEE with a 350 or higher in order to receive a high school diploma (California Department of Education [CDE], 2010).
Special Education Eligibility

There are two components that must be apparent in order for a child to be eligible for special education and related services. A child must be diagnosed with a disability and it must be determined that the student is in need of special education and related services. The Individuals with Disabilities Act defined a child with a disability as a child with mental retardation, hearing impairments, deafness, visual impairments including blindness, deaf-blindness, speech or language impairments, orthopedic impairments, serious emotional disturbance, multiple disabilities, traumatic brain injury, autism, specific learning disabilities, or other health impairments. The IDEA also indicated the disability must affect the educational performance of the child. The eligibility question is answered by determining whether the child has a disability defined by the thirteen categories of the IDEA and also whether the disability impacts the educational performance of the child in the school environment (Learning Disabilities Association of America, 2003).

Individual school districts use the criteria for eligibility and procedures for assessment as delineated by the State Department of Education when determining student placement within special education. Assessment is required for each disability and criteria must be met for qualification of services. The existence of a disability does not necessarily indicate eligibility of a student for special education services under the Individuals with Disabilities Education Act. Eligibility criterions under the IDEA are satisfied only if the student has a disability adversely impacting educational performance and necessitate specially designed instruction.
Learning Disabled

According to the US Department of Education (2004), the largest category for students with a special education disability is that of specific learning disabled. A learning disability affects the way students of average to above average intelligence receive, process, or disseminate information and is a permanent disability. The learning disability impacts the basic skills of reading, writing, or math. The IDEA defines a specific learning disability as a “disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language” (Baumel, 2003, p. 1). Academic skills of listening, speaking, reading, writing, and/or mathematics may be impaired in the learning disabled student. Academic achievement, as measured by standardized tests, must demonstrate a discrepancy between the ability and the achievement of a student in order for the student to be eligible for special education services in the category of specifically learning disabled.

Learning disabilities may arise from neurological and even genetic differences in the structure of the brain. A specific learning disability is a condition that may impact the ability of a student to either interpret what is heard or seen or to link information from different parts of the brain. Difficulties such as these may have a monumental impact on standardized testing performance because they can hinder learning to read, write, or perform math operations (Disabilities Rights Advocates, 2001).

No Child Left Behind

During the presidential campaign of 2000, both candidates placed education on the forefront of their platforms. George W. Bush, the governor of Texas at the time,
promoted a national standards-based accountability model founded upon the one experiencing success in his state. Within days of moving into the Oval Office, President Bush sent a legislative proposal based on his experience in Texas. The twenty-six-page document entitled No Child Left Behind focused on four principles. The plan sought to “increase accountability for student performance, focus on what works, reduce bureaucracy and increase flexibility, and empower parents” (Hess & Petrilli, 2006, p. 17). The final legislation is over six hundred pages in length and is perhaps the most influential educational initiative passed in decades. The No Child Left Behind Act has altered the focus of federal education policy from emphasis on redistributing and regulating money to an emphasis on the academic performance of students, schools, and school districts. The overall mission of NCLB was for all students to achieve proficiency in reading and mathematics by the year 2014. At the same time, the achievement gaps of students of different genders or minority groups; economically deprived students or students who are English language learners; and students with disabilities will be closed (Schrag, 2003).

NCLB has set the goal of having every student, including students with disabilities; meet one hundred percent proficiency in reading and math by the end of the 2014 school year. Many states have identified adequate yearly progress standards that are to be met by students and schools. The progress goals are to be measured by scores on standardized tests with recognition and rewards given for success and sanctions issued for failure (Simpson, LaCava & Graner, 2004).
Accountability in NCLB

Accountability for stronger results is one of four key principles in the No Child Left Behind legislation. States are required to create annual assessments for the purpose of measuring what students know and can do in reading and math in grades three through eight. The tests, based on established state standards, will follow the performance of all schools in the nation. Data is to be disaggregated for students by socioeconomic levels, race, ethnicities, disabilities, and limited English proficiency. The disaggregating of test scores will “ensure that no child – regardless of his or her background- is left behind” (US Department of Education, 2002, p. 10).

Annual school report cards will be published for each school, school district, and state in the nation. The dissemination of report cards, along with explanations of the data, gives parents the opportunity to make more knowledgeable choices regarding the education of their children. The report cards will illustrate how well students are meeting standards, and also show progress in closing achievement gaps among disaggregated student groups.

Schools and districts that do not make adequate yearly progress, or AYP, toward state proficiency goals will be first targeted for assistance. Continued failure to meet AYP goals will subject schools to corrective action and possibly restructuring (US Department of Education, 2002).

Flexibility and Local Control

States and school districts have unparalleled flexibility in how federal education funds may be utilized. The aim of NCLB was to allow greater ability for decision making
at local and state levels. The act makes it feasible for most school districts to shift as much as fifty percent of the federal formula grant funds received under the Improving Teacher Quality State Grants, Educational Technology, Innovative Programs, and Safe and Drug-Free Schools programs to any one of these programs or to the Title I program without separate approval. One result will be to allow districts to make use of funds in the manner most needed, such as the hiring of personnel, improved teacher training, professional development, or increasing teacher salaries.

NCLB also established state and local flexibility demonstration programs that will allow selected states and schools districts to:

…consolidate funds received under a variety of federal education programs so that they can be used for any educational purpose authorized under the Elementary and Secondary Act, as amended by the NCLB Act in order to assist them in making adequate yearly progress and narrowing achievement gaps. (US Department of Education, 2002, p. 10)

*Enhanced Parental Choice*

Parents with children in schools failing to meet state standards for at least two consecutive years have the option of transferring their children to another public school within the district. The district must provide transportation for the transfer, with Title I funds if needed. Low-income families with children in schools failing to meet state standards for at least three years qualify for supplemental educational services. These services may consist of tutoring, after-school services, and summer school programs.
Moreover, the NCLB Act allows additional support to parents, educators, and communities for the creation of new charter schools. Also, students attending persistently dangerous schools or victims of a violent crime while at school may choose to attend a safe school within their district.

Options for parental choice are related to the accountability provisions giving parents information on schools within their community. The requirements for parental choice and supplemental educational services within NCLB help to improve student achievement while providing incentives for low-performing schools to get better. Schools have to increase performance in order to avoid losing students or be subjected to corrective action (US Department of Education, 2002).

Focus on What Works

The NCLB Act stressed using federal funds to support programs and practices which have established effectiveness through scientific research. Programs in reading are an example of this focus. The Reading First program and the Early Reading First program under the NCLB Act will support scientifically based reading instruction in the early grades. Funds are available for professional development to strengthen skills and learn new skills in effective reading instructional methods. After-school programs and other programs scientifically proven to prevent drug use and reduce violence among youths will also receive monies. Federal funding will be used for the purpose of supporting programs and instructional methods shown to improve student learning and increase achievement (US Department of Education, 2002).
NCLB Implications and Special Education

The No Child Left Behind Act (NCLB) of 2002 is predominantly a law for students in regular education; however, the legislation also represents “a federal commitment that students with disabilities will receive genuine access to the general education curriculum” (Albritten et al., 2004, p. 153). While there are four essential elements of the NCLB legislation, the enactment has considerable implications for special education policy and practice in regards to school accountability and personnel certification and licensure (Egnor, 2003).

School Accountability

One of the most important implications of NCLB as the law relates to special education is the set of graduated accountability measures resulting when students fail to meet the adequate yearly progress (AYP) standards outlined by the accountability element. The law calls for schools to meet AYP goals culminating in 100 percent proficiency in reading and math for all students in grades three through eight by the end of the 2014 school year (Egnor, 2003). Definitions of AYP are also required to address the progress of specified subgroups of students, one of which is students with disabilities.

Schools and districts will not be able to meet AYP goals if one or more of the designated student subgroups fail to meet the established performance goal. NCLB requires a minimum of ninety-five percent of students in each subgroup to participate in the assessment measuring AYP (Pierce, 2003). If students with disabilities fail to meet AYP objectives schools and districts receiving Title I federal funds face increasingly intrusive governmental sanctions.
### Table 2

Sanctions for Failure to Meet AYP Goals in Consecutive Years

<table>
<thead>
<tr>
<th>Years of AYP Failure</th>
<th>Required Sanctions</th>
</tr>
</thead>
</table>
| Two years of AYP failure | - Development of a two-year improvement plan  
- Parents must be given the option of transferring their student to a school within the district that met AYP goals |
| Three years of AYP failure | - Continue above options  
- Title I funds may be utilized in order to pay for supplemental services outside of the school day for students identified as disadvantaged |
| Four years of AYP failure | - Continue above options  
- District must implement corrective actions such as replacing certain staff, adopting a new curriculum, or extending the school day or year |
| Five years of AYP failure | - Continue above options  
- Develop a plan for governance in which the State Department of Education (SDE) takes over the school district |
| Six years of AYP failure | - Continue above actions  
- The SDE implements their plan of governance for the district |

Special education students, by definition, have disabilities that hinder learning. Students with disabilities historically perform at lower levels on standardized tests, yet these students comprise an individual subgroup that is required to meet AYP goals. NCLB presents improbable expectations for students with disabilities. The legislation “virtually guarantees that the presence of special education students in a school will contribute to the school’s failure to meet AYP” (Allbritten et al., 2004, p.157). In addition, NCLB “risks demoralizing and stigmatizing these students because special education subgroups have caused many schools to fail to meet AYP” (National
Confession of State Legislatures, 2005, p. 27). Ironically, schools with disabled subgroups are most likely to miss AYP goals, when by definition, students in this subgroup will not be able to perform at the same level as other students (Buchanan, 2004).

A perceived strength of NCLB was that the legislation requires educators to acknowledge and strategically address differences in student achievement among subgroups. A weakness correlating with this strength is the mandate that all subgroups will achieve 100 percent proficiency by 2014, regardless of the starting achievement level. The lone goal for all subgroups effectively assures failure for schools and school districts with large numbers of learning disabled students (Rose, 2004).

**Personnel Certification and Licensure**

NCLB required that all teachers be not only certified, but also highly qualified by the end of the 2005-2006 school year. This was a requirement for new hires beginning in the 2002-2003 year, with a short grace period for teachers already in the field. The highly qualified stipulation applied to all public school teachers in elementary or secondary schools teaching a core academic subject. The core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. In order to be considered highly qualified a teacher has obtained full state certification as a teacher and holds a license to teach in the state, holds a minimum of a bachelor’s degree, and has demonstrated competence in each of the academic subject areas taught as required by the state (Egnor, 2003).
A special education teacher teaching one of the core subject areas is required to hold dual certification in special education and the core subject area they teach. Many special education teachers provide instruction in more than one subject area. According to the requirements of NCLB, the special education teacher must demonstrate competence in each academic subject they teach in addition to being certified in the area of special education. Special education teachers are considered highly qualified, based on their licensure as a special educator, if they do not provide direct instruction in a core subject area when teaching students with disabilities. There is no exception for teachers of students with significant cognitive disabilities. These teachers must meet the qualifications for special education certification and satisfy requirements for teaching the core subject areas at the level in which they teach—elementary, middle, or high school. “Special education teachers must meet highly qualified requirements in every core subject they teach to their students. These requirements apply whether special education teachers provide core academic instruction in a regular classroom, a resource room, or another setting” (Council for Exceptional Children, 2005, p. 10).

Attaining highly qualified status in subject areas has caused more uncertainty than clarity for special education teachers. The reauthorization of IDEA tried to align special education laws with the accountability requirements of the NCLB legislation. This means that in order to be highly qualified, special education teachers are required to be highly qualified in special education as well as every subject they teach (Samuels, 2005). In numerous cases, special education teachers have taught a variety of content areas for years. Teachers such as these may have degrees in both elementary education and special
education; nonetheless, if they do not specialize in a core subject area the teachers are not
demed highly qualified under NCLB (Irons & Harris, 2006).

Measuring AYP as a Part of Accountability

The requirement for adequate yearly progress (AYP) is at the heart of the
accountability system established by the No Child Left Behind (NCLB) legislation and is
the measure by which all schools and school districts are assessed under NCLB. The
accountability system appears to be simple and clear-cut, but a closer look indicates that
it is intricate and differs from state to state. The measurement system visualized in NCLB
requires each state to develop three components that are entwined. According to Hess and
Petrilli (2006), “Standards are the material that students are expected to know;
assessments are the tests used to measure whether they learned the material in the
standards, and accountability is the system of remedies and rewards that recognizes high
performance and addresses poor performance by schools and school districts” (p. 30).
States are required to develop their own standards and create tests reflecting those
standards. Content standards identify what students are expected to know and do by grade
level. Academic achievement standards defining basic, proficient, and advanced levels of
competency are also a part of the requirement. Shaping the definitions for the levels is a
responsibility of each state (Hess & Petrilli, 2006).

The accountability requirements in the No Child Left Behind Act were
established to “close the achievement gap between high- and low-performing children”
(NCLB, 2002, § 6301 (3)). NCLB called for states to devise a “test-based accountability
system that monitors the performance of all public schools and different subgroups of
students, including racial and ethnic minorities, low-income children, English language learners, and students with disabilities” (Sunderman, Kim & Orfield, 2005, p. 23). States are required to generate benchmarks called annual measurable objectives (AMO) in reading and mathematics for the purpose of determine whether schools are making adequate yearly progress (AYP).

While AYP is established on many criteria, the primary aim is to measure achievement on reading and math tests and to hold schools accountable for the performance of different subgroups of students. NCLB legislation utilizes AYP to gauge progress on the way to the goal of having all students proficient in reading and mathematics by the end of the 2013-2014 school year. Expectations of NCLB are continual improvements on reading and math assessments and increased achievement of student groups that customarily do not perform well (Sunderman et al., 2005).

Although AYP was a part of prior legislation, the focus changed in NCLB from overall student performance to the performance of student subgroups. The law calls for schools to determine objectives for annual achievement, meet the objectives, and report the objectives for subgroups, one of which is students with disabilities (Northwest Regional Educational Laboratory, 2004). “To make AYP, all schools and subgroups must cross over a single bar of performance, which NCLB defines as proficiency on state reading and mathematics tests” (Sunderman et al., 2005, p. 27).

The phrase “scientifically based” is used within the NCLB legislation a total of one hundred eleven times; nonetheless, sound scientific theory does not allow 100% of the students in a school to meet the same lofty standard, especially when given such a
short time frame for achievement. A standard is considered high because of the difficulty in achieving the criterion. If all students are able to meet proficiency standards, the standards may be considered low. Although NCLB has established sanctions for schools with insufficient AYP ratings, it may be statistically impossible to meet the goals mandated by the law (Mathis, 2004).

**Conditions for Meeting AYP**

Final NCLB regulations indicate that adequate yearly progress is met upon the satisfaction of three conditions. First, a minimum of ninety-five percent of students in each subgroup must participate in state assessments. In order for a subgroup to count as a valid AYP indicator, the number of included students must be high enough to produce results that are statistically reliable. Next, the objectives established by the state for all students must be met or exceeded for all students and each subgroup of students. As a final condition, there must be progress made toward increasing the graduation rate at the high school level, and another academic indicator for elementary and middle schools that is determined by the state (Nagle, Yunker & Malgren, 2006).

States are required to establish specific targets for all students each year in reading and math. The targets make certain that all students progress toward reaching the goal of 100 percent proficiency by 2014. Results of the total student population and results of defined subgroups are tracked and reported to parents, along with the general public, each year. The subgroups are defined as economically disadvantaged students, students from racial and ethnic subgroups, students with limited English proficiency, or students with disabilities (Yell et al., 2006).
Test scores of students may be counted multiple times, based on the number of designated subgroups for which they are counted. Since calculations for AYP are determined separately for not only all students, but also for subgroups, a single student may be considered as a part of the disabled students group, the economically disadvantaged group, the female group, and also the group of all students (Riddle, 2004).

In a school with a small enrollment of students “One student with the right demographic features, who fails the test could swing a district’s score as much as 3.3% [given a subgroup size of 30 in each subgroup]” (Jarrell, 2005, p. 68). The chances of a school or district to meet AYP targets may be negatively impacted by merely a few test scores. The foundation for the accountability requirements of NCLB is represented by the percentage of total students in a school and in each subgroup able to meet the proficiency goals each year. The proficiency goals are referred to as AYP, with the law also outlining a system of accountability involving rewards or sanctions based on student performance (Yell et al., 2006). NCLB established the same expectations for all students. Each subgroup of students is expected to achieve 100% proficiency by 2013-2014. According to Jehlen (2006), “One glaring example is the requirement that special education children meet the same standards as children with no disabilities. More schools fail to meet AYP because of low scores for special education students than any other group” (p. 27).

Safe Harbor and “N-size”

It is possible for a school or school district to meet AYP even if one or more subgroups fail to meet the proficiency target. The provision is known as the “safe harbor” provision of NCLB and may be utilized if the number of students in the subgroup is
reduced by at least ten percent. The subgroup must also meet the 95% participation rate and the other grade-level indicator (Pierce, 2003). Schools and districts are allowed to exclude test scores from subgroups of students small enough to be statistically unreliable when counted towards the performance of a school. The minimum number for a subgroup is known as the “N-size” of a group. While this number must be sanctioned by the federal Department of Education, it varies from state to state (Davis, 2006). States are required to “consider only whether a given size effectuates the collection of reliable information and ensures student anonymity” (Stephenson, 2006, p. 171).

A number of states have excluded the disabled student subgroups from accountability reports by raising the n-size of the subgroup. For example, a school in Maryland failed to meet AYP because ten special education students did not test proficient; however, during the same year, a school in Virginia met AYP goals although the twenty-four disabled students in the school were not proficient. The difference between AYP achievements in the two states was the n-size of the disabled students’ subgroup. The minimum number for a subgroup was five students in Maryland and fifty students in Virginia (Stephenson, 2006).

The message sent by NCLB was that schools are liable for student achievement, and if students fail to improve, schools are held accountable. As indicated by Cohen (2002), Fletcher (2003), and Olsen (2002), many schools and districts share the belief that the most challenging obstacle to reaching AYP goals is in increasing the achievement of students with disabilities. There is a great deal of anxiety that some students with disabilities would not be able to meet AYP targets no matter the efforts of schools and
teachers. Thirty schools in the state of Maryland were unsuccessful in meeting AYP standards because the schools abided by a federal law that conflicts with NCLB in that assistance is provided for special needs students during exams. Scores of students having portions of exams read to them are invalidated under NCLB. An accommodation such as having an exam read aloud causes the exam to be awarded the lowest score, thus significantly impacting the scores of students included in the disabled subgroup (National Education Association, 2003). “The implication for schools is that they risk identification as failing schools based on the poor performance of students with disabilities” (Nagle et al., 2006, p. 37).

*Obama Changes to NCLB*

With election of President Barack Obama new changes in NCLB are being proposed. On Saturday, March 13, 2010, the Obama administration on called for a broad overhaul of President George Bush’s No Child Left Behind law, proposing to reshape divisive provisions that encouraged instructors to teach to tests, narrowed the curriculum, and labeled one in three American schools as failing. The Obama plan seeks to achieve a balance, retaining some key features of the Bush-era law, including its requirement for annual reading and math tests, while proposing far-reaching changes (Dillon, 2010). The administration would replace the law’s pass-fail school grading system with one that would measure individual students’ academic growth and judge schools based not on test scores alone, but also on indicators like pupil attendance, graduation rates and learning climate. And while the proposal calls for more vigorous interventions in failing schools, it would also reward top performers and lessen federal interference in tens of thousands
of reasonably well-run schools in the middle (Duncan, 2010). In addition, President Obama would replace the law’s requirement that every American child reach proficiency in reading and math with a new national target that could prove equally elusive: that all students should graduate from high school prepared for college and a career (Duncan, 2010).

State Accountability: API in the State of California

Accountability in the state of California starts with State legislation’s Public Schools Accountability Act (PSAA) of 1999 (Chapter 3, Statutes of 1999), established the Academic Performance Index (API), which summarizes a school's or a local educational agency's (LEA) academic performance and progress on statewide assessments. (An LEA is a school district or county office of education.) The API also is used as an additional indicator for federal Adequate Yearly Progress (AYP) requirements.

Growth in the API from 2008 to 2009

The 2008 Base API summarizes a school's, an LEA's, or the state's performance on the Spring 2008 Standardized Testing and Reporting (STAR) Program and 2008 California High School Exit Examination (CAHSEE). It serves as the baseline score, or starting point, of performance. The 2009 Growth API summarizes a school's, an LEA’s, or the state's performance on the spring 2009 STAR Program and 2009 CAHSEE. It is compared to the 2008 Base API to determine growth in the API from 2008 to 2009. The 2008 Base API is subtracted from the 2009 Growth API to determine how much the school or LEA grew between 2008 and 2009 testing. This number is also referred to as 2008-09 API growth and is included in the 2009 Growth API Report (CDE, 2010).
Met API is for school reports only. This item showed whether the school met the state API growth targets school-wide and met targets for all student subgroups. A "Yes" means that the school met its 2008-09 API growth target, and a "No" means it did not. An "N/A" means that the growth and growth target could not be determined because (1) the school did not have a valid 2008 Base API, (2) the school had significant demographic changes between testing years, or (3) the API was considered to be invalid for other reasons or was not calculated due to missing data. LEA’s and ASAM schools do not have growth targets and will not have these items on their reports (CDE, 2010).

Table 3
State PSAA Growth Target Requirements

<table>
<thead>
<tr>
<th>School or Subgroup</th>
<th>2008 Base API</th>
<th>2008-09 Growth Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 – 690</td>
<td>5 percent of the difference between the Base API and the statewide performance target of 800</td>
<td></td>
</tr>
<tr>
<td>691 – 795</td>
<td>gain of 5 points</td>
<td></td>
</tr>
<tr>
<td>796</td>
<td>gain of 4 points</td>
<td></td>
</tr>
<tr>
<td>797</td>
<td>gain of 3 points</td>
<td></td>
</tr>
<tr>
<td>798</td>
<td>gain of 2 points</td>
<td></td>
</tr>
<tr>
<td>799</td>
<td>gain of 1 point</td>
<td></td>
</tr>
<tr>
<td>800 or more</td>
<td>must maintain an API of at least 800</td>
<td></td>
</tr>
</tbody>
</table>

Note: On the statewide Summary Report, the state's API was calculated in the
same way as the API for a school or an LEA except that the mobility exclusion does not apply. All students taking the 2008 or 2009 assessments, therefore, are included in the state's API, with the exception of English learners who have been enrolled in US schools for less than a year. Table 2 bests illustrates the process what happens if a school or district fails to meet or makes API growth targets based on the PSAA of 1999.

Federal Accountability: AYP in the State of California

The federal No Child Left Behind (NCLB) Act of 2001 required that California determine whether or not each public school and local educational agency (LEA) is making Adequate Yearly Progress (AYP). (An LEA is a school district or county office of education.) The term “Made AYP” indicated whether a school, an LEA, or the state made AYP for 2009. The possible values are "Yes" or "No." The report displayed a "Yes" only if the school, LEA, or state met all of its AYP criteria for 2009, including requirements for numerically significant subgroups. "No" means results for at least one or more criteria were below the 2009 targets. “Met ___ of its ___ AYP” Criteria indicates how many of the AYP criteria were met. Depending on the number of numerically significant subgroups, a school, an LEA, or the state may be required to meet up to 46 AYP criteria (22 for participation rate, 22 for percent proficient, one for API, and one for graduation rate) (CDE, 2010).

AYP criteria encompassed four areas: participation rate, percent proficient (also referred to as Annual Measurable Objectives or AMOs), API as an additional indicator for AYP, and graduation rate. Each of these four areas has specific requirements. Participation rate and percent proficient criteria must be met in both English-language
arts (ELA) and in mathematics.

“Yes” in a column means that all criteria for the area were met. “No” in a column means one or more criteria for the area were not met. “Yes by Appeal” in a column means the school or LEA met the criteria based on approval of its appeal. If Graduation Rate shows “N/A,” it means the school or LEA did not have students enrolled in grades nine through twelve.

The participation rate for schools, LEA’s, the state, and numerically significant subgroups is the rate at which students participated in the assessments used to determine the percentage of students at or above the proficient level in ELA and mathematics. The assessments used were the 2009 California Standards Tests (CSTs), grades two through eight; 2009 California Modified Assessment (CMA), grades three through five; 2009 California Alternate Performance Assessment (CAPA), grades two through eight and ten; and the 2009 California High School Exit Examination (CAHSEE), grade ten. The participation rate target is 95 percent.

Schools, LEAs, the state, and numerically significant subgroups must meet percent proficient targets (or AMOs) in ELA and mathematics on the assessments used in AYP calculations. The assessments used were the 2009 CSTs, grades two through eight; 2009 CMA, grades three through five; 2009 CAPA, grades two through eight and ten; and 2009 CAHSEE, grade ten.

The API is used to meet part of the federal AYP requirements under NCLB. A school, an LEA, or the state must have a minimum API of 650 or have at least one point growth in the API in addition to meeting the other federal AYP targets (participation rate,
percent proficient, and graduation rate) in order to make AYP for 2009. The federal API requirements differ from the state API requirements.

The Graduation Rate calculation corresponds to the National Center for Educational Statistics (NCES) four-year completion rate. This rate includes information on high school graduates and high school dropouts aggregated over a four-year period. To meet the 2009 graduation rate criteria for AYP, a school, an LEA, or the state must have a graduation rate of at least 83.1 percent, or improvement in the graduation rate of at least 0.1 from the previous year, or improvement in the graduation rate of at least 0.2 in the average two year rate. Graduation rates are calculated and displayed on the 2009 AYP Report with as few as one student in grades nine through twelve (CDE, 2010).

*Accountability for Special Education Students in California Schools*

Many states have adopted ways to measure performance and have established their own accountability systems. It is important to note that State accountability systems do not supersede the federal accountability measures of NCLB. In addition to federal mandates of AYP, California schools must report their Annual Performance Index or API. The API is a single number, ranging from a low of 200 to a high of 1000 that reflects a school, and LEAs, or a subgroup’s performance level, based on the results of statewide testing. Its purpose is to measure the academic performance and growth of schools. The API was established by the PSAA, a landmark state law passed in 1999 that created a new academic accountability system for K-12 public education in California. The PSAA established an alternative accountability system for schools serving high-risk students—the Alternative Schools Accountability Model (ASAM) (CDE, 2010).
The API is calculated by converting a student’s performance on statewide assessments across multiple content areas into points on the API scale. These points are then averaged across all students and all tests. The result is the API. An API is calculated for schools, Local Education Agencies or LEAs, and for each numerically significant subgroup of students at a school or an LEA. The key features of the API include the following; (1) The API is based on an improvement model. It is used to measure the academic growth of a school. The API from one year is compared to the API from the prior year to measure improvement. Each school has an annual target, and all numerically significant subgroups at a school also have targets; (2) The API requires subgroup accountability to address the achievement gaps that exist between traditionally higher- and lower-scoring student subgroups; (3) The API is a cross-sectional look at student achievement. It does not track individual student progress across years but rather compares snapshots of school or LEA level achievement results from one year to the next; and (4) The API is used to rank schools. A school is compared to other schools statewide and to 100 other schools that have similar demographic characteristics. The API is currently a school-based requirement only under state law. However, API reports are provided for LEA’s in order to meet federal requirements under NCLB.

*California Modified Assessment or CMA*

In April 2007, the US Department of Education (ED) enacted regulations for an alternate assessment based on modified achievement standards. The CDE, in response to the federal regulations, developed the CMA; an alternate assessment of the California content standards based on modified achievement standards for students with an IEP who
meet the SBE adopted eligibility criteria. The purpose of the CMA is to allow students to demonstrate achievement of the content standards in ELA, mathematics, and science (CDE, 2010).

The CMA was administered statewide beginning in 2008 in grades three through five in ELA and mathematics and grade five in science. In November 2008, the SBE approved performance levels for the CMA in grades three through five. CMA results for these grade levels are included in the API beginning with the 2008 Base API. As with CAPA results in API reporting, the performance level the student received on the CMA (far below basic, below basic, basic, proficient, or advanced) was the level that was included in the API calculations. The addition of CMA into the API does not change the API test weights, and the same test weights and calculation rules used for the CST also apply to the CMA (CDE, 2010).

Research-Based Instructional Strategies

Finally, literature on some of the recent trends in the accountability movement seem to be moving away from strict reliance of both formative and cumulative measures of assessment to demonstrate to accountability for schools and LEAs. This section will cover some examples of recent trends, presented first is what the currently literature states on assessment. Finally, the section will end with what the research states are the best approaches for organizational accountability for K-12 education.

Overwhelmingly, researchers in the field of education are encouraging teachers in K-12 to as best practice to use both formative and summative assessments to support
instruction: assessment for learning rather than assessment of learning. Students must be tested for many reasons. There are many noteworthy voices in the field regarding assessment for example Christine Lyon, Marnie Thompson, and Dylan Williams. But the heavy hitters in the Field are Doug Reeves, Andy Platt, Richard Clark, Fred Estes, Richard Defour, Sue Tucker, and most notably Richard Marzano and his work on classroom instruction that works. This section discusses what they recommend what best practice is and how to best implement instruction in K-12 to prepare students for assessment.

In the book *Instructional Strategies that Work*, Marzano, Pickering and Pollock (2001) stated that after analyzing data from some 600,000 students and 60,000 teachers in more than 4000 schools found in the Colman Report, he and his colleagues concluded that the quality of schooling a student receives accounts for only about ten percent of the variance in student achievement.

To understand what this means, consider the following example: Assume the math achievement scores are analyzed for a group of 100 eighth-grade students from four different schools. These students will no doubt vary greatly in their math achievement. Some will have very low scores, some very high scores, and some in the middle. The findings from the Coleman report indicated that only ten percent of these differences are caused by the quality of the schools these 100 students attend. In other words, going to the best of the four schools, will change only about ten percent of the differences in student achievement.
A logical question was what influences the other 90 percent? Marzano et al. (2001) wrote the Colman and his colleagues concluded that the vast majority of differences in student achievement can be attributed to factors including the student’s natural ability or aptitude, the socioeconomic status of the student, and the students home environment. Unfortunately, these are all things that cannot be changed by schools. Marzano et al. (2001) further stated that a more meaningful interpretation explains that although schools account for ten percent of student achievement this translates into a percentile gain of about 23 points. That is, the average student who attends a “good” school will have a score that is 23 percentile points higher than the average student who attends a poor school. From this perspective schools definitely can make a difference in student achievement (Marzano et al., 2001). They found that the instructional strategies that have a high probability of enhancing student achievement for all students in all subjects’ areas at all grade levels are in Table 1.

As the work of Marzano et al. (2001) pointed out, there are high leverage instructional strategies that every teacher should include as part of their lessons that would improve student performance on high stakes summative testing or benchmark informative testing. Obviously, such testing should be useful in guiding teaching. Many schools formally test students at the end of a marking period—that is, every six to ten weeks—but the information from on such tests is hard to use, for two reasons.

First, only a small amount of testing time can be allotted to each standard or skill that is covered in the marking period. Consequently, the test is better for monitoring overall levels of achievement than for diagnosing specific weaknesses.
Second, the information arrives too late to be useful. One can use the results to make broad adjustments to curriculum, such as re-teaching or spending more time on a unit, or identifying teachers who appear to be especially successful at teaching particular units. But if educators are serious about using assessment to improve instruction, then they need more fine-grained assessments, and we need to use the information they yield to modify instruction as we teach (Leahy, 2008).

Transformational Practices

Another central figure in the field of education is Douglas Reeves. His research was conducted at the Center for Performance Assessment on; 90/90/90 Schools – Schools where more than 90 percent of the students are eligible for free and reduced lunch, a commonly used surrogate for low-income families. More than 90 percent of the students are from ethnic minorities. More than 90 percent of the students met or achieved high academic standards, according to independently conducted tests of academic achievement (Reeves, 2004). This research has been particularly instructive in the evaluation of the use of standards and assessment. The research included four years of test data (1995 through 1998) with students in a variety of school settings, from elementary through high school.

Analysis from Reeves’ (2004) work considered data from more than 130,000 students in 228 buildings. The school locations included inner-city urban schools, suburban schools, and rural schools. The student populations ranged from schools whose
populations were overwhelmingly poor and/or minority to schools that were largely Anglo and/or economically advantaged.

Dr. Reeves (Year) found that there were common characteristics of high achievement school research on the 90/90/90 Schools, which included both site visits and analyses of accountability data. The site visits allow the conduction of a categorical analysis of instructional practices. In the same manner that the authors of *In Search Of Excellence* identified, the common practices of excellent organizations sought to identify the extent to which there was a common set of behaviors exhibited by leaders and teachers in schools with high achievement, high minority enrollment, and high poverty levels (Peters & Waterman, 1982). As a result, five characteristics were found to be common to all 90/90/90 Schools.

1) A focus on academic achievement;
2) Clear curriculum choices;
3) Frequent assessment of student progress and multiple opportunities for improvement;
4) An emphasis on nonfiction writing; and
5) Collaborative scoring of student work (Reeves, 2000).

Many of the high-poverty schools included students whose skills were significantly below grade level in academic achievement as they entered the school. The consistent message of the 90/90/90 Schools was that the penalty for poor performance is not a low grade, followed by a forced march to the next unit. Rather, student performance that is less than proficient is followed by multiple opportunities to improve performance.
Most of the schools conducted weekly assessments of student progress. It is important to note that these assessments were not district or state tests, but were assessments constructed and administered by classroom teachers. The consequence of students performing badly was not an admonishment to “Wait until next year” but rather the promise that “You can do better next week” (Reeves, 2004, p. 41). A frequent challenge to this practice is that students should learn to “get it right the first time” (Reeves, 2004, p. 41). The flaw in such a statement is the implied assumption that the traditional “one-shot” (p. 41) assessment is successful in leading students to “get it right the first time” (Reeves, 2004, p. 41). In fact, when students know that there are no additional opportunities to succeed, they frequently take teacher feedback on their performance and stuff it into desks, back packs, and wastebaskets. Students in this scenario are happy with a “D” and unmotivated by an “F” (Reeves, 2000, p. 41). After all, there is nothing that they can do about deficient performance anyway. In a classroom assessment scenario, in which there are multiple opportunities to improve, however, the consequence for poor performance is not a bad grade and discouragement, but more work, improved performance, and respect for teacher feedback. In this respect, the use of teacher evaluations based on assessment scoring guides looked much more like active coaching after which improvement was required, and much less like final evaluation from which there was no reprieve (Reeves, 2000).

Professional Learning Communities (PLCs)

Another significant figure on the issue of increasing student achievement is Richard Dufour (2004) and his work on view schools as composites of “Professional
Learning Communities,” is renowned A professional learning community (PLC) is an extended learning opportunity to collaborative learning among colleagues within a particular work environment or field. It is often used in schools as a way to organize teachers into working groups. “When a school or district functions as a PLC, educators within the organization exists and the fundamental responsibility of those who work with in it” (Dufour, 2004, p. 204). Dufour stated in order to achieve this purpose, the members of a PLC create and are guided by a clear and the compelling vision of what the organization must become in order to help all students learn. Members of a team make collective commitments clarifying what each member will do to create such an organization, and they use results-oriented goals to mark their progress. Members work together to clarify exactly what each student must learn, monitor each student’s learning on a timely basis, provide systematic interventions that ensure students receive additional time and support for learning when they struggle, and extend and enrich learning when students have already mastered the intended outcomes (Dufour, 2006).

Staff as a Community

A PLC is seen as an effective staff development team approach and a powerful strategy for school change and possible improvement. The idea of community is crucial to the success of PLCs. The PLC process should be a reflective process where both individual and community growth is achieved. Among the team there should be a shared vision of where they want the school to be. In his book The Fifth Discipline, Peter Senge (1990) commented on shared vision and stated, “The practice of shared vision involves the skills of unearthing shared ‘pictures of the future’ that foster genuine commitment
and enrollment rather than compliance. In mastering this discipline, leaders learn the counter-productiveness of trying to dictate a vision, no matter how heartfelt” (p. 9). Collaborative efforts may seem at first to be hard to organize and keep going, yet under the PLC model of small groups working together within a larger group, the collaborative teams can be organized as either academic, grade level, or any other sub group that works well within the framework of what the PLC’s are hoping to accomplish (Norwood, 2007).

**Empowerment**

Through this commitment and creation of a shared vision the team, including leaders and participants, becomes empowered to work together and achieve goals. PLCs are not effective when the team is being told what to do and does not collaborate PLCs must be a joint venture for it is true that, Top-down mandates and bottom-up energies need each other (Fallen, 1999). This process involves sharing diverse ideas and making compromises so that all members are satisfied with the direction in which the organization is moving.

If schools are to be significantly more effective, they must break from the industrial model upon which they were created and embrace a new model that enables them to function as learning organizations. We prefer characterizing learning organizations as ‘professional learning communities’ for several vital reasons. While the term ‘organization’ suggests a partnership enhanced by efficiency, expediency, and mutual interests, ‘community’ places greater emphasis on relationships, shared ideals, and a strong culture – all factors that are critical to school improvement. The challenge for educators is to create a
community of commitment – a professional learning community.” “It sounds simple enough, but as the old adage warns, ‘the devil is in the details’. (Dufour, 2005, p. 2)

In an educational setting a PLC may contain people from multiple levels of the organization who are collaboratively and continually working together for the betterment of the organization. Peter Senge (2000) believed, “It is no longer sufficient to have one person learning for the organization” (p. 38). The idea that there was one main decision maker who controls the organization is not sufficient in today’s school; all people within the community must work effectively towards common goals. A major principle of PLCs was that people learn more together than if they were on their own. The idea of team learning is an interesting concept that teachers work to promote in their classrooms but often do not practice in their professional lives. Senge (2000) suggested that when teams learn together there are beneficial results for the organization. It becomes the team, not the individual that is viewed as the main learning unit. High-quality collaboration has become no less than an imperative (Gajda, 2007).

Team learning builds upon personal mastery and shared vision. This involved creating a snapshot of what is important to both individuals and the school community. Although individuals are responsible for their own actions, feelings and opinions, it is the common good of the community that guides decision making.

Barriers to Implementation

Many teachers and other educators often feel as if they are pawns in a larger game of chess where school and district leaders place obstacles that can cause issues in
educators doing their job (Buffum & Hinman, 2006). Some of the barriers that were presented and inhibited the development of PLCs, according to Riley and Stoll (2004), included subject areas, due to the fact that some educational subjects tended to naturally take precedence over others. Another obstacle is simply the physical layout of the school (Buffum & Hinman, 2006).

In the book *Turning Research into Results*, Clark and Estes (2008) highlighted the importance of closing organizational performance gaps. It is important to analyze their work *vis a vis* No Child Left Behind implementation and the California Public Schools Accountability Act of 1999 because both of the laws (at the federal and state levels) used performance test to measure a school’s or district’s effectiveness.

Improving performance ‘The Active Ingredients’, includes an organization focusing on increasing knowledge, skills, and motivation – and focusing these assets on organizational goals that are based on performance. Organizations need to be goal-driven, and currently most performance or work goal systems are not tied to an organization’s business goals. (Clarke, 2002, p. 41).

The process for arriving at a remedy included setting specific performance goals, measuring the gap between current achievement and desired performance goal levels, and determine the cost-benefit of closing each gap, what is the cost of closing the knowledge gap, motivational gap, and organizational gaps. Clark and Estes (2008) concluded that the “Big Three” causes of performance gaps must be examined during the analysis process. They are:

1) People’s knowledge and skills;
2) Their motivation to achieve the goal (particularly when compared with other work goals they must also achieve)

3) Organizational barriers such as a lack of necessary equipment and missing or inadequate work process (Clark & Estes, 2008, p. 43).

The purpose of individual and team gap analysis was to identify whether all employees had adequate knowledge, motivation, and organizational support to achieve important work goals (Clark, 2002). Given this research, legislation academic reform must not only look at student outcomes are standardized test but also process by which Districts, schools, administrators, teachers, support staff, and students are including analysis of performance on the “Big Three,” knowledge gaps, motivational gaps, and organizational gaps. Finally Clark and Estes (2008) defined the “Big Three”, this way:

- Knowledge and Skills – In this gap, it is necessary to determine whether people know how (when, what, why, where, and who) to achieve their performance goals. Because people are often unaware of their own lack of knowledge and skills or reluctant to disclose weaknesses, ask for their people.

- Motivation – Motivational causes of gaps are a bit more complex than knowledge and skill causes simply because fewer performance specialists are familiar with them. Even though a significant amount of motivational research is conducted in organizations rather than in laboratories, the results have not yet been adequately communicated to people in work settings. In general, motivation is the internal, psychological process that gets us going, keeps us moving, and helps us get the job done (Clark & Estes, 2008).
• Organizational Barriers – Deal with largely resource levels. Problems such as missing tools, inadequate facilities, or faulty processes or procedures prevent or delay work. Often when motivation is ruled out some organizational barrier may be the culprit (Clark & Estes, 2002).

The goal is for organizations to increase performance and the above gaps are consistently worked through. This is critical to the sustainability of the organization to meet or exceed performance targets.

*The Value-Added Approach*

One of the most contentious issues in accountability is how to report test results. Some have suggested grouping together districts with similar socioeconomic and demographic characteristics. However, this approach has been criticized out of fear that it “lowers expectations or justifies exiting performance differences” (Cibulka & Derlin, 1995, p. 484). Some states have adopted value-added schemes, while others de-emphasize comparisons by reporting information in alphabetical order. In recent years, the concept of value-added accountability has become increasingly popular. Under this system, schools compete with their own previous performance levels, rather than with each other. This approach balances concerns for equity and excellence by benchmarking performance on a school-by-school basis (Sergiovanni, Burlingame, Coombs & Thurston, 1999).

*State Takeovers*

Another trend in accountability is state authority to take over chronically low performing school districts. According to Swanson and King (1997), “Policies enacted in
a number of states between 1983 and the mid 1990s authorized state education agencies to assume district operations” (p. 246). Twenty-three states currently have mechanism for state takeover of individual school or entire school districts (Hunter & Swann, 1999). In some cases such as Chicago, local municipal government is given the power to run the schools (Hunter & Swann, 1999).

In New Jersey, the state education department may dismiss and replace democratically elected school board, superintendent, or district administrators. Of course, this assumed “that state-level officials can perform better than local officials” (Swanson & King, 1997, p. 246), a policy assumption that is largely untested. State takeovers are often based on the erroneous premise that schools are low performing because they are poorly managed. So far, the results of state takeovers have been mixed. As Hunter and Swann (1999) pointed out, state governments “often inherit difficult instructional problems but lack the expertise to solve them” (p. 246).

Public School Choice

A major debate in education is raging over accountability in charter schools. Thirty-eight states and the District of Columbia have passed charter school laws, permitting school administrators, teachers, parents, or members of the community to create their own publicly financed schools. The basic premise of the charter school movement is that the bureaucratic nature of public education inhibits creativity and innovation, preventing school professionals from meeting the needs of schoolchildren. Thus, by freeing professionals from overly intrusive rules and regulations, we can create more effective, responsive public schools (Cooper, 2004).
Weak Incentives

Another problem with currently be federal legislation (NCLB of 2002) and state legislation (PSAA and 1999) is incentives are weak in measuring the goal of proficiency in Math and English Language Arts. To better explain this point this section turns to the work of Author O’ Sullivan and Steven Sheffrin work on creating strong incentives in economics. The study of economics in modern societies is mostly concerned with remunerative incentives rather than moral or coercive incentives — not because the latter two are unimportant, but rather because remunerative incentives are the main form of incentives employed in the world of business, whereas moral and coercive incentives are more characteristic of the sorts of decisions studied by political science and sociology. It is the position of this researcher that therefore education legislation typically falls under moral and coercive incentives and needs to be more remunerative. A classic example of the economic analysis of incentive structures is the famous Walrasian Chart of supply and demand curves. Economic theory predicts that the market will tend to move towards the equilibrium price because everyone in the market has a remunerative incentive to do so: by lowering a price formerly set above the equilibrium, a firm can attract more customers and make more money; by raising a price formerly set below the equilibrium, a customer is more able to obtain the good or service they want in the quantity they desire.

A strong incentive is one that accomplishes the stated goal. If the goal is to maximize production, then a strong incentive will be one that encourages workers to produce goods at full capacity. A weak incentive is any incentive below this level.
Incentives help people to make the right decision, or the one one would like them to make. In order to accomplish things to be done in economics they must give the consumer or the producer incentives, without them, they would have no reason to do what is asked of them. The same is true in education. Students, as well as teachers, need to have stronger incentives for performance. By saying teachers can get fired and nothing for the students being assessed is a weak incentive and currently there is no incentive other than personally achievement on the STAR assessments. There is, however, for CAHSEE.

When speaking of accountability and the types of academic accountability in legislation, one must have strong incentives for the goals they are trying to reach. The focus of debate, however, centers on what criteria should be used to hold charter schools accountable to the public. Ostensibly, charter schools have a built-in accountability mechanism – either they fulfill the terms of their charter or they face sanctions and closure by the state. Manno, Finn and Vanourek (2000) referred to this as “accountability via transparency” (p. 473). However, as Fusarelli and Crawford (2001) pointed out in their introduction “Charter Schools and Accountability Puzzle”, accountability in charter schools has multiple meanings and usages. According to the authors, accountability in charter schools involves much more than answering a straightforward technical question of whether student achievement improves or not. It is “inextricably tied to political, social, and ethic questions of social justice and equal educational opportunity” (Fusarelli & Crawford, 2001, p. 107).
At least five different types of accountability are found in charter schools nationwide (to differing degrees, dependent on location): (1) market-based or consumer-driven accountability (if consumers are not satisfied with the school’s product, the school will close), (2) achievement-based (via meeting standards and improving test scores), (3) professional-based (placing substantial control and responsibility means that politics, political considerations, and pressure pervades all facets of the seemingly neutral, objective language of accountability, suggesting that decisions as to whether to sanction charter schools, close them, renew (or not) their charters, or increase (or not) the number of charter schools authorized by the state is based more on politics than on any objective measures of accountability per se (Fusarelli & Crawford, 2001).

The type of accountability system utilized by a school district, state education department, or federal agency has a significant effect on educational policy practice. For example, Arizona Charter School policy disregards professional accountability. “There are no procedures to ensure competence through teacher or charter school accreditation. Arizona Charter School Legislation did not require either charter school teachers to have any certification, such as a degree in education from an accredited school, or even a college degree” (Garn, 2001, p. 589). In his study of accountability in charter schools in Arizona, Garn (2001) found that “parental choice was the principal accountability mechanism” (p. 592).

In closing, new research has emerged out the Rice University and the University of Texas on the impact of the state of Texas, whose standardized, high-stakes test-based accountability system became the model for the nation’s most comprehensive federal
education policy. What was found was that more than 135,000 youth are lost from the state’s high schools every year. Dropout rates were highest for African American and Latino youth, (more than 60% for the students that were followed). Findings from this study, which included analysis of the accountability policy in operation in high-poverty high schools in a major urban district, analysis of student-level data for more than 271,000 students in that district over a seven-year period under this policy, and extensive ethnographic analysis of life in schools under the policy, show that the state’s high-stakes accountability system has a direct impact on the severity of the dropout problem. The study carried great significance for national education policy because its findings show that disaggregation of student scores by race does not lead to greater equity, but in fact puts the most vulnerable youth, the poor, the English language learners, and African American and Latino children, at risk of being pushed out of their schools so the school ratings can show “measurable improvement”. High-stakes, test-based accountability leads not to equitable educational possibilities for youth, but to avoidable losses of these students from our schools (McNeil, 2009).

Summary

In summary, Chapter 2 was designed to highlight the following: 1) Provide the historical context in education legislation has evolved to the present day both from the federal and state levels; 2) Establish what research states are best practices to improve instruction; and 3) Highlight what research states are the best ways to impact transformational change from the school, district, LEA, county, and state levels.
No matter the form of accountability, be it performance, resource, choice, or standards-based, the K-12 accountability movement is here to stay. Unfortunately, much of the accountability rhetoric tends to coalesce around the punitive aspects of performance-based accountability, which in large measure comprises the No Child Left Behind Act of 2002 NCLB which uses as its measure for quality control Adequate Yearly Progress or AYP and State of California’s Public Schools Accountability Act or 1999 which mandates Annual Performance Index or API. Education reform in the United States has a long tradition of achievement testing, use of objectives, and competency-based education. It is clear that reform measures that are current in place at both the federal and state level have served to loosen the mandating of inputs while tightening state oversight of outputs. This focus leads to general preoccupation with managerial efficiency in exchange for fewer inputs (Lankford & Wyckoff, 1996). Worse, is that much of the movement lacks continuity around what constitutes proficiency from the federal level. States are therefore left with defining what accountability means in their own ways. Some like the State of California have elected to push the envelope by having very rigorous standards and high Annual Measurable Objectives AMOs such as 350 is proficiency in ELA and Math while states like Maryland and Colorado have selected very low AMOs such as 250 is proficient ELA and Math. Nonetheless, current legislation fails to ask why outcomes on high stakes testing over traditional measures speak more directly to the multiple missions of schools throughout the country. Further, why are there no mandated research-based instructional strategies that serve to transform organization performance through the process of Professional Learning Communities?
There is an overwhelming amount of journal articles on researched based instruction strategies, transforming organizations, and using data to drive the instructional cycle. The Obama administration has recently made recommendation for amending NCLB, some of which included: 1) value-added to assessment individual student performance of ELA and Math; 2) more funding for K-14 which will mandate schools to measure outcomes of student graduation rates and career readiness; and 3), the president will replace language in the law that all students reach proficiency by 2014 in ELA and Math. Sadly, however, they are not much in terms of mandating proven researched based strategies against urban, suburban, and rural settings. Clearly, the pendulum is starting to shift and currently, the significance of this policy analysis is the beginning change and surely, California can redefine the current accountability to align itself with the research.
Chapter 3

METHODOLOGY

Introduction

Chapter 3 provided an explanation of the research methodology chosen to study the impact of significant subgroups in the state of California making federal Adequate Yearly Progress AYP and state Annual Performance Index API. A descriptive non-experimental quantitative research design was used to address the research hypotheses for this study. Existing datasets made up of the test scores from the 2007, 2008 and 2009 administrations of the STAR, CST, CAHSEE were used. The data was obtained from California Department of Education office of Data and Statistics using EdData, the database of students test data. The test data was analyzed using Descriptive Observational Measurement with statistical measures of averages, both tabled and graphed in order to determine differences in the performance of the students with disabilities receiving special education and students in the general population of different subgroups on some 3,700,000 students and over 6000 schools throughout the state of California. The mathematical formulas for calculating AYP and the absolute performance of selected schools were also used to determine the impact on schools meeting adequate yearly progress requirements when the disabled students and other 10 other significant subgroups were considered.
Statement of the Problem

School districts are faced with severe challenges as the No Child Left Behind legislation is implemented. The law must be followed as the educational needs of all children are met. Prior practices of measuring the performance of schools, districts, and students by including all students into one performance measure often-masked subgroup indexes. Whether a student with a disability, African American, Hispanic, or of low socio-economic status performance measures were not disaggregated, population averages of the general student population were the standard before NCLB. This new frame for school accountability on standardized testing presents issues for schools and school districts. The requirement to incorporate students with disabilities into an AYP model based on standardized testing presents uncomfortable issues for schools and school districts.

The NCLB Act of 2001 asserts the goal of having all students proficient in reading and mathematics by the end of the 2013-2014 school year. As Special Education researcher, Candy Richburg (2007) suggested:

It is a formidable challenge for the typical students to attain that level of achievement; however, NCLB legislation established the same achievement goal for students including those with disabilities…the marriage of high standards and accountability for student results has created a high stakes environment for all schools and school districts throughout the United States. Including the assessment data of the disabled students’ subgroup may have a tremendous impact on the ability of schools or districts to meet AYP goals and receive
acceptable ratings in regards to accountability measures adopted by individual states. (p. 43)

This policy analysis seeks to determine if AYP targets are too high and are unrealistic for all students throughout the state of California. By using descriptive statewide data the purpose of this study is to lay the foundation for educational reform in California that will redefine proficiency targets in ELA and Mathematics to individual subgroup growth rather than the current system of AMO’s based on aggregate arbitrary growth. Finally, to recommend that any legislation must be based on research based instructional strategies. It is not known if the ability of a school or district to meet AYP is affected by the presence of disabled student subgroup. This study will examine the impact of including students with disabilities as a separate subgroup when calculating adequate yearly progress as well as Annual Measurable Objects AMO ratings in the state of California.

Research Questions:

The study was guided by the following four research questions:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace?

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends?
3. What is the likelihood of schools that do not make AYP to go into Program Improvement and what is the likelihood of schools once in PI to come out?

Research Design and Approach

Quantitative research was conducted on all student significant subgroups throughout the state of California. Data was gathered from the Testing and Accountability Section of the California Department of Education (CDE), the purpose for gathering the data is to observe and describe the educational phenomena in a manner that produces organized, statistical results. The research conducted was non-experimental descriptive design; this approach involved collecting data without manipulating variables, the non-experimental methods used in this research will include; historical research, and, finally, observation and analysis of existing data sets found from the CDE office. Research of this type is an essential area for educators “because there are so many important but non-manipulative independent variables needing further study in the field of education” (Johnson, 2001, p. 3). The researcher studies what has already occurred, or what has happened naturally in order to quantify the results.

This study the researcher has provided an explanation using numerical data analyzed by mathematical methods. Collection instruments such as standardized tests were used to gather the quantitative data (Gall, Gall & Borg, 2003). The intent of the researcher was to provide results that are an accurately representation of the groups being studied. The existing data set was gathered from the California Standards Test and the California High School Exit Exam for the years 2007, 2008 and 2009. The quantitative
data was analyzed by using an Excel spreadsheet that was calculated the mathematical formula for determining AYP as outlined by NCLB. The mathematical formula was used within the state of California was also be utilized with and without data from the disabled students subgroup in order to explore research question three.

Population and Sampling

Three consecutive years of statewide descriptive data was collected from the California Department of Education on school years 2007, 2008, and 2009 of more than 3,700,000 students. This sample size was selected based upon the varied demographic representations such as socioeconomic status and special education population. The CST scores of Grades 2 through 11, along with CAHSEE scores of tenth grade students, were used with the scores of general education students compared to those students with the disabled subgroup for the purpose of evaluating the difference in test performance. The scores were then analyzed within the formula used to measure percent proficient in order to determine the impact of student subgroup in relation to predetermined state AYP Proficiency Targets. The descriptive research involved comparisons between groups (SWDs, SES’, ELLs), and other ethnic subgroups, a major emphasis is often placed on the significance level for the hypothesis that all groups are making progress just not at the rate mandated by NCLB AYP. The data was then tabled and graphed for descriptive observational value. A t-test was then run to determine if there are was correlation between Program Improvement PI and proficiency Annual Measurable Objectives (AMOs). Tabled data tended to clustered and demonstrate subgroup proficiency growth is
increased since 2007, however not at the rate to match State and Federal AMO targets. There was a variability or spread of two to four percent depending on a particular subgroup. The data of the CST and CAHSEE scores was then used to determine the absolute performance ratings of high schools as determined by the State of California.

Sources of Information

*STAR California Standards Test*

The Standardized Testing and Reporting (STAR) Program measures performance on the California Achievement Test, Sixth Edition Survey (CAT/6 Survey), the California Content Standards Test and the Spanish Assessment of Basic Education (SABE/2). The STAR Program is the cornerstone of the California Public Schools Accountability Act of 1999 (PSAA). The primary goal of the PSAA is to help schools improve the academic achievement of all students.

Each spring, California students in Grades 2 through 11 must take a series of tests that comprise the state's STAR program. These must be completed 10 days before or after 85% of a school's year has passed.

The California Standards Tests (CST) is designed to match the state's rigorous academic content standards for each grade. Grades 2 through 8 tests cover mathematics and English/language arts (which includes writing in Grades 4 and 7). Grades 9 through 11 cover English/language arts, mathematics, and science. History-social science tests are added for Grades 8, 10 and 11 as well as science for Grades 5 and 8. Except for writing, all questions are multiple-choice.
California's school accountability system was originally based solely on scores from the CAT/6. Through the Annual Performance Index (API), the scores drove the allocation of millions of dollars in intervention and award programs, depending on the health of the state’s budget.

APIs now include results primarily from the California Standards Tests plus CAT/6. Results from the California High School Exit Exam (CAHSEE), taken by tenth graders in the 2001-2002 school years are part of high school APIs. English/language arts scores count for ten percent and math for five percent.

Student scores on the California Standardized Test (CST) were used to compare general education students to students with disabilities in Grades 2 through 10. The CST is a standardized test used to assess California students in grades two through eleven. Scores from this test, given in the spring of each school year, are used by the state to determine Adequate Yearly Progress (AYP) of schools. AYP is the indicator of measurable progress mandated by No Child Left Behind. In order for a school to meet AYP, each student subgroup represented in the school must meet the established AYP targets. In addition to the indicator of AYP, the state of California has an established performance indicator known as the Annual Performance Index (API) that measures the standards of at least five percent school-wide growth annually, which is based on the prior years’ performance scores, ranging from 1 to 1000.

The CST includes multiple-choice and constructed response questions depending on which grade level includes English Language Arts, Mathematics, Science, and Social Studies. The multiple-choice items provide students with several reasonable responses
from which to select and answer. The numbers of the multiple choice items included on a test varies from by both subject and grade level.

Data Collection

Test scores from the 2007, 2008, and 2009 administrations of the STAR and the CAHSEE for Grades 2 through 11 were utilized to conduct this study. The data was gathered through the California State Superintendents Office to clarify the purpose of this study. Data was obtained from the California Department of Education (2010) database. This database provided information on State, County, and Districts and was the primary data source. The process of preparing and collecting the data was done through a three part data collection plan: (1) the pre-collection phase – identification of observational cohort groups in this case significant subgroups in Title I school and LEA; (2) collection phase- case identification of cohort proficiency rates by subgroup over a three year period against independent (AYP target) and dependent variables (Subgroup actual targets); and (3) presentation of findings – through dispersion, central tendency, and finally, association. The purpose of the data collection was to obtain information to keep on record and establish English Language Arts and Mathematics proficiency rates for cohorts of students based over three separate years, to make decisions about the need to adjust Annual Measurable Objective targets for the State of California, to pass information on to state and federal policymakers for more realistic annual performance targets as opposed to current targets of eleven percent a year. Finally, to demonstrate the need for more researched based education legislation.
The formal data collection process in this case was the use of existing statewide data banks it ensures that data gathered is both defined and accurate and that subsequent. How proficiency rates were established is discussed in the previous section under source of information to ensure that the findings were valid. The process provided both a baseline (State Mandated Annual Targets – dependent variable) and from which to measure actual performance targets (Subgroup cohort targets over three years).

Types of data collection descriptive/observation:

1. By cross sectional looking at relationships of central tendency, dispersion, and association of subgroups proficiency rates in ELA and Math.

2. By longitudinal to establish subgroup performance trends and patterns to project out regressively until 2014.

A sample survey data collection method was used of some 3,700,000 students, Grades 2 through 11. Archival data for the students in this study will be obtained by the researcher and will be gathered from the CDE test bank STAR and CAHSEE results. The first step in data collection will be obtaining STAR and CAHSEE scores of all students in grades two through ten at the participating schools. Scores will be listed for English/language arts and Mathematics for the purpose of AYP calculation.

Data Analysis

Three focus areas discussed. They are in the form of the following questions.

1. Is there a relationship between Title I Schools in California and the likelihood of moving into program improvement?
2. Are current standards of proficiency based on NCLB realistic to achieve by the cut-off date of 2014?

3. Accountability ratings in the state of California when the scores of students within the disabled students’ subgroup are counted and excluded, is there a difference?

Three consecutive years of statewide descriptive data was collected from the California Department of Education on school years 2007, 2008, 2009 of more than 3,700,000 students and was used in order to test research questions one through three. Proficiency rates of ELA and Mathematics were found to have grown every year since 2007. Each subgroup grew an average of two to four percent, narrowing the achievement gap among each subgroup. Further, statewide proficiency targets are growing on average of ten percent each year. This rate was faster than the rate of student academic performance causing AYP failure rates to increase. For the purpose of this study, all subgroups were analyzed. The researcher determined if there was an impact on schools meeting adequate yearly progress requirements when the disabled students’ subgroup were considered as a separate subgroup or included within the “all students” designation. The quantitative data was analyzed using an Excel spreadsheet, which calculated the mathematical formula for determining AYP as outlined by NCLB.

Summary

According to the No Child Left Behind legislation all students will be proficient in reading and mathematics by the end of the 2013 – 2014 school year. While this is a
laudable goal, this may an unrealistic expectation to expect all students to meet the same standards and test score targets. Disabled students have learning disabilities that cause them to be labeled as students with special needs. Because of these special needs students in the disabled subgroup many not ever be able to achieve at the same level as regular education students (Buchanan, 2004). This study utilizes the STAR scores and the CAHSEE results in Grade 10 of high school students throughout the state of California. The study explored the impact of the disabled student subgroup when accountability systems ratings are assigned to individual schools. The results may illustrate the need for precise regulations and direction for counting the special needs population in the accountability process and more realistic targets for each significant subgroup.
Chapter 4
DATA COLLECTION AND ANALYSIS

Introduction

The purpose of this study was to determine if there was a significant difference in AYP targets and actual performance of significant subgroups within the state of California and to determine if proficiency targets by the state of California in ELA and Mathematics are unrealistically set. Quantitative data was gathered around four research questions using ex-post descriptive data covering AYP proficiency rates for 2007, 2008, and 2009 in ELA and Mathematics and finally Program Improvement rates using excel tables. AYP target rates as they currently exist, were proven to be unrealistic and the pace unattainable. It is recommended that California education legislation be amended in realignment with proficiency targets based on the trend of growth for each subgroup and researched based instructional strategies be included as one the 46 criteria used in measuring Adequate Yearly Progress.

Description of Sample

Three consecutive years of statewide descriptive data was collected from the California Department of Education for school years 2007, 2008 and 2009. In total, there were approximately 3.7 million students, Grades 2 through 11 in more than 6000 schools. Proficiency rates of English Language Arts and Mathematics were used. The areas examined were growth patterns between subgroups starting with special education
students, English Language Learners, socio-economically disadvantaged and all significant ethnic subgroups.

Research Tools

The research tools included the following:


2. Measures obtained are reported clearly, following standard procedures.

3. Adjustments or revisions to the use of standardized research instruments have been justified and any effects on the interpretation of findings are clearly described.

4. Both descriptive and inferential statistics were utilized to explore the research questions in this study measuring central tendency, dispersion, and association. The data are described in means, standard deviations, frequencies, and percentages.

Research Questions

Chapter 4 is structured around the following research questions:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace?
2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends?

3. What is the likelihood of schools that do not make AYP to go into Program Improvement and what is the likelihood of schools once in PI to come out?

Tables 5 through 7 represent ELA Longitudinal Proficiency rates of years 2007, 2008, and 2009. Tables 9 through 11 represent Math longitudinal proficiency rates of years 2007, 2008, and 2009. Tables 12 through 15 represent the statewide rate of growth findings for ELA and Math. Tables 17 through 18 represent the Statewide Growth of School and Local Education Agencies LEAs Program Improvement findings.

Table 4 below is a description of the annual AMO targets set by the State of California in English Language Arts up until 2014. It shows 100% proficiency for all students. Again, the purpose this chart is to demonstrate what the state and federal mandates are for schools and districts receiving Federal Title I. Schools and Districts that do not make targeted growth are subject to Program Improvement placement and are labeled consistently low achieving which would place them into Program Improvement.

Table 4

| NCLB Annual Measurable Objectives for English Language Arts |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 13%             | 24.4%           | 35.2%           | 46%             | 56.8%           | 67.6%           | 78.4%           | 89.2%           | 100%            |
Table 5 provides a look at the proficiency performance of students statewide and by subgroup in ELA for the year 2009. Statewide for 2009 there was average of 52% proficient with a variance in proficiency rates depending on the subgroup represented. Each column is represented by either, A, B, C, D or E. The control group is column (C); (B) is the sample population; (D) represents that variance in proficiency; and (E) Independent Variable.

The following tables are broken down by years starting from 2007 – 2009 for English Language Arts. In the tables you will find proficiency rates:

Table 5

<table>
<thead>
<tr>
<th>2009 AYP ELA Proficiency Data</th>
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<tbody>
<tr>
<td><strong>Groups (A)</strong></td>
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<tr>
<td>-----------------</td>
</tr>
<tr>
<td><strong>Statewide</strong></td>
</tr>
<tr>
<td>African American</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
</tr>
<tr>
<td>Asian</td>
</tr>
<tr>
<td>Filipino</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
</tr>
<tr>
<td>Pacific Islander</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
</tr>
<tr>
<td>Socioeconomically</td>
</tr>
</tbody>
</table>
Disadvantaged

<table>
<thead>
<tr>
<th></th>
<th>ELA</th>
<th>Math</th>
<th>Rate %</th>
<th>Hit</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Learners</td>
<td>1295599</td>
<td>431503</td>
<td>33.3</td>
<td>No</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>417340</td>
<td>125089</td>
<td>30</td>
<td>No</td>
</tr>
</tbody>
</table>

The following includes research Questions 1 through 3 applied to Table 5:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace? Based the above data proficiency rates are rising when observed over a three year period, 2007, 2008 and 2009.

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends? Based on the data, proficiency rates are rising. Fifty-four percent of significantly relevant subgroups made targets in 2009 while 45% of significant subgroups did not make the targets 2009.

Table 6 provides a look at the proficiency performance of students statewide and by subgroup in ELA for the year 2008. In 2008, there was a statewide average of 48% while there was a cross sectional variance of proficiency rates depending on the subgroup.

The control group is column (C); (B) is the sample population; (D) represents that variance in proficiency; and (E) Independent Variable.
Table 6

2008 AYP Proficiency ELA

<table>
<thead>
<tr>
<th>Groups (A)</th>
<th>Valid Scores (B)</th>
<th># at or above Proficient (C)</th>
<th>% Proficient (D)</th>
<th>AYP Criteria (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statewide</strong></td>
<td>3746247</td>
<td>1805021</td>
<td>48.2</td>
<td>Yes</td>
</tr>
<tr>
<td>African American/Black (not of Hispanic origin)</td>
<td>286759</td>
<td>101658</td>
<td>35.5</td>
<td>Yes</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>31016</td>
<td>13138</td>
<td>42.4</td>
<td>Yes</td>
</tr>
<tr>
<td>Asian</td>
<td>316403</td>
<td>227300</td>
<td>71.8</td>
<td>Yes</td>
</tr>
<tr>
<td>Filipino</td>
<td>105419</td>
<td>69214</td>
<td>65.7</td>
<td>Yes</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>1861377</td>
<td>644089</td>
<td>34.6</td>
<td>Yes</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>24829</td>
<td>11399</td>
<td>45.9</td>
<td>Yes</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>1080491</td>
<td>715648</td>
<td>66.2</td>
<td>Yes</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>2083953</td>
<td>704665</td>
<td>33.8</td>
<td>No</td>
</tr>
<tr>
<td>English Learners</td>
<td>1290289</td>
<td>374528</td>
<td>29</td>
<td>No</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>411575</td>
<td>99253</td>
<td>24.1</td>
<td>No</td>
</tr>
</tbody>
</table>

Research Questions 1 and 2 were applied to Table 6:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the
current pace? Based the above data proficiency rates are rising when observed over a three year period of 2007, 2008 and 2009.

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends? Based on the data, proficiency rates are rising. Seventy-two percent of significantly relevant subgroups made targets in 2008 while 27% of significant subgroups did not make the targets 2008.

Table 7 provides a look at the proficiency performance of students statewide and by subgroup in ELA for the year 2007. Statewide for 2007 there was average of 45% while there was cross sectional variance of proficiency rates depending on the subgroup. The control group is column (C); (B) is the sample population; (D) represents that variance in proficiency; and (E) Independent Variable.

Table 7
2007 AYP ELA Proficiency Data

<table>
<thead>
<tr>
<th>Groups (A)</th>
<th>Valid Scores (B)</th>
<th># at or above Proficient (C)</th>
<th>% Proficient (D)</th>
<th>AYP Criteria (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statewide</strong></td>
<td>3751893</td>
<td>1705527</td>
<td>45.5</td>
<td>Yes</td>
</tr>
<tr>
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<td>291831</td>
<td>95307</td>
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</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>31211</td>
<td>12673</td>
<td>40.6</td>
<td>Yes</td>
</tr>
<tr>
<td>Asian</td>
<td>312084</td>
<td>215179</td>
<td>68.9</td>
<td>Yes</td>
</tr>
<tr>
<td>Filipino</td>
<td>103247</td>
<td>65038</td>
<td>63</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Hispanic or Latino 1841933 572416 31.1 Yes
Pacific Islander 24705 10722 43.4 Yes
White (not of Hispanic origin) 1110795 714547 64.3 Yes
Socioeconomically Disadvantaged 2058880 626268 30.4 Yes
English Learners 1281967 330613 25.8 Yes
Students with Disabilities 400743 83150 20.7 No

Figure 1 2007 – 2012 ELA Growth Targets

The above graph depicts the subgroup performance rates in English Language Arts against California State and federal Annual Measurable Objective (AMO) targets for years 2007 through 2009. Again, State and Federal AMO targets increase at a rate of eleven percent each year. While subgroup growth targets are increasing at a rate of two to
four percent annually. In 2007, ten of eleven subgroups were at or above proficiency targets, while in 2009, the number of subgroups at above proficiency reduce to just five to include Asian, White, Filipino, Pacific Islander, and Statewide. If one is to project out using current growth patterns of subgroups in ELA, by the time 2014 no subgroup would make the targets.

Research questions 1 through 2 (listed below) were applied to Table 7:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace? Based the above data proficiency rates are rising when observed over a 3-year period; 2007, 2008 and 2009.

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends? Based on the data, proficiency rates are rising. However, they are not keeping with the pace set by the state and federal AYP standards. Ninety percent of significantly relevant subgroups made targets in 2007, while nine percent of significant subgroups did not make the targets 2007.

The chart below provides a visual independent variable AYP targets in Mathematics from the start of NCLB legislation in 2001 of 12.8% and ends with 100% proficiency in 2014. Again, the purpose this chart is to demonstrate what the state and federal mandates for Title I School and Local Education Agencies must achieve annually if they are not be labeled consistently low achieving which would place them into Program Improvement.
Table 8

NCLB Annual Measurable Objectives for Mathematics

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12.8%</td>
<td>23.7%</td>
<td>34.6%</td>
<td>45.5%</td>
<td>56.4%</td>
<td>67.3%</td>
<td>78.2%</td>
<td>89.1%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 8 above provides a description of NCLB proficiency targets of Mathematics. On average, there is an eleven percent gain starting from school year 2007-2014 until 100% proficiency is reached.

Table 9 provides a look at the proficiency performance of students statewide and by subgroup in Math for the year 2009. Statewide for 2009 there was average of 54.2% while there was cross sectional variance of proficiency rates depending on the subgroup. The control group is column (C); (B) is the sample population; (D) represents that variance in proficiency; and (E) Independent Variable.
Table 9

2009 AYP Mathematics Proficiency Data

<table>
<thead>
<tr>
<th>Groups (A)</th>
<th>Valid</th>
<th># at or above</th>
<th>% Proficient</th>
<th>AYP Criteria (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide</td>
<td>3731766</td>
<td>2022704</td>
<td>54.2</td>
<td>Yes</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>282176</td>
<td>106026</td>
<td>37.6</td>
<td>No</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>32143</td>
<td>14662</td>
<td>45.6</td>
<td>Yes</td>
</tr>
<tr>
<td>Asian</td>
<td>318728</td>
<td>258071</td>
<td>81</td>
<td>Yes</td>
</tr>
<tr>
<td>Filipino</td>
<td>107814</td>
<td>75869</td>
<td>70.4</td>
<td>Yes</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>1869368</td>
<td>818760</td>
<td>43.8</td>
<td>No</td>
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<tr>
<td>Pacific Islander</td>
<td>24989</td>
<td>12973</td>
<td>51.9</td>
<td>Yes</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>1057135</td>
<td>712625</td>
<td>67.4</td>
<td>Yes</td>
</tr>
<tr>
<td>Socioeconomically Disadvantaged</td>
<td>2129128</td>
<td>928400</td>
<td>43.6</td>
<td>No</td>
</tr>
<tr>
<td>English Learners</td>
<td>1296034</td>
<td>554920</td>
<td>42.8</td>
<td>No</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>419674</td>
<td>132849</td>
<td>31.7</td>
<td>No</td>
</tr>
</tbody>
</table>

Research Questions 1 through 2 applied to Table 9:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the
current pace? Based the above data proficiency rates are rising when observed over a three-year period; 2007, 2008 and 2009.

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends? Based on the data, proficiency rates are rising. Fifty-four percent of significantly relevant subgroups made targets in 2009, while 45% of significant subgroups did not make the targets in 2009.

Table 10 provides a look at the proficiency performance of students statewide and by subgroup in Math for the year 2008. Statewide for 2008, there was an average of 51% while there was a cross-sectional variance of proficiency rates depending on the subgroup. The control group is column (C); (B) is the sample population; (D) represents that variance in proficiency; and (E), Independent Variable.

Table 10

2008 AYP Mathematics Proficiency Data

<table>
<thead>
<tr>
<th>Groups (A)</th>
<th>Valid Scores (B)</th>
<th># at or above Proficient (C)</th>
<th>% Proficient (D)</th>
<th>AYP Criteria (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statewide</strong></td>
<td>3747807</td>
<td>1911904</td>
<td>51</td>
<td>Yes</td>
</tr>
<tr>
<td>African American or Black (not of Hispanic origin)</td>
<td>287060</td>
<td>97601</td>
<td>34</td>
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</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>31017</td>
<td>13181</td>
<td>42.5</td>
<td>Yes</td>
</tr>
<tr>
<td>Asian</td>
<td>316402</td>
<td>249458</td>
<td>78.8</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Research Questions 1-2 applied to Table 10:

1. Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace? 
Based on the above data proficiency rates are rising when observed over a three year period; 2007, 2008 and 2009.

2. What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math, based on current trends? 
Based on the data proficiency rates are rising. In 2008 in Mathematics 81.8% of significantly relevant subgroups made targets in 2008, while 18.1% of significant subgroups did not make the 2008 targets.

Table 11 provides a look at the proficiency performance of students statewide and by subgroup in Math for the year 2007. In 2007, there was a statewide average of 48.5% while there was cross sectional variance of proficiency rates depending on the subgroup.

<table>
<thead>
<tr>
<th>Subgroup</th>
<th>2007 Students</th>
<th>2008 Students</th>
<th>2009 Students</th>
<th>AYP Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filipino</td>
<td>105404</td>
<td>71369</td>
<td>67.7</td>
<td>Yes</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>1862940</td>
<td>745282</td>
<td>40</td>
<td>Yes</td>
</tr>
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<td>Pacific Islander</td>
<td>24826</td>
<td>12222</td>
<td>49.2</td>
<td>Yes</td>
</tr>
<tr>
<td>White (not of Hispanic origin)</td>
<td>1080264</td>
<td>700231</td>
<td>64.8</td>
<td>Yes</td>
</tr>
<tr>
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<td>2085565</td>
<td>827637</td>
<td>39.7</td>
<td>Yes</td>
</tr>
<tr>
<td>English Learners</td>
<td>1291671</td>
<td>498945</td>
<td>38.6</td>
<td>Yes</td>
</tr>
<tr>
<td>Students with Disabilities</td>
<td>415963</td>
<td>114290</td>
<td>27.5</td>
<td>No</td>
</tr>
</tbody>
</table>
The control group is column (C); (B) is the sample population; (D) represents that variance in proficiency; and (E) Independent Variable.

Table 11
2007 AYP Mathematics Proficiency Data

<table>
<thead>
<tr>
<th>Groups (A)</th>
<th>Valid Scores (B)</th>
<th># at or above Proficient (C)</th>
<th>% Proficient (D)</th>
<th>AYP Criteria (E)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>1822138</td>
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</tr>
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<td>91024</td>
<td>31.1</td>
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<tr>
<td>American Indian or Alaska Native</td>
<td>31250</td>
<td>12779</td>
<td>40.9</td>
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<td>Asian</td>
<td>312167</td>
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<td>103314</td>
<td>67736</td>
<td>65.6</td>
<td>Yes</td>
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<td>681755</td>
<td>37</td>
<td>Yes</td>
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<td>698501</td>
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<td>Yes</td>
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<tr>
<td>Socioeconomically Disadvantaged</td>
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<td>756579</td>
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<td>459802</td>
<td>35.8</td>
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<tr>
<td>Students with Disabilities</td>
<td>407965</td>
<td>98334</td>
<td>24.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The above graph depicts the subgroup performance rates in Mathematics against California State and federal Annual Measurable Objective (AMO) targets for years 2007 through 2009. Again, State and Federal AMO targets increase at a rate of eleven percent each year, while subgroup growth targets are increasing at an annual rate of two to four percent. In 2007, ten of the eleven subgroups were at or above proficiency targets while in 2009, the number of subgroups at above proficiency reduced to just five, to include Asian, White, Filipino, Pacific Islander, and Statewide. If one is to project out using current growth patterns of subgroups in ELA by the time 2014 no subgroup would make the targets.

Research questions 1 and 2 for 2007 to 2009 Rate of Growth averages, include the following:

- Are student proficiency rates of ELA and Mathematics for significant subgroups in California keeping with the pace of AYP targets? What is the current pace?
What is the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups will be 100% proficient in ELA and Math based on current trends?

Table 12 represents Rate of Growth findings in ELA statewide and by subgroup for 2007, 2008 and 2009.

Table 12
Rate of Growth Averages for ELA 2007, 2008, 2009

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statewide</strong></td>
<td>45.5</td>
<td>2.7</td>
<td>48.2</td>
<td>3.8</td>
<td>52</td>
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<td>32.7</td>
<td>2.8</td>
<td>35.5</td>
<td>4.2</td>
<td>39.7</td>
<td>3.5</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>40.6</td>
<td>1.8</td>
<td>42.4</td>
<td>3.9</td>
<td>45.3</td>
<td>2.85</td>
</tr>
<tr>
<td>Asian</td>
<td>68.9</td>
<td>2.9</td>
<td>71.8</td>
<td>2.8</td>
<td>74.6</td>
<td>2.85</td>
</tr>
<tr>
<td>Filipino</td>
<td>63</td>
<td>2.7</td>
<td>65.7</td>
<td>3.3</td>
<td>69</td>
<td>3</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>31.1</td>
<td>3.5</td>
<td>34.6</td>
<td>4.3</td>
<td>38.9</td>
<td>3.9</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>43.4</td>
<td>2.5</td>
<td>45.9</td>
<td>3.9</td>
<td>49.8</td>
<td>3.2</td>
</tr>
<tr>
<td>White</td>
<td>64.3</td>
<td>1.9</td>
<td>66.2</td>
<td>3.7</td>
<td>69.9</td>
<td>2.8</td>
</tr>
<tr>
<td>SES</td>
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<td>33.8</td>
<td>4.6</td>
<td>38.4</td>
<td>4</td>
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<tr>
<td>English Learners</td>
<td>25.8</td>
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<td>29</td>
<td>4.3</td>
<td>33.3</td>
<td>3.75</td>
</tr>
<tr>
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<td>20.7</td>
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<td>24.1</td>
<td>5.9</td>
<td>30</td>
<td>4.65</td>
</tr>
</tbody>
</table>
Table 13 represents statewide Rate of Growth findings in Math and by subgroup for 2007, 2008 and 2009.

Table 13

Rate of Growth Averages for Mathematics; 2007, 2008, 2009

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide</td>
<td>48.5</td>
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<td>51</td>
<td>3.2</td>
<td>54.2</td>
<td>2.85</td>
</tr>
<tr>
<td>African American</td>
<td>31.1</td>
<td>2.9</td>
<td>34</td>
<td>3.6</td>
<td>37.6</td>
<td>3.25</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>40.9</td>
<td>1.6</td>
<td>42.5</td>
<td>3.1</td>
<td>45.6</td>
<td>2.35</td>
</tr>
<tr>
<td>Asian</td>
<td>76.6</td>
<td>2.2</td>
<td>78.8</td>
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<td>81</td>
<td>2.2</td>
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<td>2.1</td>
<td>67.7</td>
<td>2.7</td>
<td>70.4</td>
<td>2.4</td>
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<td>Hispanic or Latino</td>
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<td>3</td>
<td>40</td>
<td>3.8</td>
<td>43.8</td>
<td>3.4</td>
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<tr>
<td>Pacific Islander</td>
<td>47</td>
<td>2.2</td>
<td>49.2</td>
<td>2.7</td>
<td>51.9</td>
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<td>64.8</td>
<td>2.6</td>
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<td>2.3</td>
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<td>4.95</td>
</tr>
<tr>
<td>English Learners</td>
<td>35.8</td>
<td>2.8</td>
<td>38.6</td>
<td>4.2</td>
<td>42.8</td>
<td>3.5</td>
</tr>
<tr>
<td>SWD</td>
<td>24.1</td>
<td>3.4</td>
<td>27.5</td>
<td>7.6</td>
<td>31.7</td>
<td>5.5</td>
</tr>
</tbody>
</table>

Research Question 3 asked what the likelihood of schools are, who do not make AYP to go into Program Improvement and what is the likelihood of schools once in PI to come out? In order for a school or LEA to qualify for PI status that school must qualify and except Title I funds. So, 100% of schools that do not make AYP through hitting
proficiency targets will fall into PI. Once in PI, the likelihood of exiting PI in the year 2008-2009 is five percent, a 95% chance that they will remain or advance deeper into years one through five. For 2009-2010, the likelihood of exiting PI is three percent, therefore a 97% chance that one will remain or advance deeper into years one through five, as evidenced by Tables 17 and 18.

Tables 14 and 15 represent school years 2008-2009 and 2009-2010. They present findings of school and LEA falling into PI as a result of subgroup performance, which is critical to answering the research question three as to what is the likelihood of schools who go into PI to exit PI. The State of California only started keeping PI exit data starting in 2008. Existing data banks were used for observation purposes. The data items included:

- Year: Represents the level of Program Improvement (PI) implementation.
- Advance in PI: Represents the number of schools or Local Educational Agencies (LEAs) that moved into PI or the number that moved from the prior year of PI implementation.
- Remain in PI: Represents the number of schools or LEAs that did not change the year of PI implementation from 2008-09 to 2009-10.
- Total in PI: Represents the number of schools or LEAs in PI and each year of implementation, as well as, the number of schools or LEAs that advanced and remained the same
- Exit PI: Represents the number of schools or LEAs that are no longer in PI.
Table 14

2008-09 Program Improvement (PI) Statewide Summary of Schools

<table>
<thead>
<tr>
<th>Year</th>
<th>Advance in PI</th>
<th>Remain in PI</th>
<th>Total in PI</th>
<th>Exit PI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>264</td>
<td>49</td>
<td>313</td>
<td>61 e=19%</td>
</tr>
<tr>
<td>Year 2</td>
<td>288</td>
<td>79</td>
<td>367</td>
<td>11 e=3%</td>
</tr>
<tr>
<td>Year 3</td>
<td>363</td>
<td>32</td>
<td>395</td>
<td>21 e=5%</td>
</tr>
<tr>
<td>Year 4</td>
<td>217</td>
<td>41</td>
<td>258</td>
<td>12 e=5%</td>
</tr>
<tr>
<td>Year 5</td>
<td>358</td>
<td>572</td>
<td>930</td>
<td>8 e=1%</td>
</tr>
<tr>
<td>Total</td>
<td>1490</td>
<td>773</td>
<td>2263</td>
<td>113 e=5%</td>
</tr>
</tbody>
</table>

Table 15

2009-10 Program Improvement (PI) Statewide Summary of Schools

<table>
<thead>
<tr>
<th>Year</th>
<th>Advance in PI</th>
<th>Remain in PI</th>
<th>Total in PI</th>
<th>Exit PI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>689</td>
<td>65</td>
<td>754</td>
<td>22 e=3%</td>
</tr>
<tr>
<td>Year 2</td>
<td>210</td>
<td>95</td>
<td>305</td>
<td>24 e=8%</td>
</tr>
<tr>
<td>Year 3</td>
<td>231</td>
<td>92</td>
<td>323</td>
<td>12 e=4%</td>
</tr>
<tr>
<td>Year 4</td>
<td>274</td>
<td>56</td>
<td>330</td>
<td>11 e=3%</td>
</tr>
<tr>
<td>Year 5</td>
<td>180</td>
<td>893</td>
<td>1073</td>
<td>10 e=1%</td>
</tr>
<tr>
<td>Total</td>
<td>1584</td>
<td>1201</td>
<td>2785</td>
<td>79 e=3%</td>
</tr>
</tbody>
</table>

Below, the graph represents a direct 1:1 correlation between Actual AMO Performance in ELA and Math statewide, NCLB AMO Targets, and Program Improvement. There was a direct 1:1 correlation between the number of schools
becoming PI and the eleven percent AMO increase. As performance targets increase, so do the number of schools going into PI. This raises the question as to the intent why the law is written this way. It almost would appear that failure was intended.

Figure 3  Correlation Graph of Actual Targets vs. State AMO and Rise of Schools Going into Program Improvement

Table 16 represents cohort longitudinal findings of PI increases for schools and LEAs statewide.

Table 16
Statewide Program Status for School and LEA Trend

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools</td>
<td>1600</td>
<td>1746</td>
<td>2216</td>
<td>2185</td>
<td>2263</td>
<td>2785</td>
</tr>
<tr>
<td></td>
<td>+146</td>
<td>+470</td>
<td>-31</td>
<td>+78</td>
<td>+572</td>
<td></td>
</tr>
<tr>
<td>LEA</td>
<td>142</td>
<td>153</td>
<td>159</td>
<td>185</td>
<td>248</td>
<td>299</td>
</tr>
<tr>
<td></td>
<td>+11</td>
<td>+4</td>
<td>+26</td>
<td>+63</td>
<td>+51</td>
<td></td>
</tr>
</tbody>
</table>
As a result of graphed tables 1-16, there is direct correlation between State and Federal AMO targets increasing and the number of school and LEAs going into Program Improvement. Although Actual Performance has increased statewide so has the number of schools going into PI.

Figure 4 Correlation between the Rise in State AMO targets and the Increase of LEAs going into Program Improvement

Summary

Chapter 4 analyzed the data in research questions one through one through three. Chapter 5 further breaks down the findings by research questions. There was one unexpected find, being 31 schools came out of PI as opposed to the years prior that had seen consistent increases since 2004-05 of school entering PI. Clearly, schools and LEAs are having difficulty keeping up with a rapid growth of eleven percent set by the state and federal government. Since 2005, the California Department of Education (CDE) has reported accountability results under the Accountability Progress Reporting (APR)
system umbrella. Schools are able to view their results under both the state and federal accountability systems. The Base API represents a recalibration of the API system that occurs each spring. Also included with the 2007 Base API score are API growth targets for the school and for every numerically significant subgroup at the school, the school's statewide rank and its similar schools rank. Finally, Chapter 5 looks at results of the chapter four date, conclusion and finally recommendations for that can be made to improve currently education legislation in the state of California and next steps. Chapter 5 concludes with a reflection on the process of putting this work together.
Chapter 5

RESULTS, CONCLUSIONS AND RECOMMENDATIONS

Introduction

This research reviewed the impact of the disabled students’ subgroup on the ability of a school to meet accountability requirements within the No Child Left Behind legislation. What was found was that all significant subgroups are failing to maintain pace with the annual measurable objectives set by federal and state mandates. There were five research questions that were centered around three focus areas, (a) Is there a relationship between Title I Schools in California and the likelihood of moving into program improvement, (b) Are current standards of proficiency based on NCLB realistic to achieve by the cut off date of 2014, and (c) Accountability ratings in the state of California when the scores of students within the disabled students subgroup are counted and excluded, is there a difference? These focus areas were addressed with a quantitative research design utilizing existing datasets of information, along with mathematical formulas for AYP and accountability rating calculation.

The chapter presents a synopsis for the purpose of the study, revisits methodology used and analyzes the findings as they relate to the six research questions for the study. The chapter concludes with a summary and recommendations for further research.
Purpose of the Study

The purpose of this study is to determine if student subgroups are growing at the rate of proficiency mandated by the No Child Left Behind Act and to demonstrate the likelihood of schools to exit Program Improvement (PI) once identified. Chapter 2 presents descriptions of federal and California education accountability legislation and research on the best ways to improve academic performance and transformational change. The purpose was to amend and transform currently legislative language to include researched based practices, and eliminate current state Annual Measurable Objectives of eleven percent to more realistic annual targets for significant subgroups for Students with Disabilities, English Learners, SES, and others. Currently, education legislation uses a “one size fits all approach”, the same measure for all manifested fails to provide social justice thereby devaluing individual achievement by making unnatural comparisons hence producing inequitable measures. This must change.

Methodology Review and Research Findings

A non-experimental descriptive quantitative research design was used to address the research hypotheses for this study. Existing datasets made up of the test scores from the 2007, 2008 and 2009 administrations of the California Standards Test or CST and California High School Exit Examination or CAHSEE were used for Grades 2 through 11. The data was obtained from California Department of Education office of Data and Statistics using EdData, the database of students test data. The test data was analyzed using Descriptive Observational Measurement with three statistical measures of, central
tendency, dispersion, and association in order to determine differences in the performance of the students with disabilities receiving special education and ten other significant subgroups of some 370,000 students and over 6000 schools throughout the state of California. The mathematical formulas for calculating AYP and the absolute performance of selected schools were also used to determine the impact on schools meeting adequate yearly progress requirements when the disabled students and other ten other significant subgroups were considered. The research findings are organized and presented in order by question.

Research Question 1

This question asked if student proficiency rates of ELA and Mathematics for significant subgroups in California kept up with the pace of AYP targets, and what was

Based on the data provided in Table 12, proficiency for English Languages Arts for SWD has been rising consistently at an average rate of 4.63% over the academic years of 2007, 2008, and 2009 from 20.7% in 2007 to 30 in 2009. The problem, however, is that SWD students’ rate of growth is not pacing with the Mandates of NCLB. Of eleven percent for example, 2007’s ELA target was 24.4%, 2008’s target was 35.2, and 2009’s target was 46%. The impact however, is significant in that CST and CAHSEE scores of the general education students were significantly higher than those of the students with almost three times high for Asian students in comparison with SWD students. However, when examining the central tendency of the SWD and other significant subgroups student rate of growth was higher for example in ELA from 2007 and 2008, there was an increase in proficiency statewide of 3.4% and in 2008 and 2009,
there was an increase of 5.9%, The same was true in math for 2007 and 2008 at 3.4% and 2008 and 2009, 7.6% for SWD. Growth was realized by every subgroup, not just at the eleven percent rate set by the state of California.

Research Question 2

The question asked what was the likelihood that significant subgroups will hit the 2014 AYP target of all subgroups, and will be 100% proficient in ELA and Math, based on current trends. Based on the data provided in Tables 12 and 15, proficiency rates were rising for each significant subgroup in both ELA and Math. Statewide ELA proficiency rates increased and average of 3.25% per year from 2007-2009. ELA proficiency rates increased for African American Students 3.5%, American Indian or Alaska Natives 2.85, Asian 2.85%, Filipino three percent, Hispanic or Latino at four percent, Pacific Islander 3.25%, White 2.8%, SES four percent, and ELL at 3.75%. In Mathematics, statewide proficiency rates increased with an average of 2.85% from 2007-2009, African American 3.25, American Indian or Alaska Native 2.35%, Asian 2.2%, Hispanic or Latino 3.4%, Pacific Islander 2.45%, White 2.3%, SES 4.95%, and ELL 3.5%. The central tendency was the same as SWD that there was annual growth in ELA and Math both statewide and each subgroup of 2-5% will NCLB AYP targets grew at a rate of eleven percent per year. The dispersion rates for both ELA and Math for all subgroups including SWD fell between two and five percent with subgroups starting with the highest proficiency rates (Asian and White students), averaging less growth than subgroups that start out with lower proficiency experiencing higher growth rates on average. This leads to the association that as AYP targets increase more and more subgroups will eventually fail to
meet mandated targets, causing more and more schools and districts to fall into Program Improvement. There is less than a .5% chance that any subgroup will hit 100% proficiency in ELA or Math.

Research Question 3

Question 3 asked what the likelihood was that schools do not make AYP in order to go into Program Improvement, and what is the likelihood of schools once in PI to come out. The likelihood of Title I schools in the State of California to go into Program Improvement is 100% the likelihood that you will come out of PI in 2008 was five percent with a 95% chance you would remain in PI. In 2009, the likelihood based on Table 18 that a school would exit PI was three percent, while there was a 97% probability that the school would remain in PI. Tables 15 through 17 demonstrated a central tendency for LEA each year as the AYP targets move more and more LEAs are falling into PI as evidenced in the 2004 there were 142 LEAs identified as PI while in 2009 there were 299 LEA identified as PI this is a difference of 157 newly identified LEAs with a zero exit rate, this represents a 47% increase in just five years. This is also true for schools statewide. The central tendency, with the exception of school year 2006 and 2007, has been an increase of Title schools into PI from 1600 schools in 2004 to 2785 schools in 2009 this is a difference of 1,185 newly identified schools statewide who are now PI, this represents a 57% increase in over five years. The summary of 2008-09 and 2009-10 PI Results Schools are identified for PI if they miss AYP in the same content area (ELA or mathematics) or for the same indicator (API or graduation rate) for two consecutive years. Once identified for PI a school advances to the next year each time it misses AYP.
PI for schools is designed on a five-year timeline. Schools in Year 1 of PI must offer students an option to attend a non-PI school in the same LEA with paid transportation. Schools in Year 2 of PI must offer supplemental education services (SES) to eligible students. There were 6,020 schools that received federal Title I funds in 2007-08. Of those schools, 2,241 or 37.2% of those are in PI in the following years: Year 1 – 322, Year 2 – 366, Year 3 – 387, Year 4 – 261, Year 5 – 905. The CDE and for first time stated reporting the School and LEAs that exited PI starting in 2008-09 and 2009-10 schools.

Over 260 schools are being identified for PI for the first time in 2008-09 after missing AYP in 2007 and 2008. In addition, 342 schools advanced to Year 5 of PI (Tables 15 through 17). Schools exit from PI after making AYP for two consecutive years. In 2008, 116 schools exited from PI after making AYP in 2007 and 2008. An LEA (school district or county office of education) is identified for PI when, for each of two consecutive years, it misses AYP in the same content area (ELA or mathematics) LEA-wide or for any numerically significant subgroup, and does not meet AYP criteria in the same content area in each grade span (Grades 2-5, Grades 6-8, Grade 10), or does not make AYP on the same indicator (API or graduation rate) LEA-wide. PI for LEAs is on a three-year timeline. In 2007-08, 931 LEAs received federal Title I funds. Of those LEAs, 242 or 26.0% were identified for PI for the 2008-09 school year in the following years: Year 1 – 62, Year 2 – 35, Year 3 – 145.

Of the 62 LEAs in Year 1 of PI, 61 of them were first identified for PI in 2008-09. Fifty of the previous fifty-two Year 2 PI LEAs advanced to Year 3 in 2008-09 and will
face action by the State Board of Education or SBE. In March 2008, the SBE required all PI Year 3 LEAs to adopt and fully implement a new curriculum. Some of the Year 3 LEAs were also required to contract with a District Assistance and Intervention Team (DAIT) to assist them in their improvement efforts. One LEA exited from PI after making AYP for in 2007 and 2008. This has huge financial implications. If a school does not make AYP Year 1, nothing happens. Table 17 below describes what would take place in Year 2.

Table 17

Number of Years a School Does not Make AYP

<table>
<thead>
<tr>
<th>Number of Years</th>
<th>School Improvement Year 1</th>
<th>School Improvement Year 2</th>
<th>Corrective Action Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three</td>
<td>LEA: Provides technical assistance to PI school. Notifies parents of PI status of school and school choice. Sets aside minimum 5% for professional development to meet highly qualified staff requirements. Provides choice to attend another public school in the LEA that is not PI (LEA is responsible for transportation costs.) Establishes peer review process to review revised school plan School: Revises school plan within 3 months to cover 2-year period. Uses 10% of Title I school funds for staff professional development. Implements plan promptly.</td>
<td>LEA continues: Technical assistance. Parent notification of PI status of school, school choice, supplemental services. Professional development. School choice. LEA adds: Supplemental educational services to all eligible students. School continues: Plan implementation.</td>
<td>LEA continues: Technical assistance. Parent notification of PI status of school, school choice, supplemental services. Professional development. School choice. Supplemental services LEA adds: LEA identifies school for corrective action and does at least one of the following: Replaces school staff. Implements new curriculum. Decreases management authority at school level. Appoints outside expert. Extends school year or day. Restructures internal organizational structure of school. LEA informs parents and public of corrective action and allows comment. LEAs may provide direct technical assistance to school site councils in developing school plans. School continues: Professional development. Collaboration with district to improve student achievement</td>
</tr>
<tr>
<td>Four</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Six
Restructuring Year 4
LEA continues: Technical assistance. Parent notification of PI status of school, school choice, supplemental services. Professional development. School choice. Supplemental services. LEA and School add: During Year 4, prepare plan for alternative governance of school. Select one of the following: Reopen school as a charter. Replace all or most staff including principal. Contract with outside entity to manage school. State takeover. Any other major restructuring. LEA provides notice to parents and teachers and allows comment. School continues: Professional development. Collaboration with district to improve student achievement

Seven
Restructuring Year 5
LEA continues: Technical assistance. Parent notification of PI status of school, school choice, supplemental services. Professional development. School choice. Supplemental services. LEA and School add: Implement alternative governance plan developed in Year 4. School continues in PI, and LEA offers choice and supplemental services until school makes AYP for two consecutive years. School exits PI after two consecutive years of making AYP.

The state accountability system is an index model that measures improvement in student achievement from one year to the next. Under the API system, schools are given credit for improving the overall performance of their students. School growth targets are set based upon the starting point of the school and are re-set each year depending on the level of growth each school site shows.

The federal AYP system is often referred to as a "status" model because it rewards schools for the percent of students the school has scoring at the proficient or above level on state assessments. No matter where a school began, all schools are expected to meet the same target.

Summary of 2008 AYP Results Statewide

Every LEA, school and subgroup in California is expected to achieve a 95% participation rate on ELA and mathematics state assessments used to calculate AYP each
year. In addition, all LEAs, schools, and subgroups are expected to meet state targets for the percentage of students scoring at or above the proficient level. Beginning in 2008, these state targets increased annually by about eleven percentage points until 2013-14 when 100% of students are expected to be performing at or above the proficient level on state assessments in both ELA and mathematics.

The participation rate and percent proficient calculations for elementary and middle schools are based on the CSTs and the CAPA in ELA and mathematics and on the CAHSEE and the CAPA for grade 10 students in ELA and mathematics for high schools. The API is an additional AYP indicator for all schools; the graduation rate is only applicable for schools with enrollment in grades nine through twelve.

In 2008, 52 percent of all schools made all their AYP targets, a decrease of 15 percentage points from 2007 and likely due to the increased AYP percent proficient targets and the inability to offer flexibility to schools and LEAs that missed AYP only because of the performance of the SWD group. This flexibility (i.e. the 20% credit) was offered to schools and LEAs in ELA and mathematics in 2006 and in mathematics in 2007. The percentage of schools making their AYP targets differs by school type with 59% of elementary schools making their AYP targets; 34% of middle schools; and 48% of high schools. Schools receiving Title I funds meet their AYP targets at a lower rate than all schools, 44% versus 52%. In 2008, 39 percent of all LEAs made all their AYP targets, a decrease of 15 percentage points from 2007.
Conclusions

In the world of education, increasing accountability tops the agendas of most policymakers at the state, federal, and local levels. As Garn (2001) notes, “Few people argue against increasing accountability in public education” (p. 577). Although much of the research is talking about it, it is by no means clear what they mean when they do. In the state of California is it clear for what purpose performance-based accountability are solely used to measure schools and LEAs. Based on current NCLB legislation presumably school personnel – teachers, administrators, or staff – are not doing their jobs well or else student achievement would not be so poor. This type of accountability is punitive, requiring school personnel to be closely watched and monitored (a mindset based on decade-old assumptions about human nature, discussed by Douglas McGregor [1960] in Theory X. Related to this purpose is market-based performance accountability where staff is rewarded for demonstrable gains in student achievement.

Other forms of accountability in current NCLB and PSAA legislation include standards-based accountability, a type of equity reform where all students are held to the same standards as evidenced by current state subject frameworks; resource accountability as evidenced by schools in the fifth year of Program Improvement a system to ensure that funds are properly allocated and spent; and finally currently both federal and state legislation in California uses choice-based accountability where schools are held accountable through the decisions of parents as to which schools their children will attend if the school is deemed consistently low performing.

Unfortunately, much of the current accountability rhetoric in education tends to
coalesce around the punitive aspects of performance-based accountability based on best practices, and not researched based instructional strategies. As Newmann, King and Rigdon (1997) noted, “Many politicians and policymakers today link school accountability and school performance” (p. 41). This reflects in part, a general preoccupation with managerial efficiency for the purpose of increasing output with less and less emphasis on inputs.

Whether the results of research Questions 1 and 2 on the pace of significant subgroups on annual performance targets in AYP or research question 3 on the increase of California schools statewide moving into PI, the dominant way schools are measured is through performance based outcomes on standardized testing of CAHSEE and CST of English Language Arts and Mathematics.

Despite the political popularity of using current performance-based accountability system in the State of California it is the conclusion of the researcher that the system is not alignment with research in the following areas:

- Administrators are held accountable for variables not under direct control, such as student achievement and attendance (187 articles found on Sac States ERIC database on this topic) (Cibulka, 2001).
- Concerns have arisen about the validity of evaluation instruments and the evaluation process itself (36 articles mainly concerning Race to the Top).
- Confusion around the role of purpose of testing in accountability assessment systems (382 articles found on ERIC) (Smith & O’Day, 1991).
- Overreliance on tests fails to accurately or completely measure the varied missions of schools (Cibulka, 2001).
- The argument that optimal performance results from threats and intimidation
is dubious (Reeves, 2004).

- Ambiguity of the terms success and accountability (Webber & Townsend, 2002).
- Encourages teachers to teach to the test, thereby narrowing the curriculum (Linn, 2000).

Other criticisms of current practice of educational reform include: (1) the system holds low and already high performing school, LEA, and subgroups with vastly different needs and student populations, to the same standards; (2) it assumes a cause-effect relationship exists between teacher and administrator performance and student performance again the research on this inconclusive; (3) the system unfairly rewards some teachers and administrators, while unfairly punishing others, using targets of an eleven percent annual growth that not one subgroup has managed to attain sense the start of the legislation, again a best practice strategy and not a research based strategy; and (4) these flaws raise serious scientific and moral questions (Sergiovanni, Burlingame, Coombs & Thurston, 2004).

Finally, there are three problems with current educational targets set by the State of California with respect to NCLB AYP and state API: (1) Targets are ever increasing to the year 2014 as evidenced in Tables 4 and 8; (2) Targets are unrealistic in that the eleven percent annual growth is not in pacing with two to five percent dispersion data. There needs to be alignment with subgroup growth trends based on the level of proficiency, for example Asian students who are at 70% proficiency level should not be held to the same growth rate of Students with Disabilities who are at 30% proficiency rate; the current mandate that all students be held to the same annual targets flies in the face of mountains
of research on Differentiated Instruction, Culturally Responsive Teaching, and Value Added Formative Assessment to guide instruction. (3) Annual Measurable Objectives target of 350 proficiency for high school students needs to be norm referenced so that if statewide average is 300 hundred then that should be proficient, rather than criterion reference.

Currently, the State of Maryland uses such a target strategy this allows for more students to reach proficiency against and within the norm. Maryland, by the way, leads the country in proficiency rates. Although these suggestions would naturally fall under recommendation, this researcher decided not to because they represent best practice and not what the research suggests should be done. The problem with the current system of accountability in the State of California is that it makes testing the issue, which is the wrong output to measure. A better and more equitable approach would be to focus on outputs of graduation rates, dropout rates, career certificated completion rates, or even community college course completion, all of which speak and connect directly with the multiple missions of K-12 education. More emphasis on inputs, policymakers need to use the “if then” relationship of the Logic Model form education draft education law.

Imagine if legislation, inputs such as researched based instructional strategies of Marzano et al. (2001), or researched based professional development of Professional Learning Communities (PLCs) by Dufour, or Reeves’s Collective Accountability of that speak to transforming K-12 and community college culture, or the strong incentives of Eric Hanushek and his work on the relationship between school resources and student outcomes, there no telling how far we’d go in the field of K-14 education. Any farmer
will tell you that measuring the weight of a pig will not feed it. The current system fails the social justice test concentrating efforts on outputs i.e., proficiency rates in Reading and Math as opposed to inputs (proven researched based instructional practices with outcomes that have high intrinsic value).

Recommendations for Further Study

There were several prospective aspects for future research that emerged as this study was completed. The recommendation is that quasi-experimental study be conducted and that study use the program/planning of the Logic Model and be centered around the four accountability lenses or dimensions found in Cooper, Fusrelli, and Randall’s book titled “Better Policies Better Schools” four policy dimensions include: (1) Normative Dimension of Policy, which considers the values of efficiency, effectiveness, and equity. The recommendation in this area is that the current testing outcomes be realigned in ELA and Math (proficiency for proficiency sake) to outcomes directly connected to mission of K-12, industry based standards, and Community College A-G placement test. By doing this, schools and LEAs would be judged on the efficiency, effectiveness, and equity of a K-14 model that would value school outcomes that have high intrinsic value and high market value. (2) Structural Dimension of Policy, which includes the governmental arrangements, institutional structure, systems, and process that promulgate and support policies in education. The recommendation is that legislation move away from the current policy focus of NCLBs outcomes of Annual test of reading and Mathematics to legislation that emphasizes inputs of researched based instructional strategies to systems
that institutionally shape and support K-14 education. An example of this would be the work of Marzano et al. (2001) and researched based teacher professional development and example of this would be Dufour’s work on Professional Learning Communities. This would require a paradigm shift in current “Best Practice thinking” to “Researched Based Thinking”. The state of California should recognize the importance of legislating researched based instructional practice; (3) Constituentive Dimension of Policy – includes use of networks, elites, masses, interest groups, ethnic/gender groups, providers to participate in the policy making process. Currently legislation in NCLB requires LEAs, districts, and schools to notify parents through school accountability reports cards for the purposes of creating an informed public who would, presumably, pressure district officials to improve low-performing schools. There is little evidence that this has occurred (Cibulka, 2000). Those most likely to use performance reporting include those parents already active in schools, the media, and not surprisingly, real estate agents eager to make their properties more attractive (Cibulka, 2000). The recommendation is that 20% of in-kind private sector services or dollars must match federal and state Title I funding. LEAs, Districts, and Schools would be required to develop business partners or foundations that would contribute through a combination of the following; financially, use of facilities, student job shadowing opportunities, career day speakers, internships, scholarships, etc. The LEA, district, school would need to show that 20% of it’s overall federal Title I and state Economic Impact Aid or EIA, would come from the private sector; and finally (4) Technical Dimension of Policy – includes educational planning, practice, implementation, and evaluation – the nuts and bolts of policymaking. New
systems of accountability are in development throughout the United States. According to Derlin these new accountability systems have distinguishing characteristics: (1) a shift from input (process) to output (performance) standards; (2) greater emphasis on what students should know and be able to do; and (3) a push to link often-fragmented state polices into a coherent framework (systemic accountability reform). These aforementioned examples suggest that attention to the technical dimension of accountability policy is crucial to the effective implementation and ultimate success of reform strategy. Following are recommendations to ensure that California is successful in this endeavor:

- A nationwide mission statement with the focus on college and career readiness
- Traditional measures of student performance must be included into as part of a school’s Annual Measurable Objective e.g., Attendance, Dropout Rates, College transfer rates, ROP certification.
- Provide time for teacher planning and staff development
- Offer significant financial rewards to teachers and staff of schools that exceed district and state performance goals (Hunter & Swann, 1999, pp. 247-248)
- New education legislation must be evaluated for; strength of research, significance of effect, and magnitude of effect by state statisticians.
- Programs that are to receive funding must be evaluated for capacity to further develop and bring to scale.
- Based on the Logic Model Local Education Agencies or (LEA), Districts,
Schools must include Research based Instructional Strategies and transformational organizational change as part of their strategic action plan. The goal is to legislate professional development as part the yearly action plan, in the development of an Instructional Cycle.

• Move to individual subgroup targets of performance rather than whole group targets and have targets based on 85% proficiency cap for each subgroup that schools will be rewarded for exceeding the cap. Academic growth targets must be set no higher than two to five percent as base depending on the subgroup. With statewide proficiency by 2025.

Summary

The No Child Left Behind legislation notably increased the federal role in public education and has provided an unparalleled increase in federal resources to states in order to improve low performing schools (National Conference of State Legislatures, 2005). In return, more accountability is expected from LEAs and state school systems. Schools are required to increase student testing, publicize test results by subgroup, and have a highly qualified teacher in each classroom. AYP is to be measured for all students by examining test results from a combined student population and also from the various subgroups of students within that population. The scrutiny of each state on test performance is envisioned to “reach down and differentiate student performance at the closest level possible” (Ritter & Lucas, 2003, p. 56). The primary goal as made apparent from the title of the legislation is to ensure that no child is left behind.
With the proposed changes to NCLB by the Obama administration now is the time for states to create more equitable measures for student performance, and the results of this study are important because they add to the body of literature regarding the differences in standardized test achievement with respect to average growth rate patterns between subgroups, including those of disabled students. The research because of its timing is significant for legislators and policymakers to evaluate and decide the best ways to produce transformational change that is balanced by social justice for LEA, Districts, Schools, educators, and all significant student subgroups and their families. These groups of stakeholders potentially have the power to create changes in No Child Left Behind based on statistical data. This study also, when placed within a broader conceptual framework, raises questions regarding the probability of NCLB achieving its main goal of bringing all students to levels of proficiency in math and reading by the end of the 2013–2014 school year, for not only students receiving special education services but all significant subgroups.

According to Townsend (2007), initial numbers indicated that at least one-fourth of the schools in the nation failed to meet the requirements of No Child Left Behind. In order for a school to meet AYP, every disaggregated subgroup, including the disabled students subgroup, must meet the AYP target individually. The source of failure for many schools is the failure of subgroups to meet standards. High numbers of schools have been branded as not meeting AYP based solely on the performance of the subgroup of disabled students and increasingly other significant subgroups (Schwartzbeck, 2003). In 2005, the National Council of State Legislatures (NCSL) Task Force on NCLB provided
suggestions in order to improve the progress of students with disabilities. Those proposals included giving IDEA primacy over IDEA, providing states flexibility in determining the number of students tested at ability level versus grade level, having states set starting points and projection paths for a larger number of students with disabilities, and reevaluating the goal of 100% proficiency by 2014. NCLB places an important focus on closing the achievement gap and improving educational opportunities for all students. However, this body of work establishes that there needs to be a value added approach to student performance relevant to each individual subgroup, that the 100% proficiency mandate should be removed from legislation, and that standards of student achievement should be based on researched based data with strength of effect, and magnitude of scale. Finally, any legislative language that measures student academic achievement should be based on an ongoing continuum that connects current K-12 performance assessments to outcomes that are college and career ready and industry standards driven, rather than simply ELA and Math.
Appendices
Appendix A

California Public Schools Accountability Flow Chart
California Public Schools Accountability Flow Chart

Public Schools Accountability Act of 1999 (Chapter 3, Statutes of 1999)

PSAA Advisory Committee

Academic Performance Index (API)

Statewide Evaluation

Annual Percentage Growth Targets

Alternative Accountability System

For small schools and schools with non-traditional student populations; schools with 11 to 99 valid test scores receive an API with an asterisk

Governor’s Performance Award (GPA) Program

PSAA Advisory Committee

Immediate Intervention/Underperforming Schools Program (IU/USP)

Monetary Awards

Schools meeting participation and growth criteria are eligible for awards

Schools failing to meet growth targets and in the lower five API deciles are eligible for interventions

Superintendent’s Distinguished Schools

Public commendations or schools honor roll

Waiver of Education Code requirements

Monetary Awards

All schools receiving an API, including those participating in IU/USP, are eligible to participate in the awards programs.

Local Interventions

Schools failing to meet growth targets after one year of implementation

State Sanctions

Schools failing to meet growth targets after two years of implementation
Appendix B

University of Wisconsin Logic Model Design
University of Wisconsin Logic Model Design
References


95.


Mathis, W. J. (2004). NCLB and high-stakes accountability: A cure or a symptom of the disease? *Educational Horizons. 82*(3), 143-152.


National Information Center for Children and Youth with Disabilities, [NICHCY].


No Child Left Behind (NCLB). , 2002, § 6301 (3)).


