

SPECIAL EDUCATION STUDENTS IN SELECTED FLORIDA HIGH SCHOOLS:
ADEQUATE YEARLY PROGRESS AS MEASURED BY THE POLICIES SET FORTH IN
THE NO CHILD LEFT BEHIND ACT

BY

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To my Mother,
Carolyn Dey Lobkowitz

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The author conducted a policy analysis of the impact of the special education student population [referred to as exceptional student education (ESE) in Florida's *A+ Plan*, and as students with disabilities (SWD) under the *No Child Left Behind Act*] in selected Florida high schools regarding adequate yearly progress (AYP) as measured by the policies set forth in the *No Child Left Behind Act*. The major laws involved in this examination were the *No Child Left Behind Act (NCLB)*, the *Individuals with Disabilities Education Act (IDEA)*, and Florida's *A+ Plan*. Florida was chosen because of the quality and clarity of the education policy in the state's *A+ Plan*. This policy mandated that students must pass the *Florida Comprehensive Assessment Test (FCAT)* in order to graduate from high school. Scores and participation in this statewide test were the foundation of Florida's *A+ Plan*, and were used to measure adequate yearly progress at both the school and district levels.

The state and Federal policies were examined to determine if special education students had an impact on adequate yearly progress under either *No Child Left Behind* or Florida's *A+ Plan*.

Data were gathered from the official Florida Department of Education (FLDOE) web site. All of the highest and lowest scoring districts, as measured by Florida's *A+ Plan* were examined. Within these districts data from all the highest and lowest scoring high schools were gathered. A comparison was then made between the school grade under Florida's *A+ Plan* and if the school made adequate yearly progress under the *No Child Left Behind Act*. Data from schools that made adequate yearly progress were examined to determine if and how students with disabilities impacted the calculations under both *No Child Left Behind* and Florida's *A+ Plan*.

Thirty-seven school districts and 109 high schools in Florida were examined in this study. Of the fifteen high schools that did make adequate yearly progress only two of them did so without dismissing the students with disabilities category due to small group size.

CHAPTER 1 INTRODUCTION TO THE STUDY

Introduction

The purpose of this study was to discover the impact of the special education¹ student population on the policies set forth by the *No Child Left Behind Act (NCLB)*.² The *No Child Left Behind Act* was signed into law in 2002 by President Bush.³ It was the most encompassing of Federal laws governing education. The successfulness of schools and districts under *NCLB*⁴ was measured through the ability to make adequate yearly progress (AYP).⁵ This dissertation examined the impact of the special education student population on AYP.⁶

In making a determination of the impact of special education students on education policy two Federal laws must be considered, the *NCLB*,⁷ and the *Individuals with Disabilities Education Act (IDEA)*.⁸ *No Child Left Behind*⁹ was the most encompassing educational law. Signed into law in 2002, it addressed issues including: funding, achievement, highly qualified teachers, punitive measures, mandatory student remediation, school restructuring, and school

¹ Special education is a generic term for students qualifying for more individualized education. Under IDEA these students are referred to as individuals with disabilities [20 U.S.C. § 1400 (c)(1)]. In NCLB they are referenced as students with disabilities, SWD [20 U.S.C. § 6311 (b)(2)(C)(v)(II)(cc)]. In Florida it is referred to exceptional student education ESE [FLA. Stat. ch. 1003.01 (3)(a)]. All these terms are used interchangeably in this paper.

² 20 U.S.C. §§ 6301 et seq. (2002)

³ "U.S. Department of education," [online] No Child Left Behind, available from <<http://www.ed.gov/nclb/landing.jhtml?src=pb>>.

⁴ 20 U.S.C. §§ 6301 et seq. (2002)

⁵ 20 U.S.C. § 6311(b)(2) (2002)

⁶ AYP is defined in NCLB and referenced to the NCLB definition in IDEA 2004. Florida's A+ Plan references making AYP as defined by NCLB; however, the state uses a school grading system to determine progress. These issues are addressed latter in this paper. When AYP is used without a legal citation it is being used generically to refer to student and school progress without limiting it to the definition of only one law.

⁷ 20 U.S.C. §§ 6301 et seq. (2002)

⁸ 20 U.S.C. §§ 1400 et seq. (2004)

⁹ 20 U.S.C. §§ 6301 et seq. (2002)

choice for students in low performing schools.¹⁰ *The Individuals with Disabilities Education Act*¹¹ dealt exclusively with students with disabilities. This law was reauthorized in 2004. One of the major objectives of the reauthorization of *IDEA*¹² was to align it with *NCLB*.¹³ The *Individuals with Disabilities Education Act*¹⁴ mirrored much of the language found in *NCLB*.¹⁵ This included issues such as: funding, student remediation, accountability, achievement, and disaggregated data collection.¹⁶

This study was conducted in the state of Florida because it had a model state plan for increasing student achievement. The Florida statute governing achieving adequate yearly progress was the *A+ Plan*.¹⁷ Governor Bush signed the *A+ Plan*¹⁸ into law in 2000. The basic principals of the *A+ Plan* were: set state goals; measure annual learning; grade schools and monitor progress; eliminate social promotion; reward schools; assist failing schools and give parents more choices; raise educator standards; rate college of education performance; raise admission standards to education programs; reward quality educators; hold educators

¹⁰ "U.S. Department of Education," [online] A Guide to Education and No Child Left Behind, available from <<http://www.ed.gov/nclb/overview/into/guide/index.html>>.

¹¹ 20 U.S.C. §§ 1400 et seq. (2004)

¹² 20 U.S.C. §§ 1400 et seq. (2004)

¹³ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁴ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁵ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁶ "IDEA-Reauthorized Statute," [online] Alignment with the No Child Left Behind Act, available from <<http://www.ed.gov/policy/spced/guid/idea/tb-nclb-align.pdf>>.

¹⁷ FLA. Stat. ch. 2006.74 (2006)

¹⁸ FLA. Stat. ch. 2006.74 (2006)

accountable; improve teacher training.¹⁹ Many of these concepts are paralleled in the policies of *NCLB*.²⁰

These three laws were the primary references for this policy study. Data were gathered from the Florida Department of Education web site²¹ and analyzed in accordance with the policies of the intersection of these laws. The gold standard ultimately being how the special education student population impacted high schools making AYP²² under the auspices of *NCLB*.²³

Need for the Study

As noted in the Tenth Amendment, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”²⁴ Education is not mentioned in the *Constitution*,²⁵ therefore it is reserved to the states. This raises the question, why should the states be concerned with a Federal policy regarding education? The answer lies in funding. The reality is that even though Federal education dollars are a very low percentage of a state’s education budget²⁶ it would be politically untenable to

¹⁹ FLA. Stat. ch. 2006.74 (2006)

²⁰ 20 U.S.C. §§ 6301 et seq. (2002)

²¹ "Florida Department of Education," [online] , available from <<http://www.fldoe.org/Default.asp?bhcp=1>>.

²² 20 U.S.C. § 6311 (b)(2) (2002)

²³ 20 U.S.C. §§ 6301 et seq. (2002)

²⁴ U. S. Const. amend. X

²⁵ U. S. Const.

²⁶ Only about 8 percent of education funding comes from the federal level as cited in. "Education Statistics Quarterly," [online] National Center for Education Statistics, available from <http://nces.ed.gov/programs/quarterly/vol_6/6_3/3.asp#fig_1>.

refuse the money.²⁷ If a state legislature accepts Federal education dollars they must follow the policies laid out by the Federal laws.

The result of virtually mandated Federal policies regarding education may have been a de-facto violation of the Tenth Amendment;²⁸ however, as of yet no state legislature has opted out of following these policies. The fact that no state has opted out demonstrates the major impact these laws had on the nation,²⁹ or more specifically the states.³⁰ Considering that these laws had punitive measures up to and including the state take over of a school,³¹ these policies needed to be examined in detail. The basic premise of *IDEA*³² was that students with special needs required individualized education, be it through an adapted or modified curriculum. Instruction for students with disabilities should be available through a continuum of services.³³

History of Special Education

Advocates for special education have had a long and arduous battle to become protected under Federal law.³⁴ Recognition of the need to provide services for people of any age, and in particular students who have disabilities, has been slow to develop.³⁵ The Perkins School for the

²⁷ This is based on the political reality that no constituent wants their taxes raised and a loss of revenue would necessitate an increase. A public policy maker who raises taxes tends lose favor with the general population.

²⁸ Kathryn McDermott, and Laura Jensen. "Dubious Sovereignty: Federal Conditions of Aid and the No Child Left Behind Act," *Peabody Journal of Education* 2, no. 80 (2005); U.S. Const. amend. X.

²⁹ Council for Exceptional Children, "CECs Summary of Significant Issues," [online] The New IDEA, 2004, available from <<http://www.cec.sped.org/pp/IDEA.120204.pdf>>.

³⁰ Detailed ramifications were addressed in chapter two, in the punitive issues section.

³¹ 20 U.S.C. § 6361(b)(8)(B) (2002)

³² 20 U.S.C. §§ 1400 et seq. (2004)

³³ 20 U.S.C. § 1400 (c)(5)(A) (2004)

³⁴ Stephen Thomas, and Charles Russo, *Special Education Law: Issues & Implications for the '90s* (Topeka: National Organization on Legal Problems of Education, 1995).

³⁵ 20 U.S.C. § 1400 (c)(2)

Blind, founded by Samuel Howe in 1830, was one of the first institutions to try and assist the differently-abled, rather than merely warehouse them.³⁶ In 1864 Gallaudet University was founded for the deaf.³⁷ The Council for Exceptional Children (CEC)³⁸ eventually followed these intuitions in 1922; however, it was not until the 1950s that advocacy groups started to proliferate and push for legal protections for America's disabled children.³⁹

*Brown v. Board of Education*⁴⁰ had a tremendous impact on the creation of law governing students with disabilities education; however, its implications were not considered in that respect for almost another twenty years.⁴¹ In 1972, The District Court of Columbia⁴² opined that based on the reasoning held in *Brown v. the Board*,⁴³ all children have a right to a free public education.⁴⁴ This was one of the first decisions to recognize the right of students with disabilities to a public education, and was noted as the first law to directly address the issue of educating handicapped children.⁴⁵

³⁶ Daniel Hallahan, and James Kauffman, *Exceptional Learners: Introduction to Special Education* (Boston: Allyn and Bacon, 1997).

³⁷ Ann Turnbull, H. Rutherford Turnbull III, Marilyn Shank, and Dorothy Leal, *Exceptional Lives: Special Education In Today's Schools* (Englewood Cliffs, NJ: Prentice Hall, 1995).

³⁸ CEC was founded as a professional organization, which now has many branches covering various types of disabilities as well as parent and professional issues.

³⁹ Daniel Hallahan, and James Kauffman, *Exceptional Learners: Introduction to Special Education*

⁴⁰ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

⁴¹ Perry Zirkel, "Does *Brown v. Board of Education* Play a Prominent Role in Special Education Law?" *Journal of Law & Education* 34, no. 2 (April 2005).

⁴² *Mills v. Board of Education of District of Columbia*, 348 F.Supp. 866 (D.C. 1972).

⁴³ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

⁴⁴ *Mills v. Board of Education of District of Columbia*, 348 F.Supp. 866 (D.C. 1972).

⁴⁵ Stephen Thomas, and Charles Russo, *Special Education Law: Issues & Implications for the '90s*

Florida's A+ Plan

If Florida's A+ Plan⁴⁶ were not the model for NCLB,⁴⁷ it easily could have been based on the similar aspects of the plan to NCLB. Governor Bush Announced his plans for education on January, 5 1999 and three years later on January, 8 2002 President Bush signed NCLB⁴⁸ into law. If one reads the objectives of the two laws it is clear that Florida could have been the model for the national plan. In Governor Bush's announcement of the A+ Plan⁴⁹ he stated, "We can see that children learn a year's worth of knowledge in a year's worth of time, and work with unbridled determination to ensure that no child in our education system is left behind."⁵⁰ When President George W. Bush announced the *No Child Left Behind* Act he stated, "These reforms express my deep belief in our public schools and their mission to build the mind and character of every child, from every background, in every part of America."⁵¹ The name *No Child Left Behind Act*⁵² alone is indicative of the degree to which the national plan was modeled after the A+ Plan.⁵³

Florida has since incorporated the NCLB⁵⁴ goal of having 100 percent of students at proficiency by the 2013-2014 school year into its plan. Florida had intermediate goals for Math

⁴⁶ FLA. Stat. ch. 2006.74 (2006)

⁴⁷ 20 U.S.C. §§ 6301 et seq. (2002)

⁴⁸ 20 U.S.C. §§ 6301 et seq. (2002)

⁴⁹ FLA. Stat. ch. 2006.74 (2006)

⁵⁰ Florida Department of Education, "The Bush-Brogan A+ Plan for Education," [online] , available from <http://www.state.fl.us/eog/press_releases/1999/January/1_25_education.html>.

⁵¹ U.S. Department of Education, "Executive Summary," [online] ED.gov, available from <<http://www.ed.gov/nclb/overview/intro/execsumm.html>>.

⁵² 20 U.S.C. §§ 6301 et seq. (2002)

⁵³ FLA. Stat. ch. 2006.74 (2006)

⁵⁴ 20 U.S.C. § 6301 (2002)

and Reading.⁵⁵ Florida's goals included the objective of having all teachers and aides being "highly qualified," as defined by *NCLB*⁵⁶ by July 1, 2006. The goal of the state, districts, and individual schools making AYP⁵⁷ was included in the plan. Florida already had the *Sunshine State Standards (SSS)* in place as an appropriate guide for curriculum.⁵⁸ The *Florida Comprehensive Assessment Test (FCAT)*⁵⁹ was given annually to measure student achievement. The test was coded to distinguish district school and sub-group achievement levels.⁶⁰ Scores from year to year were used to determine state, district and school AYP.⁶¹ The State's *A+ Plan*⁶² was used to determine individual school grades. This allowed the identification of low performing schools, which were required to set aside 10 percent of funds for professional development under *NCLB*.⁶³

The *A+ Plan*⁶⁴ identified schools that did not make AYP. The state made school grades available on the Florida Department of Education web site.⁶⁵ This allowed schools to be targeted

⁵⁵ Florida Department of Education, "Fact Sheet: *NCLB* And Adequate Yearly Progress," *Florida Department Of Education*, 2005, <http://www.fldoe.org/NCLB/FactSheet-AYP.pdf>.

⁵⁶ 20 U.S.C. § 6319 (2002)

⁵⁷ 20 U.S.C. § 6311 (2002)

⁵⁸ Florida Department of Education, "Sunshine State Standards." [Online] Available from <http://www.firn.edu/doe/menu/sss.htm>.

⁵⁹ FLA. Stat. ANN. § 1008.22 (3)(b) (LexisNexis 2004)

⁶⁰ FLA. Stat. ANN. § 1008.34 (5) (LexisNexis 2004)

⁶¹ FLA. Stat. ANN. § 1008.22 (LexisNexis 2004)

⁶² FLA. Stat. ch. 2006.74 (2006)

⁶³ 20 U.S.C. § 6316 (c) (7) (A) (2002)

⁶⁴ FLA. Stat. ch. 2006.74 (2006)

⁶⁵ Florida Department of Education, "Measuring Adequate Yearly Progress," *Florida Department Of Education*, <http://web.fldoe.org/NCLB/default.cfm/>.

as needing assistance as required by *NCLB*.⁶⁶ If a *Title I*⁶⁷ school failed to make AYP for two consecutive years the district had to allow students to attend another school in the district that did make AYP. The lowest performing students were given priority, and the district had to make transportation available at no cost to parents of these students. After three consecutive years of failure the school also had to offer supplemental instruction. After four years the district must either replace certain staff, or implement a completely new curriculum. At five years the school had to be completely restructured, this meant reopening as either a public charter school, or replacing all or most of the schools staff.⁶⁸ Florida's implementation and evaluation plan met the requirements of *NCLB*.⁶⁹

No Child Left Behind

President George Bush signed the *No Child Left Behind Act (NCLB)*⁷⁰ into law on January 8, 2002.⁷¹ The statement of purpose of *NCLB* read: "The purpose of this title [20 USCS §§ 6301 et seq.] is to ensure that all children have a fair, equal and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. This purpose can be accomplished by..." The purpose section went on to list twelve ways in which this could be accomplished. (1) Ensure high quality assessments aligned with common expectations (2) Meet the needs of low achieving students (3) Close achievement gaps between minority and non minority students as well as

⁶⁶ 20 U.S.C. § 6316 (2002)

⁶⁷ 20 U.S.C. §§ 6301-6578 (2002)

⁶⁸ 20 U.S.C. § 6316 (2002)

⁶⁹ 20 U.S.C. §§ 6301 et seq. (2002)

⁷⁰ 20 U.S.C. §§ 6301 et seq. (2002)

⁷¹ "U.S. Department of Education," [online] No Child Left Behind, available from <<http://www.ed.gov/nclb/landing.jhtml?src=pb>>.

between low SES students and their peers (4) Hold schools, districts, and states accountable and provide alternatives for students in schools that fail to make AYP (5) Distribute resources equitably with an emphasis on where there is the greatest need (6) Increase accountability through rigorous state standards and assessments (7) Greater flexibility, but also greater accountability for teachers and schools (8) Create accelerated programs that increase amount and quality of instruction (9) Promote scientifically based instructional materials and methods (10) Increase opportunities for staff development (11) Coordinate services within this section and with other agencies (12) Ensure parents participation in their children's education.⁷²

The scope of *NCLB*⁷³ was far reaching. It had caveats ranging from high stakes testing, to requiring scientifically proven instructional methods and materials, to specific requirements about teachers and paraprofessionals being "highly qualified."⁷⁴ Many saw this law as an unprecedented intrusion into the domain of the states.⁷⁵

Individuals with Disabilities Education Act

In 1975, the predecessor of *The Individuals with Disabilities Education Act (IDEA)* 2004⁷⁶ was passed into law. The *Education for all Handicapped Children Act*, (*EHCA*),⁷⁷ was the first Federal law to guarantee handicapped children an education. It established regulations and requirements with regard to what services were provided and where these services were to take

⁷² 20 U.S.C. § 6301 (2002)

⁷³ 20 U.S.C. §§ 6301 et seq. (2002)

⁷⁴ 20 U.S.C. § 6301 (2002)

⁷⁵ Council for Exceptional Children, "CECs Summary of Significant Issues,"

⁷⁶ 20 U.S.C. §§ 1400 et seq. (2004)

⁷⁷ 20 U.S.C §§ 1400 et seq. (1975)

place. One of the issues Congress noted in this law was that, at the time, there were over a million disabled students not receiving any public education at all.⁷⁸

*EHCA*⁷⁹ was changed significantly in 1990 to become the *Individuals with Disabilities Education Act*.⁸⁰ The most obvious change was the use of “person first” language in the name of the law and throughout its text.⁸¹ Issues addressed in previous case law such as *Hoing v. Doe*, and *Board of Educ. of Hendrick Hudson Cent. Sch. Dist. V. Rowley*, were clarified.⁸²

IDEA 1990 was considered by the CEC and other child advocates to have addressed six major points. (1) Zero reject, all children are entitled to a free and appropriate education (FAPE) (2) Students are entitled to a non-discriminatory evaluation (3) The education should be appropriate to both the student’s age and ability (4) The students education should occur in the least restrictive environment (5) Procedural due process regulations were considerably expanded and clarified (6) Parental and student participation in all decisions was greatly emphasized.⁸³

In 1997, *IDEA* was reauthorized to become 20 U.S.C. §§ 1400-1487.⁸⁴ This version included exclusionary criteria in identification, such as a student could not be considered SLD if the deficit were due to a lack of instruction in reading or math. *IDEA* ’97⁸⁵ stated that all

⁷⁸ 20 U.S.C § 1400 (1975)

⁷⁹ 20 U.S.C §§ 1400 et seq. (1975)

⁸⁰ 20 U.S.C.S. §§ 1400-1491 (1990)

⁸¹ This change evidenced a shift in how the students covered by this law were to be thought of, and referred to; i.e., Johnny is a person with a specific learning disability (SLD), not an SLD child.

⁸² John Norlin, *From Rowley to Buckhannon: 50 Court Decisions Special Educators Need to Know* (Horsham, Pennsylvania: LRP, 2004).

⁸³ These are major elements only and by no means represent a detailed view of the reauthorization. 20 U.S.C.S. §§ 1400-1491 (1990)

⁸⁴ 20 U.S.C. §§ 1400-1487 (1997)

⁸⁵ 20 U.S.C. §§ 1400-1487 (1997)

students must participate in any standardized testing or take an alternative assessment. A number of changes and additions were made regarding the discipline of students with disabilities.⁸⁶ Transition services were to be considered and, where appropriate, provided to students starting at age fourteen.⁸⁷ It was clarified that parents or guardians were allowed to examine all records.⁸⁸

In 2004 *IDEA*⁸⁹ underwent its most recent and in some aspects its most dramatic reauthorization. This version of the law had many changes of significance; however, unlike the prior reauthorizations this time the changes had more to do with legal issues than with children. There were many changes in the latest reauthorization, but without question the most important goal of this version of the law was to align it with *NCLB*.⁹⁰ Bringing the two most significant Federal education laws into accord is appropriate policy, but only if the virtues they extol and the application of them are in fact to the benefit of students, after all any education policy by definition should be conceived and applied for the sole purpose of improving the potential of America's youth. According to Orlich it could be argued the policy legislators created by passing *NCLB*⁹¹ was encroaching on the states ability to best serve students.⁹² This was pointedly demonstrated by the inclusion of the following disclaimer in the law, which was so dramatic as

⁸⁶ 20 U.S.C. §§ 1400-1487 (1997)

⁸⁷ 20 U.S.C. 1400 et seq. 1400-1487 (1997) (Formerly age sixteen)

⁸⁸ 20 U.S.C. 1400 et seq. 1400-1487 (1997)

⁸⁹ 20 U.S.C. §§ 1400 et seq. (2004)

⁹⁰ Council for Exceptional Children, "CECs Summary of Significant Issues,"

⁹¹ 20 U.S.C. §§ 6301 et seq. (2002)

⁹² Donald Orlich, "No Child Left Behind: An Illogical Accountability Model," *The Clearing House* 78, September/October 2004 [journal on-line]; available from ; <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b14366436d2b9fb5fb168293e6e32b&fmt=H>.

to be included in its entirety: *Prohibition Against Federal Mandates, Direction, or Control*: “Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local education agency, or school’s specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.”⁹³ The inclusion of this statement was of great interest because its content is implicit in the *Tenth Amendment*.⁹⁴ Its inclusion was most likely an afterthought to assure that the obvious increase of the Federal Government’s intrusion into education was not construed as a violation of the Constitution.⁹⁵ The increase in Federal involvement was not strictly a violation because states could always opt not to receive Federal funding for education and be exempt from these laws. To date, no state has done so, but the ever-increasing requirements and mandates that must be met may give states more reason to consider opting out.

Given that the needs of special education students are so dramatic that it required over 200 pages of law⁹⁶ to ensure that they receive a free and appropriate education, how they are addressed under all education policies is of great importance. This study examined the interaction between the special education population and the policies set forth by *NCLB*.⁹⁷

Research Question

The purpose of this public policy study was to determine the impact of the special education student population on schools ability to make AYP⁹⁸ as measured by the policies set

⁹³ 20 U.S.C. § 617 (b) (2004)

⁹⁴ U. S. Const. amend. X

⁹⁵ Kathryn McDermott, and Laura Jensen, "Dubious Sovereignty: Federal Conditions of Aid and the No Child Left Behind Act," *Peabody Journal of Education* 2, no. 80 (2005); U.S. Const. amend. X

⁹⁶ Not counting all the rules and regulations.

⁹⁷ 20 U.S.C. §§ 6301 et seq. (2002)

⁹⁸ 20 U.S.C. § 6311(b)(2) (2002)

forth in *NCLB*.⁹⁹ Specifically the question was, how did the SWD subgroup effect the likelihood of selected Florida high schools making AYP.¹⁰⁰ In the findings it became clear that the size of the SWD subgroup figured prominently in AYP calculations. This study examined *NCLB*,¹⁰¹ *IDEA*,¹⁰² and Florida's *A+ Plan*.¹⁰³ These laws were important with regard to how they each measured AYP. It became clear that there were disparities in the results of these measures. In order to examine this issue the highest and lowest performing districts in Florida were examined.¹⁰⁴ Within the aforementioned districts the highest and lowest performing high schools were studied to see if the special education population impacted whether or not they made AYP.¹⁰⁵

Method of Study

This study was designed as an analysis of public policy. The majority of materials utilized in this study were primary source, specifically; *NCLB*,¹⁰⁶ *IDEA*,¹⁰⁷ and Florida's *A+ Plan*.¹⁰⁸ Data in this study were gathered from the official Florida Department of Education (FLDOE) web site.¹⁰⁹ All sixty-seven Florida school districts were reviewed. The highest and lowest

⁹⁹ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁰⁰ 20 U.S.C. § 6311 (b)(2) (2002)

¹⁰¹ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁰² 20 U.S.C. §§ 1400 et seq. (2004)

¹⁰³ FLA. Stat. ch. 2006.74 (2006)

¹⁰⁴ Appendix B.

¹⁰⁵ Appendix C; 20 U.S.C. § 6311 (b)(2) (2002)

¹⁰⁶ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁰⁷ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁰⁸ FLA. Stat. ch. 2006.74 (2006)

¹⁰⁹ "Florida Department of Education," [online] , available from <<http://www.fldoe.org/Default.asp?bhcp=1>>.

graded districts (A and C) were included in the study. Within the included districts the highest and lowest graded high schools (ranging from A to F) were examined. The highest and lowest graded districts and schools were included for greatest degree of separation of achievement levels. Data were drawn from thirty-seven districts and 109 schools, for a total of 472 reports (see appendix A for a sample of all reports relating to one district and a school within that district as an example of the reports data were gathered from). All of the reports were printed from the FLDOE web site;¹¹⁰ however, each individual report had its own lengthy URL. The complete citation for the sample reports is included in appendix A. In the body of this paper the FLDOE searchable database web site¹¹¹ was cited, with the understanding that all reports may be brought up from that searchable database.

Limitations of the Study

This policy analysis examined two Federal laws, *NCLB*¹¹² and *IDEA*.¹¹³ The primary focus was on the impact that special education students had on AYP as measured under the auspices of *NCLB*.¹¹⁴ This study was limited to the state of Florida. The primary state law examined was Florida's *A+ Plan*.¹¹⁵ All districts in the state were reviewed. The highest and lowest scoring districts were selected for comparison. Within the highest and lowest scoring districts the highest and lowest scoring high schools were examined to determine if the special education population

¹¹⁰ "Florida Department of Education," [online] , available from <<http://www.fldoe.org/Default.asp?bhcp=1>>.

¹¹¹ "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

¹¹² 20 U.S.C. §§ 6301 et seq. (2002)

¹¹³ 20 U.S.C. §§ 1400 et seq. (2004)

¹¹⁴ 20 U.S.C. §§ 6301 et seq. (2002)

¹¹⁵ FLA. Stat. ch. 2006.74 (2006)

impacted AYP,¹¹⁶ as measured by the policies set forth under *NCLB*.¹¹⁷ This was done based on data gathered from the FLDOE web site.¹¹⁸ Schools that made AYP¹¹⁹ under the provisions of *NCLB*¹²⁰ were examined to see if the percentage/number of special education students impacted the AYP¹²¹ determination under *NCLB*.¹²² An unexpected ancillary comparison of note was the difference in making AYP under the state plan compared to the Federal standards.¹²³

¹¹⁶ 20 U.S.C. § 6311 (b)(2) (2002)

¹¹⁷ 20 U.S.C. §§ 6301 et seq. (2002)

¹¹⁸ "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

¹¹⁹ 20 U.S.C. § 6311 (b)(2) (2002)

¹²⁰ 20 U.S.C. §§ 6301 et seq. (2002)

¹²¹ 20 U.S.C. § 6311 (b)(2) (2002)

¹²² 20 U.S.C. §§ 6301 et seq. (2002)

¹²³ Florida's A+ Plan allows schools to make "provisional AYP" an issue that will be addressed in a latter chapter.

CHAPTER 2 LITERATURE REVIEW

Parameters of Literature Review

This policy examination was based on primary source information as much as possible. The major Federal laws examined were the *No Child Left Behind Act*¹ (*NCLB*), and the *Individuals with Disabilities Education Act*² (*IDEA*). At the state level Florida's *A+ Plan*³ was reviewed. All three of these laws were examined with regard to their relevance to the research question in the previous chapter, they were briefly reviewed in this chapter. The source of raw data and the harvesting thereof was addressed in detail in chapter three.

No peer-reviewed literature of a directly comparative nature to this study was found. Ultimately a review was done of available peer-reviewed literature tangentially related to aspects of this policy analysis. Data, used in the study were the most recent available at the time of writing (the 2005-2006 school year). The oldest law noted was authorized in 1999 and the most recent in 2004, as a result the majority of the literature considered pertinent in this review was published in the last four years.

The policy question that guided this review was: What was the impact of the special education population on selected Florida high schools regarding adequate yearly progress as measured by the policies set forth in the *No Child Left Behind Act*.⁴ Florida was the state chosen to conduct the study in. The literature review was grouped along the following concepts: (1) An overview of *NCLB*⁵ (2) An overview of *IDEA 2004*⁶ (3) An overview of Florida's *A+ Plan*⁷ (4)

¹ 20 U.S.C. §§ 6301 et seq. (2002)

² 20 U.S.C. §§ 1400 et seq. (2004)

³ FLA. Stat. ch. 2006.74 (2006)

⁴ 20 U.S.C. §§ 6301 et seq. (2002)

⁵ 20 U.S.C. §§ 6301 et seq. (2002)

Detail the literature on the ramifications of the interaction of *IDEA*⁸ and *NCLB*,⁹ as they relate to public policy (5) An examination of the punitive measures of *IDEA*¹⁰ and *NCLB*¹¹ as they relate to public policy (6) An examination of the public policy literature regarding parents rights to school-choice under the two laws (7) Public policy and subgroup AYP under NCLB.¹²

No Child Left Behind

The *No Child Left Behind Act*¹³ was seen by some as a dramatic shift in America's educational policies.¹⁴ While there were some major changes, if its development were viewed over the last forty years, *NCLB*¹⁵ was really the next step in a gradual progression of change.¹⁶ The national emphasis on education shifted from micro to macro-management.¹⁷ This shift could also be viewed in terms of a change from equity, as viewed in an input model, to an accountably

⁶ 20 U.S.C. §§ 1400 et seq. (2004)

⁷ FLA. Stat. ch. 2006.74 (2006)

⁸ 20 U.S.C. §§ 1400 et seq. (2004)

⁹ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁰ 20 U.S.C. §§ 1400 et seq. (2004)

¹¹ 20 U.S.C. §§ 6301 et seq. (2002)

¹² No peer-reviewed public policy literature of the *A+ Plan* relating to this study was found.

¹³ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁴ Carolyn Yunker, Katherine Nagle, and Kimber Malmgren, "Students with Disabilities and Accountability Reform," *Journal of Disability Policy Studies* 17, Summer 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af94199776137a7383c9ea5d7bae99223d0730058&fmt=H>.

¹⁵ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁶ Lorraine McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from; <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237e958b3509534641b7&fmt=H>.

¹⁷ David Bloomfield, and Bruce Cooper, "Making Sense of NCLB," *T.H.E. Journal* 30, May 2003 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ebdacdb87ed2eb68d689fccf95808255cb8594752192de6e&fmt=H>.

model as evidenced through the demand for educational excellence.¹⁸ In order to understand these shifts it is important to look at the history of the most encompassing Federal education law.

The predecessor of *NCLB*¹⁹ was signed into law by President Lyndon B. Johnson on April 11, 1965. Part of the provisions of the *Elementary and Secondary Education Act*²⁰ (*ESEA*) addressed educational benefits directed toward disadvantaged children. This part of the law was called *Chapter One*.²¹ Additional funds were allocated to certain schools based on the percentage of students they had that qualified as low socio-economic-status (SES). Between 1965 and 1980 *ESEA*²² was reauthorized four times, each time more narrowly defining the intent that funds be used to benefit low SES students.²³

In 1983 the *A Nation at Risk* report²⁴ stated that America's public schools were being eroded by mediocrity. Among other things the report showed that 40 percent of minority children were functionally illiterate and only 30 percent of high school students could solve multi-step math problems. This report heralded the beginning of more accountability. The commission recommended; raising graduation requirements, adopting higher measurable standards, increased time devoted to academics, and raising teacher standards.²⁵

18 Lorraine McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?,"

¹⁹ 20 U.S.C. §§ 6301 et seq. (2002)

²⁰ 20 U.S.C. §§ 6301 et seq. (1965)

²¹ This section is now called Title One. 20 U.S.C. §§ 6301-6578 (1965)

²² 20 U.S.C. §§ 6301 et seq. (1965)

²³ Lorraine McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?,"

²⁴ National Commission on Excellence in Education, "A Nation At Risk," [online] Archived Information, 1983, available from <<http://ed.gov/pubs/NatAtRisk/risk.html>>.

²⁵ Peter Wright, Pamela Wright, and Suzanne Heath, *No Child Left Behind* (Hartfield: Harbor House Law Press, Inc, 2004).

Many of the issues raised in *A Nation at Risk* were reflected in the *Improving America's Schools Act*²⁶ of 1994 (*IASA*). This re-authorization required challenging content, and raising standards. *The Improving America's Schools Act*²⁷ required states to implement assessments aligned with the new higher standards. Schools were to be held accountable for meeting these standards.²⁸ It was also at this time the term adequate yearly progress (AYP) first came into play from the Federal level. The *Improving America's Schools Act*²⁹ set high standards for all students. In exchange for aspiring to these high standards states were given flexibility in the manner in which they were implemented. A natural result of states having leeway was that there was considerable variability in the way state legislatures implemented the law. Even given latitude, by 2001 only seventeen states were on track to meet the requirements of *IASA*.³⁰ This led to the latest reauthorization of *ESEA, NCLB*.³¹

The *No Child Left Behind Act*³² was signed into law by President George W. Bush on January 8, 2002. In presenting his plans for *NCLB*³³ President Bush said, "These reforms express deep belief in our public schools and their mission to build the mind and character of every child,

²⁶ 20 U.S.C. §§ 6301 et seq. (1994)

²⁷ 20 U.S.C. §§ 6301 et seq. (1994)

²⁸ Margaret Goertz, "Implementing the No Child Left Behind Act: Challenges for the States," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237ebe7b04fb0bbabc79&fmt=H>.

²⁹ 20 U.S.C. §§ 6301 et seq. (1994)

³⁰ Lorraine McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?,"

³¹ 20 U.S.C. §§ 6301 et seq. (2002)

³² 20 U.S.C. §§ 6301 et seq. (2002)

³³ 20 U.S.C. §§ 6301 et seq. (2002)

from every background in every part of America.”³⁴ In his executive summary the President went on to list four major areas of reform: (1) Increased accountability (2) More choices for parents and students (3) Greater flexibility for states, school districts, and schools (4) Putting reading first.³⁵ These were not new goals, they evolved with the series of re-authorizations of *ESEA*.³⁶

The statement of purpose of *NCLB* read: “The purpose of this title [20 USCS §§ 6301 et seq.] is to ensure that all children have a fair, equal and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. This purpose can be accomplished by...”³⁷ The purpose section went on to list twelve ways in which this could be accomplished.³⁸ This represents a brief overview of the history of *NCLB*³⁹ and it’s present form after being reauthorized in 2002.

There were peer reviewed articles that herald the *No Child Left Behind Act*⁴⁰ as the savior of public education;⁴¹ however, discounting political agenda press-releases⁴² the author of this

³⁴ U.S. Department of Education, "Executive Summary," [online] Ed.gov, 2004, available from <<http://www.ed.gov/nclb/overview/intro/execsumm.html>>.

³⁵ U.S. Department of Education, "Executive Summary," [online] Ed.gov, 2004, available from <<http://www.ed.gov/nclb/overview/intro/execsumm.html>>.

³⁶ Lorraine McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?,"

³⁷ 20 U.S.C. § 6301 (2002)

³⁸ As noted in chapter one.

³⁹ 20 U.S.C. §§ 6301 et seq. (2002)

⁴⁰ 20 U.S.C. §§ 6301 et seq. (2002)

⁴¹ Ross Wiener, and Daria Hall, "Accountability Under No Child Left Behind," *The Clearing House* 78, September/October 2004 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b14366436d2b9fb5f510457ba84202ac8&fmt=H>.

study found the preponderance of legitimate literature seemed to address the difficulties in implementing *NCLB*⁴³ and/or achieving its goals.⁴⁴ There was little debate that the altruistic goals of *NCLB*⁴⁵ were laudable.⁴⁶ The idea of all children achieving at grade level by 2014 was admirable, but whether this goal could be achieved was controversial.⁴⁷ Considering that only seventeen states ever fully met the requirements of the *Elementary and Secondary Education Act* of 1994⁴⁸ it would be an understatement to say that *NCLB*⁴⁹ was a controversial law, even legislators were having some misgivings as the reauthorization deadline approached.⁵⁰

The primary concern of this public policy study was the impact of special education students on making adequate yearly progress (AYP) under *NCLB*.⁵¹ Federal guidelines on AYP were written in broad strokes leaving the specifics to the states; however, according to the

⁴² U.S. Department of Education, "Executive Summary," [online] Ed.gov, 2004, available from <<http://www.ed.gov/nclb/overview/intro/execsumm.html>>.

⁴³ 20 U.S.C. §§ 6301 et seq. (2002)

⁴⁴ As is demonstrated throughout this section.

⁴⁵ 20 U.S.C. §§ 6301 et seq. (2002)

⁴⁶ Carl Cohn, "NCLB Implementation Challenges: The Local Superintendent's View," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237e8ffd64e3cce298d4&fmt=H>.

⁴⁷ Emma Smith, "Raising Standards in American Schools: The Case of No Child Left Behind," *Journal of Education Policy* 20, no. 4 (2005).

⁴⁸ William Wanker, and Kathy Christy, "State Implementation of the No Child Left Behind Act," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237e03c03774adb09c49&fmt=H>.

⁴⁹ 20 U.S.C. §§ 6301 et seq. (2002)

⁵⁰ Gerardo Gonzalez, "Influences of NCLB on K-12 Systemic Educational Reform," *Tech Trends* 50, March/April 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af9419977f0df7930e6c327f2a823e1ff4c9743cc&fmt=H>

⁵¹ 20 U.S.C. § 6311 (b)(2) (2002)

Secretary of Education the guidelines were inflexible.⁵² Adequate yearly progress applied to states, districts and individual schools. *No Child Left Behind* outlined the basic tenants for establishing AYP.⁵³ Education secretary Rod Paige sent out an AYP guidance letter outlining ten major guidelines for states to design individual AYP plans around:

- (1) A single statewide accountability system applied to all public schools and LEAs.
- (2) All public school students are included in the State accountability system.
- (3) A State's definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading math no later than 2013-2014.
- (4) A State makes annual decisions about the achievement of all public schools and LEAs.
- (5) All public schools and LEAs are held accountable for the achievement of individual subgroups.
- (6) A State's definition of AYP is based primarily on the State's academic assessments.
- (7) A State's definition of AYP includes graduation rates for high schools and an additional indicator selected by the State for middle and elementary schools (for example attendance rates).
- (8) AYP is based on separate reading/language arts and math achievement objectives.
- (9) A State's accountability system is statistically valid and reliable.
- (10) In order for a school to make AYP, a State ensures that it assessed at least 95% of students in each subgroup enrolled.⁵⁴

⁵² U. S. Department of Education, "Paige Joins President Bush for Signing of Historic No Child Left Behind Act of 2001," [online] Ed.gov, 2007, available from <<http://www.ed.gov/news/pressreleases/2002/01/01082002.html>>.

⁵³ 20 U.S.C. § 6311 (b)(2) (2002)

⁵⁴ Rod Paige, "Key Policy Letters Signed by the Education Secretary or Deputy Secretary," [online] Ed.gov, 2003, available from <<http://www.ed.gov/policy/elsec/guid/secletter/020724.html>>.

Some authors viewed *NCLB*⁵⁵ as positive advancement of educational public policy. Wiener and Hall noted that higher education is the key to success in America today. Their statistics showed that 28 percent of students entering two or four year colleges will need remedial courses in English, language arts, or mathematics. Seventy-five percent of students requiring no remediation will earn at least a Bachelor of Arts degree or better, while only 45 percent needing remedial courses will achieve a bachelor of arts degree. The numbers dropped to 36 percent if one or more remedial classes are in reading. These authors insisted that “quality and intensity” of high school education are the biggest predictors of college success, and that “watered down” courses leave students ill equipped for success in American society. Wiener, and Hall considered *NCLB*'s AYP⁵⁶ provision an excellent method of targeting students who need assistance before their deficiencies become the harbinger of failure. They considered *NCLB*⁵⁷ goals to be reasonable based on the fact that thousands of schools around the country were meeting or exceeding the State goals. Finally they wrote that while AYP⁵⁸ alone was not enough to put schools on the right track, it served its purpose by publicly calling attention to schools that were not meeting high standards of education.⁵⁹

President Bush’s administration had published a lot of material addressing *NCLB*.⁶⁰ Not surprisingly this information was all of a positive nature. The United States Department of

⁵⁵ 20 U.S.C. §§ 6301 et seq. (2002)

⁵⁶ 20 U.S.C. § 6311 (b)(2) (2002)

⁵⁷ 20 U.S.C. §§ 6301 et seq. (2002)

⁵⁸ 20 U.S.C. § 6311 (b)(2) (2002)

⁵⁹ Ross Wiener, and Daria Hall, "Accountability Under No Child Left Behind,"

⁶⁰ 20 U.S.C. §§ 6301 et seq. (2002)

Education (USDE) had a large searchable web site.⁶¹ A link on this site lead to a vast site devoted exclusively to *NCLB*.⁶² This site contained; press releases, fact sheets, information for parents, teachers, and administrators. It was also open to anyone with an e-mail account to sign up to receive newsletters such as the *Achiever*⁶³ and *No Child Left Behind Extra Credit*.⁶⁴ These newsletters used government statistics and antidotal stories to publicize the positive aspects of *NCLB*⁶⁵ and various success stories from the national level all the way down to specific schools. This pulpit was used to show *NCLB*⁶⁶ in its best light, and rebuke claims such as *NCLB* being an unfunded mandate.⁶⁷ The site was also used to justify controversial issues such as the requirement that all teachers be “highly qualified” by July, 2006,⁶⁸ noting that the President’s budget allocated nearly three billion dollars to the states to help meet the deadline.⁶⁹ From this perspective *NCLB*⁷⁰ was a proactive advancement of educational public policy. It is important to

⁶¹ U. S. Department of Education, "U. S. Department of Education," [online] Ed.gov, 2007, available from <<http://www.ed.gov/index.jhtml?src=a>>.

⁶² U. S. Department of Education, "No Child Left Behind," [online] Ed.gov, 2007, available from <<http://www.ed.gov/nclb/landing.jhtml?src=pb>>.

⁶³ U. S. Department of Education, "The Achiever," [online] Ed.gov, 2007, available from <<http://www.ed.gov/news/newsletters/achiever/index.html>>.

⁶⁴ U. S. Department of Education, "Extra Credit," [online] Ed.gov, 2007, available from <<http://www.ed.gov/news/newsletters/extracredit/index.html>>.

⁶⁵ 20 U.S.C. §§ 6301 et seq. (2002)

⁶⁶ 20 U.S.C. §§ 6301 et seq. (2002)

⁶⁷ Geoffrey Goodman, Keeping The Funding And Standards: The Choice Has To Be Both, private email message to author, 25 April 2005.

⁶⁸ 20 U.S.C. § 6319 (2002)

⁶⁹ Peter Kickbush, Spellings: Reward Teachers Who Get Results, private email message to author, 20 May 2005.

⁷⁰ 20 U.S.C. §§ 6301 et seq. (2002)

keep in mind that these remarks and statistics were all carefully crafted by the administration that created *NCLB*.⁷¹

Aside from governmental publications and some non-peer reviewed literature, the majority of articles tended to criticize *NCLB*⁷² to one degree or another. Linn began his article, “No reasonable person is against accountability that enhances the quality of education.”⁷³ He also noted that accountability must be shared on a large scale if it were to be effective, and warned against arbitrary goals. Part of Linn’s study examined the trend of student improvement on national test scores. At the current rate of improvement it would take 166 years for 100 percent of twelfth grade students to be at proficiency. In other words it would take a gain of 11.8 percent per year for all twelfth grade students to be proficient by the 2013-2014 deadline. Growth at this rate would be unprecedented considering the current growth rate of seniors was only .05 percent.⁷⁴

Donlevy also considered the timeline for AYP.⁷⁵ He raised the question of the practicality of having 100 percent of students at proficiency by the end of the 2013-2014 school year. Donley noted that many states, including Florida had hundreds of failing schools already. He predicted that *NCLB* AYP⁷⁶ objectives would have to be modified in order to avert dramatic consequences on a national scale. He suggested that the measure of AYP be based on multiple factors rather

⁷¹ 20 U.S.C. §§ 6301 et seq. (2002)

⁷² 20 U.S.C. §§ 6301 et seq. (2002)

⁷³ Robert Linn, "Accountability: Responsibility and Reasonable Expectations," *Educational Researcher* 32, October 2003: First paragraph[journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ebdacdb87ed2eb68e6dde9ea11cee7830a611a05ec1d6ba2&fmt=H>.

⁷⁴ Robert Linn, "Accountability: Responsibility and Reasonable Expectations,"

⁷⁵ 20 U.S.C. § 6311(b)(2) (2002)

⁷⁶ 20 U.S.C. § 6311 (b)(2) (2002)

than primarily on one state-wide test, and using that information to assist failing schools rather than penalize them. In his article Donlevy compared *NCLB*⁷⁷ to the Regents system of assessment used in New York State's public education plan. It was proposed to raise the passing score on the regents exam from 55 to 65 the next school year. It quickly became evident that this change would cause large numbers of students to fail. In view of this the Board of Regents extended the deadline for changing the passing score.⁷⁸ This same sort of reasonable expectation should be applied to AYP under *NCLB*.⁷⁹

In his article, Newbold raised similar concerns regarding schools and states making AYP. His paper recounted concerns raised by the school officials and legislators in Utah during a meeting with officials from the USDE. One school administrator expressed concern that the punitive measures (withholding funding) against failing schools would actually be the most detrimental to the very students *NCLB*⁸⁰ is supposed to help. She asked, "Isn't there a way to use the [sic] data in such a way that it doesn't disenfranchise students? 'No,' was the response."⁸¹ State officials estimated that it would take \$182 million to implement the scientifically based strategies needed to meet the AYP deadline, yet the state only received five million dollars in

⁷⁷ 20 U.S.C. §§ 6301 et seq. (2002)

⁷⁸ Jim Donlevy, "No Child Left Behind: Failing Schools and Future Directions," *International Journal of Instructional Media* 30, 2003 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ebdacdb87ed2eb68f21953a80ca8930e94960033ef2c9631&fmt=H>.

⁷⁹ Susan Albrecht, and Candace Joles "Accountability and Access to Opportunity: Mutually Exclusive Tenets Under a High-Stakes Testing Mandate," *Preventing School Failure* 47, Winter 2003 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ebdacdb87ed2eb68ae12a0fd3c7d1347e66269b85901d7dd&fmt=H>.

⁸⁰ 20 U.S.C. §§ 6301 et seq. (2002)

⁸¹ Barry Newbold, "The Faceless Mandates of NCLB," *Kappa Delta Pi Record* 41, Fall 2004: Reaching academic Benchmarks section [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b2753034ce92f5c4e751ff729952dedb6&fmt=H>.

Federal funding. Upon bringing this up, the USDE representatives and Federal legislators responded by citing the flexibility states have in meeting *NCLB*⁸² objectives. Newbold noted that he saw no tangible suggestion on how to bridge the gap.⁸³

Money was not merely an issue in terms of how much it cost to comply with *NCLB*.⁸⁴ It was also a concern in terms of how the money in question must be spent. Bloomfield and Cooper looked at the need to make AYP⁸⁵ from the perspective of how money had to be spent to be in compliance. The *No Child Left Behind Act*⁸⁶ was the first Federal education law that mandated private service provider involvement. This caveat applied to schools that failed to make AYP. They must enlist private assistance ranging from tutoring to complete take over of the school as a charter by a private individual or company. An unintended financial consequence of this policy was that most states will have to contract with private companies in order to create and grade the extensive state-wide testing mandated under *NCLB*.⁸⁷

The National Education Association filed suit against the Secretary of Education claiming that *NCLB*⁸⁸ was an unfunded mandate.⁸⁹ States were free to refuse Federal education dollars and

⁸² 20 U.S.C. §§ 6301 et seq. (2002)

⁸³ Barry Newbold, "The Faceless Mandates of NCLB,"

⁸⁴ 20 U.S.C. §§ 6301 et seq. (2002)

⁸⁵ 20 U.S.C. § 6311 (b)(2) (2002)

⁸⁶ 20 U.S.C. §§ 6301 et seq. (2002)

⁸⁷ David Bloomfield, and Bruce Cooper, "NCLB: A New Role for the Federal government," *T.H.E. Journal* 30, May 2003 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a671790e70e397f5ebc28d34ebdacdb87ed2eb68d689fccf9580825596bf42ebcd9ae4eb&fmt=H>

⁸⁸ 20 U.S.C. §§ 6301 et seq. (2002)

⁸⁹ *Pontiac, et al, v. Spellings* (Filed in the U. S. District Court for the Eastern Court of Michigan on April 20, 2005); The case was dismissed on November 23, 2005.

opt out of *NCLB*. Some states, have threatened to do this, but to date no state has.⁹⁰ DeBray, McDermott, and Wohlstetter wrote that the likelihood of states refusing funding is remote, and that traditionally states do not refuse Federal funding.⁹¹

The question of funding is always an issue with Federal mandates. It has been argued that *NCLB*⁹² was an unfunded mandate.⁹³ The first question was, could one call *NCLB*⁹⁴ a mandate? It was not a mandate in the sense that states did have the right to opt out of *NCLB*,⁹⁵ but in doing so they would lose the Federal funding linked to it. McDermott and Jensen addressed this issue in terms of “conditional funding.” They noted that education was not the only area in which the Federal government has used withholding Federal funds to apply pressure to the states to comply. They cited the example of the fifty-five mile per hour speed limit, of the 1970s. The government effectively created a national speed limit by threatening to withhold Federal highway funds if states did not implement the speed limit. Like education this was an area that had always been left to the states. It was constitutional because states did not have to comply if they were willing to decline the funding. The same reasoning was applied to *NCLB*.⁹⁶ It was not

⁹⁰ John Munich, and Rocco Testani, "NEA Sues over NCLB," *Education Next* 5, Fall 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936ba4a7881d20e3c3d6754d56c36fc731f38&fmt=H>.

⁹¹ Elizabeth DeBray, Kathryn McDermott, and Priscilla Wohlstetter, "Introduction to the Special Issue on Federalism Reconsidered: The Case of the No Child Left Behind Act," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237eb8103f37f27b85c5&fmt=H>.

⁹² 20 U.S.C. §§ 6301 et seq. (2002)

⁹³ William Mathis, "The Cost of Implementing the Federal No Child Left Behind Act: Different Assumptions, Different Answers," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237e6172e3146ce8168b&fmt=H>.

⁹⁴ 20 U.S.C. §§ 6301 et seq. (2002)

⁹⁵ 20 U.S.C. §§ 6301 et seq. (2002)

a mandate and was considered constitutional because states could opt out if they refused Federal funds.⁹⁷

Individuals with Disabilities Education Act

*The Individuals with Disabilities Education Act*⁹⁸ (*IDEA*) of 1997 was reauthorized by congress on November 19, 2004, and signed into law by President George W. Bush on December 3, 2004. The majority of the changes in *IDEA*⁹⁹ 2004 took effect on July 1, 2005. One of the major focuses of this reauthorization was to align *IDEA*¹⁰⁰ with *NCLB*.¹⁰¹ To this end and to better serve children with disabilities, other notable differences included new rules for; evaluation time lines, identifying students with learning disabilities, defining “highly qualified,” allowing for trials of multi-year Individualized Education Plans (IEP), changes in procedural safeguards, additions in monitoring and enforcement, and many changes regarding research.¹⁰²

The provisions of the law took effect July 1, 2005 with the exception of the requirement that teachers be “highly qualified”¹⁰³ which was to take effect immediately. The Federal government has responded to the states difficulties in meeting the highly qualified mandate. In a fact sheet that addressed new flexibility, U.S. Secretary of Education Rod Paige announced flexibility for meeting the highly qualified requirements for, rural teachers, science teachers, and

⁹⁶ 20 U.S.C. §§ 6301 et seq. (2002)

⁹⁷ Kathryn McDermott, and Laura Jensen, "Dubious Sovereignty: Federal Conditions of Aid and the No Child Left Behind Act," *Peabody Journal of Education* 2, no. 80 (2005); U.S. Const. amend. X.

⁹⁸ 20 U.S.C. §§ 1400-1487 (1997)

⁹⁹ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁰⁰ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁰¹ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁰² Council for Exceptional Children, "CECs Summary of Significant Issues," [online] The New IDEA, 2004, available from <<http://www.cec.sped.org/pp/IDEA.120204.pdf>>.

¹⁰³ 20 U.S.C. § 602 (10)(A) (2002)

multi-subject teachers.¹⁰⁴ In a latter policy letter to chief state school officers Secretary Margaret Spellings announced a one year extension of the deadline for all teachers in core subjects being highly qualified, moving the deadline to the end of the 2006-2007 school year. This extension was available to states making a “good faith effort” toward compliance.¹⁰⁵ It is worthy of note that a state or local education agency’s failure to meet the highly qualified requirements could not be construed as creating a right of action for a student or a class of students.¹⁰⁶

Another area of concern under *IDEA*¹⁰⁷ was that of making adequate yearly progress (AYP). Adequate yearly progress under *IDEA*¹⁰⁸ was defined by *NCLB*.¹⁰⁹ The *No Child Left Behind Act*¹¹⁰ required the reporting of progress and participation of four major sub-groups including SWD.¹¹¹ The *Individuals with Disabilities Education Act*¹¹² further defined the requirements for making AYP in terms of special education students participation in the required state wide testing.¹¹³

¹⁰⁴ U. S. Department of Education, "New No Child Left Behind Flexibility: Highly Qualified Teachers," [online] No Child Left Behind, available from <fndfl.org/doe%20memos/doenclbfact.pdf>.

¹⁰⁵ U. S. Department of Education, "Key Policy Letters Signed by the Education Secretary or Deputy Secretary," [online] Ed.gov, 2005, available from <<http://www.ed.gov/policy/elsec/guid/secletter/051021.html>>.

¹⁰⁶ U. S. Department of Education, "Building the Legacy: IDEA 2004," [online] Ed. gov, available from <<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C3%2C>>.

¹⁰⁷ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁰⁸ 20 U.S.C. § 612 (a)(15)(A)-(B) (2002)

¹⁰⁹ 20 U.S.C. § 6311(b)(2) (2002)

¹¹⁰ 20 U.S.C. §§ 6301 et seq. (2002)

¹¹¹ Peter Wright, Pamela Wright, and Suzanne Heath, *No Child Left Behind*

¹¹² 20 U.S.C. §§ 1400 et seq. (2004)

¹¹³ Sandra Bowen, and Harvey Rude, "Assessment and Students with Disabilities: Issues and Challenges with Educational Reform," *Rural Special Education Quarterly* 3, Summer 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997748dd1a16f13315ca2688123f95f066f1&fmt=P>.

The *Individuals with Disabilities Education Act*¹¹⁴ mirrored *NCLB*¹¹⁵ in mandating full participation in state-wide testing with the caveat that up to 1 percent of special education students (those with the most significant cognitive difficulties) may be evaluated with an alternative assessment test and still be included in AYP calculations.¹¹⁶ In a latter policy change Secretary of Education Spellings announced that states could apply for a waiver to this rule, allowing up to 2 percent of the SWD population to participate in alternative assessments and count toward the rules for making AYP.¹¹⁷

Prasse observed, "The line between general and special education is blurring."¹¹⁸ This was evident in the area of testing and particularly so in terms of alternative assessment. Much of the latitude in design of alternative assessment measures was being removed to make them more accurately aligned with the state assessments.¹¹⁹

An Individualized Education Plan (IEP)¹²⁰ created by a team of individuals drove SWD education. One of the requirements of the IEP was that it addressed participation in standardized

¹¹⁴ 20 U.S.C. §§ 1400 et seq. (2004)

¹¹⁵ 20 U.S.C. §§ 6301 et seq. (2002)

¹¹⁶ Claudia Flowers, Diane Browder, and Lynn Ahlgrim-Delzell, "An Analysis of Three States Alignment Between Language Arts and Mathematics Standards and Alternate Assessments," *Exceptional Children* 72, Winter 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997781a298acbbe40f9c27a50e006561f861&fmt=H>.

¹¹⁷ Peter Kickbush, New Policy Helps States Better assist Students with Disabilities, private email message to author, 1 June 2005.

¹¹⁸ David Prasse, "Legal Supports for Problem-Solving Systems," *Remedial and Special Education* 27, January/February 2006: 14[journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af94199770590cab8e3914bec77f50543b55b408b&fmt=P>.

¹¹⁹ U. S. Department of Education, "Building the Legacy: IDEA 2004," [online] Ed. gov, available from <<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C3%2C>>.

¹²⁰ An Individualized Education Plan (IEP) is a document that outlines the goals and objectives for each students education. It also delineates the services and modifications that will be provided to help accomplish the goals.

testing. All students must be assessed annually, a SWD could participate with or without accommodations or may participate in an alternative assessment.¹²¹ These decisions were to be made by the IEP team.¹²² The concept of a Federal limit was in juxtaposition to the concept of an individualized plan. The 2 percent cap on how many students with disabilities could be counted toward AYP presented a dilemma for states.¹²³ If the number of students taking alternative assessments exceeded the cap it could preclude a school, district, or state from making AYP.¹²⁴

The funding of any public policy is worthy of note. The funding of special education was complicated because it required recognizing that some students have greater needs than others. State legislatures funded special programs in different ways ranging from, weighted formulas to categorical grants.¹²⁵ The concept of funding students according to need was referred to as Vertical Equity.¹²⁶

The law promised to fund 40 percent of the cost of *IDEA* by 2011. In dollars this represented up to; \$12 billion plus for 2005, \$14 billion plus for 2006, \$16 billion plus for 2007,

¹²¹ MaryAnn Byrnes, "Alternate Assessment FAQs (and Answers)," *Teaching Exceptional Children* 36, July/August 2004 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b90f6a626a3de05a78d51e346fbe1e7a6&fmt=P>.

¹²² Barbara Gartin, and Nikki Murdick, "IDEA 2004: The IEP," *Remedial and Special Education* 26, November/December 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bad15ea25dcc7f4988a5a7c3763096d9fa&fmt=P>.

¹²³ Sandra Bowen, and Harvey Rude, "Assesment and Students with Disabilities: Issues and Challenges with Educational Reform,"

¹²⁴ 20 U.S.C. § 6311(b)(2) (2002)

¹²⁵ David C. Thompson, and R. Craig Wood, *Money & Schools* (Larchmont: Eye On Education, 2005).

¹²⁶ This is as opposed to horizontal equity which assures everyone receives equal funding, instead of resources according to level of need, as noted in: Gloria Rodriguez, "Vertical Equity in School Finance and the Potential for Increasing School Responsiveness to Student and Staff Needs," *Peabody Journal of Education* 79, 2004 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b42ff69ffe5467dfe31c0ff2fe029ca5b&fmt=P>.

\$19 billion plus for 2008, \$21 billion plus for 2009, \$23 billion plus for 2010, over \$26 billion for 2011, and such funds as necessary from 2012 onward to fund need at 40 percent.

Unfortunately these were the maximum amounts that congress may allocate, not guarantees.¹²⁷

The Council for Exceptional Children issued a press release in February of 2007 decrying President Bush's 2008 budget proposal. They asserted that Bush had proposed cutting funding for *IDEA*.¹²⁸ They argued, "As the number of students served under *IDEA* continues to grow, the President's newest budget proposal, in effect, under funds *IDEA*. Furthermore, the gap between the promised 40 percent funding of *IDEA* and current funding levels widens, undermining the administration's pronouncements of support for children and youth with disabilities."¹²⁹

In 2006 the Federal budget for *IDEA*¹³⁰ was \$10.6 billion, 3.4 billion less than the \$14 billion that was supposed to be allocated as an incremental increase toward the proposed 40 percent. The 2007 budget proposed only a \$100 million dollar increase making the gap between the laws proposed allocation and actual dollars appropriated even greater.¹³¹ This funding short fall lent credence to the argument that *IDEA*¹³² was not being appropriately funded.

¹²⁷ U. S. Department of Education, "Building the Legacy: IDEA 2004," [online] Ed.gov, 2007, Third paragraph available from <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C18%2C>.

¹²⁸ 20 U.S.C. §§ 1400 et seq. (2004)

¹²⁹ Council for Exceptional Children, "CEC Denounces President's Budget Proposal," [online] Council for Exceptional Children, 2007, available from <<http://www.cec.sped.org/AM/Template.cfm?Section=Home&CONTENTID=7860&TEMPLATE=/CM/ContentDisplay.cfm>>.

¹³⁰ 20 U.S.C. §§ 1400 et seq. (2004)

¹³¹ U. S. Department of Education, "Office of Management and Budget," [online] U. S. Department of Education, 2007, available from <<http://www.whitehouse.gov/omb/budget/fy2007/education.html>>.

¹³² 20 U.S.C. §§ 1400 et seq. (2004)

Florida's A+ Plan

Florida statute created districts contiguous with county boundaries creating a total of sixty-seven geographically large districts.¹³³ These districts were comprised of 3,830 schools with 318,721 full time teachers, serving 2,673,563 students.¹³⁴ In the 1970s the Florida Commission on Education Reform and Accountability was formed.¹³⁵ The commission made recommendations with regard to creating a well educated workforce in the state. The commission recommended assessments as a method of raising educational achievement. These recommendations were adopted by the State Board of Education, and hence forth students in grades; three, five, eight, and eleven were given state wide assessments.¹³⁶

During the early 1990s Florida developed the *Sunshine State Standards* (SSS). These standards were comprised of goals and benchmarks specifically aligned to each course and grade level in the state.¹³⁷ In 1998 a state constitutional amendment was passed to restructure the states educational system creating a kindergarten through bachelors degree (K-20) system.¹³⁸ In the same year the *Florida Comprehensive Assessment Test (FCAT)* was implement. This test was aligned with the SSS and given to all students in grades third through tenth. The tenth grade

¹³³ Fla. Const. art. IX, § 4(a)

¹³⁴ Florida Department of Education, "Florida School District Data," [online] Your Florida Department of Education, 2006, available from <<http://www.firn.edu/doe/eias/flmove/florida.htm>>.

¹³⁵ FLA. Stat. ch. 2001.02 (2)(J) (2006)

¹³⁶ Trey Martindale, Carolyn Pearson, L. K. Curda, and Janet Pilcher, "Effects of an Online Instructional Application on Reading and Mathematics Standardized Test Scores," *Journal of Research on Technology in Education* 37, Summer 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936ba8145893073ddef4c593d1dd4d3ec4736&fmt=H>.

¹³⁷ FLA. Stat. ch. 2000.21 (7) (2007); Florida Department of Education, "Sunshine State Standards." [Online] Available from <http://www.firn.edu/doe/menu/sss.htm>.

¹³⁸ FLA. Stat. ch. 1000.01 (2007); Florida Senate, "The Florida Constitution," [online] The Florida Senate, 2006, available from <<http://www.flsenate.gov/statutes/index.cfm?mode=constitution&submenu=3&tab=statutes#a09501>>.

FCAT eventually became a requirement for graduation with a standard high school diploma.¹³⁹

All of this lead up to the creation of Florida's *A+ Plan*.¹⁴⁰

The Bush/Brogan *A+ Plan*¹⁴¹ was signed into law on June 21, 1999.¹⁴² The two legs of this plan were increased funding and increased accountability. The *A+ Plan*¹⁴³ had eight sub-parts:

(1) Record increase in school funding (2) More comprehensive and rigorous student testing (3)

End social promotion (4) Raise teacher standards (5) Grade schools and issue school report cards

(6) Help failing schools (7) Expanded choice for parents with opportunity scholarships (8)

School safety.¹⁴⁴ Floridas NCLB compliance plan met Federal requirements.¹⁴⁵

The Interaction of IDEA and NCLB Policies

Three years after the creation of *NCLB*,¹⁴⁶ *IDEA*¹⁴⁷ was reauthorized. The primary purpose of the latest reauthorization of *IDEA*¹⁴⁸ was to align it with *NCLB*.¹⁴⁹ In *NCLB*,¹⁵⁰ *IDEA*¹⁵¹ was

¹³⁹ For special education students there was an option to waive the *FCAT* requirement to receive a standard diploma by proving content knowledge. Florida also offered a special diploma option allowing students to graduate, but did not qualify them for college admission. Florida Department of Education, "FCAT Myths vs. Facts," [online] Florida Department of Education, available from <<http://www.firn.edu/doe/sas/fcat/pdf/myths-facts.pdf>>.

¹⁴⁰ FLA. Stat. ch. 2006.74 (2006)

¹⁴¹ FLA. Stat. ch. 2006.74 (2006)

¹⁴² Two years prior to the signing of *NCLB*

¹⁴³ FLA. Stat. ch. 2006.74 (2006)

¹⁴⁴ Florida Department of Education, "Providing Our Children with a World-Class Education," [online] MyFlorida.com, 2004, available from <http://www.myflorida.com/myflorida/education.laws/accompworldclasseducaplan.htm>.

¹⁴⁵ Florida Department of Education, "Florida NCLB Consolidated Application," [online] Consolidated State Application Accountability Workbook, 2007, available from <<http://www.ed.gov/admins/lead/account/stateplans03/flesa.doc>>.

¹⁴⁶ 20 U.S.C. §§ 6301 et. seq. (2002)

¹⁴⁷ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁴⁸ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁴⁹ Barbara Gartin, and Nikki Murdick, "IDEA 2004: The IEP,"

¹⁵⁰ 20 U.S.C. §§ 6301 et seq. (2002)

referenced no less than thirty-eight times, and in *IDEA*,¹⁵² *NCLB*¹⁵³ was referenced repeatedly.¹⁵⁴ Much of the language in *IDEA*¹⁵⁵ mirrored that of *NCLB*,¹⁵⁶ and in many instances referred to sections of *NCLB*.¹⁵⁷ Section 20 U.S.C. 6311 (b)(2) of *NCLB* established the criteria for states defining adequate yearly progress (AYP). Section 612 (a)(15)(A)-(B) of *IDEA* required states to correlate performance goals for students with disabilities with the states definition of AYP. Section 20 U.S.C 7801 (23) of *NCLB* defined highly qualified for public school teachers who teach core subjects. Section 602 (10)(A) of *IDEA* adopts the *NCLB* definition. In section 20 U.S.C. 6311 (b)(3)(ix)(I)-(II), *NCLB* required all students to participate in state-wide assessments. Section 612 (a)(16)(A) of *IDEA* called for the participation of all students with disabilities in statewide assessments including using accommodations or alternative assessments.¹⁵⁸

Bringing the two laws into better alignment could be viewed as a proactive step toward a positive outcome for America's public school students. Handler pointed out the positive aspect

¹⁵¹ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁵² 20 U.S.C. §§ 1400 et seq. (2004)

¹⁵³ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁵⁴ Beth Handler, "Two Acts, One Goal: Meeting the Shared Vision of No Child Left Behind and Individuals with Disabilities Education Improvement Act of 2004," *The Clearing House* 80, September/October 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997730d80af1ac029785951db1970817e809&fmt=H>.

¹⁵⁵ 20 U.S.C. §§ 1400 et seq (2004)

¹⁵⁶ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁵⁷ Michell Yell, Antonis Katsiyannas, and James Shiner, "The No Child Left Behind Act, Adequate Yearly Progress, and Students With Disabilities," *Teaching Exceptional Children* 38, March/April 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af9419977017bc36153958c1be2eeb1d746238f73&fmt=H>.

¹⁵⁸ John Norlin, *NCLB and IDEA '04: A Side-By-Side Analysis* (Horsham: LRP, 2005).

of the collaboration of the two laws, “In contrast to previous versions of both laws, *NCLB* and *IDEA* 2004 demonstrate a unification of educational procedures, responsibilities and expectations for success of students with disabilities.”¹⁵⁹ Bowen, and Rude wrote, “The partnership of *NCLB* and *IDEIA* [*sic*] provide the opportunity for successful academic achievement for students with disabilities by implementing the systemic changes mandated by *NCLB* through the individual lens of the IEP (Individualized Education Plan) as regulated by *IDEIA* [*sic*].”¹⁶⁰

The alignment of the two laws was not necessarily all positive. The nature of the two laws could be viewed as in opposition to each other. Moores took a negative view of the nature of the interaction of the two laws. He wrote that *NCLB*¹⁶¹ was to have precedence over *IDEA*.¹⁶² He also indicated that the goal of having 100 percent of students on grade level was unachievable. He addressed the idea that the Federally mandated 99 percent participation in state assessments was in opposition to the spirit of the individualized education plans mandated by *IDEA*.¹⁶³ Yell, Katsiyannas, and Shiner made a similar argument, “Because *NCLB* emphasizes group data for AYP determinations, its guiding principals may be perceived as misaligned with the focal point

¹⁵⁹ Beth Handler, "Two Acts, One Goal: Meeting the shared Vision of No Child Left Behind and Individuals with Disabilities Education Improvement Act of 2004," Fifth paragraph.

¹⁶⁰ Sandra Bowen, and Harvey Rude, "Assessment and Students with disabilities: Issues and Challenges with Educational Reform," First section.

¹⁶¹ 20 U.S.C. §§ 6301 et seq.

¹⁶² 20 U.S.C. §§ 1400 et seq. (2004)

¹⁶³ Donald Moores, "The No Child Left Behind and the Individuals With Disabilities Education Acts: The Uneven Impact of Partially Funded Federal Mandates on Education of Deaf and Hard of Hearing Children," *American Annals of the Deaf* 150, 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac15da6c927988d2c6b7bc28b98926067&fmt=H>.

of *IDEA* decision-making—the individual student.”¹⁶⁴ Clearly the alignment of the two laws was controversial.

Punitive Policy Measures Mandated by the No Child Left Behind Act and the Individuals with Disabilities Education Act

Success under both the *No Child Left Behind Act*¹⁶⁵ (*NCLB*) and the *Individuals with Disabilities Education Act*¹⁶⁶ (*IDEA*) was measured by making adequate yearly progress. Conversely this measure was also used to denote failure. In the positive parlance of education the word failure was not used, in its place was the phrase, in need of improvement. Punitive measures began with parents being allowed to move their children from schools in need of improvement to schools making AYP.¹⁶⁷ The final punitive measure was the school being taken over by the state or becoming a charter school.¹⁶⁸

The punitive measures were progressive. A school was deemed in need of improvement if it had not met AYP requirements for two consecutive years. The first year of being deemed in need of improvement; all students were offered public school choice, the school must develop a two year improvement plan, and extend learning time. The second year they must add the requirement of making supplemental educational services available. The third year the local education agency¹⁶⁹ (LEA) must take at least one of the following actions; replace school staff responsible for failure, implement a new scientifically based curriculum, significantly decrease

¹⁶⁴ Michell Yell, Antonis Katsiyannas, and James Shiner, "The No Child Left Behind Act, Adequate Yearly Progress, and Students With Disabilities," NCL and IDEA 2004 section.

¹⁶⁵ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁶⁶ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁶⁷ 20 U.S.C. § 6311 (b)(2) (2002)

¹⁶⁸ Michell Yell, Antonis Katsiyannas, and James Shiner, "The No Child Left Behind Act, Adequate Yearly Progress, and Students With Disabilities,".

¹⁶⁹ The term local education agency refers to the district level administration.

management authority at the school level, extend the school day or year, appoint an outside expert to advise the school on how to achieve AYP, or reorganize the school internally. After four years of being in need of improvement the LEA must do one of the following; reopen the school as a charter school, replace the principal and staff, have a private company takeover the school, let the state takeover the school, or some other form of major restructuring of school management. In year five the school must be under a new governance plan by the first day of school that year.¹⁷⁰

The aforementioned punitive actions were substantial; however, they were not all inclusive. The laws also provided for the withholding of Federal aid to schools that continue to fail to make AYP.¹⁷¹

The *Individuals with Disabilities Education Act*¹⁷² also used AYP as a measure of progress. Section 612 (a)(15)(A)-(B) of *IDEA* references *NCLB* section 20 USC 6311 (b)(2) directly quoting the definition of AYP from *NCLB*. Under *IDEA*¹⁷³ AYP determinations were made on the state level. If a state failed to make AYP for two consecutive years the United States Department of Education (USED) will advise the state on available sources for technical assistance and/or direct the use of Part B funds¹⁷⁴ in the areas of need. If the state failed to make AYP for three or more consecutive years all of the above applied plus at least one of the following; require a corrective action plan (if the problem can be solved in a year), require the

¹⁷⁰ U. S. Department of Education, "Calculating Participation Rates," [online] Ed.gov, 2004, available from <<http://www.ed.gov/policy/elsec/guid/stateletters/prates.html>>.

¹⁷¹ Elizabeth DeBray, Kathryn McDermott, and Priscilla Wohlstetter, "Introduction to the Special Issue on Federalism Reconsidered: The Case of the No Child Left Behind Act,"

¹⁷² 20 U.S.C. §§ 1400 et seq. (2004)

¹⁷³ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁷⁴ Part B of IDEA is the largest part, it deals with serving special education students age 3-21.

state to enter into a compliance agreement, withhold 20-50 percent of Federal part B funds, seek to recover funds and/or withhold future payments. If at anytime the USED determined that a state needs substantial intervention or there was a substantial failure to comply then the USED will do one or more of the following; recover funds, withhold future part B funds, refer the matter to the USED inspector general, or refer the matter for appropriate enforcement, up to and including the Department of Justice.¹⁷⁵

The weight of these two laws put considerable strain on local schools. Administrators were faced with the daunting reality of punitive measures ranging from: loss of some local control, and Federal funding; to state takeover of their schools. “Out of frustration, superintendents sometimes argue that they could do a much better job rescuing kids if they were left to their own devices rather than the tender mercies of state and federal initiatives.”¹⁷⁶

The Public Policy of Parental School Choice

Parental school choice was one of the provisions of the *No Child Left Behind Act*.¹⁷⁷ If a school failed to make adequate yearly progress for two years in a row parents must be given the option of transferring their children to a school in the district that is making AYP.¹⁷⁸ This was a new provision of the law but not a new concept. School choice dates back to the one-room school houses of the nineteenth century. At that time communities had control over the pedagogical content and style of their schools. Over time schools and districts have grown in size creating a more centralized governance.¹⁷⁹

¹⁷⁵ John Norlin, *NCLB and IDEA '04: A Side-By-Side Analysis*

¹⁷⁶ Carl Cohn, "NCLB Implementation Challenges: The Local Superintendent's View," second paragraph.

¹⁷⁷ 20 U.S.C. § 6316 (b)(1)(E) (2002)

¹⁷⁸ 20 U.S.C. § 6316 (b)(1)(E) (2002)

¹⁷⁹ Kenneth Wong, and Herbert Walberg, "Introduction to the Special Issue on Contemporary School Choice Research," *Peabody Journal of Education* 81, 2006 [journal on-line]; available

School choice has experienced a mandated resurgence under *NCLB*.¹⁸⁰ Fowler framed the debate over school choice excellently,

School choice is easily the most controversial education policy issue of our time. Its supporters—who are mostly, but not entirely, political conservatives—usually advocate school choice as a way to use competition to encourage public schools to improve. Its opponents—who are mostly, but not entirely, political liberals—usually argue against it because they fear that it will increase segregation by race and social class while transforming the public school system into a dumping ground for the students who are the most difficult to educate.¹⁸¹

The proponents of school choice based its advantages on the concept of market accountability. This is an economic model being applied to the more abstract concept of school quality. While educational success can not be measured in dollars Adams and Hill made a good argument for market accountability.

A market model of school accountability differs from other accountability systems in that the principal and accountable agents relate as ‘customers’ and ‘providers,’ exchanging patronage for service in the expectation that choice will promote quality service, at least at a level that satisfies customer expectations. In other words, in a market-based model, choice is the mechanism that promotes accountability.¹⁸²

Looking at school choice from a market accountability model it would appear that it was a positive method of improving schools. Choice in combination with the punitive aspects of *NCLB*¹⁸³ should have created better schools and districts.¹⁸⁴ Not all researchers have seen choice

<http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997791fcbaa69852931219ab6a37f112ac4b&fmt=H>.

¹⁸⁰ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁸¹ Frances Fowler, "The Great School Choice Debate," *The Clearing House* 76, September/October 2002: first paragraph [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d3431da5cf9c16c0be836f5b32f82574cb617a8b962505a32e9&fmt=H>.

¹⁸² Jacob Adams, and Paul Hill, "Educational Accountability in a Regulated Market," *Peabody Journal of Education* 81, 2006: third paragraph [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997791fcbaa698529312c4f984805fe267bc&fmt=H>.

¹⁸³ 20 U.S.C. §§ 6301 et seq. (2002)

policy in such a positive light. Of particular concern were the implications for special education students under the provisions of school choice. For instance Howe and Welner were concerned that school choice would make it easier for students with disabilities to be excluded from higher performing schools. The *Individuals with Disabilities Education Act*¹⁸⁵ promoted inclusion. In the first section of *IDEA* it stated that SWD have a more effective education by, “having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible...”¹⁸⁶ Choice under *NCLB*¹⁸⁷ encouraged competition by promoting one standard to measure the achievement of all students and implementing punitive measures for schools that fail to make AYP.¹⁸⁸ These purposes are at odds. Howe and Welner contended that schools will find ways to keep from accepting SWD from lower performing schools, leaving their fate to a legally if not de facto substandard school.¹⁸⁹

Laws are passed with the intent of changing public policy. It is important to note that the intent of policy change is not necessarily born out in the reality of its implementation. Petrilli had a rather sardonic view of *NCLB*,¹⁹⁰ “While the laws rhetoric is John Wayne tough, its reality is Tiny Tim timid...Competition via school choice is the other weapon in the ‘tough love’ arsenal,

¹⁸⁴ See arguments presented in throughout this section.

¹⁸⁵ 20 U.S.C. §§ 1400 et seq. (2004)

¹⁸⁶ 20 U.S.C. § 1400 (c)(5)(A) (2004)

¹⁸⁷ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁸⁸ 20 U.S.C. § 6311(b)(2) (2002)

¹⁸⁹ Kenneth Howe, and Kevin Welner, "School Choice and the Pressure to Perform: Deja Vu for Children with Disabilities?," *Remedial and Special Education* 23, July/August 2002 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d3431da5cf9c16c0be86e32a9bf3ee744ded46fd7f1c7a2c194&fmt=H>.

¹⁹⁰ 20 U.S.C. §§ 6301 et seq. (2002)

and until it's wielded at large scale, we are unlikely to see real results.”¹⁹¹ Choice implies options. If parents are not aware of the option, they do not have one. Howell found that only 0.3 percent of students in Massachusetts public schools who were eligible for school choice took advantage of it. His study attributed this to parents not being informed of their option.¹⁹²

There is no doubt that all the policy changes in the world will not have the intended impact if that policy is not followed. School choice is no different from any other policy if it were not implemented as intended under the auspices of *NCLB*¹⁹³ its true impact on the quality of education will not be known.

Public Policy and Subgroup AYP Under NCLB

The impact of the students with disabilities population on AYP as dictated by *NCLB*¹⁹⁴ was not well examined in peer reviewed literature. Peer reviewed public policy articles that did examine the SWD subgroup impact on AYP¹⁹⁵ made reference to the lack of literature on the subject. Many articles noted the lack of research on the impact of subgroups in general on AYP.¹⁹⁶ Other areas of concern included; standardization, subgroup size, narrowing of the curriculum, and alternative assessments.

¹⁹¹ Michael Petrilli, "Misdirected Energy," *Education Next* 7, Winter 2007: Third paragraph[journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34524897178207968bb49fee422d0fad8d108a9dc55fa404f1&fmt=H>.

¹⁹² William Howell, "Switching Schools? A Closer Look at Parents' Initial Interest in and Knowledge about the Choice Provisions of No Child Left Behind," *Peabody Journal of Education* 81, 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997791fcbaa6985293124d8866ad5faa3d96&fmt=H>.

¹⁹³ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁹⁴ 20 U.S.C. § 6311(b)(2) (2002)

¹⁹⁵ 20 U.S.C. § 6311(b)(2) (2002)

¹⁹⁶ 20 U.S.C. § 6311(b)(2) (2002)

McLaughlin, Embler, and Hernandez noted three aspects of *NCLB*¹⁹⁷ public policy of concern to SWD: universal content, and achievement standards; standardized assessments for all students; high stakes accountability. They noted that AYP¹⁹⁸ was the most controversial policy dictated by *NCLB*,¹⁹⁹ particularly for subgroup populations. According to their article the policy behind *NCLB*²⁰⁰ held every student to the same standards regardless of circumstances. They pointed out that SWD subgroup data were frequently not reported due to subgroup size. This meant that the necessary changes needed to benefit SWD were not likely to be recognized and implemented.²⁰¹

Abedi pointed out that in many schools some of the subgroups were small enough that AYP data was not reported.²⁰² The required minimum size for a subgroup to be considered statistically significant varied widely. McLaughlin, Embler, and Hernandez reported that for subgroups to be counted in AYP²⁰³ calculations the minimum subgroup size ranged from 5 to 200.²⁰⁴ The concern with this policy was that, if subgroups were frequently not included in

¹⁹⁷ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁹⁸ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁹⁹ 20 U.S.C. §§ 6301 et seq. (2002)

²⁰⁰ 20 U.S.C. §§ 6301 et seq. (2002)

²⁰¹ Margaret McLaughlin, Sandra Embler, and Glenda Hernandez, "No child Left Behind and Students with Disabilities in Rural and Small Schools," *Rural Special Education Quarterly* 24, Winter 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bafae31186a870d08d55d510cf24f8f707&fmt=P>.

²⁰² Jamal Abedi, "The No Child Left Behind Act and English Language Learners: Assessment and Accountability Issues," *Educational Researcher* 33, January/February 2004 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b00d8126029350d633419a1ecbec6f5b8&fmt=P>.

²⁰³ 20 U.S.C. § 6311(b)(2) (2002)

²⁰⁴ Margaret McLaughlin, Sandra Embler, and Glenda Hernandez, "No child Left Behind and Students with Disabilities in Rural and Small Schools,"

AYP²⁰⁵ calculation, then it is impossible to tell if *NCLB*²⁰⁶ was truly leaving no child behind.

Hager and Slocum were of the view that policy should not just be about meeting legal mandates but rather meeting the vision behind the policy.²⁰⁷

Rosenbusch viewed *NCLB*²⁰⁸ as a public policy whose premise was that Americas public schools were failing. She felt that *NCLB*²⁰⁹ policies might actually be detrimental to schools with large numbers of students falling into the subgroups of concern. The logic behind the argument was that schools with a large number of low SES students will tend to narrow the focus of the curriculum to primarily include only tested subjects. This focus would deprive the very students *NCLB*²¹⁰ was supposed to help of a broader liberal arts education.²¹¹

No Child Left Behind represented an unprecedented change in public school policy. Coladarci wrote, "...much about *NCLB* is troublesome not least of which is the delusional expectation that all students reach proficiency by 2014."²¹² One of his other issues of concern was subgroup AYP. He pointed out the double edged sword of subgroups not being counted due

²⁰⁵ 20 U.S.C. § 6311(b)(2) (2002)

²⁰⁶ 20 U.S.C. §§ 6301 et seq. (2002)

²⁰⁷ Karen Hager, and Timothy Slocum, "Using Alternate Assessment to Improve Educational Outcomes," *Rural Special Education Quarterly* 24, Winter 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bafae31186a870d08ded29550b2da403bf&fmt=P>.

²⁰⁸ 20 U.S.C. §§ 6301 et seq. (2002)

²⁰⁹ 20 U.S.C. §§ 6301 et seq. (2002)

²¹⁰ 20 U.S.C. §§ 6301 et seq. (2002)

²¹¹ Marcia Rosenbusch, "The No child Left Behind Act and Teaching and Learning Languages in U.S. Schools," *The Modern Language Journal* 89, Summer 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bab732a74ef514ca7d3bb90196a07ab1dc&fmt=P>.

²¹² Theodore Coladarci, "Adequate Yearly Progress, Small Schools, and Students with Disabilities: The Importance of Confidence Intervals When Making Judgments About AYP," *Rural Special Education Quarterly* 24, Winter 2005: 45[journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bafae31186a870d08d214420b45e69a568&fmt=P>.

to small size, and also the fact that if one subgroup failed to make AYP the entire school failed.²¹³ Theoretically in a small school one student in a subgroup could be the cause of the whole school failing to make AYP.²¹⁴

Students with disabilities must participate in high-stakes testing, but had more options than the other subgroups. These students could: take the general assessment without accommodations; take the general assessment with accommodations; take an alternative assessment. Towles-Reves, Kampfer-Bohach, Garrett, Kearns, and Grisham-Brown demonstrated concern that oftentimes the accommodations on a student's IEP were not properly followed during testing.²¹⁵ Up to 1 percent of the SWD subgroup could make AYP by passing an alternative assessment.²¹⁶ Alternative assessments were to mirror the standards on regular assessments. This limited the ability to assess functional skills which were often the IEP goals for students with severe disabilities. An additional quandary regarding alternative assessments was the lack of research on the effectiveness of large scale alternative assessments in addressing achievement levels of students with severe disabilities.²¹⁷

²¹³ Theodore Coladarci, "Adequate Yearly Progress, Small Schools, and Students with Disabilities: The Importance of Confidence Intervals When Making Judgments About AYP,"

²¹⁴ Nancy Harriman, "Perceptions of Students and Educators on the Impact of No Child Left Behind: Some Will and Some Won't," *Rural Special Education Quarterly* 24, Winter 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bafae31186a870d08d2dda8d97304fced1&fmt=P>.

²¹⁵ Elizabeth Towles-Reeves, Stephanie Kampfer-Bohach, Brent Garrett, Jacqueline Kearns, and Jennifer Grisham-Brown, "Are We Leaving Our Children Behind?," *Journal of Disability Policy Studies* 17, Summer 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af94199776137a7383c9ea5d714e927b0bf863b3d&fmt=P>.

²¹⁶ Karen Hager, and Timothy Slocum, "Using Alternate Assessment to Improve Educational Outcomes,"

²¹⁷ Diane Browder, and Karena Cooper-Duffy, "Evidence-Based Practices for Students with Severe Disabilities and the Requirement for Accountability in "No Child Left Behind"," *The Journal of Special Education* 37, Fall 2003 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ebdacdb87ed2eb68a040217c85d023f995a16c0aad0caf58&fmt=P>.

No Child Left Behind was viewed by some as a policy that micromanaged education through the extensive reporting requirements.²¹⁸ Platt, Casey, and Faessel noted that the reporting requirements of *NCLB* made alternative programming difficult, straining the resources and options for students served in juvenile justice facilities.²¹⁹ Ultimately it is not the intent of policy that matters but the reality of its translation into practice.²²⁰ It is important that educators examine and report on the impact public policies have in practice and make recommendations for any needed reforms.²²¹

²¹⁸ Laura Chapman, "Status of Elementary Art Education," *Studies in Art Education* 46, Winter 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936baeab7c26b17ddcb6a63e6d7eae071345f&fmt=P>.

²¹⁹ John Platt, Richard Casey, and Richard Faessel, "The Need for a Paradigmatic Change in Juvenile Correctional Education," *Preventing School Failure* 51, Fall 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af9419977064da2ce364287f03363fb93287cfb73&fmt=P>.

²²⁰ Nancy Ares, and Edward Buendia, "Opportunities Lost: Local Translations of Advocacy Policy Conversations," *Teachers College Record* 109, March 2007 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34524897178207968b74306d132681a7965764ea8546de85b3&fmt=P>.

²²¹ Laura Chapman, "Status of Elementary Art Education,"

CHAPTER 3 RESEARCH DESIGN

Introduction

The purpose of this public policy study was to discover the impact of the special education¹ student population on the policies set forth by the *No Child Left Behind Act (NCLB)*.² The successfulness of Florida schools and districts under *NCLB*³ was measured through the ability to make adequate yearly progress (AYP).⁴ This study was conducted utilizing data collected on the performance of students with disabilities (SWD) as a subgroup of the entire high school population.

The study was done in the state of Florida because it had a model state plan for increasing student achievement.⁵ Florida's law governing achieving adequate yearly progress was the *A+ Plan*.⁶ Governor Bush signed the *A+ Plan*⁷ into law in 2000. The basic principals of the *A+ Plan* were:

- Set state goals,
- Measure annual learning,
- Grade schools and monitor progress,
- Eliminate social promotion,
- Reward schools,
- Assist failing schools,

¹ Special education is a generic term for students qualifying for more individualized education. Under IDEA these students are referred to as individuals with disabilities [20 U.S.C. § 1400 (c)(1)]. In NCLB they are referenced as students with disabilities, SWD [20 U.S.C. § 6311 (b)(2)(C)(v)(II)(cc)]. In Florida it is referred to as exceptional student education ESE [FLA. Stat. ch. 1003.01 (3)(a)]. All the above terms are used interchangeably in this paper.

² 20 U.S.C. §§ 6301 et seq. (2002)

³ 20 U.S.C. §§ 6301 et seq. (2002)

⁴ 20 U.S.C. § 6311(b)(2) (2002)

⁵ Paul Peterson, and Martin West, "Is Your Child's School Effective?," *Education Next* 6, Fall 2006 [journal online]; available from http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/results/results_single_fulltext.jhtml.

⁶ FLA. Stat. ch. 2006.74 (2006).

⁷ FLA. Stat. ch. 2006.74 (2006)

- Give parents more choices,
- Raise educator standards,
- Rate college of education performance,
- Raise admission standards to education programs,
- Reward quality educators,
- Hold educators accountable,
- Improve teacher training,⁸

The grading of schools and districts referred to in Florida's *A+ Plan*⁹ were used to determine if they had made adequate yearly progress.¹⁰ Many of these concepts were parallel to the policies of *NCLB*,¹¹ as the *A+ Plan*¹² was Florida's primary policy for *NCLB*¹³ compliance.¹⁴

In summary this public policy study utilized two different overall measures for collecting data. The first policy was Florida's grading system for districts and schools. The second policy was schools and districts making AYP under *NCLB*.¹⁵ It is important to understand the nature of these data before examining the collection methodology that was used in this study.

Florida's Grading System

The Florida legislature created school districts contiguous with county boundaries creating a total of sixty-seven geographically large districts.¹⁶ These districts were comprised of 3,830

⁸ FLA. Stat. ch. 2006.74 (2006) This revised numerous sections of Florida law.

⁹ FLA. Stat. ch. 2006.74 (2006)

¹⁰ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

¹¹ 20 U.S.C. §§ 6301 et seq. (2002)

¹² FLA. Stat. ch. 2006.74 (2006)

¹³ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁴ Paul Peterson, and Martin West, "Is Your Child's School Effective?,"

¹⁵ 20 U.S.C. § 6311 (b)(2) (2002)

¹⁶ Fla. Const. art. IX, § 4 (a)

schools with 318,721 full time teachers, serving 2,673,563 students,¹⁷ of which 521,257 were students with disabilities.¹⁸ Florida's schools were assigned grades from A to F. These grades were determined by several factors including points awarded based on six performance criteria:

1. One point for each percent of students who meet high standards by scoring at or above FCAT¹⁹ Achievement Level 3 in reading.
2. One point for each percent of students who meet high standards by scoring at or above FCAT Achievement Level 3 in mathematics.
3. One point for each percent of students who meet high standards by scoring 3.5 or higher on the FCAT writing assessment. In the event that there are not at least 30 eligible students tested in writing, the district average in writing is substituted.
4. One point for each percent of students making learning gains in reading.
5. One point for each percent of students making learning gains in mathematics.
6. One point for each percent of the lowest performing students making learning gains in reading. In the event that there are not at least 30 eligible students, the school's reading learning gains are substituted.²⁰

These points were totaled and turned into grades: 410 and above, was an A school; 380-409 was a B school; 320-379 was a C school; 280-319 was a D school; anything less than 280 gave a school a grade of F. In addition to the point system two other factors were used in calculating school grades. Schools had to test at least 90 percent²¹ of students or the grade was lowered. In order to be an A school at least 95 percent of students must have been tested. A

¹⁷ Florida Department of Education, "Florida School District Data," [online] Your Florida Department of Education, 2006, available from <<http://www.firn.edu/doe/eias/flmove/florida.htm>>.

¹⁸ Florida Department of Education, "ESE Rules Changes Webcast," [online] Bureau of Exceptional Education and Student Services, 2007, available from <<http://www.firn.edu/doe/commhome/pdf/eserulesada.pdf>>.

¹⁹ The Florida Comprehensive Achievement Test (FCAT) is the statewide standardized test based on high standards given in Florida. As mandated by: 20 U.S.C. § 6311 (b)(2)(A) (2002)

²⁰ Florida Department of Education, "2006 Guide to Calculating School Grades: Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006SchoolGradesTAP.pdf>>.

²¹ NCLB requires 95 percent of students be tested to achieve AYP, as noted in: 20 U.S.C. § 6311(b)(2)(I) (2002)

second rule was that schools earning a C or better must show that at least half of the lowest performing students made annual learning gains (within the last two years), for a school to earn an A, half of the lowest performing students must have made gains during the current year.²²

Adequate Yearly Progress

Public Policy enacted by the Florida state legislature created a system of using school grades as the measure of success for schools and districts.²³ This public policy study was conducted in Florida; however, the ultimate test was not state measures, but rather how the districts and schools performed based on the national standards set forth in *NCLB*.²⁴ The national standard under *NCLB* was AYP.²⁵ The *No Child Left Behind Act* allowed individual states to submit plans for how they would measure AYP.²⁶ Florida's plan had four major components; participation, reading proficiency, math proficiency, and other criteria.²⁷

Participation: At least 95% of all students enrolled in a public school participate in the state assessment program. Students must be tested using the FCAT or an appropriate alternate assessment for limited English proficient students (LEP) and students with disabilities (SWD). This requirement applies to all students and each subgroup for reading and mathematics.²⁸

²² Florida Department of Education, "2006 Guide to Calculating School Grades: Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006SchoolGradesTAP.pdf>>.

²³ Florida Department of Education, "2006 Guide to Calculating School Grades: Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006SchoolGradesTAP.pdf>>.

²⁴ 20 U.S.C. §§ 6301 et seq. (2002)

²⁵ 20 U.S.C. § 6311(b)(2) (2002)

²⁶ Florida's plan can be viewed at: <http://www.fldoe.org/NCLB/>

²⁷ FLA. Stat. ch. 2006.74 (2006)

²⁸ These groups are mandated by NCLB to include; all major ethnic groups, economically disadvantaged, limited English proficient, and students with disabilities. As mandated by: 20 U.S.C. § 6311(b)(2) (2002). This makes a total of eight sub groups in Florida. This information was gathered from, FLA. Stat. ch. 1008.34 (2006) The direct quotes are from a technical assistance paper, see: Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

Reading Proficiency: The state has set annual objectives for reading proficiency based on the ultimate goal to have 100% of all students proficient in reading by 2013-14. For 2005-06, the state objective is to have at least 44% of all students and each subgroup reading at or above grade level. For purposes of AYP determination, students scoring 3 and above are considered proficient.²⁹

Math Proficiency: The state has also set annual objectives for math proficiency based on the ultimate goal to have 100% of all students proficient in math by 2013-14. For 2005-06, the state objective is to have at least 50% of all students and each subgroup scoring at or above grade level in math. For purposes of AYP determination, students scoring 3 and above are considered proficient.³⁰

Other Criteria: NCLB requires the state definition of AYP to include graduation rate and at least one additional academic indicator as determined by the state. In Florida, the writing assessment will be used as the additional indicator and school grades will be used as an additional condition. Thus, in addition to the three criteria listed above, schools must meet three other criteria:

Improve performance in Writing by 1%: All schools must demonstrate a 1% improvement in the percentage of students meeting state standards in writing. For purposes of AYP determination, students scoring 3 and above are meeting state standards. The writing target is also met if the school has a writing performance rate of 90% or better.³¹

Improve the graduation rate by 1%: High schools must demonstrate a 1% improvement in its graduation rate. The target is also met if a school attains a rate of 85% or better in the current year.³²

The school is not a D or an F: The A+ school Grades are calculated prior to AYP. If a school receives a D or an F, that school does not make AYP.³³

All of these guidelines for making AYP in the state of Florida were subject to two caveats of exception; the first being “safe harbor,” and the second being the “students with disabilities mathematical adjustment.” Safe harbor allowed schools that had met all other requirements

²⁹ This information was gathered from, FLA. Stat. ch. 1008.34 (2006) The direct quotes are from a technical assistance paper, see: Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

except for proficiency in reading and/or math to make AYP if the sub group(s) in question met all other requirements and improved proficiency by at least 10 percent over the prior years calculation.³⁴ Of great importance to this study was the SWD mathematical adjustment. This adjustment allowed for an increase in the percentage of students making AYP in the SWD subgroup, if the only reason the school failed to make AYP was due to the math and/or reading proficiency of the SWD subgroup. If the SWD subgroup made AYP with the additional 13 percent mathematical adjustment³⁵ then the school was deemed to have made AYP.³⁶

Data Collection

Data regarding grades and AYP were collected from the official Florida Department of Education (FLDOE) website.³⁷ This site was an open domain, with no identifiers for data on individual students. The FLDOE site had searchable data bases for gathering information on grades, AYP and many other types of educational data on districts and schools.³⁸ No one report contained all the information needed, thus reports had to be examined for each district and subsequently for each school.³⁹ In the process of conducting the secondary data analysis the first

³⁴ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

³⁵ Florida Department of Education, "Florida School Grades and Adequate Yearly Progress," [online] Florida Department of Education, 2006, available from <<http://www.firn.edu/doe/databaseworkshop/ppt/schgrayp.ppt#256,1,Slide 1>>.

³⁶ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

³⁷ "Florida Department of Education," [online] , available from <<http://www.fldoe.org/Default.asp?bhcp=1>>.

³⁸ "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

³⁹ Appendix A containing representative reports.

step in gathering data was to compare the grades for all sixty-seven school districts.⁴⁰ The highest and lowest scoring districts were chosen for this public policy analysis. The highest and lowest selected school districts were chosen for greatest degree of separation in achievement levels. This set up a dichotomous measure of data. Data of central tendency (districts graded B) were discarded as they produced no differential for comparison.⁴¹ The highest scoring districts made a grade of A, the lowest scoring districts received a grade of C. There were twenty-four A districts, and thirteen districts scoring a C, for a total of thirty-seven districts meeting the criteria for this study.⁴² High schools were used in this study due to the high stakes measures governing receiving a standard high school diploma.⁴³ Ultimately much of the final measure of the accountability movement driving education was based on graduation rates of high school students.⁴⁴

Each of the thirty-seven districts were examined to identify the highest and lowest graded high schools. The examination continued with reviewing the district-school accountability report for each district.⁴⁵ The school reports consisted of three “pages,” each page represented an

⁴⁰ Florida Department of Education, "Florida School Grades," [online] 2005-2006 School Accountability Reports: All Districts, 2006, available from <http://schoolgrades.fldoe.org/xls/0506/2006_district_grades.xls>.

⁴¹ Brighton Webs Ltd, "Brighton Webs Ltd. Statistical and Data Services for Industry," [online] Brighton Webs Ltd, 2004, available from <http://www.brighton-webs.co.uk/Statistics/central_tendency.asp>.

⁴² Florida Department of Education, "Florida School Grades," [online] 2005-2006 School Accountability Reports: All Districts, 2006, available from <http://schoolgrades.fldoe.org/xls/0506/2006_district_grades.xls>.

⁴³ Florida Department of Education, "FCAT Myths vs. Facts," [online] Florida Department of Education, available from <<http://www.firn.edu/doe/sas/fcat/pdf/myths-facts.pdf>>.

⁴⁴ Lorraine McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?," *Peabody Journal of Education* 80, 2005 [journal on-line]; available from: <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34d43ce33921c936bac3ec95d92632237e958b3509534641b7&fmt=H>.

⁴⁵ See appendix A for sample district report. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

individual report. The first report contained thirty-nine cells giving an overview of the schools achievement. Thirty-six of the cells were dichotomous indicating if the school tested 95 percent of the population, and subgroup populations, and if the target percentage of the aforementioned were at grade level or not. The other three cells were; total writing proficiency met, total graduation criteria met, and the school grade. The second page gave the actual percentages for the same information. The third page gave the number of students in each cell.⁴⁶

This examination yielded 109 schools ranging in grade from A to F.⁴⁷ Within this data set the schools were further examined to determine if they made AYP or not.⁴⁸ Reports from each school were examined to determine what specific factors were involved in the achievement of AYP.⁴⁹ A general factor in making AYP in Florida included “provisional AYP.”⁵⁰ Factors relevant to making AYP or not were considered in terms of the SWD subgroup. These factors included; if the subgroup was too small to have to be considered in school AYP calculations, safe harbor, and if the SWD mathematical adjustment was applied. This resulted in fifteen schools to

⁴⁶ See appendix A for sample reports. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

⁴⁷ All of the highest and lowest scoring schools were reviewed in each of the highest and lowest scoring districts.

⁴⁸ Schools that made “provisional AYP” under Florida’s guidelines were counted as not having made AYP because they did not make AYP under NCLB.

⁴⁹ See appendix A for a sample school reports. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

⁵⁰ FLA. Stat. ch. 1008.31 (1)(b) (2007); Provisional AYP did not count under NCLB. As noted in: American Teacher, "Florida Reveals AYP Disconnect," *American Teacher* 90, November 2005 [journal on-line]; available from; http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/results/results_fulltext_maincontentframe.jhtml;hwwilsonid=XM325AKTNCOSRQA3DIOSFF4ADUNGMIV0.

examine with regard to how they made AYP and as to the impact of the SWD subgroup on a school making AYP.⁵¹

Summary

Data from Florida school districts and high schools were evaluated in terms of making AYP under the auspices of *NCLB*⁵² and with regard to school/district grades as determined under the regulations set forth by Florida's *A+ Plan*.⁵³ Both accountability policies were designed to improve student performance. The considerable disparity in the ratings between the two methods of evaluation was examined. Data showed that despite Florida's *A+ Plan*⁵⁴ being the State's *NCLB*⁵⁵ compliance plan, the two were not evaluating districts and schools in similar enough manners to provide equivalent results.⁵⁶ In addition it became evident that a SWD population large enough to be counted⁵⁷ hindered the likelihood of a high school making AYP.⁵⁸ Ultimately all these data were evaluated with regard to the impact the SWD population had on making AYP under *NCLB*⁵⁹ in selected Florida high schools

⁵¹ These data were distilled from 472 reports comprising over 1100 pages of information.

⁵² 20 U.S.C. § 6311(b)(2) (2002)

⁵³ FLA. Stat. ch. 2006.74 (2006)

⁵⁴ FLA. Stat. ch. 2006.74 (2006)

⁵⁵ 20 U.S.C. §§ 6301 et seq. (2002)

⁵⁶ Appendices B and C.

⁵⁷ The subgroup had to be at least 30 students, and be 15 percent of the total school population or 100 students to be included in AYP calculations: Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

⁵⁸ 20 U.S.C. § 6311 (b)(2) (2002)

⁵⁹ 20 U.S.C. § 6311(b)(2) (2002)

CHAPTER 4 OBSERVATIONS

Introduction

The data set for the study was public high schools in the state of Florida. The most recent data available were used.¹ All sixty-seven school districts in the state of Florida were examined. High schools were the focus of the study due to the impact high-stakes testing had on receiving a high school diploma.² Examining the highest and lowest graded districts resulted in thirty-seven districts to review, twenty-four graded A, and thirteen graded C.³ The thirty-seven districts ranged in population from 1,225 to 271,470 students, with an average of 33,365 students. The ESE population ranged from 12 to 33 percent, averaging 21 percent.⁴ The total percent of criteria met for each district ranged from 67 to 92 percent.⁵ Within the aforementioned districts the highest and lowest scoring high schools yielded 109 schools to review, ranging in grades from A to F.⁶ School populations ranged from sixty-seven to 2,693 with an average size of 933. The percentage of ESE students at the school level ranged from 1 to 28 percent, averaging 13 percent.⁷

¹ Data were sometimes referred to as 2005-2006 and sometimes as 2006, these referenced the same school year.

² Michael Gunzenhauser, "Normalizing the Educated Subject: A Foucaultian Analysis of High-Stakes Accountability," *Educational Studies* 39, June 2006 [journal on-line]; available from; <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997740cd242bb5958ae9ed4a63bd5808fb11&fmt=H>.

³ Appendix B for district data.

⁴ The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

⁵ Appendix B district data.

⁶ Appendix C.

⁷ The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from

State, district, and school reports were set up with three different “pages” on the official Florida Department of Education (FLDOE) website.⁸ The first “page” consisted of thirty-eight⁹ dichotomous cells marked yes or no. Thirty-six of the cells were made up of rows and columns. The rows were labeled; Total, White, Black, Hispanic, Asian, American Indian, Economically Disadvantaged, Limited English Proficiency, and Students with Disabilities. The four columns were headed; 95% Tested Reading, 95% Tested Math, Reading Proficiency Met, Math Proficiency Met. The other two cells were; Total Writing Proficiency Met, and Total Graduation Criterion Met. The report also indicated the percent of cells met, and if AYP were achieved. The second “page” gave more detailed data, and listed the percentages, for participation and proficiency in each category and subgroup. The third “page” of the report listed the actual number of students participating or making proficiency in each category.¹⁰

The state level page one report contained thirty-eight cells for reporting information. Of these thirty were satisfactorily met, putting the states percentage of criteria met at 79 percent. The state of Florida did test 95 percent of the Students With Disabilities (SWD) subgroup in both reading and math; however, the SWD subgroup did not meet the proficiency requirements in either reading or math.¹¹ Only 30 percent of the SWD population scored at grade level in

<http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

⁸ Each “page” is a different website. "Florida Department of Education," [online] Florida School Grades, available from

<http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

⁹ Thirty-nine cells for the individual school reports.

¹⁰ Appendix A for sample reports; The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from

<http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

¹¹ State report page one: “Florida Department of Education,” [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp>.

reading, the target was 44 percent. In math only 32 percent of the SWD subgroup were at grade level, the target was 50 percent. The total state population did make the target percentages, with 57 percent on grade level in reading, and 61 percent on grade level in math.¹² The state as a whole did not make AYP under NCLB.¹³ These data were summarized in table 4-1.

Table 4-1 State percentages of students at or above grade level

	Actual	Goal
Total reading	57%	44%
Total math	61%	50%
SWD reading	30%	44%
SWD math	32%	50%

The district page one report was organized in the same manner as the state report. It also contained thirty-eight cells. Four of the cells concerned the SWD sub group; percent tested in reading, percent tested in math, percent at grade level in reading, and percent at grade level in math. None of the thirty-seven districts studied made AYP as defined by NCLB.¹⁴ Twenty-four districts were graded A:¹⁵ twenty-one met the criteria for two of the ESE cells; three met the criteria for three of the ESE cells. Thirteen districts made a grade of C:¹⁶ one met the criteria for all of the ESE cells; ten met the criteria for two cells; one achieved in one cell; one met the criteria for none of the cells.¹⁷ These data were summarized in table 4-2.

¹² State report page two: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=00&thisschoolYear=2005-2006&schoolNumbers=&districts=46&schoolYear=2005%2D2006&school_grade=&report=AYP&level=State.

¹³ State report page one: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp>.

¹⁴ None of the sixty-seven districts in Florida made AYP. See the sample district report in appendix A. Appendix B shows data on the districts that qualified for the study.

¹⁵ Alachua, Bay, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Gilchrist, Hillsborough, Leon, Marion, Martin, Monroe, Nassau, Okaloosa, Palm Beach, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Wakulla, Walton.

¹⁶ Baker, Bradford, Columbia, DeSoto, Franklin, Gadsden, Hamilton, Hendry, Jefferson, Madison, Putnam, Suwannee, Taylor.

¹⁷ See appendix B for district data. See appendix A for sample district report. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from

Table 4-2 District grades and number of ESE cells met

Grade	4 Cells	3 Cells	2 Cells	1 Cell	0 Cells
A	0	3	21	0	0
C	1	0	10	1	1

The individual school reports were designed in the same manner as the state and district reports. Page one of each school report had thirty-nine cells,¹⁸ including the aforementioned four ESE cells. One hundred and nine high schools were reviewed in this public policy study: forty-two made a grade of A; twenty-two made a grade of B; twenty made a grade of C; twenty-four made a grade of D; one school was graded F. Thirty-five of the schools discounted AYP for the SWD subgroup as not applicable;¹⁹ eleven met the criteria for none of the ESE cells; six met the criteria for one cell; forty-six met the criteria for two cells; nine met the criteria for three cells; two met the criteria for all four ESE cells.²⁰ These data were summarized in table 4-3.

Table 4-3 Number of ESE cells met by all schools in study

# Cells met	NA	4	3	2	1	0
# Schools	35	2	9	46	6	11

School Grades and ESE Criteria

Forty-two schools made a grade of A: eighteen had ESE cells listed as not applicable due to the subgroup size; two made the criteria for all cells; eight made the criteria for three cells;

<http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

¹⁸ The school report added a cell for school grade not included in the state and district page one reports. State and district grades were gathered from other reports. See appendix A.

¹⁹ If a subgroup was small enough not to be counted in AYP calculations under Federal guidelines it was designated as NA in the cell. For a subgroup to be counted in AYP calculations, the subgroup must have at least thirty students, and account for at least 15 percent of the school population in tested grades or be 100 students or more. As noted in: Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

²⁰ Appendix C school data.

eleven made the criteria for two cells; two made the criteria for one cell; one made none of the ESE cell criteria. These data were summarized in table 4-4.

Table 4-4 Number of ESE cells met by A schools in study

# Cells met	NA	4	3	2	1	0
# Schools	18	2	8	11	2	0

Twenty-two schools made a grade of B: four had ESE cells listed as not applicable due to the subgroup size; none made the criteria for all cells; none made the criteria for three cells; eleven made the criteria for two cells; three made the criteria for one cell; four made none of the criteria. These data were summarized in table 4-5.

Table 4-5 Number of ESE cells met by B schools in study

# Cells met	NA	4	3	2	1	0
# Schools	4	0	0	11	3	4

Twenty schools made a grade of C: five had ESE cells listed as not applicable due to the subgroup size; none made the criteria for all cells; none made the criteria for three cells; fourteen made the criteria for two cells; none made the criteria for one cell; one made none of the criteria. These data were summarized in table 4-6.

Table 4-6 Number of ESE cells met by C schools in study

# Cells met	NA	4	3	2	1	0
# Schools	5	0	0	14	0	1

Twenty-four schools made a grade of D: eight had ESE cells listed as not applicable due to the subgroup size; none made the criteria for all cells; one made the criteria for three cells; ten made the criteria for two cells; one made the criteria for one cell; four made none of the criteria. These data were summarized in table 4-7.

Table 4-7 Number of ESE cells met by D schools in study

# Cells met	NA	4	3	2	1	0
# Schools	8	0	1	10	1	4

The school that was graded an F did not meet the criteria for any of the ESE cells.²¹ Data from this section were summarized in part in table 4-8.

Table 4-8 School Grades and ESE criteria

Grade	# ESE cells met	# Of schools	# Making AYP
A	NA	18	11
A	4	2	2
A	3	8	0
A	2	11	0
A	1	2	0
A	0	1	0
B	NA	4	2
B	4	0	0
B	3	0	0
B	2	11	0
B	1	3	0
B	0	4	0
C	NA	5	0
C	4	0	0
C	3	0	0
C	2	14	0
C	1	0	0
C	0	1	0
D	NA	8	0
D	4	0	0
D	3	1	0
D	2	10	0
D	1	1	0
D	0	4	0
F	0	1	0

School Grades and Percent of Criteria Met

Forty-two schools were scored an A, thirteen of them made 100 percent of the criteria: eleven of the thirteen made 100 percent of the criteria by dismissing the ESE population as not applicable due to the size of the subgroup; two met the criteria for all four ESE cells. Twenty-one

²¹ Appendix C for school data. Appendix A for sample school reports. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

A schools met 90 to 99 percent of the criteria: seven did so by using the not applicable designation for the ESE subgroup; seven met the criteria for three out of the four ESE cells; another seven made the criteria for two of the ESE cells. Seven A schools met between 80 and 89 percent of the criteria: one met the criteria for three out of four ESE cells; four met the criteria for two cells; one met the criteria for one cell; one met the criteria for none of the ESE cells. One A school fell in the 70 to 79 percent range, meeting the criteria for one ESE cell. These data were summarized in table 4-9.

Table 4-9 Percent of criteria met by A schools and number of ESE cells met

# Cells met	NA	4	3	2	1	0
100% of criteria	11	2	0	0	0	0
90-99% of criteria	7	0	7	7	0	0
80-89% of criteria	0	0	1	4	1	1
70-79% of criteria	0	0	0	0	1	0
60-69% of criteria	0	0	0	0	0	0
50-59% of criteria	0	0	0	0	0	0

Twenty-two schools made a grade of B: two met 100 percent of the criteria, both of these did so while denoting the ESE subgroup as not applicable. Six schools graded B met 90 to 99 percent of the criteria: two did so while denoting the ESE subgroup as not applicable; the other four met the criteria for two of the four ESE cells. Eleven of the B schools met 80 to 89 percent of the criteria: six of these schools met the criteria for two of the ESE cells; two met the criteria for one ESE cell; three failed to meet the criteria for any of the ESE cells. Three of the schools earning a grade of B met 70 to 79 percent of the criteria: one met the requirements for two out of four ESE cells; one met the requirements for one cell; one met the requirements for none of the ESE cells. These data were summarized in table 4-10.

Twenty schools earned a grade of C, four met 90 to 99 percent of the criteria: three did so while designating the ESE subgroup as not applicable; one met the criteria for two of the four ESE cells. Ten of the C schools met 80 to 89 percent of the criteria: one did so while designating

the ESE subgroup as not applicable; the other nine met the criteria for two of the four ESE cells. Four of the schools that earned a grade of C met 70 to 79 percent of the criteria: one did so while designating the ESE subgroup as not applicable; the other three met the criteria for two out of four ESE cells. Two of the C schools met 60 to 69 percent of the criteria: one of these did so while meeting the criteria for two of the four ESE cells; the other met the criteria for none of the ESE cells. These data were summarized in table 4-11.

Table 4-10 Percent of criteria met by B schools and number of ESE cells met

# Cells met	NA	4	3	2	1	0
100% of criteria	2	0	0	0	0	0
90-99% of criteria	2	0	0	4	0	0
80-89% of criteria	0	0	0	6	2	3
70-79% of criteria	0	0	0	1	1	1
60-69% of criteria	0	0	0	0	0	0
50-59% of criteria	0	0	0	0	0	0

Table 4-11 Percent of criteria met by C schools and number of ESE cells met

# Cells met	NA	4	3	2	1	0
100% of criteria	0	0	0	0	0	0
90-99% of criteria	3	0	0	1	0	0
80-89% of criteria	1	0	0	9	0	0
70-79% of criteria	1	0	0	3	0	0
60-69% of criteria	0	0	0	1	0	1
50-59% of criteria	0	0	0	0	0	0

Twenty-four schools earned a grade of D, three met 80 to 89 percent of the criteria: two did so while designating the ESE subgroup as not applicable, the other one met the criteria for two out of four ESE cells. Fifteen of the D schools met 70 to 79 percent of the criteria: five did so while designating the ESE subgroup as not applicable; one met the criteria for three out of four ESE cells; two met the criteria for two of the ESE cells; one met the criteria for one ESE cell; three met the criteria for none of the ESE cells. Five of the D schools met 60 to 69 percent of the criteria: one did so while designating the ESE subgroup as not applicable; the other four met the

criteria for two of the four ESE cells. One D school met 50-59 percent of the criteria and met the requirements for none of the ESE cells. These data were summarized in table 4-12.

Table 4-12 Percent of criteria met by D schools and number of ESE cells met

# Cells met	NA	4	3	2	1	0
100% of criteria	0	0	0	0	0	0
90-99% of criteria	0	0	0	0	0	0
80-89% of criteria	2	0	0	1	0	0
70-79% of criteria	5	0	1	2	1	3
60-69% of criteria	1	0	0	4	0	1
50-59% of criteria	0	0	0	0	0	1

The school that received a grade of F met 56 percent of the criteria and met the criteria for none of the ESE cells.²² Data from this section were summarized in part in table 4-13.

Mitigating Factors

There were several mitigating factors involved in determining if a school made adequate yearly progress or not. One of these was “safe harbor.”²³ Safe harbor applied to subgroups in reading and math. The school in question must have met all of the other state indicators, in Florida these included; writing, graduation rate, and school grade. The subgroup must have met writing proficiency by increasing scores by 1 percent or more over the prior year, or the school as a whole must have had 90 percent of students demonstrating writing proficiency. The subgroup must also have met the graduation rate requirement by increasing the graduation rate by 1 percent over the prior year, or the schools graduation rate must have been 85 percent or better. The subgroup could still be considered to have made AYP if the groups number of non-

²² See appendix C for school data. See appendix A for sample district report. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

²³ 20 U.S.C. § 6311(b)(2)(I) (2002)

proficient scores were reduced by at least 10 percent from the prior year. Safe harbor only applied to subgroup AYP in reading and/or math.²⁴

Table 4-13 Grade and % criteria met

Grade	% Criteria met	# Of schools	# NA for ESE
A	100	13	11
A	90-99	21	7
A	80-89	7	0
A	70-79	1	0
B	100	2	2
B	90-99	6	2
B	80-89	11	0
B	70-79	3	0
C	90-99	20	3
C	80-89	10	1
C	70-79	4	1
C	60-69	2	0
D	80-89	3	2
D	70-79	15	5
D	60-69	5	1
D	50-59	1	0
F	56	1	0

Another provision that applied to all subgroups was the size of the subgroup. The criteria for a subgroup making AYP only applied if there were at least thirty students in the subgroup. In order for AYP to apply the number in the subgroup must also represent at least 15 percent of the schools tested population. If the group was not 15 percent of the schools tested population or 100 students then AYP did not apply to that subgroup in that school.²⁵

No Child Left Behind made one provision specifically relating to students with disabilities and calculating adequate yearly progress. This caveat allowed for 1 percent of the most

²⁴ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

²⁵ These are denoted as not applicable (NA) in the data. As noted in: Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

cognitively impaired students with disabilities to take an alternative assessment, as opposed to the statewide assessment used to measure if students were meeting grade level requirements. The 1 percent was calculated on a district basis so as not to significantly penalize a particular school. Up to 1 percent of SWD could be considered at grade level if they made an acceptable score on the alternative assessment. These scores were included as proficient in AYP calculations.²⁶

Florida had an additional exception with regard to the SWD subgroup making AYP. This exception was referred to as the SWD mathematical adjustment. This adjustment applied if the only reason a school did not make AYP was because the SWD subgroup did not make AYP. The mathematical adjustment could be applied to the SWD subgroup in reading and/or math if the school's failure to make AYP was due solely to one of these two cells. In the 2005-2006 school year the SWD mathematical adjustment was 13 percent. If the SWD subgroup reached the target proficiency level by adding 13 percent to the actual percent proficient in reading and/or math then the subgroup was proficient and the school was deemed to have made AYP. The SWD subgroup must have met the requirements for writing proficiency and graduation rates for the mathematical adjustment to apply.²⁷

The final issue in understanding these data was also a Florida policy. Florida had something referred to as "provisional AYP."²⁸ A school had to meet the criteria for all thirty-nine

²⁶ NCLB did not limit how many students may take an alternative assessment as it was an IEP team decision, but if more than 1 percent took and passed an alternative assessment they had to be counted as non-proficient. As noted in: Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

²⁷ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

²⁸ FLA. Stat. ch. 1008.31 (1)(b) (2007)

cells to make AYP as outlined in *NCLB*.²⁹ If the school failed to make AYP but was graded an A or B school then the state deemed it to have made provisional AYP.³⁰ Forty-nine schools of the 109 in this study made provisional AYP.³¹

School Data

Sixty-seven districts were reviewed; thirty-seven met the criteria for the study. One hundred and nine high schools met the study criteria. Fifteen of the high schools made AYP under NCLB,³² thirteen were graded A and two earned a B. Two of the fifteen made AYP under *NCLB*³³ without using the not applicable (NA) designation³⁴ for the SWD subgroup. Both of these schools were graded A.³⁵

One of the two schools to make AYP³⁶ while not discounting the SWD subgroup was Bell High School located in the Gilchrist County School District. The Gilchrist County School District had 1,722 students enrolled to be tested in reading, and 1,718 in math. Four hundred and eighty and 479 were in the SWD subgroup for reading and math respectively.³⁷ Students with

²⁹ 20 U.S.C. § 6311(b)(2) (2002)

³⁰ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

³¹ FLA. Stat. ch. 1008.31 (1)(b) (2007); Provisional AYP did not count under NCLB (provisional AYP will be addressed in the following chapter). As noted in: American Teacher, "Florida reveals AYP Disconnect," *American Teacher* 90, November 2005 [journal on-line]; available from; http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/results/results_fulltext_maincontentframe.jhtml;hwwilsonid=XM325AKTNCOSRQA3DIOSFF4ADUNGMIV0.

³² 20 U.S.C. § 6311(b)(2) (2002)

³³ 20 U.S.C. § 6311(b)(2) (2002)

³⁴ This means that the SWD subgroup did not need to be considered in AYP calculations.

³⁵ Appendix C.

³⁶ 20 U.S.C. § 6311(b)(2) (2002)

³⁷ District report page three: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=21&thisschoolYear=2005-2006&schoolNumbers=&districts=21&schoolYear=2005%2D2006&school_grade=&report=AYP&level=District.

Disabilities constituted 28 percent of the Gilchrist County School District population. Ninety-nine percent of the students in the SWD subgroup were tested. Thirty-four and thirty-seven percent of ESE students scored at or above grade level in reading and math respectively. Sixty-three and 70 percent of all tested students in the district scored at or above grade level in reading and math respectively.³⁸ The district did not make AYP, meeting only 90 percent of the criteria, receiving a grade of A. The district tested 95 percent of SWD but the subgroup did not reach the target proficiency rate in reading or math.³⁹

Bell High School had 511 students to be tested in reading, and 509 to be tested in math. One hundred and forty-one and 140 were enrolled in the SWD subgroups for reading and math respectively. Twenty-eight percent of the Bell High School population was ESE.⁴⁰ One hundred percent of students were tested in the SWD subgroup. Twenty-eight percent of the SWD subgroup were at grade level in reading and 29 percent were proficient in math.⁴¹ The school as a whole had 55 and 65 percent of tested students scoring at or above grade level in reading and

³⁸ District report page two: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=21&thisschoolYear=2005-2006&schoolNumbers=&districts=21&schoolYear=2005%2D2006&school_grade=&report=AYP&level=District.

³⁹ District report page one: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp>.

⁴⁰ School report page three: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=21&thisschoolYear=2005-2006&schoolNumbers=210031&districts=21&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School.

⁴¹ These scores fell short of the goals of 44 and 50 percent at grade level in reading and math respectively. They met the AYP criteria through the safe harbor provision. See school report page two: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=21&thisschoolYear=2005-2006&schoolNumbers=210031&districts=21&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School.

math respectively. The school made AYP, meeting 100 percent of the criteria, receiving a grade of A.⁴²

The other high school to make AYP⁴³ while including the SWD subgroup in AYP calculations was Niceville Senior High School in the Okaloosa County School District. The Okaloosa County School District had 18,897 students enrolled to be tested in reading, and 18,891 in math. Three thousand one hundred and eighteen and 3,115 were in the SWD subgroup for reading and math respectively. Students with disabilities represented 16 percent of the Okaloosa County School District.⁴⁴ Ninety-seven percent of the students in SWD subgroup were tested. District-wide 44 and 49 percent of ESE students scored at or above grade level in reading and math respectively. Seventy and 75 percent of all tested students in the district scored at or above grade level in reading and math respectively.⁴⁵ The district did not make AYP,⁴⁶ meeting only 92 percent of the criteria, receiving a grade of A. The district tested 95 percent of SWD subgroup, but the subgroup did not reach the target proficiency rate in math.⁴⁷

Niceville Senior High School had 1,185 students to be tested in reading, and 1,183 to be tested in math. One hundred and twenty-five and 124 were enrolled in the SWD subgroups for

⁴² School report page one: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=verifySelectionSchool&report=AYP&districts=21&schoolYear=2005-2006&school_grade=&level=School&schoolNumbers=210031.

⁴³ 20 U.S.C. § 6311(b)(2) (2002)

⁴⁴ District report page three: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=46&thisschoolYear=2005-2006&schoolNumbers=&districts=46&schoolYear=2005%2D2006&school_grade=&report=AYP&level=District.

⁴⁵ District report page two: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=46&thisschoolYear=2005-2006&schoolNumbers=&districts=46&schoolYear=2005%2D2006&school_grade=&report=AYP&level=District.

⁴⁶ 20 U.S.C. § 6311(b)(2) (2002)

⁴⁷ District report page one: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp>.

reading and math respectively. Eleven percent of the Niceville Senior High School population was ESE.⁴⁸ Ninety-eight percent of the SWD subgroup were tested in reading and 99 percent of SWD subgroup were tested in math. Thirty-two percent of the SWD subgroup were at grade level in reading,⁴⁹ and 50 percent were at grade level in math. Ninety-nine and 62 percent of all students tested scored at or above grade level in reading and math respectively.⁵⁰ The school made AYP, meeting 100 percent of the criteria, receiving a grade of A.⁵¹

Summary

School data were analyzed with regard to Florida school grades while taking into account data relating to making adequate yearly progress under the auspices of the *No Child left behind Act*.⁵² These data were viewed in terms of the number of the ESE subgroup cells met,⁵³ and also in terms of total percent of criteria met.⁵⁴ A key factor in studying these data was the not applicable designation (NA), which was used if the subgroup in question did not meet the minimum size requirement to be included in AYP⁵⁵ calculations. Fifteen of the 109 Florida high

⁴⁸ School report page three: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=46&thisschoolYear=2005-2006&schoolNumbers=460211&districts=46&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School.

⁴⁹ This counted as meeting the 44 percent target after the SWD mathematical adjustment.

⁵⁰ School report page two: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=46&thisschoolYear=2005-2006&schoolNumbers=460211&districts=46&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School.

⁵¹ School report page one: "Florida Department of Education," [online] Florida School Grades, available from http://schoolgrades.fldoe.org/default.asp?action=verifySelectionSchool&report=AYP&districts=46&schoolYear=2005-2006&school_grade=&level=School&schoolNumbers=460211.

⁵² Appendix C; 20 U.S.C. § 6311 (b)(2) (2002)

⁵³ Table 4-8

⁵⁴ Table 4-13

⁵⁵ 20 U.S.C. § 6311 (b)(2) (2002)

schools in this study made adequate yearly progress⁵⁶ representing only 14 percent of the schools studied. Only two of the fifteen high schools made adequate yearly progress⁵⁷ without dismissing the students with disabilities population due to small group size. This meant that only 13 percent of schools making AYP⁵⁸ did so without dismissing the SWD subgroup; furthermore, only 2 percent of all high schools in the study made AYP⁵⁹ without dismissing the SWD population.⁶⁰ This indicated that a high school that had a large students with disabilities population would have a decreased likelihood of achieving AYP.⁶¹

Public policy must use valid and reliable measures to determine if the objectives set forth in the policy are being met. It stands to reason that two policies having the same objective should have comparable results for evaluations conducted on the same sample population. This was not the case with data in this study reviewed under the policies of Florida's A+ Plan⁶² and NCLB.⁶³ Thirty-nine percent of the high schools examined were graded A under the provisions of Florida's A+ Plan.⁶⁴ Only 14 percent of the same sample made AYP as measured by NCLB.⁶⁵

⁵⁶ 20 U.S.C. § 6311(b)(2) (2002)

⁵⁷ 20 U.S.C. § 6311(b)(2) (2002)

⁵⁸ 20 U.S.C. § 6311(b)(2) (2002)

⁵⁹ 20 U.S.C. § 6311(b)(2) (2002)

⁶⁰ Appendix C; The two schools that did make AYP without dismissing the SWD subgroup due to small size did so through one using the SWD mathematical adjustment, and the other using safe harbor.

⁶¹ 20 U.S.C. § 6311(b)(2) (2002)

⁶² FLA. Stat. ch. 2006.74 (2006)

⁶³ 20 U.S.C. §§ 6301 et seq. (2002)

⁶⁴ FLA. Stat. ch. 2006.74 (2006)

⁶⁵ 20 U.S.C. §§ 6301 et seq. (2002)

This variation showed that the State school grade does not predict AYP⁶⁶ under the Federal policy.⁶⁷

Anecdotal Observations

There were a few additional observations concerning data gathered in this study. They were not germane to this public policy study; however, they were worthy of note for possible future research. Eleven of the districts graded C were located in the eastern panhandle of Florida. Ten of them were contiguous. The two outliers were in south central Florida. The A school districts showed no grouping, appearing to be scattered throughout the state. Socio-economic status (SES) may have been a predictive factor in school grade. Districts that were graded an A had between 18 and 80 percent low SES students with an average of 40 percent. Districts that were graded C ranged from 43 to 74 percent low SES student population with an average of 59 percent. It is important to note that the Florida Education Finance Program⁶⁸ (FEFP) had no poverty index. This may have further impacted results through schools not being funded equitably. Another factor in making AYP may have been district size. The number of students in the districts studied ranged from, 1,225 to 271,470. Districts graded an A ranged in size from 2,274 to 271,470 students. Districts graded a C ranged in size from 1,225 to 12,274. It is possible that many smaller districts were not receiving enough total funding to adequately educate students.⁶⁹

⁶⁶ 20 U.S.C. § 6311 (b)(2) (2002)

⁶⁷ 20 U.S.C. §§ 6301 et seq. (2002)

⁶⁸ FLA. Stat. ch. 1011.60-1011.77 (2006)

⁶⁹ These are merely casual observations for areas of possible future research. All data mentioned is contained in appendices A and B.

CHAPTER 5 CONCLUSIONS

Purpose

The goal of this public policy study was to determine the impact of the special education student population on selected Florida high schools achieving AYP¹ as measured by the policies set forth in *NCLB*.² The process of exploring this question included reviewing policies set forth by *IDEA 2004*³ and Florida's *A+ Plan*.⁴ All of Florida's school districts were reviewed under the *A+ Plan*⁵ and the highest and lowest graded districts were included in the study. The same process was applied to high schools within the aforementioned districts. School grades and achievement of AYP⁶ were compared in terms of the impact of the SWD population as a whole.⁷

Controversy

Some would argue that Florida's public policy regarding making adequate yearly progress (AYP)⁸ did a better job of accurately portraying student achievement than the policies created by the *No Child Left Behind Act (NCLB)*.⁹ Peterson and West claimed that Florida policy had a much more accurate measure of student progress than the Federal measures. They wrote,

. . . accountability works only if the yardstick used to measure performance is reasonably accurate. Unfortunately, the yardstick required by the federal law is not. Our analysis of its

¹ 20 U.S.C. § 6311 (b)(2) (2002)

² 20 U.S.C. §§ 6301 et seq. (2002)

³ 20 U.S.C. §§ 1400 et seq. (2004)

⁴ FLA. Stat. ch. 2006.74 (2006)

⁵ FLA. Stat. ch. 2006.74 (2006)

⁶ 20 U.S.C. § 6311 (b)(2) (2002)

⁷ Appendices A and B.

⁸ FLA. Stat. ch. 2006.74 (2006)

⁹ 20 U.S.C. §§ 6301 et seq. (2002)

workings in Florida reveals it to be badly flawed and not as accurate as the measuring stick employed by the state of Florida for similar purposes.¹⁰

In reality data in this study indicated that Florida's public polices relating to AYP¹¹ were far from being in alignment with those outlined in *NCLB*.¹² Twenty-four Florida school districts earned a grade of A, yet none of them made AYP as defined by *NCLB*.¹³ Forty-two high schools that qualified for this study were graded A; however, only fifteen of these made AYP under the requirements of *NCLB*.¹⁴ Florida published school grades and rewarded schools based on those grades.¹⁵

Florida

Districts and schools that received high grades were prominently displayed on websites, newsletters, and often on signs in front of schools.¹⁶ This policy may have been misleading to the public. The Okaloosa County School District received a grade of A. The district website referred to the district as the best in Florida, and had a link showing all the A and B graded schools. In keeping with the image of being the "Best in Florida" the fact that the district did not make AYP¹⁷ was not mentioned.¹⁸ The Gilchrist County School District was graded an A. The website

¹⁰ Paul Peterson, and Martin West, "Is Your Child's School Effective?," *Education Next* 6, Fall 2006: second paragraph [journal on-line]; available from http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/results/results_single_fulltext.jhtml.

¹¹ FLA. Stat. ch. 1008.31 (1)(b) (2007)

¹² 20 U.S.C. § 6311(b)(2) (2002)

¹³ 20 U.S.C. § 6311 (b)(2) (2002): Appendix B.

¹⁴ 20 U.S.C. § 6311 (b)(2) (2002): Appendix C.

¹⁵ See appendix A for sample district and school reports. The main database searchable site can be found at: "Florida Department of Education," [online] Florida School Grades, available from <http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School>.

¹⁶ As witnessed by author.

¹⁷ 20 U.S.C. § 6311(b)(2) (2002)

proudly proclaimed this on the home page. There was no mention of the fact that the district did not make AYP under the rules set forth in *NCLB*.¹⁹

In order to make AYP under the auspices of *NCLB*²⁰ a school must have met 100 percent of the criteria submitted in the state *NCLB* compliance plan.²¹ Only fifteen of the 109 schools studied met 100 percent of the criteria mandated by the state. Forty-nine schools in the study made provisional AYP.²² Listing schools as having made provisional AYP²³ further confused determinations of the effectiveness of Florida schools. According to *American Teacher*, a memo from the Florida Department of Education stated that there was no difference between having made provisional AYP²⁴ and having failed to make AYP²⁵ altogether. This begs the question, why have a label of provisional AYP²⁶ at all? It could be argued that this piece of public policy existed solely to boost the public perception of the quality of education in the state of Florida.²⁷

¹⁸ Okaloosa County School District, "Okaloosa County School District," [online] Okaloosa County School District: Best in Florida, 2006, available from <<http://www.okaloosaschools.com/OkaloosaSchools/Home/tabid/36/Default.aspx>>.

¹⁹ Gilchrist County School District, "Gilchrist County School District," [online] Gilchrist County School District, 2007, available from <<http://www.gilchristschools.org/index.html>>.

²⁰ 20 U.S.C. § 6311(b)(2) (2002)

²¹ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

²² FLA. Stat. ch. 1008.31 (1)(b) (2007); Appendix C.

²³ FLA. Stat. ch. 1008.31 (1)(b) (2007)

²⁴ FLA. Stat. ch. 1008.31 (1)(b) (2007)

²⁵ 20 U.S.C. § 6311(b)(2) (2002)

²⁶ FLA. Stat. ch. 1008.31 (1)(b) (2007)

²⁷ American Teacher, "Florida reveals AYP disconnect," *American Teacher* 90, November 2005 [journal on-line]; available from; http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/results/results_fulltext_maincontentframe.jhtml;hwwilsonid=XM325AKTNCOSRQA3DIOSFF4ADUNGMIV0.

*No Child Left Behind*²⁸ did not set intermediate goals for progress. The standard of progression toward meeting the goal of having 100 percent of students at proficiency by 2013-2014 school-year was left to the states to determine.²⁹ Florida's intermediate goals were integral to making AYP determinations for districts and schools. There was not a single school district in the state that made AYP³⁰ based on the intermediate goals of 44 percent proficient in reading and 50 percent proficient in math for the 2005-2006 school year.³¹ Florida's benchmarks for the percent of students achieving at grade level were slated to increase every year starting with the 2004-2005 school year reaching 100 percent in the 2013-2014 school year.³² Given the lack of acceptable performance at this writing it seemed unlikely that the situation would improve as target percentages rose.

The failure to make adequate yearly progress³³ did not go unnoticed. The United States Department of Education (USED) made revisions to the *NCLB*³⁴ policies in an attempt to make it easier for states to comply and achieve. One of the first changes in policy was to extend the deadline for requiring teachers to be "highly qualified."³⁵ The next change in policy pertained specifically to students with disabilities. The USED created a policy allowing states to apply to

²⁸ 20 U.S.C. §§ 6301 et seq. (2002)

²⁹ 20 U.S.C. § 6311(b)(2)(H) (2002)

³⁰ 20 U.S.C. § 6311(b)(2) (2002)

³¹ Appendix B; Florida Department of Education, "2006 Guide to Calculating School Grades: Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006SchoolGradesTAP.pdf>>.

³² Christy Lassila, "Florida School Grades & Adequate Yearly Progress," [online] Florida Department of Education, 2006, available from <<http://firm.edu/doe/evaluation/home0018.htm>>.

³³ 20 U.S.C. § 6311(b)(2) (2002)

³⁴ 20 U.S.C. §§ 6301 et seq. (2002)

³⁵ U. S. Department of Education, "Key Policy Letters Signed by the Education Secretary or Deputy Secretary," [online] Ed.gov, 2005, available from <<http://www.ed.gov/policy/elsec/guid/secletter/051021.html>>.

double the 1 percent cap on SWD being counted as proficient if they took and passed an alternative assessment.³⁶

Three Policies

The study examined three different public policies; *NCLB*,³⁷ *IDEA*,³⁸ and Florida's *A+ plan*.³⁹ *The No Child Left Behind Act* was the Federal public policy designed to improve education in America, ultimately having every student in the country at grade level by the end of the 2013-2014 school year.⁴⁰ The *A+ plan*⁴¹ was intended to be aligned with *NCLB*⁴² so that the state would be in compliance with the most all encompassing Federal education law⁴³ to date. The *Individuals with Disabilities Act*⁴⁴ was reauthorized to bring it into better alignment with *NCLB*.⁴⁵ The intended purpose of these policies was to raise student achievement through accountability.⁴⁶

³⁶ Peter Kickbush, New Policy Helps States Better assist Students with Disabilities, private email message to author, 1 June 2005.

³⁷ 20 U.S.C. §§ 6301 et seq. (2002)

³⁸ 20 U.S.C. §§ 1400 et seq. (2004)

³⁹ FLA. Stat. ch. 2006.74 (2006)

⁴⁰ 20 U.S.C. § 6311(b)(2)(F) (2002)

⁴¹ FLA. Stat. ch. 2006.74 (2006)

⁴² 20 U.S.C. §§ 6301 et seq. (2002)

⁴³ 20 U.S.C. §§ 6301 et seq. (2002)

⁴⁴ 20 U.S.C. §§ 1400 et seq. (2004)

⁴⁵ Sandra Bowen, and Harvey Rude, "Assessment and Students with Disabilities: Issues and Challenges with Educational Reform," *Rural Special Education Quarterly* 3, Summer 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997748dd1a16f13315ca2688123f95f066f1&fmt=P>.

⁴⁶ Jacob Adams, and Paul Hill, "Educational Accountability in a Regulated Market," *Peabody Journal of Education* 81, 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af941997791fcbaa698529312c4f984805fe267bc&fmt=H>.

There is no argument that improving public education is an admirable goal; however, it would appear that while the goal of all three public policies was the same, they were not working in concert. The purpose of *IDEA* was to improve the educational opportunities and outcomes for students with disabilities.⁴⁷ The purpose of *NCLB* was for all children to obtain a high-quality education, and achieve proficiency on state academic standards.⁴⁸ These sound similar enough, yet there were some glaring differences. The *Individuals with Disabilities Education Act* supported an individualized education plan for each special education student, tailored to meet each student's abilities and goals.⁴⁹ The *No Child Left Behind Act* proposed holding all but the smallest percentage of students to the highest standards. Other than to mention scientifically proven teaching methods and one standardized assessment for all students in each state, *NCLB* focused largely on accountability.⁵⁰ Holding all students to one standard was in juxtaposition to the spirit of the policies of *IDEA*.⁵¹ The reauthorization of *IDEA*⁵² in 2004 changed much of the language in this policy to mirror that of *NCLB*⁵³ but the spirit of the two laws was still divergent.

Florida's *A+ plan*⁵⁴ was adapted to become Florida's *NCLB*⁵⁵ compliance plan.⁵⁶ The plan was approved by the USED.⁵⁷ Given these two facts it would seem that there should have been

⁴⁷ 20 U.S.C. § 1400 (2004)

⁴⁸ 20 U.S.C. § 6301 (2002)

⁴⁹ 20 U.S.C. § 1400 (d) (2004)

⁵⁰ Michell Yell, Antonis Katsiyannas, and James Shiner, "The No Child Left Behind Act, Adequate Yearly Progress, and Students With Disabilities," *Teaching Exceptional Children* 38, March/April 2006 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34765dac3af9419977017bc36153958c1be2eeb1d746238f73&fmt=H>.

⁵¹ 20 U.S.C. § 1400 (2004)

⁵² 20 U.S.C. §§ 1400 et seq. (2004)

⁵³ 20 U.S.C. §§ 6301 et seq. (2002)

⁵⁴ FLA. Stat. ch. 2006.74 (2006)

no conflict between these two policies. As demonstrated by these data gathered in the study these two policies were far from being in accord.⁵⁸ Both of these policies addressed AYP, in fact the *A+ plan*⁵⁹ mentioned it specifically as related to *NCLB*.⁶⁰ The Florida public policy used a “provisional AYP,”⁶¹ which was mentioned nowhere in *NCLB*,⁶² and did not count under *NCLB*⁶³ policies.⁶⁴ Florida’s *NCLB* compliance plan was further flawed in general by the policy of grading schools and districts. As demonstrated by data in this study, school and district grades showed no causation with regard to making AYP as outlined by *NCLB*.⁶⁵

It is inconceivable that three policies that theoretically had the same goal were not following or measured by the same standards. The ramifications of these policy conflicts were far reaching. There were three issues that these conflicts brought into sharp relief. The first was financial, the second was public perception, and finally the most important was the welfare of Americas public school students.

⁵⁵ 20 U.S.C. §§ 6301 et seq. (2002)

⁵⁶ Florida Department of Education, "Consolidated State Application Accountability Workbook," [online] Consolidated State Application Accountability Workbook, 2007, available from <<http://www.ed.gov/admins/lead/account/stateplans03/flsa.doc>>.

⁵⁷ U.S. Department of Education, "Paige Approves Florida State Accountability Plan Under No Child Left Behind," [online] No Child Left Behind, 2003, available from <<http://www.ed.gov/news/pressreleases/2003/04/04292003.html>>.

⁵⁸ Appendix B and Appendix C.

⁵⁹ FLA. Stat. ch. 2006.74 (2006)

⁶⁰ 20 U.S.C. §§ 6301 et seq. (2002)

⁶¹ FLA. Stat. ch. 1008.31 (1)(b) (2007)

⁶² 20 U.S.C. §§ 6301 et seq. (2002)

⁶³ 20 U.S.C. §§ 6301 et seq. (2002)

⁶⁴ Florida Department of Education, "2006 Guide to Calculating Adequate Yearly Progress (AYP): Technical Assistance Paper," [online] Florida Department of Education, 2006, available from <<http://schoolgrades.fldoe.org/pdf/2006AYPTAP.pdf>>.

⁶⁵ 20 U.S.C. § 6311 (b)(2) (2002)

Failure to make adequate yearly progress under *NCLB*⁶⁶ could have a major impact on the financial status of schools and districts. Starting with the second year of a school failing to make AYP⁶⁷ parents must be given the choice of moving their children to a school that did make AYP.⁶⁸ There were associated costs such as space available and teachers needed to maintain appropriate class size;⁶⁹ however, the major initial financial impact associated with failure to make AYP⁷⁰ was the transportation costs associated with transporting students to schools that were making AYP.⁷¹ In some cases transporting students to a school that made AYP would involve a plane ride.⁷² These costs could escalate to the restructuring of schools and the withholding of Federal funds.⁷³

Final Analysis

The impact of the SWD population on Florida high schools was dramatic. Only 14 percent of the 109 schools in the study made AYP as measured under *NCLB*⁷⁴ policy; furthermore, only 2 percent of high schools made AYP without dismissing the SWD subgroup from AYP

⁶⁶ 20 U.S.C. § 6311 (b)(2) (2002)

⁶⁷ 20 U.S.C. § 6311(b)(2) (2002)

⁶⁸ 20 U.S.C. § 6361(b)(8)(B) (2002)

⁶⁹ FLA. Const. art. IX, § 1 (amended 2002)

⁷⁰ 20 U.S.C. § 6311(b)(2) (2002)

⁷¹ 20 U.S.C. § 6311(b)(2) (2002)

⁷² Theodore Coladarci, "Adequate Yearly Progress, Small Schools, and Students with Disabilities: The Importance of Confidence Intervals When Making Judgments about AYP," *Rural Special Education Quarterly* 24, Winter 2005 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d34ee4f4d140d9e929b00d8126029350d633419a1ecbec6f5b8&fmt=P>.

⁷³ "U.S. Department of Education," [online] A Guide to Education and No Child Left Behind, available from <<http://www.ed.gov/nclb/overview/into/guide/index.html>>.

⁷⁴ 20 U.S.C. § 6311(b)(2) (2002)

calculations as mandated by the policies set forth under *NCLB*.⁷⁵ The SWD sub group was dismissed due to small group size in the AYP⁷⁶ calculations by 32 percent of the schools in this study. Data in this study represented the SWD population as being dismissed due to small group size, by using the designation, NA.⁷⁷

The analysis of data collected in the study clearly presented two conclusions. The first was that while aspiring toward the same goal, Florida's *A+ Plan*⁷⁸ and *NCLB*⁷⁹ did not have inter-rater reliability with regard to measures of school achievement. The second issue was, that if a Florida high school were to have a SWD of sufficient size as to be included in AYP⁸⁰ calculations, then the school had a limited likelihood of achieving adequate yearly progress as outlined in Federal law.⁸¹

Forty-two schools were graded an A under Florida's *A+ Plan*,⁸² yet only fifteen made AYP under *NCLB*.⁸³ Thirty-nine percent of schools achieved the highest level of achievement as measured by the *A+ Plan*,⁸⁴ while only 14 percent made adequate yearly progress under *NCLB*.⁸⁵

⁷⁵ 20 U.S.C. § 6311(b)(2) (2002)

⁷⁶ 20 U.S.C. § 6311(b)(2) (2002)

⁷⁷ Appendix C. This nomenclature was used both in the official reports (Appendix A) and in tables and appendices created by the author.

⁷⁸ FLA. Stat. ch. 2006.74 (2006)

⁷⁹ 20 U.S.C. §§ 6301 et seq. (2002)

⁸⁰ 20 U.S.C. § 6311(b)(2) (2002)

⁸¹ 20 U.S.C. § 6311(b)(2) (2002)

⁸² FLA. Stat. ch. 2006.74 (2006)

⁸³ 20 U.S.C. § 6311(b)(2) (2002)

⁸⁴ FLA. Stat. ch. 2006.74 (2006)

⁸⁵ 20 U.S.C. §§ 6301 et seq. (2002)

A Florida high school was 2.8 times more likely to be graded an A school by the state⁸⁶ than it was to make AYP⁸⁷ under Federal law.⁸⁸ Florida had a provisional AYP⁸⁹ designation that was given to an additional forty-nine schools⁹⁰ but had no bearing on achieving AYP as defined by Federal statute.⁹¹ This represented serious discord between the reliability of the two methods of evaluation. These policies should be reviewed further with the intent of bringing them into better alignment.⁹²

Fifteen schools in the study made AYP.⁹³ Two schools did so without dismissing the SWD subgroup due to small size. Based on these data a Florida high school is 7.5 times less likely to achieve AYP⁹⁴ if the schools population of students with disabilities is large enough to be included in *NCLB*⁹⁵ calculations. The examination of these data call into question the validity of *NCLB*⁹⁶ calculations and raise considerable concern over the implications for students with disabilities. Given the demonstrated impact that the SWD subgroup has on the likelihood of a

⁸⁶ FLA. Stat. ch. 2006.74 (2006)

⁸⁷ 20 U.S.C. § 6311(b)(2) (2002)

⁸⁸ 20 U.S.C. §§ 6301 et seq. (2002)

⁸⁹ FLA. Stat. ch. 1008.31 (1)(b) (2007)

⁹⁰ Forty-five percent of the high schools studied.

⁹¹ 20 U.S.C. § 6311(b)(2) (2002)

⁹² Paul Peterson, and Martin West, "Is Your Child's School Effective?," *Education Next* 6, Fall 2006: second paragraph [journal on-line]; available from http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/results/results_single_fulltext.jhtml.

⁹³ 20 U.S.C. § 6311(b)(2) (2002); Thirteen schools that made AYP were graded A, and two were graded B. It is yet another disparity that a school could make AYP yet not have received a grade of A.

⁹⁴ 20 U.S.C. § 6311(b)(2) (2002)

⁹⁵ 20 U.S.C. §§ 6301 et seq. (2002)

⁹⁶ 20 U.S.C. §§ 6301 et seq. (2002)

high school making AYP⁹⁷ it is possible that school administrators will attempt to refuse accepting special education students into schools making AYP⁹⁸ from failing schools.⁹⁹

Plausible Ramifications

This dissertation addressed the impact of the SWD subgroup population on the likelihood of Florida high schools ability to achieve AYP¹⁰⁰ under the provisions of NCLB.¹⁰¹ There were additional concerns that should be noted regarding the impact these policies may have had on the students in the SWD subgroup. Reading the policies regarding assessment in both IDEA¹⁰² and NCLB¹⁰³ it would appear that the intention was to measure and ultimately improve the achievement level of the SWD subgroup.

This study demonstrated through the analysis of collected data that if the SWD subgroup was included in AYP calculations then the school was 7.5 times less likely to make AYP. It was also noted that thirty-five of the 109 schools (32 percent) studied did not include the SWD subgroup in the AYP calculation. Dismissing the SWD subgroup from calculations would appear to be in juxtaposition to the intent of the policies.

⁹⁷ 20 U.S.C. § 6311(b)(2) (2002)

⁹⁸ 20 U.S.C. § 6311(b)(2) (2002)

⁹⁹ Kenneth Howe, and Kevin Welner, "School Choice and the Pressure to Perform: Deja Vu for Children with Disabilities?," *Remedial and Special Education* 23, July/August 2002 [journal on-line]; available from <http://vnweb.hwwilsonweb.com.lp.hscl.ufl.edu/hww/jumpstart.jhtml?recid=0bc05f7a67b1790e70e397f5ebc28d3431da5cf9c16c0be86e32a9bf3ee744ded46fd7f1c7a2c194&fmt=H>.

¹⁰⁰ 20 U.S.C. § 6311(b)(2) (2002)

¹⁰¹ 20 U.S.C. §§ 6301 et seq. (2002)

¹⁰² 20 U.S.C. §§ 1400 et seq. (2004)

¹⁰³ 20 U.S.C. §§ 6301 et seq. (2002)

The A+ Plan¹⁰⁴ was approved by the Federal government as Floridas NCLB compliance plan.¹⁰⁵ As noted earlier the SWD subgroup had to achieve the target percentage proficiency level or the school failed to make AYP. The A+ Plan¹⁰⁶ had several caveats regarding calculating AYP: if the subgroup was too small it did not have to be included; if the subgroup made 10 percent improvement it was counted as proficient; if the SWD subgroup was the only reason the school did not achieve then a mathematical adjustment of 13 percent was added to the percent proficient. It is possible that the alternative measures used in the calculation of AYP under these plans disenfranchised students with disabilities as their scores were not included in calculations or reports. One could argue that through the methods of adjusting or dismissing data on students with disabilities the policies masked the achievement level of the very students they were designed to help.

¹⁰⁴ FLA. Stat. ch. 2006.74 (2006)

¹⁰⁵ Florida Department of Education, "Florida NCLB Consolidated Application," [online] Consolidated State Application Accountability Workbook, 2007, available from <<http://www.ed.gov/admins/lead/account/stateplans03/flcsa.doc>>.

¹⁰⁶ 20 U.S.C. §§ 6301 et seq. (2002)

APPENDIX A SAMPLE REPORTS

This appendix lists a sample of the Florida Department of Education (FLDOE) web sites used to gather data for district and school information. Included is a list of sites for one district and one school within that district. With the exception of the Florida state district grades these individual reports can be generated from the FLDOE searchable web cite, which is cited throughout out the study. Following the list of sample web sites, is a series of PDF files showing what each sample site looks like in corresponding order.

Web Site Names and Addresses

FLDOE Searchable Data Base:

http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=01&choolYear=2005%2D2006&school_grade=&report=AYP&level=School

Florida State District Grades:

http://www.fldoe.org/news/2006/2006_06_22/2006DistrictGrades.pdf

Grades for all Alachua County School District Schools:

http://schoolgrades.fldoe.org/default.asp?action=verifySelectionSchool&thisSort=type&schoolNumbers=&allSchools=yes&districts=01&schoolYear=2005%2D2006&school_grade=&report=SG&level=School

Alachua County School District Data:

<http://www.firn.edu/doe/eias/flmove/alachua.htm>

Alachua County School District AYP Report Page One:

<http://schoolgrades.fldoe.org/default.asp>

Alachua County School District AYP Report Page Two:

http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=01&thisschoolYear=2005-2006&schoolNumbers=&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=District

Alachua County School District AYP Report Page Three:

http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=01&thisschoolYear=2005-2006&schoolNumbers=&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=District

F. W. Buchholz High School AYP Report Page One:

http://schoolgrades.fldoe.org/default.asp?action=verifySelectionSchool&report=AYP&districts=01&schoolYear=2005-2006&school_grade=&level=School&schoolNumbers=010431

F. W. Buchholz High School AYP Report Page Two:

http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=01&thisschoolYear=2005-2006&schoolNumbers=010431&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School

F. W. Buchholz High School AYP Report Page Three:

http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=01&thisschoolYear=2005-2006&schoolNumbers=010431&districts=01&schoolYear=2005%2D2006&school_grade=&report=AYP&level=School

Florida State AYP Report Page One:

<http://schoolgrades.fldoe.org/default.asp>

Florida State AYP Report Page Two:

http://schoolgrades.fldoe.org/default.asp?action=reportAYP2&thisdistrict=00&thisschoolYear=2005-2006&schoolNumbers=&districts=&schoolYear=2005%2D2006&school_grade=&report=AYP&level=State

Florida State AYP Report Page Three:

http://schoolgrades.fldoe.org/default.asp?action=reportAYP3&thisdistrict=00&thisschoolYear=2005-2006&schoolNumbers=&districts=&schoolYear=2005%2D2006&school_grade=&report=AYP&level=State

Sample PDF Files



Tuesday June 5, 2007

Enter Keywords

FLORIDA SCHOOL GRADES

School Accountability Reports Main

Search School Accountability Reports 1999 to 2006

Type of Report:
 School Grades Adequate Yearly Progress (AYP) School Report Card

Level of Report:
 School District (School Grades and AYP only) State (AYP only)

Select a district (At the time of release, searches are limited to 2 districts for school level reports due to volume of traffic on the site.):
 (For DISTRICT level reports only: select all districts | de-select all districts)

<input checked="" type="checkbox"/> ALACHUA	<input type="checkbox"/> GADSDEN	<input type="checkbox"/> LIBERTY	<input type="checkbox"/> SARASOTA
<input type="checkbox"/> BAKER	<input type="checkbox"/> GILCHRIST	<input type="checkbox"/> MADISON	<input type="checkbox"/> SEMINOLE
<input type="checkbox"/> BAY	<input type="checkbox"/> GLADES	<input type="checkbox"/> MANATEE	<input type="checkbox"/> SUMTER
<input type="checkbox"/> BRADFORD	<input type="checkbox"/> GULF	<input type="checkbox"/> MARION	<input type="checkbox"/> SUWANNEE
<input type="checkbox"/> BREVARD	<input type="checkbox"/> HAMILTON	<input type="checkbox"/> MARTIN	<input type="checkbox"/> TAYLOR
<input type="checkbox"/> BROWARD	<input type="checkbox"/> HARDEE	<input type="checkbox"/> MONROE	<input type="checkbox"/> UNION
<input type="checkbox"/> CALHOUN	<input type="checkbox"/> HENDRY	<input type="checkbox"/> NASSAU	<input type="checkbox"/> VOLUSIA
<input type="checkbox"/> CHARLOTTE	<input type="checkbox"/> HERNANDO	<input type="checkbox"/> OKALOOSA	<input type="checkbox"/> WAKULLA
<input type="checkbox"/> CITRUS	<input type="checkbox"/> HIGHLANDS	<input type="checkbox"/> OKEECHOBEE	<input type="checkbox"/> WALTON
<input type="checkbox"/> CLAY	<input type="checkbox"/> HILLSBOROUGH	<input type="checkbox"/> ORANGE	<input type="checkbox"/> WASHINGTON
<input type="checkbox"/> COLLIER	<input type="checkbox"/> HOLMES	<input type="checkbox"/> OSCEOLA	<input type="checkbox"/> FLORIDA SCHOOL FOR THE DEAF & BLIND
<input type="checkbox"/> COLUMBIA	<input type="checkbox"/> INDIAN RIVER	<input type="checkbox"/> PALM BEACH	<input type="checkbox"/> DOZIER/OKEECHOBEE
<input type="checkbox"/> DADE	<input type="checkbox"/> JACKSON	<input type="checkbox"/> PASCO	<input type="checkbox"/> FAU
<input type="checkbox"/> DESOTO	<input type="checkbox"/> JEFFERSON	<input type="checkbox"/> PINELLAS	<input type="checkbox"/> FSU
<input type="checkbox"/> DIXIE	<input type="checkbox"/> LAFAYETTE	<input type="checkbox"/> POLK	<input type="checkbox"/> FAMU
<input type="checkbox"/> DUVAL	<input type="checkbox"/> LAKE	<input type="checkbox"/> PUTNAM	<input type="checkbox"/> UF
<input type="checkbox"/> ESCAMBIA	<input type="checkbox"/> LEE	<input type="checkbox"/> ST. JOHNS	<input type="checkbox"/> FLORIDA CONNECTIONS ACADEMY
<input type="checkbox"/> FLAGLER	<input type="checkbox"/> LEON	<input type="checkbox"/> ST. LUCIE	<input type="checkbox"/> FLORIDA VIRTUAL ACADEMY
<input type="checkbox"/> FRANKLIN	<input type="checkbox"/> LEVY	<input type="checkbox"/> SANTA ROSA	

Select School Years*

All Years

2005-2006

2004-2005

2003-2004

2002-2003

2001-2002

2000-2001

1999-2000

1998-1999

Select School Grade

All Grades

A

B

C

D

F

I

P

*AYP reports are available from 2002-2003 to present and Report Card is available from 2003-2004 to present. School grades are available for all years listed.

[Clear Selections](#)

<http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=...> 6/5/2007

Additional Information:

- Evaluation and Reporting Office
- School Grades Technical Assistance Paper 2005-06 (PDF)
- Adequate Yearly Progress (AYP) Technical Assistance Paper 2005-06 (PDF)

For questions & comments regarding education issues: Commissioner@fldoe.org
For technical issues regarding this website: Email Webmaster
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<http://schoolgrades.fldoe.org/default.asp?action=main&schoolNumbers=010421&districts=...> 6/5/2007

2006_District_Grades

District	Total Points 2005-2006	Total Points 2004-2005	2006 Grade	2005 Grade
Alachua	411	403	A	B
Baker	363	351	C	C
Bay	415	407	A	B
Bradford	370	367	C	C
Brevard	442	439	A	A
Broward	425	401	A	B
Calhoun	416	410	A	A
Charlotte	431	424	A	A
Citrus	412	394	A	B
Clay	430	416	A	A
Collier	407	403	B	B
Columbia	372	362	C	C
Dade	403	388	B	B
DeSoto	371	367	C	C
Dixie	393	360	B	C
Duval	387	397	B	B
Escambia	392	369	B	C
Flagler	406	397	B	B
Franklin	367	345	C	C
Gadsden	327	314	C	D
Gilchrist	452	425	A	A
Glades	366	334	C	C
Gulf	390	387	B	B
Hamilton	320	333	C	C
Hardee	380	366	B	C
Hendry	375	340	C	C
Hernando	404	391	B	B
Highlands	396	380	B	B
Hillsborough	411	399	A	B
Holmes	382	363	B	C
Indian River	405	412	B	A
Jackson	399	382	B	B
Jefferson	350	304	C	D
Lafayette	391	366	B	C
Lake	400	388	B	B
Lee	408	402	B	B
Leon	426	419	A	A
Levy	398	369	B	C
Liberty	385	383	B	B
Madison	328	312	C	D
Manatee	400	387	B	B
Marion	412	377	A	C
Martin	436	444	A	A
Monroe	421	407	A	B
Nassau	417	412	A	A
Okaloosa	445	442	A	A
Okeechobee	390	374	B	C
Orange	403	407	B	B
Osceola	388	374	B	C

2006_District_Grades

Palm Beach	414	410	A	A
Pasco	399	384	B	B
Pinellas	404	406	B	B
Polk	384	379	B	C
Putnam	375	367	C	C
St. Johns	442	431	A	A
St. Lucie	382	378	B	C
Santa Rosa	438	435	A	A
Sarasota	434	411	A	A
Seminole	440	423	A	A
Sumter	412	396	A	B
Suwannee	377	357	C	C
Taylor	372	364	C	C
Union	398	403	B	B
Volusia	401	403	B	B
Wakulla	414	409	A	B
Walton	414	387	A	B
Washington	397	385	B	B



YOUR Florida Department of Education

Tuesday June 5, 2007

Enter Keywords

FLORIDA SCHOOL GRADES

You selected: District: ALACHUA Years: 2005-2006 School Grades: Report Type: School Grades Modify Selections Return to List of Schools New Query Export to MS Excel Format														
School Accountability Report Click on the column header to re-sort by that column.														
School Number	School	Level	School Year (Click on year to see detailed report)	Grade (Includes Learning Gains) more info	% Meeting High Standards in Reading	% Meeting High Standards in Math	% Meeting High Standards in Writing	% Making Learning Gains in Reading	% Making Learning Gains in Math	% of Lowest 25% Making Learning Gains in Reading	Points Earned (Sum of Previous 6 Columns) more info	Percent Tested	% Free and Reduced Lunch	Minority Rate
Alachua														
0161	ALACHUA ELEMENTARY SCHOOL	Elementary	2005-2006	C	65	61	75	55	65	55	376	100	57	38
0171	ARCHER COMMUNITY SCHOOL	Elementary	2005-2006	A	79	67	69	65	74	57	411	100	71	48
0541	C. W. NORTON ELEMENTARY SCHOOL	Elementary	2005-2006	A	90	83	96	69	67	63	468	100	45	47
0953	CARING & SHARING LEARNING SCHOOL	Elementary	2005-2006	D	31	30	87	40	71	47	306	98	96	98
0021	CHARLES W. DUVAL ELEMENTARY SCHOOL	Elementary	2005-2006	A	70	61	95	70	69	73	438	100	92	99
0281	CHESTER SHELL ELEMENTARY SCHOOL	Elementary	2005-2006	C	77	55	87	51	59	40	369	100	88	49
0331	GLEN SPRINGS ELEMENTARY SCHOOL	Elementary	2005-2006	B	85	79	96	57	66	43	426	100	46	43
0482	HIDDEN OAK ELEMENTARY SCHOOL	Elementary	2005-2006	A	95	96	94	70	85	67	507	100	17	30
0321	IDYLWILD ELEMENTARY SCHOOL	Elementary	2005-2006	B	73	65	87	52	67	49	393	100	71	62
0031	J. J. FINLEY ELEMENTARY SCHOOL	Elementary	2005-2006	A	84	81	94	73	70	65	467	100	50	58
0111	JOSEPH WILLIAMS ELEMENTARY SCHOOL	Elementary	2005-2006	A	78	73	92	63	68	63	437	100	67	77
0501	KIMBALL WILES ELEMENTARY SCHOOL	Elementary	2005-2006	A	88	85	94	66	78	60	471	100	37	41
0071	LAKE FOREST ELEMENTARY SCHOOL	Elementary	2005-2006	C	48	46	87	48	57	58	344	97	92	79

<http://schoolgrades.fldoe.org/default.asp?action=verifySelectionSchool&thisSort=type&sch...> 6/5/2007

0510	LAWTON M. CHILES ELEMENTARY SCHOOL	Elementary	2005-2006	A	89	86	95	72	73	67	482	100	33	45
0091	LITTLEWOOD ELEMENTARY SCHOOL	Elementary	2005-2006	C	80	71	92	51	58	35	387	99	45	42
0341	MARJORIE KINNAN RAWLINGS ELEMENTARY SCHOOL	Elementary	2005-2006	D	47	42	63	49	54	60	315	100	92	96
0951	MICANOPY AREA COOPERATIVE SCHOOL, INC.	Elementary	2005-2006	B	80	76	87	54	46	54	397	100	36	9
0311	MYRA TERWILLIGER ELEMENTARY SCHOOL	Elementary	2005-2006	C	67	53	68	51	52	58	349	100	79	67
0531	NEWBERRY ELEMENTARY SCHOOL	Elementary	2005-2006	A	83	78	86	57	61	62	427	100	55	30
0500	PRAIRIE VIEW ACADEMY	Elementary	2005-2006	C	60	47	87	59	68	57	378	100	95	97
0041	STEPHEN FOSTER ELEMENTARY SCHOOL	Elementary	2005-2006	A	83	83	93	64	72	51	446	100	65	56
0950	THE ONE ROOM SCHOOL HOUSE PROJECT	Elementary	2005-2006	B	73	43	87	69	53	69	394	100	68	63
0101	W. A. METCALFE ELEMENTARY SCHOOL	Elementary	2005-2006	C	51	44	68	53	58	61	335	98	91	89
0291	WALDO COMMUNITY SCHOOL	Elementary	2005-2006	B	79	57	87	60	62	57	402	100	82	27
0561	WILLIAM S. TALBOT ELEM SCHOOL	Elementary	2005-2006	A	98	96	93	75	75	73	510	100	16	32
0221	A. L. MEBANE MIDDLE SCHOOL	Middle	2005-2006	A	65	67	96	67	72	69	436	99	50	42
0112	ABRAHAM LINCOLN MIDDLE SCHOOL	Middle	2005-2006	A	72	68	95	69	77	70	451	100	52	69
0481	FORT CLARKE MIDDLE SCHOOL	Middle	2005-2006	A	68	67	96	67	72	75	445	100	41	46
0971	HOGGETOWNE MIDDLE SCHOOL	Middle	2005-2006	B	60	45	90	60	60	65	380	97	57	43
0121	HOWARD W. BISHOP MIDDLE SCHOOL	Middle	2005-2006	A	64	65	89	61	73	65	417	99	57	66
0502	KANAPAHA MIDDLE SCHOOL	Middle	2005-2006	A	72	69	94	65	75	72	447	99	38	41
0961	MICANOPY MIDDLE SCHOOL, INC.	Middle	2005-2006	B	60	38	93	61	56	80	388	100	76	45
0591	OAK VIEW MIDDLE SCHOOL	Middle	2005-2006	B	62	53	84	59	66	68	392	100	56	37
0141	WESTWOOD MIDDLE	Middle	2005-2006	A	70	67	90	69	77	81	454	99	46	45

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	SCHOOL													
0421	EASTSIDE HIGH SCHOOL	High	2005-2006	D	47	68	88	50	73	37	363	96	45	70
0431	F. W. BUCHHOLZ HIGH SCHOOL	High	2005-2006	A	63	85	94	62	81	52	437	98	21	35
0151	GAINESVILLE HIGH SCHOOL	High	2005-2006	D	47	72	87	52	76	45	379	97	38	49
0261	NEWBERRY HIGH SCHOOL	High	2005-2006	C	39	69	83	54	77	46	368	99	46	35
0271	SANTA FE HIGH SCHOOL	High	2005-2006	B	45	73	88	53	74	53	386	98	29	25
0957	ALACHUA LEARNING CENTER	Combination	2005-2006	A	85	79	90	83	81	90	508	100	77	62
0201	HAWTHORNE MIDDLE/HIGH SCHOOL	Combination	2005-2006	D	37	36	83	44	53	51	304	98	64	38
0461	HIGH SPRINGS COMMUNITY SCHOOL	Combination	2005-2006	A	82	76	91	70	75	72	466	100	35	18
0411	LOFTEN HIGH SCHOOL	Combination	2005-2006	D	36	56	60	45	64	43	304	93	49	47

Additional Information:
 Evaluation and Reporting Office
 School Grades Technical Assistance Paper 2005-06 (PDF)

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Alachua County School District
County Seat: Gainesville, Florida

For additional information on education within the county, click on the district name above to visit the district's local web site or contact:

Dr. W. Daniel Boyd, Jr.
 Superintendent of Schools
 620 East University Avenue
 Gainesville, Florida 32601-5448
 Phone: 352/955-7880
 SunCom: 625-7880
 Fax: 352/955-7873
 e-mail: supt@sbac.edu

Office of Superintendent is appointive.

District Information Staff Information Student Information

District Information

Number of Schools for 2005-06 School Year by Grade Levels Taught

Elementary Schools	32
Middle/Junior High Schools	11
Senior High Schools	15
Combination Schools	9
Adult Schools	0
Total	67

Data source: Master School Identification File as of 07/10/2006.

School Calendar

All schools in Alachua County currently operate on the traditional school year calendar (pdf).

2003-04 FTE Expense

Unweighted FTE	28,366.47
Current Expense	197,937,238.98
Current Expense per FTE	6,978

Data source: Profiles of Florida School Districts 2003-04 Financial Data

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Staff Information

Full-Time Staff by Gender Within Racial/Ethnic Category
Fall 2005

Racial/Ethnic Category	Male	Female
White, Non-Hispanic	640	2,152
Black, Non-Hispanic	287	876

Hispanic	36	96
Asian/Pacific Islander	3	20
American Indian/Alaskan Native	1	4
Total	967	3,148
Total Full-Time Staff	4,115	

Survey 2 demographic data, October 10-14, 2005, as of December 28, 2005.

Average Teacher Salaries by Combined Salary Pay Lane and Experience by Degree Level Fall 2005

Degree Level	Number	Average Salary	Average Number of Years of Experience
Bachelor's	845	\$34,292	11.78
Master's	923	\$39,511	16.23
Specialist	111	\$43,856	19.47
Doctorate	50	\$45,631	18.72
All Degrees	1,929	\$37,633	14.53

DOE Staff Database: Salary Data: Survey 3 data, February 6-10, 2006, as of June 2, 2006.

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Student Information
 Scroll down to view additional information.

2004-05 Graduation Rate 69.6% 2004-05 Dropout Rate 5.0%

Types of Diplomas and Certificates of Completion, 2004-05

		White, Non-Hispanic	Black, Non-Hispanic	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Multiracial	Total
STANDARD DIPLOMAS	Female	581	223	51	28	4	19	906
	Male	529	183	49	32	0	17	810
	Total	1,110	406	100	60	4	36	1,716
SPECIAL DIPLOMAS	Female	11	23	3	0	0	0	37
	Male	19	37	2	1	0	1	60
	Total	30	60	5	1	0	1	97
STANDARD CERTIFICATES OF COMPLETION	Female	4	10	1	0	0	0	15
	Male	2	7	0	1	0	0	10
	Total	6	17	1	1	0	0	25
SPECIAL CERTIFICATES OF COMPLETION	Female	0	0	0	0	0	0	0
	Male	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0

DOE Student Database, Survey 5 data, as of March 7, 2006.

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2004-05 Suspensions

In-School Suspensions	1,355
Out-of-School Suspensions	2,591

DOE Student Database, Survey 5 data, as of November 8, 2005.

Number of Dropouts (Grades 9-12) by Racial/Ethnic Category, 2004-05

Racial/Ethnic Category	Dropouts
White, Non-Hispanic	243
Black, Non-Hispanic	277

Hispanic	25
Asian/Pacific Islander	20
American Indian/ Alaskan Native	1
Multiracial	6
Total	572

DOE Student Database, Survey 5 data, as of March 7, 2006

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Florida Comprehensive Assessment Test (FCAT), Spring 2006

Data as of May 23, 2006

The Florida Comprehensive Assessment Test (FCAT) is a new student achievement test administered to students in Florida's public schools. The test is designed to measure specific Sunshine State Standards benchmarks in reading and mathematics for grades 3 through 10. FCAT Reading assesses content from two areas: (a) Constructs Meaning from Information Text and (b) Constructs Meaning from Literature. FCAT Mathematics assesses content from five areas: (a) Number Sense, Concepts and Operations, (b) Measurement, (c) Geometry and Spatial Sense, (d) Algebraic Thinking, and (e) Data Analysis and Probability. Students' test scores are measured on a scoring range from 100 to 500 and grouped into five achievement levels: Level 1 (lowest) to Level 5 (highest). Each subscore (shown below) represents the percentage of content in that area to which students responded correctly. For additional information on student assessment, please visit <http://www.firn.edu/doe/sas/sashome.htm>.

READING	GRADE 3	GRADE 4	GRADE 5	GRADE 6	GRADE 7	GRADE 8	GRADE 9	GRADE 10
Number Tested	2,070	2,006	1,984	1,824	2,147	2,119	2,285	2,192
Total Score (Average)	318	318	307	314	312	300	308	303
MATHEMATICS	GRADE 3	GRADE 4	GRADE 5	GRADE 6	GRADE 7	GRADE 8	GRADE 9	GRADE 10
Number Tested	2,066	2,005	1,987	1,827	2,148	2,129	2,273	2,182
Total Score (Average)	327	320	329	315	306	313	305	327

2006 Florida Writing Assessment Program Results

Data as of April 20, 2006

For the Florida Writing Assessment, students are given 45 minutes to read their assigned topic, plan what to write, and write their responses. Scores range from 6.0 (highest) to 1.0 (lowest).

Grade Level	Writing Mode	Number Tested	Mean Score
Grade 4	Expository	960	4.2
	Narrative	1,037	3.9
	Combined	1,987	4.0
Grade 8	Expository	1,058	4.1
	Persuasive	1,047	4.0
	Combined	2,097	4.1
Grade 10	Expository	1,088	4.1
	Persuasive	1,083	3.9
	Combined	2,156	4.0

2005 School Grades

Number of Schools	A	B	C	D	F
44	39%	27%	11%	20%	2%

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**PK-12 Student Membership
Fall 2005**

Grade	White Non-Hispanic	Black Non-Hispanic	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Multiracial	Total Female	Total Male	Total Membership
PK	173	672	41	11	1	62	448	512	960
KG	1,045	785	96	81	5	158	1,018	1,152	2,170
1	995	768	93	86	8	107	996	1,061	2,057
2	1,010	768	114	72	5	123	978	1,114	2,092
3	1,020	750	114	81	7	124	1,038	1,058	2,096

<http://www.firn.edu/doe/eias/flmove/alachua.htm>

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4	1,023	720	113	73	5	105	958	1,081	2,039
5	1,012	726	112	77	6	87	968	1,052	2,020
6	999	635	107	60	1	79	891	990	1,881
7	1,121	842	112	82	2	79	1,112	1,126	2,238
8	1,130	819	118	72	2	59	1,058	1,142	2,200
9	1,264	1,046	138	81	5	46	1,233	1,347	2,580
10	1,330	940	131	98	7	49	1,250	1,305	2,555
11	1,239	781	121	85	2	55	1,187	1,096	2,283
12	1,160	574	108	59	5	31	1,041	896	1,937
TOTALS	14,521	10,826	1,518	1,018	61	1,164	14,176	14,932	29,108

DOE Student Database, Survey 2 data, October 10-14, 2005, as of November 30, 2005.

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**Exceptional Student Membership
Fall 2005**

Primary Exceptionality	White Non-Hispanic	Black Non-Hispanic	Hispanic	Asian/Pacific Islander	American Indian/Alaskan Native	Multiracial	Female	Male	Total Membership
Educable Mentally Handicapped	56	133	12	1	0	8	84	126	210
Trainable Mentally Handicapped	35	41	3	0	1	1	26	55	81
Orthopedically Impaired	68	48	1	2	0	4	52	71	123
Speech Impaired	334	161	18	8	2	34	172	385	557
Language Impaired	75	236	18	5	0	10	152	192	344
Deaf or Hard of Hearing	37	23	2	1	2	0	31	34	65
Visually Impaired	9	8	2	0	0	0	10	9	19
Emotionally Handicapped	116	245	5	0	0	5	99	272	371
Specific Learning Disabled	1,326	1,693	110	17	7	90	1,130	2,113	3,243
Gifted	2,464	392	165	209	10	118	1,636	1,722	3,358
Hospital/Homebound	31	10	4	1	0	1	24	23	47
Profoundly Mentally Handicapped	12	8	2	2	0	2	14	12	26
Dual Sensory Impaired	0	0	0	0	0	0	0	0	0
Autistic	49	20	6	2	1	3	13	66	81
Severely Emotionally Disturbed	40	90	4	0	0	4	23	115	138
Traumatic Brain Injured	7	2	1	0	0	0	0	10	10
Developmentally Delayed	77	86	6	1	1	11	39	143	182
Established Conditions	0	0	0	0	0	0	0	0	0
Other Health Impaired	214	116	18	2	2	16	113	255	368
All Exceptionalities	4,950	3,312	377	251	26	307	3,618	5,605	9,223

DOE Student Database, Survey 2 data, October 10-14, 2005, as of November 30, 2005.

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**Students Whose Primary Language
Is Other Than English, Fall 2005**

Racial/Ethnic Category	Number of Students
White, Non-Hispanic	55
Black, Non-Hispanic	34
Hispanic	218
Asian/Pacific Islander	136
American Indian/ Alaskan Native	1

Multiracial	9
Female	195
Male	258
Total	453

DOE Student Database, Survey 2 data, October 10-14, 2005, as of November 30, 2005.

**Students Receiving
Reduced-Price or Free Lunch, Fall 2005**

Racial/Ethnic Category	Number of Students
White, Non-Hispanic	3,521
Black, Non-Hispanic	8,394
Hispanic	738
Asian/Pacific Islander	217
American Indian/ Alaskan Native	20
Multiracial	627
Female	6,574
Male	6,943
Total	13,517

DOE Student Database, Survey 2 data, October 10-14, 2005, as of March 14, 2006.

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2005-2006 Adequate Yearly Progress (AYP) Report - District Level - Page 1		Alachua District Level - 0000		
Click here to see a detailed report				
Did the District Make Adequate Yearly Progress?	NO	Percent of Criteria Met: 82%		
Total Writing Proficiency Met:	YES	2005-2006 School Grade:		
Total Graduation Criterion Met:	YES			
	95% Tested Reading	95% Tested Math	Reading Proficiency Met	Math Proficiency Met
TOTAL	YES	YES	YES	YES
WHITE	YES	YES	YES	YES
BLACK	YES	YES	NO	NO
HISPANIC	YES	YES	YES	YES
ASIAN	YES	YES	YES	YES
AMERICAN INDIAN	YES	YES	YES	YES
ECONOMICALLY DISADVANTAGED	YES	YES	NO	NO
LIMITED ENGLISH PROFICIENCY	YES	YES	NO	YES
STUDENTS WITH DISABILITIES	YES	YES	NO	NO

Additional Information:

Evaluation and Reporting Office

- Adequate Yearly Progress (AYP) Technical Assistance Paper 2005-06 (PDF)

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2005-2006 Adequate Yearly Progress (AYP) Report - Page 2												Alachua District Level 0000											
Number of students enrolled in the grades tested: (Click here to see the number of students in each group.)								Read: 17373 Math: 17375		2005-2006 School Grade ¹ :		Did the District make Adequate Yearly Progress? ²		NO									
This section shows the percent tested and performance for each group used to determine AYP (Parts a and c ²).												This section shows the improvement for each group used to determine AYP via safe harbor (Part b ²).											
Group	Reading Tested 95% of the students?		Math Tested 95% of the students?		44% scoring at or above grade level in Reading?		50% scoring at or above grade level in Math?		Improved performance in Writing by 1%?			Increased Graduation Rate ³ by 1%?			Showed 10% improvement in Reading percent not above grade level?		Safe Harbor Reading		Showed 10% improvement in Math percent not above grade level?		Safe Harbor Math		
	2006	Y/N	2006	Y/N	2006	Y/N	2006	Y/N	2005	2006	Y/N	2004	2005	Y/N	2005	2006	Y/N	2005	2006	Y/N	2005	2006	Y/N
TOTAL ⁴	98	Y	98	Y	57	Y	60	Y	90	91	Y	64	65	Y	45	43	NA	42	40	NA	24	23	NA
WHITE	98	Y	98	Y	73	Y	77	Y	94	95	NA	74	77	NA	29	27	NA	24	23	NA			
BLACK	97	Y	97	Y	31	N	31	N	83	85	Y	44	45	Y	72	69	N	71	69	N			
HISPANIC	98	Y	98	Y	60	Y	63	Y	91	92	NA	66	65	NA	42	40	NA	37	37	NA			
ASIAN	99	Y	99	Y	82	Y	94	Y		98	NA	87	77	NA	22	18	NA	9	6	NA			
AMERICAN																							

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INDIAN	100	Y	100	Y	68	Y	68	Y			NA				NA		32	NA		32	NA	
ECONOMICALLY DISADVANTAGED	98	Y	97	Y	41	N	40	N	84	86	Y	45	45	N	63	59	N	63	60	N		
LIMITED ENGLISH PROFICIENCY	98	Y	98	Y	40	N	58	Y	81	88	Y	62	46	N	59	60	N	41	42	NA		
STUDENTS WITH DISABILITIES	97	Y	96	Y	29	N	31	N	67	74	Y	32	34	Y	74	71	N	72	69	N		
KEY:	Economically Disadvantaged - Eligible for free or reduced price lunch LEP - Limited English Proficient SWD - Students with Disabilities														Y/N - Was the required target met? Yes or No NA - is shown when the number of students in the group is less than 30 ⁴ or the data are not applicable.							

¹ Under Florida's AYP plan, schools with a grade of D or F cannot be designated as making AYP.
² The "part" designations used in this table correspond to the three main paragraphs in the Federal regulations for Adequate Yearly Progress (AYP) under the No Child Left Behind Act of 2002. The regulations, effective January 2, 2004, were published in the Federal Register, Vol. 67, No. 231, on December 2, 2003. Sections 200.13-200.21 describe the indicators to be collected and how to determine AYP.
³ The school-wide data for writing and graduation rate are used in Part a. Any group not meeting the reading or mathematics targets under Part a is reviewed in Part b-Safe Harbor. When the writing percent proficient is >60 or the graduation rate is >85, increases are not required.
⁴ If the total number of students in a school is greater than ten, adequate yearly progress for the school will be determined; however, a minimum of 30 students and represents at least 15% of the school's population or 100 students is required for each group within a school.
⁵ If "P", this indicates provisional AYP. A provisional AYP is assigned if a school did not meet AYP, but received a school grade of A or B.

Note: All percentages are rounded to the nearest whole number. The Y and N designations indicate if there was a 1% increase.
 Note: In order to maintain the anonymity and privacy of students, proficiency data is not displayed for values <=5% and >=95%

Percent Tested and Proficiency Levels (Part a and c¹): A school or school district makes AYP if 95% of each group is tested, if each group meets the proficiency targets in reading and mathematics, and if the school-wide writing percent proficient and graduation rate increases.

Safe Harbor (Part b¹): If any group in Part a does not meet the proficiency target, the percentage of students in that group who are below the proficiency target in reading or mathematics should be reduced by at least 10%. That group also must make progress in writing proficiency and graduation rate. No group is eligible for Safe Harbor if the school fails to meet participation criteria for all subgroups and the writing, graduation rate, and school grade criteria for the school in total.

Data provided by the Florida Department of Education, June 2005. Subject to review and verification by local school district staff.

Additional Information:
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 Years: 2005-2006
 School Grades:
 Report Type: Adequate Yearly Progress (AYP)
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2005-2006 Adequate Yearly Progress (AYP) Report - Page 3								Alachua District Level				
Number of students enrolled in the grades tested: (Click the total number to return to the AYP results.)				Read: 17373 Math: 17375	2005-2006 School Grade ¹ :		Did the District make Adequate Yearly Progress? ⁵		NO			
This section shows the percent tested and performance for each group used to determine AYP (Parts a and c ²).								This section shows the improvement for each group used to determine AYP via safe harbor (Part b ²).				
Group	Number of students enrolled Reading	Number Tested Reading	Number of students enrolled Math	Number Tested Math	Number with Writing test scores		Number included in Graduation Rate ³	Number with Reading scores on FCAT or other assessment		Number with Math scores on FCAT or other assessment		
	2006	2006	2006	2006	2005	2006	2004	2005	2005	2006	2005	2006
TOTAL ⁴	17373	16983	17375	16960	6302	6162	2242	2454	16617	16297	16606	16280
WHITE	8798	8642	8800	8636	3265	3241	1295	1370	8597	8370	8599	8352
BLACK	6322	6119	6322	6101	2334	2129	748	835	6093	5833	6080	5832
HISPANIC	963	946	963	947	304	341	106	135	841	878	840	883
ASIAN	635	630	635	631	215	239	68	77	556	592	558	592
AMERICAN INDIAN	32	32	32	32	13	14	4	4	26	31	26	31
ECONOMICALLY												

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DISADVANTAGED	8464	8243	8465	8228	2829	2766	585	673	7843	7820	7828	7823
LIMITED ENGLISH PROFICIENCY	398	388	398	388	129	120	63	72	341	330	343	331
STUDENTS WITH DISABILITIES	3880	3727	3885	3716	1425	1295	436	402	3674	3583	3667	3574
KEY:	Economically Disadvantaged - Eligible for free or reduced price lunch LEP - Limited English Proficient SWD - Students with Disabilities							Y/N - Was the required target met? Yes or No NA - is shown when the number of students in the group is less than 30 ⁴ or the data are not applicable.				
<p>¹ Under Florida's AYP plan, schools with a grade of D or F cannot be designated as making AYP.</p> <p>² The "part" designations used in this table correspond to the three main paragraphs in the Federal regulations for Adequate Yearly Progress (AYP) under the No Child Left Behind Act of 2002. The regulations, effective January 2, 2004, were published in the Federal Register, Vol. 67, No. 231, on December 2, 2003. Sections 200.13-200.21 describe the indicators to be collected and how to determine AYP.</p> <p>³ The school-wide data for writing and graduation rate are used in Part a. Any group not meeting the reading or mathematics targets under Part a is reviewed in Part b-Safe Harbor. When the writing percent proficient is >90 or the graduation rate is >85, increases are not required.</p> <p>⁴ If the total number of students in a school is greater than ten, adequate yearly progress for the school will be determined; however, a minimum of 30 students and represents at least 15% of the schools' population or 100 students is required for each group within a school.</p> <p>⁵ If "P", this indicates provisional AYP. A provisional AYP is assigned if a school did not meet AYP, but received a school grade of A or B.</p>												
Note: All percentages are rounded to the nearest whole number. The Y and N designations indicate if there was a 1% increase.												
Note: In order to maintain the anonymity and privacy of students, proficiency data is not displayed for values <=5% and >=95%												
Percent Tested and Proficiency Levels (Part a and c¹): A school or school district makes AYP if 95% of each group is tested, if each group meets the proficiency targets in reading and mathematics, and if the school-wide writing percent proficient and graduation rate increases.									Safe Harbor (Part b¹): If any group in Part a does not meet the proficiency target, the percentage of students in that group who are below the proficiency target in reading or mathematics should be reduced by at least 10%. That group also must make progress in writing proficiency and graduation rate. No group is eligible for Safe Harbor if the school fails to meet participation criteria for all subgroups and the writing, graduation rate, and school grade criteria for the school in total.			
Data provided by the Florida Department of Education, June 2005. Subject to review and verification by local school district staff.												

- Additional Information:**
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2005-2006 Adequate Yearly Progress (AYP) Report - School Level - Page 1	Alachua F. W. BUCHHOLZ HIGH SCHOOL - 0431			
Click here to see a detailed report				
Did the School Make Adequate Yearly Progress?	Provisional	Percent of Criteria Met: 85%		
Total Writing Proficiency Met:	YES	2005-2006 School Grade:	A	
Total Graduation Criterion Met:	NO			
	95% Tested Reading	95% Tested Math	Reading Proficiency Met	Math Proficiency Met
TOTAL	YES	YES	YES	YES
WHITE	YES	YES	YES	YES
BLACK	YES	YES	NO	NO
HISPANIC	YES	YES	NA	NA
ASIAN	YES	YES	NA	NA
AMERICAN INDIAN	NA	NA	NA	NA
ECONOMICALLY DISADVANTAGED	YES	YES	NO	YES
LIMITED ENGLISH PROFICIENCY	NA	NA	NA	NA
STUDENTS WITH DISABILITIES	YES	YES	NO	NO

Additional Information:

Evaluation and Reporting Office

- [Adequate Yearly Progress \(AYP\) Technical Assistance Paper 2005-06 \(PDF\)](#)

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2005-2006 Adequate Yearly Progress (AYP) Report - Page 2														Alachua F. W. BUCHHOLZ HIGH SCHOOL 0431							
Number of students enrolled in the grades tested: (Click here to see the number of students in each group.)										Read: 1113 Math: 1114		2005-2006 School Grade ¹ :		A		Did the School make Adequate Yearly Progress? ⁵		PRO			
This section shows the percent tested and performance for each group used to determine AYP (Parts a and c ²).										This section shows the improvement for each group used to determine AYP via safe harbor (Part b ³).											
Group	Reading Tested 95% of the students?		Math Tested 95% of the students?		44% scoring at or above grade level in Reading?		50% scoring at or above grade level in Math?		Improved performance in Writing by 1%?		Increased Graduation Rate ⁴ by 1%?		Showed 10% improvement in Reading percent not above grade level?		Safe Harbor Reading		Showed 10% improvement in Math percent not above grade level?		Safe Harbor Math		
	2006	Y/N	2006	Y/N	2006	Y/N	2006	Y/N	2005	2006	2004	2005	2005	2006	Y/N	2005	2006	Y/N	2005	2006	Y/N
TOTAL ⁴	98	Y	98	Y	58	Y	79	Y		97	Y	72	72	N	45	42	NA	21	21	NA	NA
WHITE	98	Y	98	Y	67	Y	89	Y		99	NA	79	82	NA	35	33	NA	12	11	NA	NA
BLACK	97	Y	97	Y	20	N	42	N	88	89	NA	49	43	NA	80	80	NA	55	58	NA	NA
HISPANIC	100	Y	100	Y	54	NA	75	NA		96	NA		84	NA	52	46	NA	24	25	NA	NA
ASIAN	100	Y	100	Y	74	NA	94	NA			NA			NA	43	26	NA	9	6	NA	NA

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AMERICAN INDIAN		NA		NA		NA		NA		NA		NA		NA		NA		NA		NA	
ECONOMICALLY DISADVANTAGED	98	Y	98	Y	33	N	52	Y	85	91	NA	50	39	NA	77	67	NA	51	48	NA	NA
LIMITED ENGLISH PROFICIENCY		NA		NA		NA		NA		NA		NA		NA		NA		NA		NA	
STUDENTS WITH DISABILITIES	98	Y	98	Y	23	N	44	N	71	84	NA	43	42	NA	84	77	NA	59	56	NA	NA
KEY:	Economically Disadvantaged - Eligible for free or reduced price lunch LEP - Limited English Proficient SWD - Students with Disabilities										Y/N - Was the required target met? Yes or No NA - is shown when the number of students in the group is less than 30 ⁴ or the data are not applicable.										

¹ Under Florida's AYP plan, schools with a grade of D or F cannot be designated as making AYP.
² The "part" designations used in this table correspond to the three main paragraphs in the Federal regulations for Adequate Yearly Progress (AYP) under the No Child Left Behind Act of 2002. The regulations, effective January 2, 2004, were published in the Federal Register, Vol. 67, No. 231, on December 2, 2003. Sections 200.13-200.21 describe the indicators to be collected and how to determine AYP.
³ The school-wide data for writing and graduation rate are used in Part a. Any group not meeting the reading or mathematics targets under Part a is reviewed in Part b-Safe Harbor. When the writing percent proficient is >90 or the graduation rate is >85, increases are not required.
⁴ If the total number of students in a school is greater than ten, adequate yearly progress for the school will be determined; however, a minimum of 30 students and represents at least 15% of the schools' population or 100 students is required for each group within a school.
⁵ If "P", this indicates provisional AYP. A provisional AYP is assigned if a school did not meet AYP, but received a school grade of A or B.

Note: All percentages are rounded to the nearest whole number. The Y and N designations indicate if there was a 1% increase.
 Note: In order to maintain the anonymity and privacy of students, proficiency data is not displayed for values <=5% and >=95%

Percent Tested and Proficiency Levels (Part a and c¹): A school or school district makes AYP if 95% of each group is tested, if each group meets the proficiency targets in reading and mathematics, and if the school-wide writing percent proficient and graduation rate increases.

Safe Harbor (Part b¹): If any group in Part a does not meet the proficiency target, the percentage of students in that group who are below the proficiency target in reading or mathematics should be reduced by at least 10%. That group also must make progress in writing proficiency and graduation rate. No group is eligible for Safe Harbor if the school fails to meet participation criteria for all subgroups and the writing, graduation rate, and school grade criteria for the school in total.

Data provided by the Florida Department of Education, June 2005. Subject to review and verification by local school district staff.

Additional Information:
 Evaluation and Reporting Office
 • Adequate Yearly Progress (AYP) Technical Assistance Paper 2005-06 (PDF)

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2005-2006 Adequate Yearly Progress (AYP) Report - Page 3									Alachua F. W. BUCHHOLZ HIGH SCHOOL 0431			
Number of students enrolled in the grades tested: (Click the total number to return to the AYP results.)				Read: 1113 Math: 1114	2005-2006 School Grade ¹ :	A		Did the School make Adequate Yearly Progress? ²	PRO			
This section shows the percent tested and performance for each group used to determine AYP (Parts a and c ²).						This section shows the improvement for each group used to determine AYP via safe harbor (Part b ²).						
Group	Number of students enrolled Reading		Number of students enrolled Math		Number with Writing test scores		Number included in Graduation Rate ³		Number with Reading scores on FCAT or other assessment		Number with Math scores on FCAT or other assessment	
	2006	2006	2006	2006	2005	2006	2004	2005	2005	2006	2005	2006
TOTAL ⁴	1113	1091	1114	1092	571	534	647	660	1119	1038	1125	1041
WHITE	701	689	702	690	372	351	454	427	731	674	735	676
BLACK	230	221	230	222	112	91	140	171	218	193	220	194
HISPANIC	92	92	92	92	43	45	27	38	85	85	85	87
ASIAN	55	55	55	55	25	29	17	15	53	53	53	52
AMERICAN INDIAN	3	3	3	3	2	3	1	1	3	3	3	3

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ECONOMICALLY DISADVANTAGED	271	266	271	266	103	105	101	118	231	235	233	238
LIMITED ENGLISH PROFICIENCY	24	24	24	24	8	8	4	11	18	22	18	23
STUDENTS WITH DISABILITIES	155	152	156	152	70	63	79	66	142	142	142	141
KEY:	Economically Disadvantaged - Eligible for free or reduced price lunch LEP - Limited English Proficient SWD - Students with Disabilities							Y/N - Was the required target met? Yes or No NA - is shown when the number of students in the group is less than 30 ⁴ or the data are not applicable.				
<p>¹ Under Florida's AYP plan, schools with a grade of D or F cannot be designated as making AYP.</p> <p>² The "part" designations used in this table correspond to the three main paragraphs in the Federal regulations for Adequate Yearly Progress (AYP) under the No Child Left Behind Act of 2002. The regulations, effective January 2, 2004, were published in the Federal Register, Vol. 67, No. 231, on December 2, 2003. Sections 200.13-200.21 describe the indicators to be collected and how to determine AYP.</p> <p>³ The school-wide data for writing and graduation rate are used in Part a. Any group not meeting the reading or mathematics targets under Part a is reviewed in Part b-Safe Harbor. When the writing percent proficient is >90 or the graduation rate is >85, increases are not required.</p> <p>⁴ If the total number of students in a school is greater than ten, adequate yearly progress for the school will be determined; however, a minimum of 30 students and represents at least 15% of the schools' population or 100 students is required for each group within a school.</p> <p>⁵ If "P", this indicates provisional AYP. A provisional AYP is assigned if a school did not meet AYP, but received a school grade of A or B.</p>												
<p>Note: All percentages are rounded to the nearest whole number. The Y and N designations indicate if there was a 1% increase.</p> <p>Note: In order to maintain the anonymity and privacy of students, proficiency data is not displayed for values <=5% and >=95%</p>												
<p>Percent Tested and Proficiency Levels (Part a and c¹): A school or school district makes AYP if 95% of each group is tested, if each group meets the proficiency targets in reading and mathematics, and if the school-wide writing percent proficient and graduation rate increases.</p>						<p>Safe Harbor (Part b¹): If any group in Part a does not meet the proficiency target, the percentage of students in that group who are below the proficiency target in reading or mathematics should be reduced by at least 10%. That group also must make progress in writing proficiency and graduation rate. No group is eligible for Safe Harbor if the school fails to meet participation criteria for all subgroups and the writing, graduation rate, and school grade criteria for the school in total.</p>						
<p>Data provided by the Florida Department of Education, June 2005. Subject to review and verification by local school district staff.</p>												

- Additional Information:**
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2005-2006 Adequate Yearly Progress (AYP) Report - State Level - Page 1		State State Level - 0000		
Click here to see a detailed report				
Did the State Make Adequate Yearly Progress?	NO	Percent of Criteria Met: 79%		
Total Writing Proficiency Met:	YES	2005-2006 School Grade:	NA	
Total Graduation Criterion Met:	NO			
	95% Tested Reading	95% Tested Math	Reading Proficiency Met	Math Proficiency Met
TOTAL	YES	YES	YES	YES
WHITE	YES	YES	YES	YES
BLACK	YES	YES	NO	NO
HISPANIC	YES	YES	YES	YES
ASIAN	YES	YES	YES	YES
AMERICAN INDIAN	YES	YES	YES	YES
ECONOMICALLY DISADVANTAGED	YES	YES	YES	NO
ENGLISH LANGUAGE LEARNERS	YES	YES	NO	NO
STUDENTS WITH DISABILITIES	YES	YES	NO	NO

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2005-2006 Adequate Yearly Progress (AYP) Report - Page 2													State State Level 0000							
Number of students enrolled in the grades tested: (Click here to see the number of students in each group.)										Read: 1647849 Math: 1646203		2005-2006 School Grade ¹ :	NA	Did the State make Adequate Yearly Progress? ⁵		NO				
This section shows the percent tested and performance for each group used to determine AYP (Parts a and c ²).										This section shows the improvement for each group used to determine AYP via safe harbor (Part b ²).										
Group	Reading Tested 95% of the students?		Math Tested 95% of the students?		44% scoring at or above grade level in Reading?		50% scoring at or above grade level in Math?		Improved performance in Writing by 1%?			Increased Graduation Rate ³ by 1%?		Percent of Students below grade level in Reading		Safe Harbor Reading		Percent of Students below grade level in Math		Safe Harbor Math
	2006	Y/N	2006	Y/N	2006	Y/N	2006	Y/N	2005	2006	Y/N	2004	2005	Y/N	2005	2006	Y/N	2005	2006	Y/N
TOTAL ⁴	98	Y	98	Y	57	Y	61	Y	90	90	Y	69	69	N	47	43	NA	41	39	NA
WHITE	98	Y	98	Y	67	Y	72	Y	93	93	NA	78	78	NA	36	33	NA	30	28	NA
BLACK	97	Y	97	Y	39	N	41	N	86	87	NA	53	53	NA	65	61	NA	62	59	NA
HISPANIC	98	Y	98	Y	51	Y	56	Y	89	88	NA	61	62	NA	54	49	NA	47	44	NA
ASIAN	99	Y	99	Y	71	Y	82	Y		94	NA	81	81	NA	32	29	NA	19	18	NA
AMERICAN INDIAN	98	Y	98	Y	61	Y	66	Y	92	91	NA	70	69	NA	42	39	NA	37	34	NA
ECONOMICALLY DISADVANTAGED	98	Y	98	Y	46	Y	48	N	86	86	NA	54	54	NA	58	54	NA	54	52	NA
ENGLISH LEARNERS																				

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LANGUAGE LEARNERS	98	Y	98	Y	36	N	43	N	78	78	NA	47	47	NA	68	64	NA	60	57	NA
STUDENTS WITH DISABILITIES	96	Y	96	Y	30	N	32	N	68	70	NA	37	37	NA	72	70	NA	70	68	NA
KEY:	Economically Disadvantaged - Eligible for free or reduced price lunch ELL - English Language Learners SWD - Students with Disabilities														Y/N - Was the required target met? Yes or No NA - is shown when the number of students in the group is less than 30 ⁶ or the data are not applicable.					
¹ Under Florida's AYP plan, schools with a grade of D or F cannot be designated as making AYP. ² The "part" designations used in this table correspond to the three main paragraphs in the Federal regulations for Adequate Yearly Progress (AYP) under the No Child Left Behind Act of 2002. The regulations, effective January 2, 2004, were published in the Federal Register, Vol. 67, No. 231, on December 2, 2003. Sections 200.13-200.21 describe the indicators to be collected and how to determine AYP. ³ The school-wide data for writing and graduation rate are used in Part a. Any group not meeting the reading or mathematics targets under Part a is reviewed in Part b-Safe Harbor. When the writing percent proficient is >90 or the graduation rate is >85, increases are not required. ⁴ If the total number of students in a school is greater than ten, adequate yearly progress for the school will be determined; however, a minimum of 30 students and represents more than 15% of the schools' population or 100 students is required for each group within a school. ⁵ If "P", this indicates provisional AYP. A provisional AYP is assigned if a school did not meet AYP, but received a school grade of A or B. Note: All percentages are rounded to the nearest whole number. The Y and N designations indicate if there was a 1% increase. Note: In order to maintain the anonymity and privacy of students, proficiency data is not displayed for values <=5% and >=95%.																				
Percent Tested and Proficiency Levels (Part a and c²): A school or school district makes AYP if 95% of each group is tested, if each group meets the proficiency targets in reading and mathematics, and if the school-wide writing percent proficient and graduation rate increases.											Safe Harbor (Part b²): If any group in Part a does not meet the proficiency target, the percentage of students in that group who are below the proficiency target in reading or mathematics should be reduced by at least 10%. That group also must make progress in writing proficiency and graduation rate. No group is eligible for Safe Harbor if the school fails to meet participation criteria for all subgroups and the writing, graduation rate, and school grade criteria for the school in total.									
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2005-2006 Adequate Yearly Progress (AYP) Report - Page 3										State District Level			
Number of students enrolled in the grades tested: (Click the total number to return to the AYP results.)						Read: 1647849 Math: 1646203	2005-2006 School Grade ¹ :	NA	Did the State make Adequate Yearly Progress? ⁵		NO		
This section shows the percent tested and performance for each group used to determine AYP (Parts a and c ²).								This section shows the improvement for each group used to determine AYP via safe harbor (Part b ²).					
Group	Number of students enrolled Reading		Number of students enrolled Math		Number with Writing test scores		Number included in Graduation Rate ³		Number with Reading scores on FCAT or other assessment		Number with Math scores on FCAT or other assessment		
	2006	2006	2006	2006	2005	2006	2004	2005	2005	2006	2005	2006	
TOTAL ⁴	1647849	1613407	1646203	1609070	572187	574588	171447	179808	1559152	1567547	1556145	1562974	
WHITE	790012	775199	789505	773684	285290	281551	91341	93791	769975	757365	768734	755628	
BLACK	383278	372930	382785	371548	131907	130601	40986	42787	364139	361774	363292	360355	
HISPANIC	386881	378994	386277	377659	128025	132789	33257	36432	349214	364802	348378	363466	
ASIAN	36444	36011	36423	35977	12697	13184	3967	4287	33237	34909	33199	34880	
AMERICAN INDIAN	4855	4757	4850	4745	1633	1652	444	492	4451	4594	4447	4587	

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ECONOMICALLY DISADVANTAGED	782984	765218	782154	762796	262296	256379	50453	54914	752667	741205	751163	738747
ENGLISH LANGUAGE LEARNERS	162131	158807	161914	158224	49727	50217	15055	15773	143755	149541	143390	149085
STUDENTS WITH DISABILITIES	255621	246249	255447	245395	86595	84354	22890	24202	240727	238175	240179	237251
KEY:	Economically Disadvantaged - Eligible for free or reduced price lunch ELL - English Language Learners SWD - Students with Disabilities								Y/N - Was the required target met? Yes or No NA - is shown when the number of students in the group is less than 30 ⁴ or the data are not applicable.			
<p>¹ Under Florida's AYP plan, schools with a grade of D or F cannot be designated as making AYP.</p> <p>² The "part" designations used in this table correspond to the three main paragraphs in the Federal regulations for Adequate Yearly Progress (AYP) under the No Child Left Behind Act of 2002. The regulations, effective January 2, 2004, were published in the Federal Register, Vol. 67, No. 231, on December 2, 2003. Sections 200.13-200.21 describe the indicators to be collected and how to determine AYP.</p> <p>³ The school-wide data for writing and graduation rate are used in Part a. Any group not meeting the reading or mathematics targets under Part a is reviewed in Part b-Safe Harbor. When the writing percent proficient is >90 or the graduation rate is >85, increases are not required.</p> <p>⁴ If the total number of students in a school is greater than ten, adequate yearly progress for the school will be determined; however, a minimum of 30 students and represents more than 15% of the schools' population or 100 students is required for each group within a school.</p> <p>⁵ If "P", this indicates provisional AYP. A provisional AYP is assigned if a school did not meet AYP, but received a school grade of A or B.</p>												
<p>Note: All percentages are rounded to the nearest whole number. The Y and N designations indicate if there was a 1% increase.</p> <p>Note: In order to maintain the anonymity and privacy of students, proficiency data is not displayed for values <=5% and >=95%</p>												
<p>Percent Tested and Proficiency Levels (Part a and c²): A school or school district makes AYP if 95% of each group is tested, if each group meets the proficiency targets in reading and mathematics, and if the school-wide writing percent proficient and graduation rate increases.</p> <p>Safe Harbor (Part b²): If any group in Part a does not meet the proficiency target, the percentage of students in that group who are below the proficiency target in reading or mathematics should be reduced by at least 10%. That group also must make progress in writing proficiency and graduation rate. No group is eligible for Safe Harbor if the school fails to meet participation criteria for all subgroups and the writing, graduation rate, and school grade criteria for the school in total.</p>												
<p>Data provided by the Florida Department of Education, June 2005. Subject to review and verification by local school district staff.</p>												

Additional Information:
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APPENDIX B
DISTRICT DATA

District	Grade	# Students	AYP	% ESE	% SES	% Criteria met	Number ESE cells not met	% ESE passing FCAT reading	% Total passing FCAT reading
Broward	A	271,470	no	16	41	92	2	35	59
Calhoun	A	2,274	no	26	52	92	2	34	62
Okaloosa	A	30,983	no	20	28	92	1	44	70
Clay	A	34,152	no	22	25	90	2	43	64
Gilchrist	A	2,893	no	33	50	90	2	34	63
Santa Rosa	A	25,187	no	19	32	90	1	44	70
Wakulla	A	4,914	no	23	35	90	2	38	63
Brevard	A	75,160	no	24	30	87	2	38	68
Leon	A	32,316	no	23	37	87	2	41	65
Charlotte	A	17,868	no	22	40	85	2	34	62
Nassau	A	10,860	no	17	34	85	2	33	62
Sarasota	A	41,884	no	27	29	85	2	39	64
Seminole	A	67,473	no	19	31	85	2	40	67
Walton	A	6,892	no	17	48	85	1	31	62
Alachua	A	29,108	no	32	46	82	2	29	57
Bay	A	27,610	no	20	46	82	2	35	62
Citrus	A	15,835	no	22	42	82	2	35	61
Marion	A	42,026	no	21	53	82	2	25	55

District	Grade	# Students	AYP	% ESE	% SES	% Criteria met	Number ESE cells not met	% ESE passing FCAT reading	% Total passing FCAT reading
Martin	A	18,141	no	20	30	82	2	37	66
St. Johns	A	25,734	no	18	18	82	2	38	71
Sumter	A	7,416	no	17	53	82	2	29	57
Palm Beach	A	174,911	no	19	42	79	2	30	56
Hillsborough	A	193,669	no	19	49	77	2	31	56
Monroe	A	8,587	no	22	39	74	2	37	62
Baker	C	4,855	no	12	43	85	2	27	51
Taylor	C	3,378	no	23	57	85	2	36	56
Columbia	C	10,188	no	19	54	79	2	28	54
Bradford	C	3,779	no	14	53	77	2	26	51
Hendry	C	7,572	no	18	70	77	2	24	45
Franklin	C	1,350	no	18	61	74	3	25	48
Putnam	C	12,274	no	21	66	74	2	25	49
DeSoto	C	5,019	no	20	59	72	0	19	45
Madison	C	3,032	no	27	74	72	2	19	43
Suwannee	C	5,948	no	14	53	72	2	24	52
Gadsden	C	6,515	no	18	80	67	2	17	34
Hamilton	C	2,006	no	16	56	67	2	27	39
Jefferson	C	1,225	no	29	70	67	4	12	36

APPENDIX C
SCHOOL DATA

District	District grade	School	# To be tested	School grade	AYP	% Criteria met	# ESE cells not met	% ESE	% SES	% ESE passing	% Total passing
Broward	A	Pompano	735	A	yes	100	NA	2	29	NA	70
Broward	A	Atlantic	286	A	yes	100	NA	4	39	NA	65
Broward	A	William	286	A	yes	100	NA	4	19	NA	71
Broward	A	Cooper	1201	A	yes	100	NA	9	8	27	57
Leon	A	Lawton	1027	A	yes	100	NA	9	6	37	66
Okaloosa	A	OWC	67	A	yes	100	NA	1	7	blank	blank
Palm Beach	A	Alexander	695	A	yes	100	NA	4	7	blank	71
Palm Beach	A	Suncoast	669	A	yes	100	NA	2	14	blank	81
St. Johns	A	Nease	1003	A	yes	100	NA	8	4	22	32
Seminole	A	Hagerty	509	A	yes	100	NA	10	8	38	41
Walton	A	S. Walton	278	A	yes	100	NA	11	18	blank	51
Brevard	A	Satellite	1025	B	yes	100	NA	10	8	32	63
Brevard	A	Merritt	808	B	yes	100	NA	13	12	25	51
Gilchrist	A	Bell	511	A	yes	100	0	28	44	28	55
Okaloosa	A	Niceville	1185	A	yes	100	0	11	9	32	39
Martin	A	Jensen	821	A	P	97	NA	12	19	13	28
Palm Beach	A	Spanish	1046	A	P	97	NA	7	9	20	36
St. Johns	A	Bartram	1320	A	P	97	NA	8	3	19	43
Seminole	A	Crooms	320	A	P	97	NA	9	34	blank	42
Palm Beach	A	W. Boca	1225	A	P	95	NA	8	12	18	33
Broward	A	Nova	1063	A	P	92	NA	6	31	28	52
Palm Beach	A	Boca	995	A	P	90	NA	10	24	30	34
Brevard	A	Astronaut	760	B	P	90	NA	12	21	6	41

District	District grade	School	# To be tested	School grade	AYP	% Criteria met	# ESE cells not met	% ESE	% SES	% ESE passing	% Total passing
Brevard	A	Titusville	788	B	P	90	NA	12	23	25	52
Seminole	A	Howell	1238	A	P	82	4	11	29	15	26
Brevard	A	Palm Bay	1293	B	P	82	4	15	29	23	44
Marion	A	Bellevue	859	B	P	82	4	15	34	10	30
Marion	A	Vanguard	944	B	P	82	4	13	41	12	27
Martin	A	South	1139	B	P	79	4	16	25	21	23
Okaloosa	A	Choctawhatchee	993	A	P	85	3	13	24	20	27
Seminole	A	Winter	1309	A	P	79	3	13	21	28	33
Charlotte	A	Charlotte	1094	B	P	87	3	19	34	22	46
Marion	A	Forest	1235	B	P	82	3	12	34	12	25
Marion	A	Dunnellon	726	B	P	79	3	18	52	blank	26
Bay	A	Crawford	1067	A	P	92	2	12	21	21	52
Palm Beach	A	Jupiter	1580	A	P	92	2	10	9	27	31
Palm Beach	A	Park	1810	A	P	92	2	10	13	25	35
Sarasota	A	Venice	1142	A	P	92	2	14	17	19	34
Broward	A	Cypress	2693	A	P	90	2	6	10	29	59
Leon	A	Leon	963	A	P	90	2	12	1	27	55
Palm Beach	A	Wellington	1196	A	P	90	2	11	14	23	37
Broward	A	Western	1343	A	P	87	2	10	14	17	49
Sarasota	A	Riverview	1326	A	P	87	2	14	17	15	28
Alachua	A	Buchholz	1113	A	P	85	2	14	24	23	58
Seminole	A	Brantley	1678	A	P	85	2	10	18	15	30
Brevard	A	Melbourne	1226	B	P	90	2	11	13	18	51
Brevard	A	Eau Gallie	1213	B	P	90	2	15	19	14	46
Charlotte	A	Lemon	794	B	P	90	2	18	27	20	48
Seminole	A	Oviedo	1467	B	P	90	2	10	14	17	28
Martin	A	Martin	1007	B	P	85	2	15	20	14	24
Nassau	A	Fernandina	934	B	P	85	2	15	25	15	31

District	District grade	School	# To be tested	School grade	AYP	% Criteria met	# ESE cells not met	% ESE	% SES	% ESE passing	% Total passing
Okaloosa	A	Crestview	1008	B	P	85	2	16	22	20	29
Seminole	A	Lyman	1247	B	P	85	2	12	32	24	27
Brevard	A	Bayside	1199	B	P	82	2	15	27	14	40
Charlotte	A	Port	1151	B	P	82	2	18	42	15	40
Seminole	B	Seminole	1668	B	P	77	2	11	40	21	26
Santa Rosa	A	Pace	985	A	P	97	1	12	21	22	44
Clay	A	Fleming	1123	A	P	95	1	13	7	25	53
Hillsborough	A	Plantation	1030	A	P	95	1	11	15	23	60
Hillsborough	A	Sickles	1490	A	P	95	1	8	12	27	54
Broward	A	Marjory	1548	A	P	92	1	7	8	30	58
Okaloosa	A	Walton	1005	A	P	92	1	13	17	27	43
Hillsborough	A	Gaither	1186	A	P	90	1	10	23	41	49
Seminole	A	Mary	1437	A	P	85	1	12	24	32	27
Walton	A	Walton	417	C	no	95	NA	8	45	blank	31
Citrus	A	Citrus	852	C	no	90	NA	11	35	23	35
Nassau	A	Nassau	588	C	no	90	NA	12	22	9	31
Baker	C	Baker	741	C	no	87	NA	12	35	28	32
Sumter	C	Wildwood	265	C	no	74	NA	19	63	11	19
Bay	A	Haney	90	D	no	87	NA	20	57	NA	21
Franklin	C	Apalachicola	74	D	no	85	NA	14	51	blank	24
Hamilton	C	Hamilton	599	D	no	77	NA	13	58	blank	24
Broward	A	Smart	283	D	no	74	NA	8	50	NA	15
Gadsden	C	Gadsden	608	D	no	74	NA	15	74	17	13
Palm Beach	A	Tech	575	D	no	74	NA	13	57	blank	19
Suwannee	C	Suwannee	694	D	no	74	NA	12	42	19	24
Broward	A	Blanche	1184	D	no	62	NA	10	60	18	23
Desoto	C	Desoto	665	C	no	69	4	16	57	blank	27
Alachua	A	East Side	1059	D	no	74	4	25	52	8	38

District	District grade	School	# To be tested	School grade	AYP	% Criteria met	# ESE cells not met	% ESE	% SES	% ESE passing	% Total passing
Alachua	A	Gainesville	1111	D	no	72	4	20	40	16	40
Taylor	C	Taylor	393	D	no	72	4	17	40	17	18
Hillsborough	A	East Bay	1440	D	no	56	4	14	56	16	27
Jefferson	C	Jefferson	189	F	no	56	4	26	65	blank	18
Hillsborough	A	Middleton	993	D	no	74	3	17	65	9	30
Brevard	A	Rockledge	942	C	no	90	2	13	18	17	46
Clay	A	Middleburg	1026	C	no	87	2	16	26	11	36
Santa Rosa	A	Milton	967	C	no	87	2	18	42	27	37
Calhoun	A	Blountstown	224	C	no	85	2	24	46	33	41
Citrus	A	Crystal	706	C	NO	85	2	16	38	14	42
Citrus	A	Lecanto	979	C	no	85	2	15	36	19	39
Hendry	C	Labelle	547	C	no	85	2	18	61	blank	23
Putnam	C	Interlachen	525	C	no	85	2	19	63	13	22
Sarasota	A	N. Port	1175	C	no	85	2	17	33	12	25
Clay	A	Orange	1329	C	no	82	2	11	25	13	38
Bradford	C	Bradford	510	C	no	77	2	27	39	14	27
Putnam	C	Palatka	916	C	no	77	2	17	48	13	17
Sarasota	A	Booker	923	C	no	74	2	18	39	21	16
Monroe	A	Key	758	C	no	67	2	19	30	20	27
Wakulla	A	Wakulla	697	D	no	82	2	18	26	23	32
Columbia	C	Columbia	1066	D	no	77	2	16	45	14	36
Marion	A	Marion	837	D	no	77	2	19	50	blank	22
St. Johns	A	Augustine	853	D	no	77	2	16	27	14	22
Madison	C	Madison	417	D	no	74	2	19	57	13	28
Palm Beach	A	Glades	698	D	no	72	2	18	92	29	14
Broward	A	Plantation	1560	D	no	67	2	9	41	15	25
Hendry	C	Clewiston	534	D	no	67	2	19	62	23	24
Palm Beach	A	Leonard	1122	D	no	64	2	14	49	8	19
Palm Beach	A	Boynton	847	D	no	62	2	17	54	11	13
Leon	A	Amos	649	D	no	74	1	16	45	10	20

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BIOGRAPHICAL SKETCH

Mark W. Stockdale was born in 1965 in Rochester, New York. The eldest of two children Mark was raised in Fairport New York for the larger portion of his childhood. He graduated from Penfield High School in 1984. Immediately after graduation he returned to his family's roots in Gainesville, Florida. For the next several years he led a variegated life, traveling and pursuing careers from sales to carpentry.

Ten years latter he decided to pursue a degree in education. Mark received a M.Ed. degree from the University of Florida in 1998. He earned certifications in Learning Disabilities, and Emotional Handicaps. His primary professional interest was in working with at-risk students. Among other things he has served as special education department chair at an alternative school, math teacher in a juvenile detention center, and tutoring coordinator at a large high school.

Mark focused his doctoral studies on educational law, particularly as it related to special education. Upon completion of his degree Mark plans to pursue a career in public K-12 education administration. His ultimate goal is to become superintendent of a school district, and implement a plan for more hands on vocational programs. He is also interested in a post-secondary professorship. Mark continues to reside in Gainesville with Circe, his Harley; and Fred a devoted Bassett hound.