

# Students with Disabilities and Accountability Reform: Findings from the California Case Study

Katherine M Nagle  
University of Maryland

Margaret J. McLaughlin  
University of Maryland

Victor Nolet  
Western Washington University

Kimber Malmgren  
University of Wisconsin, Madison

## **Educational Policy Reform Research Institute**

The Institute for the Study of Exceptional Children and Youth  
University of Maryland  
1308 Benjamin Building  
College Park, Maryland 20742-1161

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This paper is one of four individual case study reports presenting the qualitative findings from a five-year investigation of the impact of accountability reform on students with disabilities in four states, eight districts, and twenty schools. During the late 1980s and 1990s, many states passed legislation requiring school systems to be more accountable for students' learning. However, the impetus for the most recent changes in state accountability systems originated in state responses to federal concerns about the quality and equity of public education. These concerns can be considered as the next phase of the standards-based reform movement.

The standards-based reform movement, which began during the 1970s, has been integrated into federal education policy, most notably the last two reauthorizations of the Elementary and Secondary Education Act (ESEA), and has become increasingly focused on holding schools accountable for the academic performance of all their students. The drive for greater accountability and educational equity is embedded in the 2001 reauthorization of ESEA, known as the No Child Left Behind Act (NCLB). NCLB aims to increase student achievement, improve schools, provide parents and the community with better information, and close some long-lasting and troubling achievement gaps between disadvantaged students and their peers (Cohen, 2002, p. 61).

The new requirements for standards and assessments are rigorous and largely build on the existing Title I requirements promulgated under the Improving America's Schools Act of 1994. For most states however, *performance-based* accountability requires them to chart a course into new and unfamiliar territory. Particularly controversial is the requirement that the *same* annual academic achievement objectives be established, met, and reported for specific subgroups, including most students with

disabilities, racial/ethnic minority groups, and students with limited English proficiency (LEP).

This case study report presents qualitative data collected over a four-year period—2001-2004—from three levels of the public education systems, and provides an analysis of the impact of accountability reform on students with disabilities in one of our participating four states. The following three research questions guided this component of the project:

1. How do broad education policies that incorporate high-stakes accountability include consideration of students with disabilities?
2. How are students with disabilities affected by education accountability reforms?
3. What impact have educational accountability mechanisms had on students with disabilities at the system and individual student level?

The remainder of this report is divided into five sections. Section I contains information regarding the methodology used to collect and analyze the state and local data presented in this report. Section II is an overview of the assessment and accountability systems in California, including changes resulting from NCLB. In Section III we provide demographic information on each of the study sites. In Section IV we present our research findings at the state, district, and school level, and in Section V we present a discussion of the major findings for each embedded case study and address cross-site themes.

## I. METHODOLOGY

### *Identification of Study Sites and Data Sources*

The Education Policy Reform Research Institute (EPRRI), funded by the United States Department of Education's Office of Special Education Programs (OSEP), was established in 2000 to investigate and describe the impact of including students with disabilities in new state educational accountability systems as required by the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA 1997). EPRRI researchers adopted an empirical approach to answering the research problem—the case study method—and specified a priori the levels of analysis, participants, and questions to be pursued. One prerequisite for selection was the requirement that study states have high quality data collection systems that could provide disaggregated data for students with disabilities.

Four core study states agreed to participate in the five year study: California, Maryland, New York, and Texas. Within each state, EPRRI staff and core state representatives identified and secured the participation of two school districts in the study. The four selected states varied across several key accountability features, including high-stakes versus low-stakes accountability consequences, recentness of reforms, stability versus instability of reform efforts, participation of students with disabilities in all accountability reports, and use of alternate assessments. In addition, the sites also reflected geographic and demographic diversity. It is important to recognize that in December 2001 the policy context surrounding this study changed substantially with the passage of NCLB and as a result the study sites became more homogeneous in their key accountability features. Unfortunately, due to our initial study design we had already

selected sites and participants on an a priori basis (versus selecting them purposively and serially over time) and it is possible that we limited our opportunities to study relevant issues that only became apparent after NCLB and over the course of the study. Despite these reservations, we are confident that our analysis of data obtained from selected states, districts, and schools reveals important issues and key challenges as states, districts, and schools nationwide work to meet the ongoing requirements of NCLB.

EPRRI researchers used two complementary strategies to collect qualitative data: analysis of documents and in-depth interviewing (Marshall & Rossman, 1999). The use of two methods of data collection and multiple data sources allowed for triangulation by data source. EPRRI staff developed a sound understanding of the history and context of educational reform in each of the study sites by ongoing reviews of state and district policies available online or obtained directly from the participants. Examples of the types of state documents reviewed include Board of Education policies and minutes, strategic plans, reports from Superintendents and Commissioners, and state Education Department letters to districts. We also reviewed state-consolidated applications for federal funding under NCLB and state accountability plans submitted to the U.S. Department of Education to comply with NCLB. In addition we collected press releases and letters issued by the Secretary of Education, and speeches by the President and Secretary that were obtained from the U.S. Department of Education web site. We also reviewed reports issued by the U.S. General Accounting Office on NCLB, journal articles and local newspaper articles from across the four sites. Finally, we monitored state Web sites for information on evolving state efforts to implement NCLB and for state policy documents developed to meet the NCLB requirements.

The guiding questions for the research came directly from OSEP'S grant priority, but were further broken into subheadings and sample issues/indicators. In February 2001, the state-level participants and EPRRI staff together reviewed and revised a draft template of research questions. This template is available on the EPRRI website, [www.eprri.org](http://www.eprri.org). This process led to the development of 10 individual interview protocols focused on the areas of accountability, assessment, monitoring, curriculum and instruction, special education, teacher certification, professional development, Title I, transition, and parent viewpoints. In October 2001, the same process was used to develop interview protocols at the district level. Individual school level protocols were developed for the school principal, regular education teachers and special education teachers in late 2002.

Selection of participants at the state and district level was done purposively with the support and cooperation of the state and district directors of special education, who acted as gatekeepers. At the state and district levels, the special education director participated in the identification, initial contact, and interview arrangements with key personnel. Knowledgeable personnel from the following departments in each SEA and LEA were interviewed: special education, accountability, testing, special education monitoring, Title I monitoring, curriculum, teacher certification, and professional development.

EPRRI was specifically concerned with identifying schools within its study sites that were high performing for students with disabilities compared to other schools in the same district. However, the term "high performing" is used relatively, as in general the performance of students with disabilities lagged behind that of students without

disabilities by an average of 30 percentage points. We used one of two ways to identify each high-performing school: (a) its school performance index (SPI) or (b) district recommendation.

*School Performance Index.* The SPI allowed a closer examination of the elementary schools in our participating districts and identified schools that were relatively high performing for this population. Several factors were considered important in the creation of this index. First, we wanted to capture performance across multiple years, to minimize the chance of misinterpreting anomalies in performance data. Fluctuation in data is especially an issue when examining performance trends in schools with low numbers of special education students. In addition to considering performance over more than one year, we wanted to include performance across more than one grade level and across both reading/language arts and math. By including multiple indicators of success, we created an index reflective of “high performance” with respect to multiple domains. Most importantly, the index allowed us to identify schools that demonstrated some degree of success with all students over a minimum of two successive school years.

The first step in creating the school index was to sum the performance data for the various performance variables described above. In this manner, performance data for students with disabilities were weighted equally to performance scores for students in general education. We viewed this as appropriate given our specific interest in pinpointing and examining schools that demonstrate some level of relative success for students with disabilities *in addition* to some level of overall success. Summed performance scores were then standardized to allow for comparison across states.

Recognizing the strong correlation between socioeconomic status and performance on standardized assessments, we wanted to take the overall socioeconomic status of each school's population of students into consideration when we examined index scores. Therefore, a variable reflecting each school's socioeconomic status (School-SES) over the data collection years included in each state's school performance index was also created. The "School-SES" variable was operationalized as the mean percent of students receiving free or reduced price meals at each school over the two data collection years included in the school performance index, which was then standardized and reported as a *z*-score. Schools with performance index scores above the mean (i.e., *z*-scores at or above zero) that were also above the trend line reflecting the overall correlation of school SES to performance were selected for interviews. Schools in Maryland, New York, and Texas were selected in this manner.

#### *Overview of Data Collection Procedures*

During this five-year multi-state study we conducted 35 interviews at the state level and 44 at the district level. State level interviews occurred between October 2001 and January 2002 and district level interviews took place between April and June 2002. Once we had identified the schools, the special education director from each LEA facilitated the initial contact and we worked closely with the school principal to determine when it would be convenient to visit. School visits occurred between December 2003 and June 2004. We conducted in-depth interviews with special and general educators and the school principals from 20 elementary schools. We requested that the individual school principals select teachers for interviews based on the following criteria: (a) he or she had worked in the school for two or more years, (b) he or she



worked with students in the grades assessed by their state for the purpose of accountability, and (c) the general education teacher had students with disabilities in his or her classroom during the current academic year.

The interviews at all levels of the education system were between one and two hours in length and adopted a semi-structured approach with the interview protocols acting as rough guides. Interviews were also audiotaped with the participants' consent so that they could take the form of a conversation. Finally, the interviews were conducted by multiple researchers (Eisenhardt & Bourgeois, 1988), allowing the researchers to overlap data analysis and data collection, as recommended by Glaser and Strauss (1967) as well as Van Maanen (1988). The use of multiple investigators provided complementary insights, added richness to the data analysis, and enhanced confidence in the findings (Eisenhardt, 2002).

### *Data Analysis*

EPRRI researchers followed the qualitative data analysis procedures recommended by Miles and Huberman (1994). After each interview field notes were written up by individual researchers, while the taped interviews were transcribed by graduate students. At each level of the system individual case study data analysis began with the creation of a contact summary sheet to develop an overall picture of the main points of each interview. The graduate assistant who first transcribed the interview then read each contact summary sheet to identify bias and selectivity. We developed detailed descriptive write-ups for each site, based on the field notes, the contact summary sheet, and the document reviews. This step in the data analysis is central to the generation of insight and helps researchers to cope with the enormous volume of data (Miles &

Huberman, 1994; Pettigrew, 1988).

We then entered the transcripts into a qualitative software program, *Ethnograph*, which allows for the analysis of text-based data into codes and categories of meaning. EPRRI researchers adopted a coding approach partway between the a priori and inductive approaches discussed by Miles and Huberman (1994). A general coding scheme, based on that developed by Bogdon and Biklen (1992), was created to provide a structural, conceptual, and coherent order to the emerging codes. This particular coding scheme was based on the general domains covered by the research matrices and the interview protocols and allowed codes to develop inductively, while at the same time enabling the researcher to “think about categories in which codes will have to be developed” (Miles & Huberman, 1994, p. 61).

We created clear operational definitions for each code so that the codes could be applied consistently. Code names closest to the concepts being described were applied to the chunks of data. Initial coding of the data corpus was performed by the first author and a team of graduate research assistants, who read and reread each interview line by line and coded the sentences or phrases relating to the participants’ perceptions of the effects of accountability on students with disabilities and the systems that serve them. EPRRI researchers followed the recommendations of Miles and Huberman (1994) for check-coding. Two researchers separately coded the first eight pages of the opening interviews from each level of the system and reviewed the coded sections together. Intercoder reliability was determined using the following formula:

Reliability = number of agreements / total number of agreements + disagreements.

Initial intercoder reliability at each level ranged from 79 to 83 percent and rose to between 91 and 93 percent after the differences were clarified. A further check was performed two-thirds of the way through the data analysis. A conceptually clustered matrix was developed during the early analysis based on the interview protocols. The following decision rules were applied as themes were identified: (a) a theme was coded as present for a participant if it was mentioned repeatedly or with strong emphasis during the interview; and (b) a theme was coded as present for a study site if it was mentioned by two or more participants.

The second step in the analysis was to put the data back together again in a new way to reveal themes and stressors related to the impact of accountability at each level. This process is similar to axial coding in grounded theory (Strauss & Corbin, 1990), as it involved grouping and comparing the initial codes with each other and merging similar concepts together into larger encompassing themes. During this process, all key ideas, findings, and interpretations were presented and discussed by EPRRI staff and, at the state and district level, with study participants (Miles & Huberman, 1994). Original transcripts were used as evidence to support the emerging themes, and at all times the researchers searched for examples that would contradict key findings (Yin, 1989).

## II. CALIFORNIA ASSESSMENT AND ACCOUNTABILITY SYSTEMS

Each of the four states that participated in this research has a unique accountability system to determine the academic achievement of their students. Information about each state's accountability system was retrieved from policy documents and other sources, primarily via the Internet. Examples of the types of documents reviewed include Board of Education policies and minutes; strategic plans;

reports from Superintendents and Commissioners; California Department of Education (CDE) memos; policies relating to standards-based reform, assessments, and accountability; press releases; and other reports.

### *Content Standards and Curriculum Frameworks*

*Background.* Following the publication of *A Nation at Risk*, California adopted a notion of systemic reform in education including curriculum frameworks, assessment, and capacity building that changed school governance from local control to state control (Timar, 2003). California's approach to reform was hailed as particularly innovative and the state became a recognized leader in the development of state frameworks (Carlos & Kirst, 1997). California was one of the first states to develop a comprehensive reform strategy that not only broadly outlined what students should know and be able to do in core subject areas (Goertz, Flodden, & O'Day, 1996), but also embraced within these new frameworks constructivist principles, concepts, and pedagogy. The reformers in California emphasized higher order thinking skills, student-centered meaning rather than rote memorization, whole language instruction, and interdisciplinary learning. In these early stages CDE and the State Superintendent guided reform and established an infrastructure of professional development networks run by experienced teacher leaders and university professors who worked closely with schools.

In the early 1990s the direction of education reform changed radically. Budget deficits, political changes in the state, internal squabbling between the State Superintendent and the California State Board of Education (CSBE), and abysmal results of California students on national tests (Carlos & Kirst, 1997) led to a retrenchment—not of the concept of systemic reform, but of the means adopted to get there. Control of

education policy was taken away from CDE by judicial action and vested in the CSBE. CSBE perceived CDE personnel and the other education professionals who directed the earlier reforms to be biased toward unproven content and pedagogy. The language arts frameworks in particular received wide condemnation and teachers were blamed for taking the whole-language approach to extremes (Carlos & Kirst, 1997). Constructivist principles and other progressive approaches that had dominated earlier reforms were abandoned in favor of phonics, computation, and other basic skills. Several researchers speculate that although the State Superintendent and CDE had a clear and coherent vision, the implementation of this vision was problematic as the three prongs of reform—curriculum, assessment, and teacher capacity—were not synchronized (Cohen & Spillane, 1992; Massell, Kirst, & Hoppe, 1996).

The direction of state curriculum policy became the territory of the newly elected Board of Education officials, while those previously in charge—the State Superintendent, CDE, teacher leaders, and curriculum specialists—no longer had a leading role in curriculum development. In 1995, the state legislature added another ingredient to the mix in the form of a separate commission established to develop a new set of grade-by-grade content standards and a new assessment program. Over the next ten years authority over education policy became widely dispersed and at times contentious, typified by ongoing battles between the superintendent and CSBE, and resulted in an absence of coherence or consistency (Timar, 2003).

The battle over curriculum and pedagogy continued among stakeholders, some of whom wanted to strike a balance between the new constructivist approaches and more traditional approaches, while others wanted to adopt a more back-to-basics agenda. The

back-to-basics movement appeared to gain the upper hand with the passage of the California Assessment and Academic Achievement Act toward the end of 1995, the purpose of which was to develop aligned statewide standards and assessment policies. This Act established a 21-member advisory committee, called the Commission for the Establishment of Academic Content and Performance Standards, to oversee the development of grade-by-grade standards in core subject areas and to develop an aligned assessment program.

*Content standards.* The new content standards are organized by grade level, grade clusters, or subject matter disciplines and serve as the anchors for the state's detailed curriculum frameworks, instructional materials adoptions in the core curriculum areas, and statewide assessment system (CDE, 2006). In November and December 1997 the CSBE adopted content standards in English language arts (ELA) and mathematics, and in October adopted content standards for history/social science and science. In January 2001, content standards were adopted for visual and performing arts, and physical education standards were adopted January 2005. The CSBE is required to adopt revised health standards by March 2008 and foreign language standards no later than June 2009.

*Curriculum frameworks.* When the curriculum frameworks were first created during the 1990s the intention was that districts and schools would fill in the details to create weekly and day-to-day lesson plans (CDE, 1995). However, the 1997 frameworks are more explicit about the standards concerning what students must know. Although the frameworks are voluntary, they also lay out what students will be tested on and therefore what schools will be held accountable for. The frameworks provide broad minimum standards and guidelines for educational programs. They directly focus on essential

subject matter and provide a foundation for both what teachers are to teach and how they are to teach it by describing the scope and sequence of the knowledge and skills that students are expected to learn (CDE, 2006). CSBE adopted ELA content standards in 1997 and these are currently under revision. The mathematics frameworks were revised in December 2000 to embody the new content standards, and again in 2005.

History/social science and foreign language frameworks were revised in 2001, science and health in 2002, and visual and performing arts in 2003. CSBE is advised by the Curriculum Development and Supplemental Materials Commission (Curriculum Commission), which is responsible for overseeing the development of curriculum frameworks and recommending them to CSBE.

*Instructional materials evaluation and adoption.* The CSBE has the constitutional authority to adopt instructional materials for grade 1-8. Instructional materials are broadly defined to include textbooks, technology-based materials, other educational materials, and tests (CDE, 2006). The instructional materials are designed to be a principal learning resource that meets the basic requirements of a full course of study in a given content area. The CSBE is advised by the Curriculum Commission and conducts primary adoptions every six years for the core curriculum areas of ELA, mathematics, history/social science, and science. The remaining curriculum areas are on an eight-year adoption cycle.

Although local school districts also have the authority to conduct their own evaluations of instructional materials for high school students and adopt the ones that best meet their needs, they must be in compliance with the California Education Code and CSBE guidelines. The Instructional Materials Funding Realignment Program (IMFRP)

became law on January 1, 2003 and requires that school districts ensure that each student in kindergarten and grades 1-8 is provided with a standards-aligned textbook or other basic instructional materials as adopted by CSBE before they can purchase other CSBE adopted materials (CDE, 2006).

*Content standards, curriculum frameworks, and students with disabilities.*

Although statements in the content standards and curriculum frameworks documents assert that they apply to all children, there is little evidence that the needs of students with disabilities were explicitly considered when the content standards and curriculum frameworks were originally developed. Beginning in 1999, when CSBE adopted new textbooks and instructional materials, publishers were required to design textbooks and instructional materials that fostered universal access to the curriculum. For example, in the ELA adoption criteria for K-8 all publishers were asked to provide additional instructional materials for special populations of students including those significantly below grade level and English language learners (CDE, 1999).

In October 2001, as a response to IDEA 97, an Alternate Assessment Advisory Workgroup (AAAW) reviewed the California content standards in ELA, mathematics, science, and history/social science and identified those standards most appropriate for students with significant disabilities. From this subset of content standards a representative group of California teachers developed a list of functional performance indicators for each standard. Although the state expects districts and schools to provide access to the complete range of California content standards, they are held accountable for student progress only on this subset of standards.



## *Assessment*

*Background.* The history of the development of assessments in California mirrors the often tumultuous nature of the development of content standards and curriculum. California's first significant assessment program was developed in 1972 (Carlos & Kirst, 1997). The California Assessment program (CAP) was a multiple-choice instrument that was administered to a sample of students in each school. The primary purpose was to measure local system and school effectiveness. CAP did not produce individual scores and therefore did not provide teachers with student-by-student scores to guide instructional practice. Funding for CAP was eliminated, apparently due to a political squabble between the Governor and the State Superintendent (Carlos & Kirst, 1997).

In 1991 CDE developed the California Learning Assessment System (CLAS), which included both traditional and nontraditional testing methods. CDE was the prime force behind CLAS and hoped the tests would be effective both as accountability tools and to guide instruction. Although CDE had support from some segments of the educational community CLAS was not without some powerful critics, including a vocal group of parents who were especially critical of the literacy assessments. After the first administration of CLAS critics of the assessment expressed doubts about the technical adequacy of the assessment. Amid this criticism the state developed an interim voluntary testing program, the Pupil Testing Incentive Program (PTIP). PTIP provided districts with five dollars per student as an incentive to administer tests from a CSBE approved list.

## California State Assessments

*The Standardized Testing and Reporting Program (STAR).* The Standardized Testing and Reporting Program (STAR), was authorized in October 1997 and replaced the PTIP. Under STAR, California state law allows a parent or guardian to submit to the school a written request to excuse his or her child from any or all parts of any test. A school district and its employees may discuss STAR with parents and may inform parents of the availability of exemptions, but should not solicit or encourage any written exemption request on behalf of any child or group of children.

In November 1997, the Stanford Achievement Test Series, Ninth Edition, Form T (SAT9) was chosen as the STAR test for a period of five years. The SAT9 is a multiple-choice test that allowed comparisons of scores from a national sample of students. School districts in California were required to test all students in grades 2 through 11. Students in grades 2 through 8 were tested in reading, mathematics, written expression, and spelling. Students in grades 9 through 11 were tested in reading, writing, mathematics, science, and history/social science.

However, the state's adoption of SAT9 did not meet federal requirements under the Improve America's Schools Act (IASA) because it was not aligned with the state's content standards. In response, in 1998 CSBE authorized the development of standards-based tests in ELA and mathematics, grades 2 -11, to augment the SAT9 and to be administered the following year. In 2000, CSBE authorized the development of additional standards-based tests in writing at grades 4 and 7 and history/social science and science for students in grades 9 through 11. These assessments became known as the California Standards Tests (CSTs) and largely eclipsed the norm-referenced assessment

in the state's accountability system. In 2001 the STAR program was reauthorized and in 2002 CSBE designated Educational Testing Service (ETS) as the contractor for the *California Achievement Tests, Sixth Edition Survey (CAT/6)*. The CAT/6 replaced both the SAT9 and the CSTs. ETS's contract covered 2002-03, 2003-04, and 2004-05 and in 2004 was extended for an additional year to cover 2005-06. CSBE is currently considering proposals from four test contractors to administer the STAR program from SY 2006-07 to SY 2008-09, continue to develop the CSTs and the California Alternate Performance Assessment (CAPA), and to begin development on a California Modified Assessment (CMA) and standards-based tests in Spanish.

*Assessment and students with IEPs.* CAPA was developed to meet IDEA 97's requirement that all students with disabilities be included in state and district testing. This assessment was designed by Educational Testing Services and was administered for the first time in Spring 2003. CAPA is part of the STAR Program and is available to students with more significant disabilities in grades 2-11 who are unable to take a large-scale assessment, even with accommodations. CAPA is an on-demand performance event assessment aligned to a subset of the California content standards, specifically the ELA and mathematics standards.

The CAPA has five levels: Level I (grades 2-11) Level II (grades 2-3); Level III (grades 4-5); Level IV (grades 6-8) and Level V (grades 9-11). Most students eligible for the CAPA will take the level corresponding to their grade. However, some students with complex, profound disabilities may be eligible only for Level I. This level represents an opportunity for students with the most significant disabilities to demonstrate their skills and independence. For those students with severe disabilities who are not assigned to a

grade level, subtracting 5 from the student's chronological age determines the student's grade for testing purposes. For example for accountability purposes, a 12 year old would be enrolled in grade 7 in a graded program. As with the STAR assessments, a student may be exempted from CAPA by parental waiver.

California also allowed some students with disabilities who were not eligible for the CAPA, but who also could not participate in STAR assessments on grade level, to take an out-of-level CST. However, out-of-level testing was not permissible for students in grades 2, 3, or 4 and any student taking an out-of-level test was required to participate in all the assessments given at that grade level (CDE, 2003). In addition, students could be tested no more than two grade levels below their enrollment grade. Interestingly, California allowed students with IEPs or Section 504 plans in grades 5-11 to take out-of-level assessments. However, beginning with the 2006 spring administration out-of-level testing was no longer allowed and student IEPs and Section 504 plans were modified to reflect this change (CDE, 2006).

Further changes to the STAR program, related to the assessment of students with IEPs, are planned in the near future. For example, because CAPA was initially developed as a response to the IDEA 97 requirements it does not meet NCLB requirements concerning linkage to state academic content standards by grade level, and is in need of revision (Jack O'Connell, personal communication, 2005). In addition, California plans to develop an alternate assessment based on modified achievement standards for students with moderate cognitive disabilities, who were previously assessed using the CST with modifications. The California Modified Assessment (CMA) is scheduled for field testing in 2007 and will be operational in Spring 2008.

*California High School Exit Examination (CAHSEE)*. In 1999 the state legislature authorized the development of the California High School Exit Examination (CAHSEE) in ELA and mathematics. Passing the CAHSEE is one of the requirements for graduation with a high school diploma. The purpose of the CAHSEE was to set higher standards for high school graduation and to ensure that students who graduate from high school can demonstrate grade-level competency. However, while the ELA examination is aligned with content standards for ninth and tenth grade, the mathematics examination is aligned with the content standards for sixth and seventh grade. Students who fail the CAHSEE must retake the examination until both the ELA and mathematics parts are passed; however, students may retake only those parts not previously passed. The first opportunity students have to take the CAHSEE is in the second half of grade 10. Students who do not pass the CAHSEE during this administration have up to five additional opportunities to pass the CAHSEE.

Originally, the CAHSEE was to become a requirement for a state high school diploma for the graduating class of 2004. Following several mandated independent evaluations of the CAHSEE (Wise, Demeyer, Harris, Sipes, Hoffman, & Ford, 2000), and in response to concerns that students would not have sufficient opportunity to learn the content, the SBE took action in July 2003 to move this diploma requirement to the Class of 2006. However, in February 2006 a one-year exemption of the requirement to pass the CAHSEE was provided by the legislature for certain students with disabilities (J. O'Connell, personal communication, February 3, 2006). Eligible students must have an IEP or a Section 504 plan, be scheduled to receive a high school diploma, meet other requirements for a high school diploma, have attempted to pass the CAHSEE at least

twice, and have received remedial or supplemental instruction.

Implementation of the CAHSEE requirement for a high school diploma has proved particularly problematic for students with disabilities whose IEPs or Section 504 plans included assessment accommodations and modifications. The state of California found itself embroiled in a CAHSEE-related lawsuit in May 2001 (*Juleus Chapman et al. v. California Department of Education*). The state initially indicated the students with disabilities would have to request a waiver to use accommodations or modifications during the exit exam. This was quickly stopped by the judge who heard the case. An immediate solution was imposed by the judge, who indicated that all students with disabilities who needed accommodations to participate in the exit exam could receive whatever accommodations they needed. The state established a state-level appeals process for students who received the equivalent of a passing score while using modifications on the CAHSEE, to enable them to graduate with a high school diploma. This appeals process was subsequently moved to the local level in 2003 (CDE, 2004).

The state also established (in response to legislative and state board actions, SB 964) an advisory panel to consider options and provide input to identify recommendations for alternatives to the high school exit exam for students with disabilities. These alternatives are expected to provide different ways for students to demonstrate that they have met the graduation standards when they need accommodations that would produce invalid scores for the exit exam.

#### *California Accountability System*

Immediately upon becoming governor in 1999, Gray Davis called a special legislative session in January 1999 to enact an entirely new school accountability scheme.

This new system was developed in a matter of weeks (Timar, 2003) and was implemented September, 1999. Accountability in California's educational system is defined by the Public Schools Accountability Act (PSAA) of 1999, which authorized the creation of a new educational accountability system for California public schools. The Public School Performance Accountability Program consisted of the following three components: (a) the state Academic Performance Index (API); (b) the Immediate Intervention/Underperforming Schools Program and (c) the Governor's Immediate Achieving/Improving Schools Program. California reports its API as: (1) the base component and (2) the growth component. The base report is published each January or February to inform schools on the amount of progress they need to make on that year's Spring assessments to meet their individual API target. In the fall, the growth reports are published to show whether schools have reached their growth targets based on performance on the previous spring's assessments.

The State Board of Education has established five performance levels for the state assessments: advanced, proficient, basic, below basic, and far below basic. Students performing at the proficient level, the state's desired performance level for all students, score at or above the 50<sup>th</sup> percentile on the CAT/6. The California Standards Test (CST) requires the individual to reach a score of 350 or higher and the CAPA requires a score of 35 or higher to be at the proficient level. These definitions of proficiency are used to calculate Adequate Yearly Progress (AYP) under NCLB.

*Academic Performance Index (API).* The cornerstone of California's Public Schools Accountability Act of 1999 is the API. This figure is used to measure the annual growth and academic performance of schools by assigning a numeric value, ranging from

200 to 1000, to their academic improvements; the target score for all schools is 800. The weight of each content area test in the school's API varies by elementary/middle school and high school (CDE, 2004).

To calculate a school's API score, each student's national percentile rank on the norm-referenced test, standards-based performance level on the CST, and at the high school level the performance level on the CAHSEE, are weighted and combined to produce a summary result for each area. Those summary results are then also weighted and combined to yield a number between 200 and 1000, which is the school's API. Prior to July 2003, the minimum annual growth target for each school with an API lower than 800 was 5% or a minimum of one point. Schools with an API above 800 must maintain that API.

California also requires comparable improvement at the school level for numerically significant subgroups. In 1999, to be considered a numerically significant subgroup, a group needed to have at least 30 students with valid test scores, who made up at least 15 percent of the school's valid test scores, or at least 100 students with valid test scores. In 2004 this definition was changed to instead include groups that had at least 50 valid test scores, with these scores making up at least 15% of a school's valid test scores. Each numerically significant subgroup at the school must now achieve at least 80% of the school-wide annual growth target. In 1999, PSAA named the following subgroups: African American or Black, American Indian or Alaska Native, Asian, Filipino, Hispanic or Latino, White, and Socio-economically disadvantaged. A socio-economically disadvantaged student was defined as a student who received free or reduced meals or a student whose parents have not received a high school diploma. In 2005 CSBE added



English language learners and students with disabilities to the subgroups used in API calculations.

According to the Public Schools Accountability Act of 1999, if a school meets their API growth criterion, the school is eligible for the Governor’s Performance Award Program, which includes monetary rewards, special commendations and school honor roll; or the Certified Staff Performance Incentive Award. Schools ranked in the lower half of the state scores and not meeting their growth targets will be identified for the Immediate Intervention/Underperforming Schools Program.

*Immediate Intervention/Underperforming Schools Program (II/USP).* If a school fails to meet its API growth target, the school is recommended for the II/USP and it could be selected to receive improvement funding. If the school fails to meet their API growth target in the following year, local interventions will be put into place such as removing the barriers toward improved student achievement or requesting a High Priority Schools Grant from the state amounting to \$200 per child and not less than \$50,000 per school. If local interventions do not help the school to meet its target in the third consecutive reporting cycle, the school is deemed low-performing and the “Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board with respect to that school” (Summary of SB 1552, 52055.5c, 1999). The State Board of Education then has the option of at least one of the following:

- Revising the attendance policy for the students, allowing them to attend any public school with space;
- Allowing parents to form a charter school;
- Assigning the management of the school to a university or other high education

- professional;
- Reassigning employees of the school;
  - Renegotiating the teachers' contract at the end of the contracted year;
  - Reorganizing the school; or
  - Closing the school.

The API aligns with the AYP requirement of NCLB. Progress of one point or more on the API will translate to the same amount of gain in the AYP calculator. At the elementary level, scores from the CAPA have been aligned with the performance levels from the CST; the CAPA scores can be integrated with those of the students assessed with the CST to produce one measure of proficient for calculation of a school's AYP. At the high school level, the CAHSEE is scored as "pass/no pass." To meet NCLB's 95% participation requirements for AYP, participation rates in all tests have been determined by requiring that all students complete the demographical portion of the Student Answer Document whether or not they are participating in the standard assessments. However, the U.S. Department of Education informed the state that they were no longer allowed to consider students who use modifications as having participated in the federal accountability system to meet AYP. Therefore, beginning in SY 2005-06 students who use modifications on the CSTs will not count toward NCLB participation rate (J. O'Connell, personal communication, October 2005).

All schools in California have been advised that they must improve by annual increments of 10.8 in their ELA scores before 2014 and that they must improve by increments of 10.5 in their mathematics scores by the year 2014. However, there have been no changes to the consequences that a school will face for failing to meet its AYP

goal since the adoption of NCLB. According to the most recent information available, California is continuing to discuss how best to align its present state interventions for low performing schools with the specific requirements of NCLB. This will require extensive legislative and regulatory changes.

Before NCLB, California required that schools be accountable for a child's performance once the child had been in that school district for a year. This has been changed so a student must be in a school for a year's time before the district is accountable for the student's performance. At this time, California does not have a way to longitudinally track high school students from entry to graduation, as required by NCLB, but like many states is in the process of developing one.

### III. CALIFORNIA STATE AND LOCAL DISTRICT DEMOGRAPHICS

In the 2000-01 school year California enrolled just over six million students and identified almost 47% as economically disadvantaged (See Table 1). Just over 10% of California students received special education services and 25% received English learner services. In SY 2000-01 about 43% of California's students were Hispanic, almost 36% were White, just over 8% were African American, and the remaining 12.5% were Pacific Islander, Asian, or American Indian. In addition, the percentage of children receiving Free and Reduced Meals (FARMS) increased to almost 50% (46.8%). The average student-to-teacher ratio was 20.7 students to 1 teacher and the average operating expenditure per pupil was \$6360 (see Table 2).

Table 1

*State and district select demographics 2000-01*

State/ District	Enrollment	% FARMS	% Students	% Students	Ethnic Group			
			Receiving Special Education Services (k-12)	Receiving English Language Services	% African American	% Hispanic	% White	% Other
<i>California</i>	<i>6,050,895</i>	<i>46.8</i>	<i>10.4</i>	<i>25.0</i>	<i>8.4</i>	<i>43.2</i>	<i>35.9</i>	<i>12.5</i>
Long Beach Unified	93,694	68.3	7.4	33.8	19.7	45.4	17.8	17.1
New Haven Unified	13,775	26.7	8.9	25.0	9.8	29.8	19.8	40.6

FARMS= Free and Reduced Meals

Table 2

*Selected state and school district staff and financial statistics, 2000-01 school year*

State/School District	Average Number of Students/ Teacher	Total Expenditure per pupil for general education
<i>California</i>	20.7	\$6,360
Long Beach Unified	21.0	6,516
New Haven Unified	20.0	6,583

*Long Beach Unified School District (LBUSD)* is a large urban district just outside Los Angeles. It educates more than 93,000 students in 95 public schools in the cities of Long Beach, Lakewood, Signal Hill, and Avalon on Catalina Island. It is the third largest school district in California and serves the most diverse large city in the United States; 46 different languages are spoken by local students. The district employs more than 8,000 people, making it the largest employer in Long Beach. The school district has won widespread recognition for establishing high standards of dress, behavior and achievement, and was named the 2003-04 national winner of the \$500,000 Broad Prize for Urban Education, which recognizes America's best urban school system for increasing student achievement. Long before the strategy became common among U.S. schools, LBUSD developed clear expectations for what children should know and be able to do at each grade level. The district in the early 1990s looked to teachers, business leaders, university experts and parents to develop new and rigorous academic standards.

About 68% of Long Beach students were economically disadvantaged in school year 2000-01, a higher percentage than that of the state overall. About 7% of Long Beach students received special education services and 34% received English language services. Over 45% percent of the students were Hispanic, nearly 20% African American, 18% were White, and the remaining 17% including Asian, Pacific Islander, Filipino, or other. The number of students per teacher (21:1) and the operating expenditures per pupil (\$6516) were slightly than the state average.

*New Haven Unified School District (NHUSD)* is located in the San Francisco Bay Area and serves Union City and south Hayward. The district was created in 1965 and now includes over 13,700 students attending the district's 12 schools. There are eight

elementary schools with grades K-5; three middle schools with grades 6-8; and one high school. However the district is facing declining enrollment as families with children leave the area in search of affordable housing. Over 26% of the students in NHUSD were economically disadvantaged (i.e., received Free and Reduced Meals – FARMS), considerably lower than that of the state’s as a whole. Almost 9% of the students in NHUSD received special education services and around 25% received English language services. NHUSD had a diverse student body of almost 30% Hispanic students, almost 20% White students, 10% African American, 21% Asian, and 17% Filipino. The latter two groups made up the “Other” category in Table 1. The number of students per teacher was 20 to 1, which was close to the state average, with an operating expenditure per pupil of \$6583, higher than the average for the state as a whole.

#### IV. CALIFORNIA: EMBEDDED STATE AND DISTRICT FINDINGS

As discussed in Section II, California adopted the principles of standards-based reform at the state level during the early 1990s, but these reform efforts became mired in a series of political controversies and turf fights that greatly tarnished initial and continuing reform efforts. The central feature of the controversy was not a debate about standards-based reform per se, but rather the control and implementation of the reform policy. It was evident during our interviews with CDE staff that this struggle continues and provides a backdrop against which further changes at the state and federal levels must be viewed.

State-level interviews took place in October and December of 2001, and district interviews took place in June of 2002. EPRRI staff interviewed ten individuals at the state level and at LBUSD and at NHUSED. Findings are arranged into three broad topical

areas: 1) fitting students with IEPs into the turbulent policy environment, 2) building system capacity, and 3) shifts in the locus of control over education. In each broad area, the data are presented at the state level and then the district level, and the significant conceptual themes that emerged are illustrated by a small number of exemplar quotes. Each quote chosen is representative of many such instances, because it is an extreme instance or the sole instance of something, or because it represents two contrasting properties of the conceptual theme under discussion.

### *Fitting Students with IEPs into a Turbulent Policy Environment*

When the state level and district level interviews took place in October and December 2001 and June 2002 respectively, our informants were concerned with making sense of the ongoing changes in policy and the recently created STAR system. Although we were primarily concerned with the impact of accountability reform on students with IEPs, it was clear that our informants were only just beginning to consider how these students could be included in the state's evolving system. Indeed, there was considerable evidence that this population was rarely considered by general education policymakers at all. One participant commented: "Sometimes they'll let the at-risk folks come to the table, sometimes they'll let the English language learner folks come to the table, and very infrequently did they ever let Special Ed come to the table and this has been a historical problem in California and I suspect in most states." In the next section we will explore the following issues: participation in assessment, exclusion from the API, and problematic implementation of the high school exit examination for students with IEPs.



When we visited the state in 2001 the STAR system was still under construction and policy decisions were being made rapidly—possibly too rapidly according to several of our participants. One participant stated:

Now, we're not exactly sure how the Standards stuff is going to work and you know you get pushed into doing something faster than you really want to do it and we just don't have a lot of experience. We did as much modeling as we could on what we had, but....

Another informant added: "Frankly the assessment system has changed constantly so I really can't say if it's out of sync because it's just been evolving over so much time."

Another participant explained it was difficult to maintain public confidence in the API system with such rapid changes taking place:

The thing is, the issues for STAR in California are really changing but it is crucial that we maintain some kind of continuity in the mind of the public and the schools so they still understand what it is and how it works and they have confidence and that's not real easy.

As the following quotation illustrates, some CDE staff felt that they, like many states at the time, were in a crisis mode and could only react to events as opposed to acting proactively:

All states, we're all experiencing the same level of crisis and that's really what we feel like we're doing. We're a moving target in a crisis mode and you're putting out fires. It's really hard at the same time to look at some proactive front-loading of things to stop the crisis after-effects.

### *Issues of Participation and Exclusion*

Evidence from CDE indicates that they wanted as many students with disabilities as possible to participate in the STAR system, and developed several options to enable

them to participate. As the following quotation indicates, options included taking the regular assessment, taking the regular assessment with accommodations, taking the regular assessment with non-standard accommodations, taking an out-of-level assessment or taking the state's alternate assessment, which was still under development:

The special education students have a variety of options when they take their STAR assessment. We want as many kids as possible to take the grade-level test with as few non-standard accommodations as possible, some take it with non-standard and they can also take an out-of-level assessment. Then there are kids that just don't take any test at all in terms of STAR as the alternative assessment is not ready yet.

However, for students with IEPs, while these options enabled them to participate in the assessment process, some of the options had implications for how scores could be used for accountability purposes, an issue not lost on the school districts.

*Taking the SAT9 with non-standard accommodations.* The central issue was that the rules concerning a useable score on the norm-referenced assessment did not allow most of the accommodations that students with IEPs typically need, such as extra time, using a calculator, and having the reading portion read to them. The result was that if a student was given a non-standard administration, his or her raw score could not be transformed into a scaled score and could not be included in the API. As the following quotation illustrates, most students with IEPs participated in the testing process, only to have their scores removed from the accountability index:

Special education kids are expected to take the SAT9 and most do. The question is whether you take it as a "standard administration," that is within all the rules that are laid out by Harcourt to define what a valid administration is. But if they have a non-standard administration right now they are not a part of the accountability

system.

It was difficult to gauge exactly how many scores were removed due to non-standard accommodations, but an analysis of Harcourt scoring rules indicated that they were very strict in their interpretation, which results in quite a large number of exclusions. In addition, the assessment division sent a memo addressing this stating it would not issue an API to schools where too many students received non-standard accommodations, “The accountability division has put out that they will not give an API if more than 50 percent of special education students have non-standard accommodations unless the school can justify why that’s the situation.” This action suggests that the practice was widespread enough to cause concern at the state level.

One of participants expressed frustration with the stringent rules, pointing out some of the disallowed accommodations did not in his view change the construct that was being tested:

When you buy a product it comes with this disclaimer: it doesn’t apply to this, and it doesn’t apply to that and we don’t know about this or that. I mean they also say: “Oh you can’t change the order of the items because it might change the norms.” Oh come on guys; it’s the same test.

Comments from several informants at the state and district level indicated that the removal of such scores worked to the advantage of schools. According to this informant from one of the participating districts, principals had expressed concerns over the state’s requirement that to comply with IDEA 97 all students in special education must participate in the state assessment. Principals were particularly concerned about the students who were between the regular assessment and the future alternate assessment and feared that their scores would be lower. However, because non-standard scores were

removed this was unlikely to be an issue:

Principals have said, ‘Well, does this mean my scores are going to be lower because these students are taking this test and if so I don’t want that to happen.’ They didn’t need to worry. In this system any student who takes a non-standard accommodation — frequently it’s more time—that’s then scored, but it’s not included in the results and as it links to the accountability index it’s not used in the calculation.

However, comments from our state-level informants revealed that with the introduction of the California Standards Tests and the downgrading of the normative assessment, more scores from students with disabilities would be included in the API:

We have them in all four areas and the plan is to bring all of those phased in over the two to three year period. So English Language Arts will be the first, Math will come in 2002 and Science and Social Sciences in 2003. My understanding is that the standards-based tests literally have no circumstances in which a score is invalid. There are no accommodations that render a score not countable. All scores will go in.

Although our informants believed that the introduction of the CSTs was very positive, several state level informants identified two specific concerns that they had. The first issue was that schools may try to exempt students with disabilities from state assessments and the second was that they would assign students to out-of-level CSTs. On the first issue informants revealed that some schools did not understand the state’s participation policy and believed that IEP teams could exempt students from participation in state assessments. Our informants explained that schools needed to better understand the role of the IEP team in assessment decisions, that is, that the IEP team determined *how* a student with disabilities will be assessed and not *whether* they will be assessed. As

the following quotation illustrates, an IEP team may not exempt a student with a disability from state testing. Instead, the role of the IEP team is to determine how the student would participate. The only exemptions are those requested by parents—an option available to all parents.

We've tried to be clear in directions that an IEP team may not exempt a student from any of the tests. That the role of the IEP team is to identify how the student will participate and that that participation may be the test with no accommodations, the standard accommodations, the non-standard accommodations or with the alternate. But that we do expect that the student will be assessed. The only legitimate exemptions are the parent requests and those parent requests are open for any parent—disabled student or non-disabled student.

Another participant explained that the state had already found evidence that IEP teams may face pressure from schools to exempt students in special education, and the state intended to request that the division of special education investigate certain schools. As one informant at the state level pointed out some schools, especially high schools exempted almost all their students in special education:

Last winter, we did a comparison of the percentage of kids that were reported special ed, in the Fall, and the number of kids that actually took the STAR Test. There are some schools that exempt a large percentage of their kids from being tested, and that issue has been taken up by the special education division. We're concerned about that because there are some high schools, for instance, that—all their kids were exempted and that didn't seem very likely.

When we visited the school districts in June of 2002 we found evidence from the two school districts that revealed a mixed pattern of compliance with the state policy regarding IEP exemptions. As the following quotation shows, one district followed the

state policy closely and did not allow IEP waivers:

Basically, there is no exclusion for IEP. You cannot exempt in this district, but I think there are all forms of interpretation to that. In this district, you cannot exempt a kid. The other thing is that if you want to excuse a kid it is the same process as if a general ed parent wants to excuse a kid. It is not an IEP team decision.

A participant from the same district described the origin of the confusion over exemptions and students with disabilities. At the state level, the policy was that students with disabilities must participate in state assessments and if a student with disabilities was exempted it meant they were exempt from standardized testing—not from being tested at all—and must take an alternate assessment:

There were a lot of questions about what does this all mean especially for students with disabilities. Generally, what it means is that at the state level, all students are to be tested. There were some misunderstandings and even some confusion, because an IEP might say, ‘Student exempted from testing’ and we had to explain, ‘You are not really exempted. You are a part of what this is. If you are exempted means, you are exempted from a standardized norm referenced test, and this is where an alternative assessment would come into place’.

Another informant from this district explained that they had really tried to work with teachers to decrease the number of non-standard accommodations. Interestingly, this participant commented that she knew the state was concerned that district may try to take advantage of the impact of non-standard accommodations with the purpose of removing low scores. However, such practices did not occur in her district:

For the state accountability system we just continue this discussion around what is the appropriate accommodation for students, so when we can start moving kids into the areas where they receive standard accommodations that can be included

in the accountability system. I know certainly there is concern and even, I would say, criticism from the state level that schools are hiding their low performing kids by identifying them as special education and providing non-standard accommodations, but I certainly haven't seen that here.

On the other hand, a participant from EPRRI's other district indicated that they implemented the policy a little differently. According to this district-level participant, IEP teams were advised to exempt certain students with disabilities from the state assessment. Students who were placed in special schools, generally those with severe impairments, were routinely exempt, while others in separate classes within the regular school participated with non-standard accommodations, "What we've said is moderate to severe special day type kids we recommend in general don't take it. Then our regular special day kids take it with non-standard accommodations and resource kids take it with standard accommodations." This informant reflected that the district's interpretation of the state policy was "humane," as it was unfair to have a student take an assessment and then fail it: "We've tried to be somewhat humane about testing because it doesn't do much good for a kid to take a test on grade level and flunk it." Another participant from this district expressed similar views, calling the state assessments silly: "It's a very complex situation with all the standardized testing and special education students. I mean they just have to sit there and take those silly things."

Unfortunately, this is a very traditional approach that reinforces the belief that students in special education cannot learn to the same standards as other students and is in direct conflict with the principles of standards-based reform because of its negative consequences. Indeed, laws such as NCLB were designed to challenge the belief that this population cannot achieve in a standards-based system. Interestingly, one of our

informants, although much opposed to group achievement tests for this population, reflected that the test scores of students with disabilities at the state level were surprisingly good:

I personally feel that it doesn't make a lot of sense for a lot of kids who are special education. It's just a group achievement test and they don't really need that. But I was interested to look at the state scores which I thought were not too shabby, for kids who were special ed kids.

*Out-of-level testing.* Students with disabilities were also allowed to take the SAT9 out of level. However, as the following quotation illustrates, this option also had an impact on the validity of the score and its inclusion or exclusion from the API. Thus if the test was one grade level below, the score was included in the API. If, however, the assessment was two or more levels below the student's enrolled grade, the score was not included in the API:

We also allow kids to take tests out of level. If you take one grade level below then those results are reported as part of the school report on the assessment system and included in the accountability index. If it is more than one level it is reported to the student, but not reported as part of the school score or reported in API.

Other informants pointed out that out-of-level testing was problematic as it provided schools with an incentive to put pressure on IEP teams to assign students with disabilities to an out-of-level test when they should have a grade-level test in order to make the school look better. As the following quotation illustrates, CDE was still trying to find a solution for the CST:

I think the dilemma that we're all in right now is the students who legitimately need an out-of-level test to determine what they can do and then there are those



students where—the term I use is game playing is going on. The student really is capable of taking a grade-level test and they're capable of showing us what they know on a grade-level test. The perception in schools is: 'If I test them out of level, they'll get a higher score and it's going to help my school on the accountability measure. That's the piece that we're kind of caught on—how do we fix that?

Another informant, while conceding that this situation may occur, expressed the belief that such behaviors were the exceptions and not the rule. As the following quotation shows, this informant relied on the IEP process, parent knowledge, and vigilance to identify when the needs of the school were put before the needs of the child. The closing line is said somewhat wistfully:

I want to think that when you get to the IEP situation and you're working with parents, it seems to me it would be very difficult and would be somewhat transparent to a parent, if you're just trying to use my child for the benefit of the school that may not have anything to do with what's right for his or her instructional program learning. I want to believe that what we're talking about in terms of trying to manipulate or using this student would be the exception and not the rule.

### *Implementing the CAHSEE for Students with IEPs*

When we visited the state in 2001, the CAHSEE was the dominant issue for all informants as the actions of the CSBE had precipitated a high profile legal case brought under several disability statutes including IDEA 97. We were unable to interview members of the CSBE and therefore have only the opinions of CDE staff to help understand the Board's decision-making process. According to one informant, the CSBE did not understand the implications of their decision to forbid certain accommodations:

The Board has limited staff to be able to really deal with these issues—to think

them through. I mean this stuff is so complicated and a single word can have a lot of different connotations and meanings that they don't necessarily really get.

However, there is considerably more evidence to support the view that at least some members of the board knew that their decision on accommodations could potentially create a legal headache, but were prepared to follow their philosophical viewpoints. Comments from our informants reveal considerable tension between CDE and CSBE. It was clear that CDE disagreed with the actions of the board, but were overruled. According to several informants at CDE, the goal was to enable as many students with disabilities as possible to participate in the CAHSEE. To support this goal the CDE recommended that a range of accommodations be allowed on the CAHSEE, including the use of a calculator and allowing read-aloud for the reading portion of the examination:

We wrote regulations that said if you are blind and you don't read Braille then you can have the test read to you, or if you are dyslexic. If you have computational problems you can use a calculator. We thought, get as many kids taking the test as we possibly can. Our state board said no, we can't approve a test where kids are allowed not to read. The fundamental act of reading is one of the constructs and so we are not going to approve your regulations, we are going to say you can't have it read to you, you cannot use the calculator.

According to several participants, CSBE did not share the same understanding of "disability" as our informants. The state board, or more specifically certain members of the state board, believed that many students who had problems reading did not have a disability, but rather had not received the necessary instruction:

The state board is looking at the message that they are trying to send to the system. They believe that there are lots of dyslexic kids that can be taught to read and that if you put a lot of pressure on schools the system will change.

Another informant commented that one of the CSBE members “will parrot children who are in special ed because they haven’t been taught to read.” An informant from CDE expressed considerable frustration at the actions of CSBE, and revealed that he had tried to explain the purpose of CAHSEE to members of CSBE and had pointed out the doubtful legality of their actions, but that CSBE moved ahead despite knowing that this was a civil rights issue:

I kept trying to say that the exit test it is not designed to change the system. It is designed to follow what is happening out there and that there are all sorts of legal requirements that kids have the opportunity to learn the material on the test. So anyway, they did adopt their regulations that specifically disallowed the use of a calculator or having the test read to you or audio presentation. They knew that they were creating themselves a civil rights issue. I really felt like they made a mistake. We’re being dragged into a lawsuit and it certainly doesn’t help.

Another informant confirmed the information presented above and again expressed frustration at CSBE’s actions, and one board member in particular who helped create the dilemma by commenting: “Just open the purse and give them the money, this is silly stuff.” This informant also explained that in the class action suit the students involved had received the specific accommodations throughout their academic career, including on the STAR assessments:

The class that they’re naming are a group of dyslexic children who are high achieving, bright kids and have had these accommodations to access the curriculum throughout their educational opportunity. They have an outstanding

attorney who is alleging it's a violation of both federal law and IDEA and he has a good case.

Our informants also discussed the waiver policy that CSBE established in response to the legal challenges against the CAHSEE and the uproar in the special education world. As this informant indicates, CSBE was initially prepared to deny diplomas to students with disabilities who used the banned accommodations, but had to backtrack:

I think they were intending not to give diplomas to kids who they thought could have been taught to read or compute. But there was quite a furor over this in the special ed world. It made all the newspapers.

It appears that CSBE finally listened to CDE staff and agreed to let students with disabilities take the CAHSEE with the previously disallowed accommodations if they needed them. If the student then achieved a passing score of 350 or above on the CAHSEE, he or she provided the CSBE with supporting evidence and petitioned for a waiver. Once granted, the waiver would enable the student to graduate with a regular diploma despite not obtaining a valid score on that portion of the CAHSEE:

Basically this was what we encouraged them to do—was let them just take the darn test with these disallowed accommodations. They can't actually pass the test, but if they can achieve a score that's equivalent to a passing score, then they take that with some other information that the board wants as corroborating evidence that these kids are actually performing at a high school level, and they get a waiver from the passing requirement.

Another informant explained that CSBE later planned to ask the legislature to allow local districts to grant waivers to students with disabilities, rather than keeping the decision at the state level. At the district level, our informants commented that there was

a lot of confusion and frustration with all the changes. Concerning the CAHSEE, one informant commented:

So the latest issue was certainly over students with disabilities because the state board of education had ruled that any student using a calculator or any student having his or her language portions read to them would have an invalid score.

Several informants in one district commented that they were trying to help parents and teachers to understand the CAHSEE process and to make appropriate accommodation decisions:

Now I think we are engaged in helping parents and teachers understand, is this the correct accommodation that the student should be getting? It should not be just because they are going to be having a better chance if they have a calculator on the math portion and I would say that is our current challenge.

As the following quotation illustrates, informants from the other district expressed similar thoughts. One informant reflected on the guidance from the state, commenting: “We’re given such really poor direction from the state and it comes at the last minute and people always get frustrated.”

In this section, we have identified several issues that indicate a lack of attention or forethought to the needs of students in special education in California’s evolving accountability system. First, findings highlighted the tension between the initial assessment and accountability system and the participation of students with disabilities in state assessments. As the data indicate, it is likely that the scores of a significant number of students with disabilities were not included in the API system due to the choice of the SAT9 as the main assessment instrument. Perhaps the most prominent example of this lack of attention to the needs of students with disabilities was the implementation of the

CAHSEE, which brought the state into conflict with the leading federal disability rights statutes. We also found evidence that although the introduction of the CST meant that most scores from students with disabilities would be valid and thus included in the API system, schools may take action to protect themselves and their API. Our informants at CDE reported that schools may act to protect themselves by continuing to exempt students with disabilities from state assessments or allowing them to take out-of-level assessments. Evidence from the district level interviews conducted in June 2002 suggested a mixed pattern of compliance with the state's participation policy. However, it appeared that the motive behind exemptions was not to protect the district or its schools. Rather, exemptions were provided in cases where there was a belief that students in special education would be harmed by participation.

In the next section we present findings on the extent to which the state and the local districts have the necessary resources, capacity, and intent to implement the next round of standards-based reform initiatives. In this section, informants will talk about their overall capacity to implement reforms as well as their capacity to implement reforms for students with disabilities in particular.

### *Building Capacity*

The success of standards-based reform depends heavily on the ability and willingness of all levels of the public education system to respond in appropriate ways to the information provided by its accountability system. In this section, we address the issue of system level capacity across three related domains: (1) the state and the districts' capacity to direct resources to support reform, (2) alignment with state standards, and (3) system support for students in special education.

### *State and Districts' Capacity and Willingness to Support Reform*

*Financial resource limitations.* The issue of how best to allocate resources to support reform was discussed at both the state and district level. At the time of our state and district interviews, these entities were experiencing significant budget shortfalls which impeded their ability to implement the PSAA. Over the preceding decade, despite declining revenue, the state had invested large amounts of money into developing the CLAS, curriculum and instructional materials, and professional development training that supported a constructivist view of education.

Following the collapse of that initial reform effort, the state invested yet more money into education reform. The state developed new content standards and curriculum frameworks, held new textbook adoptions, redesigned teacher education standards, purchased the SAT9 and developed the CST, and provided funding to support the PSAA sanctions and rewards requirements and other initiatives including almost a billion dollars for class size reduction and early literacy (Carlos & Kirst, 1997).

When we conducted the state level interviews in October and December 2001, the state's financial situation had continued to worsen. This had occurred at the same time that high stakes accountability reform was beginning to be fully implemented. As one informant told us, "We can't cut remediation for the CAHSEE, so my guess is that those are not likely to be affected by the budget because those are kind of core programs. Probably the trimming will take place in other kinds of programs and that kind of thing." Another informant commented, "Our economy, it's really awful and we are limited in the support we can give the locals." Another informant explained that her division was responsible for providing information on the content standards, curriculum frameworks,

assessments, and textbooks and instructional materials to local districts, but the budget situation made these tasks very difficult. As the following quotation illustrates, CDE relied on the textbook publishers to a certain extent, along with the state Web site and mailings:

You probably heard about the deficit we're going through? I've already lost a couple of positions here and funding mid-year, but the lack of our own staff at the state level means we can't do the outreach that we'd like to do to make districts more aware of the changes. I mean, granted we do the mailings, we have a great Web site, but we can't be out in every district talking about the content standards and assessments. So one of the things California relies on is the awareness that publishers go between those various aspects and the expertise at the local level of their curriculum coordinators and others, we hope that they are really paying attention to the assessment components.

An informant who was very knowledgeable in special education policy pointed out that although she had a large staff compared to other divisions in the CDE, her special education department was proportionally very small compared to those of other states:

It's incredibly limited. I have a huge staff in comparison to many of the other divisions here. But if you compare it percentage-wise we have probably the slimmest staff of any staff in the US. We literally have less people than states that are a quarter of our size.

This informant also raised the issue of the CAHSEE and its potential financial impact on districts. Under IDEA, students with disabilities who do not graduate with a regular diploma are eligible for services through age 21. The introduction of the CAHSEE as a requirement for graduation could create a large group of students who would be eligible for additional special education services and funding, which could be a



considerable burden for the school system. As the following quotation illustrates, no one had considered this when the CAHSEE was developed:

Well, no one understood that there is a fiscal impact. A school district is the fiscal agent to be responsible for that kid's education until they graduate with a high school diploma or until they're 22. We're looking at less than 40% of our special education population who pass this exam, then what will this do to school districts' costs for alternate educational programs that last longer, for vocational training programs?

The financial outlook was very similar in our two study districts. One informant described how student and teacher support programs were to be cut, and that the teaching force was being reduced:

There are huge spending cuts. What's going are our after school tutoring programs, our Saturday program. We had to cut three million dollars for the tutoring programs for kids. I would say that the other thing that has been cut—you have heard about 'Teacher support.' That is being cut next year. We are already holding staff reduction meetings to see where we can then send more teachers away.

In our second study district the financial situation was exacerbated by decreasing enrolments as families moved away, and a decision to reduce the number of transfer students coming into the district. According to one informant, district administration and parents did not like students from other areas having access to such a good education.

Our budget this year particularly is very challenging. Our enrollments dropped because people with families have moved away and our amount of funding coming into the district has dropped. We had a significant number of inter-district transfers over the years and we stopped those because we felt that the students within our own district should come first. Parents said, too, "We really want to have our children have access to the best, but we don't want to necessarily have

the services diluted by having students who come from the outside.”

According to another participant, the legislature’s requirement that districts ensure that each student has textbooks aligned to the state standards before instructional monies can be spent elsewhere was problematic. As the following quotation illustrates, books for other subjects were also needed, but the district did not have the money:

So now with this budget crunch, it’s like, “where is the money going to come from?” We’re a bit concerned about how we buy Spanish language books, French books or auto repair books and so forth, and that’s by state initiative and, well it wasn’t the state department, it’s the legislature. They have not considered that.

This informant also discussed an additional amount of money that the district would receive if it managed to get the new language arts textbooks in the classroom by September. As this informant told us, the district had little time to go through the decision-making process, but the money was much-needed:

Plus, they just adopted Language Arts in January and they were saying if you have them in the classroom in September, then you’ll be able to get this extra pot of money, about \$32 per student. That isn’t a huge turnaround time to look at materials, their publishers, convene a committee, have parents review, and everything and make a decision by June so that you can have materials in the classroom in September. If we don’t get that extra money, I don’t know how we’ll be able to buy everything.

One of our informants explained that the state had given the district extra money about two years ago and the district had put most of this into teacher salaries. Now the district had to maintain the higher salaries, “Two years ago, when districts throughout the

state were given quite a little bit of money, in our district, all of the money went for raises for teachers' salaries so we had to sustain that higher salary level." Finally, another informant from this district described how the district was trying to keep the budget cuts out of the classroom by cutting central office staff, paraprofessionals, reducing the number of outside consultants, and limiting the number of field trips and extra curricular activities:

The budget definitely has affected us. Here in this office we lost 21 people last year and so now this year there are more cuts here at this office because we tried to keep it away from the school setting. But there are some reductions there, mostly in paraprofessional, well, classified folks, and then also some reduction in the amount of field trips, the amount of co-curricular after school kinds of activities. I think we feel that at this point we're still able to meet those goals and meet those needs. We're pretty careful about how we spend our money. We have a lot of folks in our district who really have had a lot of training in their careers that can provide some of the leadership that we need. We don't have to go to the outside.

*Human resource limitations.* Like most states, California was experiencing a severe shortage of certified teachers, with special education teachers being particularly hard to recruit. One state level informant stated bluntly:

It's horrific! We need 300,000 teachers in the next five years; partly because of reduced class size, partly because of the pay—the economy, and partly because we have a huge number of folks my age who are getting ready to retire.

When we visited our two districts in 2002, they each reported that they also faced teacher shortages, but perhaps to a lesser degree than the state. One informant explained that enrollment in the district was growing and the surrounding area provided other teaching opportunities for experienced teachers:

We definitely have a teacher shortage. We have been hiring about 500 new teachers a year for the past five years. We have been growing more than losing teachers really based on enrollment vs. retirement. It is really hitting us hard. Also, being located where we are, people have lots of options for working. So a lot of teachers start here, but then they go and work in Orange County schools or they go to smaller districts. They teach here to gain experience.

This informant explained that the district did not have a problem finding replacement teachers, as they received a large number of applications each year. The challenge for the district was processing the applications efficiently:

The flip side is we get about 7000 applications a year for those 500 positions. But the challenge is being able to really go through those in an effective and efficient manner and trying to pick up the cream of the top people we want.

However, this informant also reported that it was difficult to attract qualified teachers and that around half of the applications came from individuals who were not qualified to teach. As the following quotation indicates, the percentage of new special education teachers without certification was higher than in regular education:

Roughly 50% are not certified when they come to us. They are at various stages of not being certified, but not certified, nevertheless. In special education, of course, it tends to be a lot higher percentage of people. So teacher quality because of that can be little suspect and it's hard to attract higher quality people to the district.

The situation in our other district was very similar with one informant explaining that people found it very difficult to afford to live in the area on a teaching salary:

It is really a concern and it grows and grows every day. But there seems to be different reasons why we are getting a teacher shortage now. We are finding that people can't afford to stay in the Bay area.

The same informant commented that, due to the downturn in the economy, there was no shortage of people wanting to enter the profession. However, there remained a shortage of qualified teachers: “The economy is alleviating difficulties and shortages. I mean there are still shortages of certified people, but there are not shortages right now of people who want to teach.”

As the following quotation illustrates, a year earlier this district had taken action to solve its special education teacher shortages:

If you had asked me about special education teacher shortages last year I would have said, “Yes we have an acute shortage.” Last year we hired seventeen teachers on waivers, which means that they were not credentialed, but we needed them in the classroom.

The informant went on to explain that the district had established a pre-intern system to encourage individuals to stay and become certified:

This year we have been hiring very few because all of the people that I have on waiver from last year I am getting them in an interim pre-intern program as a condition of employment. What’s been missing is that we haven’t had this nice structure for the special education teachers to go into and last year I hired so many and we had no place for them to go and so they dropped out and so we lost them.

*Teacher certification issues.* Teacher credentialing in California is not part of CDE and as a result few informants discussed this issue in much detail. One informant was critical of the power of the Commission on Teacher Credentialing, stating that the current system produced poor-quality teachers. According to this informant, the Commission needed to make changes at the higher education level and had not done so:

Nobody is at the table for teacher credentialing, except the Commission on Teacher Credentialing. They are a powerful entity unto themselves and they've mucked around with credentials and college requirements and we're getting very poor-quality teachers. They're very busy putting together the graduation requirements and the testing requirements for prospective teachers, but they're not looking at turning the university system on its ear, which is what they have to do.

Another informant at the state level stated that the larger school districts in particular tried to develop relationships with nearby universities and colleges to ensure a supply of new teachers, "A lot of school districts, particularly large school districts, build relationships with their neighboring universities and those teacher training institutions. They're looking at creative ways to encourage people to come into teaching and to stay in teaching." As the following quotations illustrate, when we visited our two districts in May and June of 2002, this view found strong support as both districts had cultivated relationships with nearby universities:

We have a partnership program with our two California state schools and there are a couple of other programs that we are coordinated with. Primarily though we work with those two institutions and our special education program is with them too.

An informant from our other district commented:

We have a very close relationship with our Cal State school as far as being able to have student teachers placed here. We are six miles away from the university and they use our schools extensively for student teaching placements and most of our veteran teachers have gone through their program.

Both districts had adopted a "grow your own" teacher certification program as an alternative route for teachers to become fully certified. However, the approaches adopted

were different in each district. In our larger district there were many more people who were teaching on emergency waivers and had been doing so for some time. One of our informants explained that the district was trying to track down uncertified teachers and get them into alternative certification programs. If a teacher did not agree then he or she was dismissed:

Oh my gosh, 50% of the teaching force in our district are non-credentialed, but now because we have got the database, we are moving in on it and they have to show evidence that they are in the university program working on their credential. We have dismissed a couple of teachers this year because they have been non-credentialed for eight years, no coursework.

In one of our districts, teachers enrolled in an alternative certification program were already working in the classroom as the teacher of record and attending classes in the evenings. As the following quotation illustrates, these teachers had full responsibility for the teaching and learning of the students in their classrooms: “They are working full-time in classrooms with complete responsibility for children and taking coursework and completing their fieldwork simultaneously. These people are pretty much all teachers of record.”

In our other district, the alternative certification intern program was part-time, with the teacher interns gradually taking over responsibility for the classroom as they develop their knowledge and skills through coursework and observation. As the following quotation illustrates, the district adopted this “in-between” approach to avoid the teacher burnout that occurred when an intern was studying and teaching full-time:

We like to stress the part-time as we feel that it is very challenging for somebody who has never been in the classroom before to take on a full-time internship. What we are hearing is that there are a lot of burnouts for these emergency permit

people. We wanted to alleviate that and it is our that philosophy that in order for someone to be successful in an intern program, they cannot be expected to be the teacher of record a hundred percent of the time, and so we build our programs so that they have part-time internships.

This district also had a pre-intern program, designed primarily for second career individuals who did not have a degree in a content area: “We have applicants who are engineers or business people or psychology majors who have not completed a California pathway to becoming a teacher, and we don’t want to send them back to get another bachelor’s degree.” As the following quotation illustrates, the pre-intern program was designed to help prospective teacher interns pass the subject matter equivalency and pedagogy tests to get into the alternative certification program:

So the pre-intern program is designed to help or get that very initial equivalency or subject matter that makes them eligible to even get into an alternative certification program. We provide the services to help them to do that and then transition them into the alternative route.

### *Focus on State Standards*

When we conducted the state-level interviews in October and December 2001, several informants commented that it was very important for local school districts to align their instruction with the state content standards to ensure that the districts would do well on the state assessments: “These new tests, the Standards tests, are directly tied to the State standards and they are really driving curriculum and instruction. Clearly, any place where they are focusing on the State standards is going to do well.” Another informant explained: “The message is strong and clear to the teachers and to the field in general that the depth and breadth of the standards should be taught.”



Informants also commented that districts varied in their level of readiness for the new tests although, according to state-level informants, they had received plenty of advance notice:

The schools and districts knew that it was coming. There are probably many places where they'd like to see all the standards-based tests coming in now and then there are other places that probably feel like, okay, we're just sort of understanding what the Stanford 9 requirements are and trying to address those learning outcomes and now here comes this standards movement.

Another informant echoed this viewpoint, pointing out that although the new standards were challenging the state had provided a lot of support over the previous years;

I think we are asking a lot of our schools and districts, and at the same time it's not beyond their reach. This hasn't happened in a vacuum and there are so many systemic things that are going on. I don't think there's an excuse to say, "I just don't know what to do." We have nothing.

Informants also discussed the textbook adoption process, pointing out that the most recent adoptions required publishers to include a special needs component to their standard materials. According to one informant, the CSBE and the Curriculum Commission did not want the needs of diverse populations to be treated separately or to be addressed by providing a watered down curriculum:

Provision is not an afterthought and it's not separate from the regular curriculum. That was not allowed in this adoption. This is really, really critical to the Board and the Curriculum Commission. Students are to be part of the entire curriculum through the day and then there's additional support interfaced with the curriculum. It's not, excuse the term, "dumbed-down," it's not simplistic, it's not used in a way that differentiates in a negative way.

Finally, state-level informants commented that struggling districts and schools had to make some important decisions on where to focus their resources. Unsurprisingly, the state did not relish the idea of taking over schools. As the following quotation illustrates, the state was hopeful that the help it provided would turn districts around:

So those schools are going to need to make the tough choices about where to focus their staff and instructional energy, and there's a wide range of things available if a school is still struggling. But we all hope and expect that we're not going to need to be getting involved and there will be a very small number of schools that fit that bill, and instead the schools will be improving. We all have a vested interest in that and I would be shocked if anyone says, "Oh, the state really wants to take over schools." That's the last thing anyone in their right mind would do.

Another informant expressed more reservations about the impact of standards-based reform, especially on students with disabilities. As the following quotation illustrates, access to the full general education curriculum for this population was problematic at best, but without it students with disabilities would suffer:

Well, I think if everybody is doing a good job of standards-based instruction, and that's a huge caveat, then it is probably going to be okay. But everybody is not and that is where it is problematic. I think that special education students are not getting full access to the core because they don't read well and they don't do a lot of things well. So they are not getting the full access. Even though we say they are, they are really not.

When we visited the local school districts in June of 2002, one of our study districts was very positive about their alignment with the state standards while the other

felt that they did not receive the help they needed. In the former district, informants explained that the district adopted their standards before the state did: “We came up with our standards first and they came up with theirs that really are ours.”

Informants explained that the district had decided several years ago to focus on literacy:

At a certain point in time we were going in too many directions so we decided to concentrate on literacy. Because if they can't read then they can't do much of anything else. That was a very strong focus and still is.

As the following quotation illustrates, that district now focuses on literacy and mathematics, particularly in low performing schools:

Now obviously we're bringing in math and you have to do that. In some schools that are low performing we have to say, “OK. We're going to do literacy and we're going to do math,” and forget everything else, because they have to do this.

As one informant indicated, new teachers in particular found it difficult to teach reading across the content areas and needed additional support from the district:

The trick was teaching teachers how to teach reading through the content area. New teachers found it difficult at first as they can't see the whole picture. So they don't see how the pieces fall in place and you can't really teach that.

As the following quotation indicates, the district had adopted several reading programs, such as Open Court, Breaking the Code and SOAR to Success. In addition, the district had adopted Madeline Hunter's Elements of Effective Instruction and had created literacy and mathematics coaches to support teachers:

We are doing the Elements of Effective Instruction. That's one of the focuses that we have in the district, along with Open Court and Breaking the Code, and SOAR to Success. We have literacy and math coaches for teachers,, and they work

closely with the principal, and then we also have coaches for the principals. These coaches come in and provide assistance to the teachers.

In terms of alignment, informants stated that the district had implemented curriculum mapping for the schools. As the following quotation illustrates, at one time schools varied in terms of grade-level continuity. This informant believed that the continuity of curriculum served to build in grade level accountability, as peer pressure forced teachers to teach the curriculum:

In a lot of the schools there was no curriculum mapping. So, there was no continuity at the grade level. What it does is, it builds in the accountability at the grade level and then peer pressure begins to take over and they support themselves. They meet on a regular basis at the grade level. They have some of the district coaches come in and provide support. So, they are just not out there floundering.

Informants indicated that professional development also was focused on specific areas. However, this practice was mandated by the CDE, which applied strict rules concerning what activities districts could spend their monies on: “We mandate that the training be about the frameworks and the instructional materials. So those can’t be ignored. You can’t have training any longer if you want these funds.” However, according to several informants, this focus was a positive move:

Our staff-development is very focused now, it’s not scattered all over the map. What we have is an ongoing focused staff development for teachers and principals and all the staff. So, it really has made a big difference in what’s happening in the classrooms.

On the other hand, informants told us that the state had reduced the number of

professional days and this made it difficult to provide all the training that teachers needed. A state informant also addressed this issue, commenting: “This governor, one of the first things he did was do away with some of the staff development days. So we have less time and less money.” As the following quotation from a district level informant indicates, the reduction in professional days had an impact:

Well actually, a couple of years ago the state cut back on the number of school improvement days that teachers take for professional development. So now professional development is whatever the school can do during collaboration time which is also going—won’t have next year—and the three state-allowed ones. So it’s troubling. We want teachers to know about the programs and so forth.

Finally, though, as the following quotation indicates, not everyone adopted standards-based reform willingly. However, as this informant pointed out, the district had uniformly high expectations and if individuals wanted to stay in the district they simply had to accept that:

I think it’s mind-boggling that you still have the reluctant people. I mean, you know that you don’t get rid of all of them but it puts a lot of pressure on them in schools. I heard people say this is just “too much work,” and “I just can’t do it.” And I think, well, where are you going to go in this district where that won’t be the case?

In our second district, informants commented that the district had yet to really understand what was going in terms of assessments and standards. As the following quotation illustrates, there was frustration and anger about the frequent changes and lack of guidance:

That's part of the problem because it all changes you know. So this year, of what I know, it's the SAT9, and some California Standards test. But then none of our teachers have ever given it or been part of it. So we are supposed to know how to explain it to the parents when it's a brand new test, a whole new animal! I'll tell you it's always the same and this makes our teachers angry—"What do we do? Nobody is telling us what to do. How do we talk to parents about the test? We have never even seen the test."

The district had made some changes to improve curriculum and instruction. For example, one informant reported that the district had brought back curriculum leaders in four core content areas. However, due to cuts, those positions were disappearing:

Years ago, we had a structure that was a curriculum leader in each of the four main subject areas of each school. Then our previous superintendent dropped that position for about four years and then, two years ago, we brought the curriculum leaders position back and that has been very helpful because they meet with me and we meet together by curriculum area. We hear the questions that teachers have about implementation, we are able to address those, and then it goes back to the schools. Now, unfortunately, we're looking at having to drop those positions for next year.

One crucial role performed by the curriculum leaders was to vertically map the district's curriculum against the exam blueprints. As the following quotation indicates, this process went from the CAHSEE right back to Kindergarten:

What we did when the exit exam blueprints were printed, we took those standards and had a curriculum leader go to the different grade levels in math and language arts and highlight if a child has to be able to do this for the high school exit exam, where's the thread back to kindergarten, 1st grade, 2nd grade, and so on. The teachers were able to identify those key standards so that children would be able to be prepared and that teachers knew what they needed to teach.

In terms of instructional and content area programs, the district adopted the same programs in all of its schools. However, as the following quotation indicates, the district was beginning to consider the needs of individual schools while still using district-wide basic programs:

The schools never went off on their own like a lot of places, where each school is an entity and they do what they want and they pick their own materials and do their own thing. We never did that. It was always a district. We're beginning to implement a little bit differently based on the needs of the schools, but still it's the same basic program that everybody sort of signs on to.

#### *System Support for Students in Special Education*

When we visited the state in October and December 2001, NCLB had not yet been implemented. Nonetheless, the issue of comparable subgroup performance was at the forefront of informants minds,

I think any accountability system that's not talking about those issues is probably missing something and is probably doing something injurious to one set of kids or one set of schools or other because it is a balancing act between the political and the policy and technical.

As the following quotation illustrates, there was some debate over the value of adding students with disabilities and students who were limited English proficient to the list of subgroups that schools were accountable for in the state API system:

We have seven ethnic groups and socio-economically disadvantaged. If you did have English learners and students with disabilities as separate subgroups, there was the issue that you got a category that is heavily correlated with another category that you're already counting. More importantly, though, establishing

additional subgroups is effectively another hurdle for these award programs for meeting growth targets. The requirement of comparable improvements would actually serve to disadvantage some of the various schools where you are seeking the help.

The same informant added that reporting subgroup performance, but not making improvement a requirement for schools, could be a good compromise. However, this informant also mused that this practice could encourage people to blame certain subgroups for having a negative impact on the school's or district's reputation:

The compromise solution to this, of course, is to report it out without making it binding, and that solution has always intrigued me. The downside is we certainly want to steer away from anything that's getting into a blame game. There's a fine line between providing the information, but with these stakes, we need to be very thoughtful about how we do that.

However a different informant at the state level had the opposite opinion, commenting that reporting information about students with disabilities focused attention on them and also allowed schools with problems to see that other systems were more effective. As the following quotation illustrates, superintendents in particular were not always happy about having their district's performance out into the open:

Last year, we published for the first time every district in California that has more than 200 students with disabilities. We had a few excited superintendents! They're paying attention now because it shows their district's data plus the state comparison, plus their comparable districts. Which is the other interesting piece. We're showing them, if they have lousy dropout rates, there's a comparable district that has a great track record and they're starting to talk to each other. Just publishing stuff changes how people do their jobs.



Other informants expressed the opinion that accountability highlighted the poor performance of some students:

What I have observed just in the last few months is that the shining the light aspect of an accountability system includes your vulnerable populations or at-risk and your special needs populations in a different light than you've seen in the past.

Several informants commented that they could no longer ignore the needs of students: "Educational outcomes for certain populations were so bad that it wasn't possible to ignore them any longer." Another informant stated,

I think that educators and policy makers, especially at the state level, have just gotten to a threshold where it's no longer acceptable. I think that the numbers have just been so dismal that there was just no way you could do anything but act.

In discussing outcomes for students with disabilities, one informant said bluntly: "As a professional in special education, if you look at the results that we've had for our children, it's abysmal."

When we visited the districts in June 2002, more information was known about NCLB requirements. In one of our districts, informants were very supportive of having students with disabilities as a subgroup for AYP purposes, "The best thing that can happen for us is that special education is a subgroup. I want them in. I think it is a great idea." As the following quotation illustrates, by making students with disabilities a subgroup, district personnel hoped to hold principals and schools accountable for their progress and not allow them to get away with blaming the special education teacher: "I don't want to hear that our special ed teachers are shitty teachers. I want to know the data

that shows whether or not principals and other administrators are holding themselves and their staff accountable.”

Several other informants stressed the importance of using data to determine program effectiveness for regular education. As the following quotation reveals, the practice of using special education performance data for the same purpose was slower to take off and met some resistance, but was beginning to be effective:

This district is totally data driven. Everything is data driven. It is all there in general education and now we are saying it is no different for special education. For the first time, we took all the data for special education kids and disaggregated it and gave it to each principal. I said to them, “These kids are failing because they do not know how to read.” Squawk, squawk from the principals. “What have you done lately for the kids that are failing?” and they do not know what to say. I mean, if I give you a list of all your resource room students and all of them have two or more Fs and ask what have you done? They have no defense.

The situation in our other district was rather different. The district clearly regarded itself as high-performing and had an API of 712 in 2002, which increased to 734 in 2003. According to informants, the administration, including the Superintendent, was focused on high expectations: “Our superintendent is one who believes that all kids can achieve and that’s what we’re doing. It’s pretty much a part of our culture here.”

However, several informants reported that the district had challenges with certain groups of students who did not come to school ready to learn: “But it doesn’t mean that we don’t have some significant challenges in helping kids who perhaps don’t come to school with the same, I mean they *don’t* come to school with the same level of preparation or experiences.” Another informant explained bluntly that some students, particularly those

who were not ready to learn, just fell through the cracks in the district. Interestingly, this informant felt that too much money was being spent on students with autism, intimating that the needs of other students with disabilities were not met:

Now I've got a lot of different perspectives to others in the district, but the kids who don't have that kind of support from the home and that kind of thing, I think they're just going to fall by the wayside, despite some real good efforts. And part of the thing is also, when you're talking about giving services to kids with disabilities, there's so much money going to autism. We have model autism programs and they are really good, but they are high cost programs.

In this district, there was evidence to suggest that the academic performance of students with disabilities was not a focus for the administration. This is not to say that the district was inattentive to the needs of this population. They were very proud of the newly established program for students with autism, and reported high levels of parent satisfaction with the special education services. As the following quotation indicates, the district was preoccupied with needs of its larger English learner population and did not pay much attention to data on the performance of students with disabilities:

You know, we haven't really done a longitudinal look at special education kids. I'm not saying it's something we shouldn't have been doing, but in terms of how priorities are worked out the English learners are kind of where the focus has seemed to need to be, much more so than in special ed. So, I wish I could say we followed it carefully...we have noted it but we really haven't...it's not something that we've been really focused on, looking at with our teachers.

As part of our document analysis we had collected performance data on students with disabilities in all study sites. When we verified performance data from this district, informants expressed surprised at how poorly students with disabilities scored on the

latest STAR assessments:

You know, I haven't been able to really figure that out. Our special education scores are lower than the state average special education scores, whereas, in general, our scores are a little bit higher. I mean, we generally tend to be five or ten points higher than the state average. I discussed this very briefly with the director of special education and we're not really sure what the issue is and we don't really know why. We were kind of surprised that they were lower. We haven't done a lot of our own analysis of those tests, so we really can't say.

There was also evidence suggesting that this district was just beginning to look at its data for other groups, and to use data to make programmatic changes. As the following quotation indicates, teachers were not skilled in data-based decision-making, and the district needed outside help to bring about what amounted to a paradigm shift:

Two consultants have come to work with us for two days now and they really talk about data. The other day one was here and she was looking at our consolidated plan and she said, "Well, you guys have nice goals but you have an achievement gap and you are not addressing that. You need to look at where your children are scoring and you need to figure out how you are going to get the groups that aren't scoring so high up with the others." We are just developing those this year and everything has to be tied to that data—we are being forced into it. But to get your teachers talking more about data and the actual use of it right there in the classroom on a daily basis, we aren't there yet.

In this section we have addressed the need for alignment of the state's content standards, assessments, and accountability system. At the state level, belief in the logic of accountability theory is very evident. School systems are aligning their curriculum in order to do well on assessments and thus avoid the negative consequences of poor performance. However, at the state and the district level, the problem of capacity loomed

large as each level experienced teacher shortages and dwindling resources of money and time. One district appeared to be much further along in terms of alignment and system capacity, while the other was slowly and possibly reluctantly responding to the state-level changes.

The level of support for including students with disabilities in the accountability system varied considerably, especially at the district level. At the state level, there was evidence that support was not very strong for adding students with disabilities to the list of significant subgroups. Ultimately however, the CSBE added students with disabilities and LEP students to the API in order to align with Federal AYP requirements. In the following section we will present data on our third and final theme: the struggle for control of the education system.

#### *Competition for Control of Education Reform*

It would indeed be naïve to ignore the role of politics in education reform. As discussed earlier in Section II, education reform in California has at times been dominated by political wrangling, with the control of education moving from one group of stakeholders to another. When we visited the state in 2001 and the districts in 2002, it was clear that the struggle for control over education reform was ongoing. However, as pointed out in earlier sections, at the state level we only interviewed informants from CDE and did not obtain data from other stakeholders, such as the CSBE or other Commissions involved with education. The struggle over the control of education emerged in three domains or levels: between local districts and the state, between different stakeholders at the state level, and between the state and federal government.

## Local Districts and the State

One of the major tenets of standards-based reform is that all students, regardless of where they live in a state, should have an equal opportunity to learn content that the state deems important and valued. By its very nature, therefore, control of education gravitates from local districts toward the state level as the state decides what the content standards are, what the assessments are, and how schools and districts will be held accountable. In theory, the benefits of state central control and policymaking are consistent standards, clear guidance for instruction, strong consensus on goals and objectives, and greater equality in resource allocation and student achievement (Ball & Cohen, 1996; Timar, 2003).

According to several researchers the California state legislature has become increasingly involved in matters of curriculum policy, and school officials and teachers have had to deal with an outpouring of legislative initiatives. For example, one informant commented: “I call it trickle down legislation. It’s like ‘hey legislate and it trickles down; and we figure out how to pick up the pieces and make it work.’ But there’s no trickle. Basically it’s damage control.” As part of the 1999 PSAA, the move from local to state control continued as the state legislature created new curriculum frameworks, adopted new textbooks and instructional materials aligned with these frameworks, and controlled how districts spent their professional development money.

Although informants from CDE maintained that the education system was “locally governed” and that the curriculum standards were “voluntary”, control over what was taught was migrating to the state by way of control over textbooks, instructional materials, and money. One of our districts was particularly frustrated by this, with

informants pointing out that their choices were very limited: “When you only have two, it’s just very difficult because you just don’t have much of a choice.” Another informant discussed a specific mathematics program that the district had used in the past, but was now not on the approved list: “We have a lot of people who were very devoted to Dale Seymour, but we don’t have it anymore because it’s no longer state adopted. Our teachers had a really hard time making that transition.”

Informants also discussed the increasing state control over money for instructional materials. Our informants told us that in the past K-8 had to use 70% of their instructional materials money for state-adopted materials, and a certain percentage could go for materials that had met legal compliance but were not adopted for the whole state. Then 5% could be for any instructional materials that they wanted. However, as the following quotation illustrates, the CSBE Board had placed further restrictions on district discretion:

Now, though, what they’ve said is that any of this new money that comes into the state can only be used for the four curriculum areas and you cannot buy anything else until you can certify that every child has a standard state program; book, materials, in their classroom in those four curriculum areas. So we’re a bit concerned about how we buy Spanish language books, French books or auto repair books and so forth. It’s the legislature and they have not considered that.

### *Tension at the Intra-state Level*

At the state level, responsibility for the California public education system is dispersed across a variety of programs, agencies, and commissions that do not necessarily work well together. There was considerable evidence from informants at CDE of continuing tension between CDE and CSBE, or at least among certain dominant

individuals. According to some informants at CDE, the heart of the issue was CSBE's inflexible and dogmatic approach to education reform, and the impact of this approach on diverse learners such as students with disabilities. As one participant explained, there were few disagreements over the goals of education reform, but some had concerns over the means adopted: "I think everyone agrees that for all students we want higher, better instruction and higher levels of achievement for all students. No one argues with that point. The issue is how we get there." Tensions emerged in two areas: first, the initial design of the accountability system; and second, the educational philosophy behind the current reforms.

The following quotation from an informant who had over 20 years experience in CDE exemplifies the views expressed by most of our informants from CDE:

There's been an attempt to implement a system where one size fits all. What the voices inside the department, and also the parents and people in the field who represent Title I students, or special education students, or English Language Learners, just to name three of them—and many, many others as well have all pointed out is the inflexibility of the initial notion, the naiveté of the initial plan for a standards-based system, and therefore, the need for accommodations in the system to serve the complexity of what children are actually like.

Several of our state-level informants reflected that this inflexibility and prescriptive approach were responsible for the difficulties generated for students with disabilities by the CAHSEE. As the following quotation illustrates, the approach adopted toward this population as it related to accommodations and high school diplomas was unfair:

This is the basis of the difficulties we find ourselves in with high school exit exams in particular. What it comes down to, is that fair or the right thing to do?



Let's say a student enters into a special ed program in the 2nd grade and they sit in the IEP team meetings, and they set their goals and achieve these goals, and move right along and we say "you keep doing that and when you get to the end, you're going to receive your diploma." Well, two thirds of the way through their education all of a sudden we say— "Oh, well we really didn't mean that. We're sorry that you haven't been involved in the right learning because now we have the high school exit exam and here it is. Good luck on that.

Several of our informants reflected that conflicts over curriculum and instruction were a long-term feature of reform in California, pointing out that the original battles of the 1980s had essentially resurfaced as standards-based reform:

Remember that when our standards were created in California, they were highly controversial, and they represented the victory of one educational, political pole over those who lost out. So there isn't an educational community embracing the standards. Those battles, which were originally in California in the early 1980s over curriculum frameworks and instructional methodology, continue to be almost the central feature here. The standards turn out not to be a consensus document, but rather an agenda document—an agenda of a subset of educationally concerned people.

This informant explained that the direction and substance of education reform—what was taught and how it was to be taught—was under the control of a small group of individuals who shared the winning philosophy:

We've got the standards, we've got assessments aligned to the standards, we have textbooks, which are now polar—not broad—but which represent the pole of an ideology with certain prescribed instructional strategies. So when the Commission on Teacher Credentialing says, 'teach to the standards,' they don't mean teach to the standards they mean, 'teach that instructional strategy.'

A different informant described the impact that this approach had on teachers and their ability to teach diverse learners. As the following quotation shows, at a time when the student population in California was becoming more diverse, the pedagogical skills of its teachers were becoming more narrow:

Our instructional materials adoption heavily focused on scripted programs. So teachers do not have the flexibility to design their unit of instruction and to be flexible in their own creative teaching methods. In fact, they're scripted moment-to-moment. We've have 300,000 California teachers who need very intensive staff development to serve a diverse group of students in what, I would suggest, need to be flexible ways, yet we don't do that.

Other comments provided insight into the role that educators played in California's reforms. As the following quotation indicates, teachers were seen as the problem and therefore could not be included in the search for a solution. This informant concludes by pointing out that the solution was therefore not an educational one, but a political one:

The standards commission that developed the standards in California had very few teachers on it because teachers were seen as the problem and therefore not able to provide the solution. Teachers have low expectations for students and that was part of the problem. Therefore, they couldn't be counted on to establish the higher expectations that we needed and so on. It's always tricky constructing an educational system in a state that excludes teachers and I'd like to suggest that it is almost not an educational solution but a political one.

Unsurprisingly, most of our informants at CDE were cautious in their predictions of the success of these reform efforts:

It's not at all clear that this is leading to nirvana. I mean it isn't at all clear

that this is just what we needed. It's wonderful to have the coherence, but it's got to be coherence around meeting the flexible needs of teachers and students and we are not there.

Another informant reflected that the theory was that once students had access to strong instructional programs their performance would improve. However, if this proved to be erroneous, then dropout rates could increase and students would not get diplomas:

Well we may discover that it's very difficult to teach them up to these standards and it would create an interesting situation, and that's one of the things that our independent evaluation in high school exit is supposed to study. The intended consequence is that wonderful programs will be offered to them and they'll reach the bar. What if the wonderful program is offered to them and they don't reach the bar or they drop out? That's an unintended consequence; there's not supposed to a large number of students there.

Comments from CDE informants also provided insight into how they believed CSBE viewed students with disabilities, especially regarding the CAHSEE. Several informants reported that dominant members of the CSBE did not believe that most students with disabilities, especially those who were learning disabled, were really disabled. The following quotations are reflective of many comments we heard:

“One of the reasons that I heard for the CAHSEE policy was, ‘Well, dyslexic kids can be taught to read,’” and, “I don't think they're being pushed hard enough now.”

“[Name removed] will parrot children are in special ed because they haven't been taught to read.” “[Name removed], she's the one that's visited so many places and districts to see kids that she knew were not learning disabled and not special education, but had not had the opportunity to learn to read.”

Another informant explained that before the CAHSEE could be made a requirement for graduation, the issue of opportunity to learn had to be well-documented because of the high stakes at the student level of not graduating with a diploma. This informant explained that the situation was more complex than many realized, because while students may be given multiple opportunities to take the exam, and be provided with remediation, some students did not have the basic foundations in the content areas:

We don't think we'll be able to give the test for various reasons if a student hasn't had the opportunity to learn the material on the test at least once. The problem is this weird situation where over a two or three-year period you've given a student two opportunities to learn everything on the test, but he or she didn't have the precursors necessary to succeed on that.

#### *Tension between the State and USDE*

When we conducted the state-level interviews, there was evidence that the relationship between the state and USDE was strained, especially over compliance with the Elementary and Secondary Education Act (ESEA). We visited in Fall 2001 and the state assessment system, required by the Improving America's Schools Act (IASA) (1994) was yet to be approved by USDE because the state did not have all the elements in place:

I think our next crucial step is to get the assessment system approved. See, it was supposed to be finished in Fall of 2001. We didn't make that deadline. It's not approved by USDE because we don't have the math performance standards in place, our alternate system for special education is not done, and our alternative system for small schools won't be ready until 2002.

The same informant told us that the state wanted USDE to grant them a timeline waiver rather than requiring the state to enter into a compliance agreement:

I mean, we're trying to convince the Feds that we don't need a compliance review. What we need is time. The plan is there, it's just that it's not finished, and there's so many political hoops you have to jump through to get anything done.

In this section, we discussed how political tension affected the implementation of accountability reform in California. Tension emerged at three levels in the education system, but was most obvious at the state level between CDE on the one hand, and CSBE and the state legislature on the other. At the heart of the issue was a difference in educational philosophy between some informants at CDE, particularly those who had been there during the 1990s, and the newly elected members of the state board of education. According to our informants, the approach of CSBE and the legislature was too inflexible to easily allow for the inclusion of students who were different. Although the issue came to a head over students with disabilities and the CAHSEE, the needs of other students, such as English learners, and Title I students, were not met by the initial accountability design.

## V. CALIFORNIA CASE STUDY DISCUSSION AND CONCLUSION

In the previous section, we presented qualitative data, collected over a two-year period—from two levels of the public education systems, on the impact of accountability reform on students with disabilities in California. State-level interviews took place in October and December 2001, district interviews took place in June of 2002. The sequential nature of data collection enabled us to study the impact of state accountability reform on students with disabilities and to follow the concerns identified by state-level policymakers through to the districts. However, collecting data in this way meant that we were unable to obtain the initial views of state-level personnel on the impact of NCLB,

which was signed into law after the completion of the state-level interviews, or to study the further development and refinement of federal accountability policy as it related to this population. When we visited the districts in the following year, there was also little discussion of the impact of NCLB legislation.

EPRRI staff interviewed 20 individuals, 10 at the state level and 10 at the district level. Findings are arranged into three broad topical areas: (1) fitting students with IEPs into the turbulent policy environment, (2) building system capacity, and (3) shifting of the locus of control over education. When considering the impact of standards-based accountability reform on students with disabilities in California, it is important to remember that the state had experienced a series of failed reform efforts. The current wave of reform continued and accelerated central control of curriculum and pedagogy, but did not vest it in the hands of education professionals. In addition, accountability for student learning was a recent concept for schools and districts. With this in mind, the following key findings emerged from this study.

First, when we visited the state in October 2001, we found an accountability system that can best be described as a work in progress, with some of those involved in its construction being highly critical of the fundamental design. Informants from CDE spoke of trying to keep up with the many changes that had to be phased in, and of trying to maintain public confidence in the system. Informants from one of our districts were particularly critical of the level of guidance provided by CDE to teachers about the CSTs.

Second, students with disabilities were not the focus of the reform effort and decisions were made that left students with disabilities outside the initial system established by PSAA. There is no evidence to suggest that these students were

deliberately and intentionally excluded; indeed CDE informants emphasized that they wanted the participation of as many students with disabilities as possible, but decisions by the state legislature and the CSBE suggest a lack of forethought regarding students with disabilities. For example, the choice of the SAT9 was problematic, as this measurement tool limited the practical inclusion of students with disabilities in the accountability index. Further, the key decision about accommodations and the CAHSEE embroiled the state in a high profile lawsuit that proved a considerable distraction for CDE, and revealed the presence of underlying tensions within the state.

Although the introduction of the CSTs meant that more scores from students with disabilities could be included in the API, CDE informants feared that schools and districts would soon try to limit the impact of their scores on the schools rating, and would do this by exempting students with disabilities from the assessment or by giving them out-of-level assessments. Albeit unprofessional, these types of behaviors are unsurprising given the high-stakes nature of current accountability reform.

In addition, we found that informants at both the state level and district level were divided over whether students with disabilities ought to be recognized as a significant subgroup, along with other at-risk groups. At the state level, some informants were concerned that students with disabilities could become scapegoats for a school's failure to meet its API, while others pointed out that requiring schools to be accountable would force schools and districts to pay attention to test scores and better address the needs of this population.

In one of our districts, students with disabilities were clearly included in the overall commitment to standards-based reform, and there was some evidence that

performance was improving. In the other district, however, the academic needs and performance of this population were not a major focus or concern. In this district, several informants retained the traditional view that it was unfair to expect students with disabilities to perform well on academic assessments.

A third finding is that any reform effort requires system capacity to support effective implementation of policy. State-level informants did not have the staff or resources necessary to support the local school districts in aligning their curricula with the state's learning standards, and relied on textbook publishers to help out. Informants perceived this lack of alignment as a serious obstacle to education reform in some districts. One of our two participating districts reported that they had adopted standards-based reform before the state did, and had simply tweaked their existing curricula. However, our other district was still working on alignment and use of data to guide instructional decision-making. Informants at the state and district level spoke of the need to focus their resources and attention toward literacy and mathematics.

The shortage of teachers was also an issue at the state level and the district level. At the state level, CDE informants admitted the extent of the shortage, but reflected that they had little control or say in developing a solution, which was the purview of the credentialing commission and the CSBE. Both districts had implemented alternative certification programs, although they differed in structure from each other.

Our fourth finding relates to the tension among and within the various levels of the public education system. At the local level, one of our districts in particular expressed frustration over the lack of guidance from the state and the control exercised by the state over the choice of textbooks, instructional materials, and the way that professional



development money could be spent. Although the goal was to ensure alignment at the local level with the state's standards, the means—controlling the purse strings—created a degree of resentment. Tensions between CDE and CSBE were very apparent, indicating that commitment to accountability reform in its current incarnation is by no means certain. Although CDE informants emphasized their commitment to standards-based reform, the means employed by the legislature and CSBE did not have the unconditional support of most of the CDE staff with whom we spoke. Comments from CDE informants also indicated feelings of impotency as CSBE, the state legislature, and various commissions made decisions that CDE perceived to be mistakes.

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