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Right: Parents are an important part of their child's IEP team and his or her best advocate.

The Law and the IEP: Establishing and Maintaining High Expectations

FOR DEAF STUDENTS WITH DISABILITIES

By Michael Fitzpatrick and Raschelle Theoharis

The No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act (IDEIA) have significant implications for students with and without disabilities. Despite extensive research, journal articles, editorials, media coverage, and litigation, deaf and hard of hearing students with additional disabilities continue to be a population that is largely unaddressed by federal legislation. Therefore it is vital for families, teachers, related service providers, and administrators to have a foundational understanding of these two overarching laws in relation to setting high and reasonably attainable expectations for their children who are deaf or hard of hearing and, perhaps especially, for children who are deaf and hard of hearing with disabilities. These two pieces of legislation provide a framework in which those involved with deaf education can set and maintain reasonable and attainable expectations for deaf and hard of hearing students with disabilities.

No Child Left Behind

Enacted in 2002, the NCLB continues to play a critical role in K-12 educational settings by holding all school districts accountable for their students' educational outcomes (Abedi, 2004; Arnett, Fitzpatrick, & Theoharis, 2013; Berry, Hoke, & Hirsch, 2004; Fitzpatrick & Knowlton, 2007; Linn, 2003; Rose, 2004; Spooner & Browder, 2003). Despite what some consider controversial underpinnings, the law

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remains focused on ensuring that “all children have a fair, equal, and significant opportunity to obtain a high-quality education, and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments” (NCLB, 2002). To achieve this goal, the NCLB incorporated the following six principles:

- Accountability for schools, teachers, and administrators
- Highly qualified teachers
- Research practices based in science
- Local flexibility
- School safety
- Parental choice (NCLB, 2002; Turnbull, Turnbull, Erwin, & Soodak, 2006)

Holding schools accountable is universally appealing. However, to date little is known about the NCLB's impact on improving the academic outcomes of deaf and hard of hearing students who have additional disabilities.

Individuals with Disabilities Education Improvement Act

The IDEIA specifies that special educators earn a disability-specific degree to be considered highly qualified. According to Turnbull, Turnbull, Wehmeyer, & Shogren (2010), the IDEIA contains six principles and specifies that there be four outcomes. In theory, these allow every student with disabilities equal access to the general education curriculum.

The six principles are:

- **Zero reject**—Students can learn and benefit from an appropriate education regardless of the severity of the disability.
- **Nondiscriminatory evaluation**—Materials and procedures used are not racially or culturally biased.
- **Least restrictive environment**—Students with disabilities are educated in the same environment as students without disabilities to the maximum extent possible.
- **Parental participation**—Parents serve as advocates for their child with a disability

and as members of the Individualized Education Program (IEP) Team.

- **Procedural due process**—Parents, or those acting in this capacity, are assured a voice in decisions made by the IEP team.
- **Appropriate education**—Students' educational needs are met as outlined in the IEP.

The four stated outcomes include:

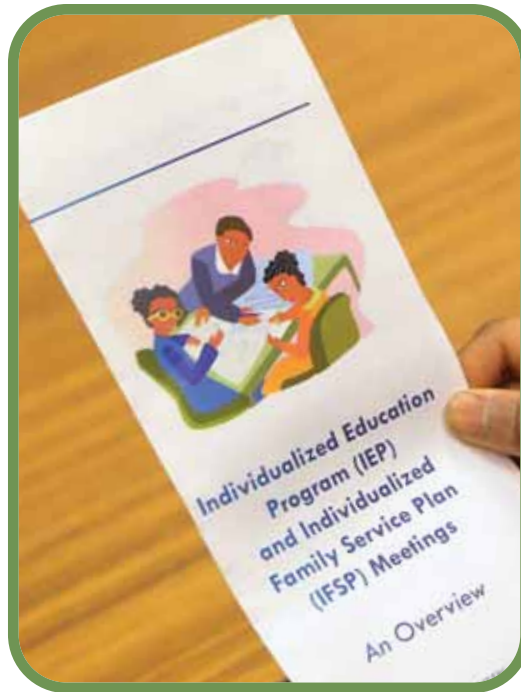
- **Equal opportunity**—Students with disabilities are provided equitable access to the general education curriculum to the maximum extent possible.
- **Full participation**—Students with disabilities should not be excluded from extracurricular activities (e.g., chess club, band, sports teams) to the maximum extent possible.
- **Independent living**—Individuals with disabilities should be integrated into society, including quality of life and leisure activities, to the maximum extent possible.
- **Economic self-sufficiency**—Individuals with disabilities should be employable to the maximum extent possible.

Curriculum Expectations

Experience has shown that students with disabilities achieve greater academic success when high expectations are coupled with accessing the general education curriculum (Turnbull et al., 2010). Conversely, setting minimal expectations can lead to marginal academic gains. One area that should be closely examined is the K-12 curriculum. Deafness has been considered a low incident disability, but just like those students with high incident disabilities (e.g., learning disabilities), deaf and hard of hearing students with multiple disabilities are promised an appropriate education in the least restrictive environment that will empower them to live independently.

Teacher Expectations

Evidence suggests that teachers who hold their students, including those with disabilities, to a higher standard cultivate learning environments that better prepare them for postsecondary education and employment opportunities (Fitzpatrick & Knowlton, 2007). In a recent MetLife study (2012), 86 percent of teachers agreed that high expectations play a significant role in student achievement. At the same



time, however, only 36 percent agreed that all students have the ability to succeed academically. This juxtaposition may have dire implications for all students, especially those who are deaf or hard of hearing with disabilities.

Family Expectations

Numerous studies have illustrated the importance of familial expectations for students with and without disabilities. Although minimal research has focused specifically on deaf and hard of hearing students with disabilities, research has shown that, in general, family expectations have been linked to children's overall school experience (Chen & Gregory, 2010); academic engagement and success (Simons-

Morton & Chen, 2009); postsecondary attendance, achievement, and adjustment (Agilata & Renk, 2008); and employment (DiRago & Vaillant, 2007). Each of these studies reported that a child's outcomes paralleled the expectations set by the family (Doren, Gau, & Lindstrom, 2012).

The primary purpose of secondary education is not only academic achievement but also preparation for postsecondary education, training, or employment opportunities. From this perspective, educators must become familiar with familial needs and cognizant of the impact family expectations have on the academic, social, emotional, and behavioral outcomes for their deaf and hard of hearing children with disabilities.

Doren et al. (2012) stressed the importance of both families and educators setting and maintaining similar expectations.



This allows students to experience the secondary and transition programs intended to support their achievements. Finally, several studies have shown family expectations can fluctuate. Changes in familial expectations are often influenced by the parents' own academic achievements and outcomes, how the parents perceive their child's performance at any point in time, and teachers' expectations (Mistry, White, Benner, & Huynh, 2009).



School representatives also need to partner with families to encourage and support extracurricular activities. Research has shown the positive influence adult role models and mentors play on developing characteristics, such as integrity, self-confidence, and self-esteem (Murray, 2009). These interactions, which often occur outside of the classroom, also have a

direct impact on expectations and outcomes (Doren et al., 2012; Jekiwllwk, Morre, & Hair, 2002; Murray, 2009).

How to Establish High and Attainable Expectations

There can be some inherent difficulties when engaging in meaningful dialogue among parents, teachers, and other service providers (e.g., speech-language pathologist, occupational therapist, physical therapist) regarding expectations that are reasonable and attainable for deaf and hard of hearing students with disabilities, especially given the limited resources available for this population. The following suggestions may help to bridge this gap.

Communication

Teachers, related service providers, and administrators should strive to work collaboratively with families. Clear and transparent communication is key to achieving a collaborative relationship. The home-school link can be strengthened by:

- maintaining correspondence to ensure everyone is continuing to work towards a common goal;
- encouraging self-advocacy and self-determination on the part of the students themselves, allowing them to inform others about the supports they require to be successful; and
- evaluating supports to ensure students receive the optimal services available and providing the flexibility to discontinue services that are no longer necessary.

In an ideal scenario, families should provide pertinent information regarding their hopes and dreams for their children. Once they learn these expectations, school representatives can work collaboratively with the families to establish a framework which may include consultation, supports, services, accommodations and modifications, and other available resources to better enable the student to achieve success.

The Individualized Education Program

When writing the IEP, the team needs to use data gathered from curriculum-based assessments, direct observations, academic achievement and intelligence tests, and other evaluations to develop what is called the student's "present level of performance." The present level of performance is a snapshot of how the student is functioning across several domains at a given moment in time. It may include, but is not limited to, a look at the student's experience in a variety of aspects of his or her life, including: academic, social, emotional, behavioral, functional, and mobility. The present level of performance serves as a marker for completing the remaining sections of the IEP, such as goals and objectives, accommodations and modifications, related services, transition planning, and percentage of time accessing the general education classroom.

Annual IEP meetings provide teachers, related service providers, and administrators with an opportunity to work with families to establish annual goals and objectives for the deaf or hard of hearing student with disabilities. Each newly updated IEP should reflect what the student: 1) is currently able to accomplish, 2) is expected to achieve during the next academic school year, and 3) requires to be successful in meeting the state's academic content standards.

The annual IEP meetings provide an opportunity to engage in collaborative decision making, and it is through this process that reasonably attainable expectations can be established for each student. Additionally, teachers, related service providers, and administrators should view these meetings as a chance to discuss the expectations families have set for their children.

Maintenance of High Expectations

As deaf and hard of hearing students with disabilities grow, develop, and mature, their educational needs change. Based on the student's progress towards obtaining IEP goals and

objectives and the team's perspective, IEP team members can analyze expectations for the child's experience and use these meetings to address areas of strengths and weaknesses that may not be included in the IEP, recent achievement data, and options for re-evaluation.

There is limited research regarding meeting the needs of deaf and hard of hearing students with disabilities. Nevertheless, it is essential for teachers, related service providers, and administrators to work collaboratively with families to keep

expectations high and ensure IEPs are being implemented and aligned with these expectations.

Legislation, including the NCLB and the IDEIA, serves as a foundation for setting high and reasonably attainable expectations for these students. Each recommendation was adapted from educational best practices and research from other disability classifications to begin filling the significant void in the literature related to the needs, potential, and achievement of deaf and hard of hearing students with disabilities.

References

- Abedi, J. (2004). The No Child Left Behind Act and English language learners: Assessment and accountability issues [Electronic version]. *Educational Researcher*, 33(1), 4-14.
- Agilata, A. K., & Renk, K. (2008). College students' adjustment: The role of parent-college student expectation discrepancies and communication reciprocity. *Journal of Youth and Adolescence*, 37(8), 967-982.
- Arnett, S., Fitzpatrick, M., & Theoharis, R. (2013). Foundations of special education: *Understanding students with exceptionalities*. Dubuque, IA: Kendall Hunt.
- Berry, B., Hoke, M., & Hirsch, E. (2004). The search for highly qualified teachers [Electronic version]. *Phi Delta Kappan*, 85, 684-689.
- Chen, W. B., & Gregory, A. (2010). Parental involvement as a protective factor during the transition to high school. *Journal of Educational Research*, 103(1), 53-62.
- DiRago, A. C., & Vaillant, G. E. (2007). Resilience in inner city youth: Childhood predictors of occupational status across the lifespan. *Journal of Youth and Adolescence*, 36(1), 67-70.
- Doren, B., Gau, J. M., & Lindstrom, L. E. (2012). The relationship between parent expectations and post-school outcomes of adolescents with disabilities. *Exceptional Children*, 79(1), 7-23.
- Fitzpatrick, M., & Knowlton, H. E. (2007, Fall). No Child Left Behind's implementation in urban school settings: Implications for serving students with emotional and behavior disorders. *Journal of the American Academy of Special Education Professionals* [On-line Journal]. Retrieval from <http://aasep.org/aasep-publications/journal-of-the-american-academy-of-special-education-professionals-jaasep/index.html>
- Jekiwilwk, S., Morre, K. A., & Hair, E. C. (2002). *Mentoring programs and youth development: A synthesis*. Washington, DC: Child Trends.
- Linn, R. L. (2003). Accountability: Responsibility and reasonable expectations. *Educational Researcher*, 32(7), 3-13.
- MetLife. (2012). *The MetLife survey of the American teacher: Challenges for school leadership* [Electronic version]. New York: MetLife.
- Mistry, R. S., White, E. S., Benner, A. D., & Huynh, V. W. (2009). A longitudinal study of the simultaneous influence of mothers' and teachers' educational expectations on low-income youth's academic achievement. *Journal of Youth and Adolescence*, 38(6), 826-838.
- Murray, C. (2009). Parent and teacher relationships as predictors of school engagement and functioning among low-income urban youth. *The Journal of Early Adolescence*, 29(3), 276-404.
- P. L. 107-110 (2002). The No Child Left Behind Act of 2001. Retrieved November 10, 2013, from <http://www.ed.gov/policy/elsecl/leg/esea02/index.html>
- P. L. 108-446 (2004). The Individuals with Disabilities Education Improvement Act. Retrieved November 10, 2013, from <http://www.ed.gov/policy/speced/guidl/ideal/idea2004.html>
- Rose, L. C. (2004). No Child Left Behind: The mathematics of guaranteed failure [Electronic version]. *Educational Horizons*, 82(2), 121-30.
- Simons-Morton, B., & Chen, R. (2009). Peer and parent influences on school engagement among early adolescents. *Youth and Society*, 41(1), 3-25.
- Spooner, F., & Browder, D. M. (2003). Special exchange series: Perspectives on defining scientifically based research in education and students with low incidence disabilities [Electronic version]. *Research and Practice for Persons with Severe Disabilities*, 28(3), 117-160.
- Turnbull, A. P., Turnbull, H. R., Erwin, E., & Soodak, L. (2006). *Families, professionals, and exceptionalality: Positive outcomes through partnership and trust*. Columbus, OH: Merrill/Prentice Hall.
- Turnbull, A. P., Turnbull, H. R., & Wehmeyer, M. L., & Shogren, K. (2010). *Exceptional lives: Special education in today's schools* (6th ed.). Upper Saddle River, NJ: Merrill/Prentice Hall.