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The Impact of Procedural Compliance to the Individualized Education Program Document on Student Achievement and Academic Benchmarks

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THE IMPACT OF PROCEDURAL COMPLIANCE TO THE INDIVIDUALIZED EDUCATION PROGRAM DOCUMENT ON STUDENT ACHIEVEMENT AND ACADEMIC BENCHMARKS

by

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Currently, the practice of special education service delivery is undergoing a transformation. This transformation is largely due to the United State Department of Education Office of Special Education's current framework of "results driven accountability" for the determination of program effectiveness (USDOE, 2011). Since the inception of the Individuals with Disabilities Education Act (IDEA) more than 40 years ago, students with disabilities have been provided increasing access to general educational programs and curriculum. Academic outcomes for those same students, however, have not improved, and the achievement gap between students with and without disabilities continues to widen when measured on national and statewide assessments. Mearman (2012) suggests this widening may be due in part to the focus on procedural adherence and compliance to IDEA and state "process" regulations in lieu of an emphasis on student academic outcomes and accountability measures. Many of those procedural requirements are prescribed in the document that outlines the special education programs and services to be delivered to the student, the Individual Education Program, also known as the IEP.

The purpose of this study was to evaluate the relationship between the IEP document and student achievement outcomes as measured by required state "high stakes" assessments. Although previous investigations have shown that there is little connection between the content

of the IEP and a teacher's instruction, this research examined whether an increase in procedural compliance to state standards in the IEP document positively influenced student performance on statewide assessments (LaSalle, Roach, & McGrath, 2013; Lynch & Beare, 1990). The results determined there was little impact, if any, between student outcome data and conformity to compliance standards based on IDEA rules and regulations. These results have implications for multidisciplinary team focus when preparing IEPs.

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TABLE OF CONTENTS

Table of Contents—Continued

Table of Contents—Continued

APPENDICES

LIST OF TABLES

LIST OF FIGURES

CHAPTER I

INTRODUCTION AND REVIEW OF THE LITERATURE

It has been more than 40 years since the enactment of Public Law 94-142, landmark legislation also known as the Education for All Handicapped Children Act (EAHCA or EHA). In 1975, EAHCA provided access to public education for all students, including students with disabilities, where there had once been exclusion and segregation. It significantly impacted the manner in which public schools and communities delivered education and services to students with disabilities. At the time, it was estimated that between 1 and 4 million students with disabilities were excluded from or were considerably underserved by public school agencies (U.S. Department of Education, 2010). Students with disabilities often were not allowed through the school door, and if they were, services and supports to meet their learning needs were frequently unidentified and unmet. In the 40-year span since the inception of this legislation, the initial law has been amended three times and the number of students served by EAHCA and the subsequent Individuals with Disabilities Education Act (IDEA) has swelled to more than 6.5 million (IES-NCES, 2016).

Historical Context

There were four key purposes to the pioneering legislation of EAHCA, one of which was to "assess and assure the effectiveness of efforts to educate all children with disabilities" (U.S. Department of Education, 2010, p. 12). From the outset, program evaluation and accountability were included in the legislative design. In an overview of the new legislation given to a state-level curricular board at the time, Jeffery Zettel (1977) noted:

> P.L. 94-142 establishes the mandate that the state educational agency shall be responsible for assuring that all of the requirements of this act will be carried out.

Finally, the law stipulates that the U. S. Commissioner must evaluate the impact of this act on an annual basis and provide a full report to the Congress…" (p. 12)

The other three purposes of the law, as it was defined, also included the provision of free and appropriate public education for all children regardless of disability; the protection of student and parent rights, including the right to due process; and support to state and local educational agencies (U.S. Department of Education, 2010).

Although a provision for ascertaining the *impact* of education services offered to students with disabilities was included in the initial legislation, it appears that *access* to the educational setting became the priority at the time of enactment. This was most likely due to the exclusion of an estimated 1 to 4 million students from the public educational setting prior to the passage of P.L. 94-142 (20 USCS 1401, B(1)). Because of the massive building and re-structuring necessary to develop programs for all students regardless of disability status, focus went to *ensuring access* rather than *evaluating the quality* of the educational programing offered to students with disabilities. School districts across the nation had to first focus on resource allocation, staff training, and the provision of educational services developed in the Individualized Education Program (IEP) for students with disabilities. Educational benefit or progress was not a focal area early on in the implementation process, even as it was stated in the second part of IDEA regulation, Part B, that " a statistically valid survey for assessing the effectiveness of individualized educational programs" shall be conducted (20 USCS 1418, E(2)a).

The Education for All Handicapped Children Act (EAHCA) was reauthorized as the Individuals with Disabilities Education Act (IDEA) in 1990 and 1997, and as the Individuals with Disabilities Education Improvement Act (IDEIA) in 2004. With each reauthorization, the

focus of the law shifted somewhat away from solely providing for basic access to an education toward creating opportunities for improved academic achievement among students with disabilities. One indication that there would be an increased emphasis on student outcomes was the extraction of accountability and program evaluation from Part B of the EAHCA into a whole section of its own into the final section of IDEA Part D. In 1997, this section of the legislation noted: "The Congress finds the following: (1) States are responding with some success to multiple pressures to improve educational and transitional services and results for children with disabilities in response to growing demands" (20 USCS 1450, sec. 651, (a) (1)). The amendments now included a more systemic way for the federal, state, and local educational agencies to identify and track data related to student outcomes and improving academic and educational results for students with disabilities.

In the 40 years since the enactment and amendments of this original legislation, the metrics or benchmarks for educational effectiveness have not been clearly defined or measured. It was not until the reauthorization of 1997 that the notion of assessing the effectiveness of special education programming from the initial legislation was revisited. In the revised Part D of IDEA (1997), student achievement is introduced as a way to determine success of students with disabilities. It states:

> an effective educational system now and in the future must --
>
> A. maintain high academic standards and clear performance goals for children with
> B. disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals;

C. create a system that fully addresses the needs of all students, including children with disabilities, by addressing the needs of children with disabilities in carrying out educational reform activities;

D. clearly define, in measurable terms, the school and post-school results that children with disabilities are expected to achieve; " (20 USCS 1450, sec. 651, (6)).

In the Improvement Act of 2004, the aforementioned section remained. However, the most recent modification of this law also includes a section on improving "academic achievement," as well as performance on "regular statewide assessments" (20 USCS 1464, p. 336). State and local education agencies now have more definitive language with which to target improvements for students with disabilities. Via the mandated State Performance Plan, school districts annually report outcomes on 20 measures, including proficiency rates on regular and alternative statewide assessments.

Since the inception of the inaugural legislation mandating special education in the United States, there has been a shift from simply providing special education services, toward measuring the effectiveness of the those services with the expectation that there is some educational benefit garnered to the students receiving them. This paradigm of Results Driven Accountability, or RDA as it is referred to, as a tool for measuring the impact of special education programming and services instead of mere compliance with both federal and state education laws and regulations supports the original intent of IDEA concerning measuring and improving outcomes for students with disabilities (U.S. Department of Education, 2014).

History of Results

The Results Driven Accountability framework was developed at the federal level as a response to chronic and consistent underachievement for students with disabilities (Delisle &

Yudin, 2014). Many policymakers and educators have begun to acknowledge the *achievement gap;* that is, the difference in performance on achievement measures between students with disabilities in comparison to students without disabilities (Anderson, Medrich, & Fowler, 2007). So, while IDEA provided equal access to the public school environment for individuals with disabilities, it may be argued, given the current outcomes, that education may not yet be equitable.

Starting with the most current data on both statewide and national proficiency assessments, students with disabilities are significantly underachieving when compared to their same-aged peers. On the National Assessment of Education Progress (NAEP), this becomes apparent. The NEAP is a standardized assessment tool in grades 4, 8, and 12 that is given throughout the country to provide a representative sample in which to determine benchmark data (NCES, 2011). Although there are a number of subjects that might be assessed, results are published for mathematics, reading, science, and writing (NCES, 2011). In a nationwide data snapshot focusing on 4th and 8th-grade reading and mathematics levels in 2013, students with disabilities were behind their non-disabled peers up to as much as 30 percent (see Table 1).

The gap as measured by the NAEP begins to be documented at 4th-grade and increases by the time students are in 8th-grade. In looking at the national percentiles, the majority of students in general are not meeting proficiency standards; however, merely 1 to 2 of 10 students with disabilities nationwide are meeting the proficient benchmark in either reading or mathematics. This pattern continues when reviewing statewide data for the same year. Students attending school in Michigan from the 1969-1970 to the 2013-14 school year took the Michigan Educational Assessment Program (MEAP) annually from grades 3 to 9. Comparing the same

grades as the NEAP, 4th and 8th-grades, again students with disabilities lagged significantly behind their peers on the MEAP as well (see Table 2).

Table 1

National Assessment of Educational Progress 2013 (NCES, 2013)

	% of Students with Disabilities at Proficiency and Advanced Levels	% of Students without Disabilities at Proficiency and Advanced Levels	Achievement Gap Between Students with and without Disabilities
4th-grade Math	18%	45%	27% point gap
8th-grade Math	8%	39%	31% point gap
4th-grade Reading	11%	38%	27% point gap
8th-grade Reading	9%	40%	31% point gap

Table 2

Michigan Educational Assessment Program 2013 (MDE, 2013)

	% of Students with Disabilities at Proficiency and Advanced Levels	% of Students without Disabilities at Proficiency and Advanced Levels	Achievement Gap Between Students with and without Disabilities
4th-grade Math	23%	46%	23% point gap
8th-grade Math	7%	35%	28% point gap
4th-grade Reading	38%	68%	30% point gap
8th-grade Reading	26%	66%	30% point gap

Not only do the gaps between the students with disabilities and those students without disabilities get wider as the students get older, but the scores for students with disabilities also decrease in later grades compared to their same grade peers based on inspection of this data. This trend persisted from almost a decade prior. In an article published by *Education Week* with

support by the Pew Charitable Foundation, Lynn Olson (2004) reported, "30 of the 39 states that provided complete data had an achievement gap between special education and general education students on 4th grade reading tests of 30 percentage points or more" (p. 13). There were some states with a gap larger than 50 percentage points. For that same year, 8th-grade reading fared worse, with only five states having an achievement gap between students with and without disabilities that was less than 30 percentage points: Michigan, Mississippi, Nebraska, South Carolina and Texas (Olson, 2004).

As alarming as the achievement gap may be, at least it can be measured. In the years prior to the 1997 revisions to IDEA, students with disabilities were not often considered a subgroup for which data could be obtained. Therefore, systemic national comparisons are difficult with data much earlier than 2004. This is true of state assessments as well in the state of Michigan. Prior to 2004, there was little outcome data that measured student achievement for students, and even less for students with disabilities. Although a study conducted by researchers at Harvard University advocated that, "comparisons of academic performance before and after placement into special education provide much better programmatic effects than cross-sectional data" (Hanushek, Kain, & Rivkin, 1998, p. 2), it is difficult to ignore the large-scale data that has been obtained, and the stark contrast between the results for students with and without disabilities.

NAEP

The National Assessment of Educational Progress is one assessment program that provides extensive and expansive information on student achievement in the United States. Described as "the largest nationally representative and continuing assessment of what America's students know and can do in various subject areas," the NAEP has been administered to students

since 1969 (Campbell, Voelkl, & Donahue, 1997, p. 17). Initially, students were assessed in mathematics, reading, and science periodically, until 1990 when the United State Department of Education initiated a process to compare student scores from different states to one another (Grissmer, Flanagan, Kawata, & Williams, 2000). Doing this allowed researchers and school reformers to analyze student achievement data across states, regions, demographics, and subgroups. Students were tested in mathematics, reading, and science, as well as in writing and geography on an established schedule (NCES, 2011). Examining relationships between data obtained from the NAEP and emerging educational trends such as teacher-student ratios was possible for policymakers with a standardized process for national assessment administration. Of note, however, is the practice of allowing "non-participation" for students with disabilities, as well as non-native English speaking students, when obtaining the initial nationwide samples (Grissmer et al., 2000).

Studies done by the National Center for Educational Statistics as well as independent researchers show variations between state and NAEP expectations on what is considered proficient (NCES, 2013; Schafer, Liu, & Wang, 2007). In a study conducted as part of the Harvard University Civil Rights Project, researchers found "the percentages of students meeting or exceeding the proficiency standard in both reading and math were, on average, twice as large, and in some cases, even larger, on state assessments than on the NAEP" (Lee & Orfield, 2006). This includes Michigan as well. Michigan school code requires that districts either "administer each school year to all pupils in grades 1 to 5 a nationally-recognized norm-referenced test or participate in the NAEP if selected" (MDE, 2000, p. 1). This is in addition to the mandated annual statewide assessment, the Michigan Educational Assessment Program.

Michigan Educational Assessment Program

The Michigan Educational Assessment Program (MEAP) was also initiated in 1969, and continued on an annual basis until the summer of 2014 when the legislature required that the education department discontinue the use of the MEAP and develop a new annual statewide assessment (Petty, 2015). According to the Michigan Department of Education, the MEAP is a criterion-referenced assessment for elementary, middle, and high school students in English Language Arts, including reading, mathematics, science, and social studies (MDE, 2010). For secondary students, the commercially published ACT, ACT Plan, and ACT Explore are utilized as the assessment tool administered annually. As a criterion-referenced assessment, the MEAP measures student performance against a defined standard: the Michigan grade-level content standards (MDE, 2010). Thus, the scores are to be used as an indicator for students, parents, and educators as a measure of success or proficiency toward meeting the established grade-level standards. MEAP scores are divided into four categories that describe levels towards proficiency: Advanced, Proficient, Partially Proficient, and Not Proficient (MDE, 2011). The four descriptors can be further divided into two categories, with Advanced and Proficient demonstrating that the student's performance *met* the grade level standards, while partially and not proficient indicates the bar was *not met* for achieving the grade level standards. The ACT, ACT Plan, and ACT Explore provide a benchmark score for each of the following subjects; English, Reading, Mathematics, and Science and has a similar interpretation that the student either met or did not meet the established standard for that grade level

In the *MEAP Guide to Reports,* a technical manual published by the MDE, test items and scoring are described (MDE, 2011). According to the guide, there are "two types of items on the MEAP: Multiple Choice (MC) items and Constructed Response (CR) items" from which scores

are derived (MDE, 2011, p. 6). For the multiple choice responses, the student selects an answer from a group of options. Only one is considered correct and earns the student a point if answered accurately. Constructed responses require the students to write multiple sentences, paragraphs, or an essay in response to a prompt. These items are scored utilizing a rubric from which the student can earn from 0 to 3 points on the response (MDE, 2011). A total score, or raw score, is obtained for the subject. As described by McGlinchey and Hixson (2004), "raw scores are converted to scaled scores… but 'cut scores' are based on raw scores…" (p. 197). Scaled scores are then divided into the performance levels described above. Beginning in 2011, MEAP proficiency score levels were reestablished by MDE since "prior cut scores represented a more basic level of achievement needed for the old manufacturing economy. As a result…cut scores adopted …were noticeable[ly] higher than the previous" scores (MDE, 2011, p. 8). Scores are then reported for individuals, as well as in summary reports for schools, districts, and ISDs.

With increasing emphasis placed on scores from statewide assessments like the MEAP for policy decisions, educators and advocacy groups requested assurances that the assessments accurately measure students' skills. A performance audit of the MEAP was commissioned in 1999 by the Michigan Department of Treasury (MDT) (MDT, 1999). From that audit, the MDT provided conclusions and recommendations to the MDE regarding the "potential for improving effectiveness and efficiency… of the MEAP mission to develop the best possible assessments of student academic knowledge and skills" (MDT, 1999, p. 2). Among the audit findings was an issue with reliability. The technical adequacy of the MEAP overall was found to be sufficient; however, the audit found that for some portions of the MEAP high school tests, reliability coefficients were lower than expectations for adequacy or were not even reported by the

Technical Advisory Committee (MDT, 1999). Subsequently, the Michigan Association of School Psychologists (MASP) published a position statement regarding the use of the MEAP around the same time as the MDT audit. The MASP echoed the MDT in describing the issues with reliability and consistency for some MEAP sections (MASP, 2004). The authors also outlined additional issues that were not addressed in the MDT audit report. One issue was the omission of subgroups from the data (MASP, 2004). Only grade-based MEAP data were initially reported. Another issue examined in the MASP position statement was validity. Although the MDT audit assumed technical adequacy including validity in the MEAP development, the MASP position concluded that the validity procedures were not comprehensive enough and only considered content validity (MASP, 2004).

Expansion for the requirements for the administration of the MEAP due to No Child Left Behind legislation prompted some alterations in MDE practice regarding the assessment. A technical report was published in 2011. It addressed items from both the MDT audit and the MASP position paper regarding the MEAP, and contained multiple chapters dedicated to test development, administration, and technical properties of criterion-referenced assessments (MDE, 2011). More technical and sophisticated statistical analyses were conducted on the MEAP throughout the process, from convening a committee to address test biases, to scaling and conducting more than one type of validity analysis. The MDE also devoted a chapter to understanding and utilizing MEAP scoring data as a part of the No Child Left Behind accountability system for all students, including students with disabilities (MDE, 2011).

Results Matter

Students in general education with no identified disabilities are making progress towards critical educational benchmark standards such as a proficient reading levels or graduation rates,

as well as realizing post-secondary school goals. Students with disabilities appear to be significantly behind their peers in meeting the same benchmarks (Reschly & Christenson, 2006). The common case made in supporting this disparate data is that students identified with a disability are bound to score or achieve behind their peers since they have a disability that prevents them from learning at grade level. However, both the reauthorization of IDEA in 1997 and on January 8, 2002, the most recent update to the Elementary and Secondary Education Act of 1965, named No Child Left Behind (NCLB) in 2002 regulations, included provisions for students with disabilities to be included in district accountability plans, which included state-wide assessments (U.S. Department of Education, 2011). These two acts provided a shift in philosophy that students with disabilities would be expected to be measured against their same-aged peers and grade-level standards. Initial responses from various stakeholders decried the higher expectations. School officials were concerned that, "high stakes tests may have a disproportionate impact on students with disabilities…. the potential for pushing students out, for scapegoating students, for identifying these students as the reason that a school or a district isn't measuring up" (Frieden, 2004, p. 6).

Many more advocates, educators, and parents, however, saw this as another means for the inclusion of students with disabilities. They would now be counted and academic skills would be measured, just as their general education peers. Other proponents saw the revised IDEA, in tandem with NCLB, as the vehicle to transform the culture of low expectation for students with disabilities. In fact, a letter written on behalf of the United States Department of Education by Deborah S. Delisle, the Assistant Secretary for Elementary and Secondary Education, and Michael Yudin, Acting Assistant Secretary for Special Education and

Rehabilitative Services, outlines for state school officials that most students with disabilities have the cognitive skills to meet grade level standards (U.S. Department of Education, 2014).

With higher expectations and increased accountability from the revision of IDEA and the adoption of NCLB, schools now had to report on achievement scores, progress, and evidence-based practices. States and local school districts had to understand summative data and the implications of it for subgroups, such as students with disabilities (Frieden, 2004). Recent updates of both laws, the Individuals with Disabilities Education Improvement Act (IDEIA) in 2004, and the Elementary and Secondary Education Act (ESEA) in 2015, reinforce the emphasis on outcomes for students with disabilities. In the introduction of the regulation, President Barak Obama notes, "We will set a clear goal: Every student should graduate from high school ready for college and a career, regardless of their income, race, ethnic or language background, or disability status" (U.S. Department of Education, 2011, p. 3). Given the trending data that is now being examined for students with disabilities, as well as the continued expectations for increasing the outcomes for students with disabilities, the oft-neglected tenant, *program impact,* of the original Education for All Handicapped Children Act (EAHCA) will have a renewed focus with results driven accountability.

Procedural Compliance

The shift to results driven accountability "brings into focus the educational results and functional outcomes for children with disabilities" (U.S. Department of Education, 2014). For states and local school districts, it is important to note that for the better part of 40 years of IDEA, procedural compliance and process was that focus. There are a number of reasons for this historical emphasis. The first reason is that IDEA and its predecessor EAHCA have numerous procedures and criteria to abide by. There are over 1,700 pages in the latest version of IDEA and

over 814 procedural requirements (NICCYD, 1994). Embedded in those pages are rules and regulations that contribute to a punctilious response by educators concerned about due process hearings, mediation, and state audits if they do not follow them. The second factor is that local education agencies and states focused for so long on access to general education curriculum and environments. There are now more than 6 million students receiving special education programming and services under IDEA (OSERS, 2014). In the 40 years since the implementation of IDEA, the law more than tripled the number of students with disabilities served in public schools. Only in the recent revisions did the focus of this legislation move from access to outcome. Finally, a landmark Supreme Court case solidified attention to procedural compliance in special education practice. In Board of Education of the Hendrick Hudson Central School District, Westchester County, et al., Petitioners v. Amy Rowley, by her parents, Rowley et al. Respondent in 1982 (No. 80-1002), the Supreme Court significantly influenced the interpretation of IDEA by defining a Free and Appropriate Public Education as including procedural adherence.

History of Compliance

The Individuals with Disabilities Education Act and subsequent revisions have all included provisions dedicated to procedures and safeguards that ensure compliance to the regulations within the Act. This was to establish adherence to the law in order to protect the rights of students with disabilities to a Free and Appropriate Public Education (EAHCA, 1974). From the student-level compliance standards of the Individualized Education Program document, to the requirement of a state level plan to exhibit compliance to IDEA, education agencies are monitored to assure they are meeting the specifications of the law.

Within the IEP document and process, there are specific components discreetly described in the regulations. The regulation defines a component of a free and appropriate public education as "a written statement for each handicapped child developed in any meeting… of specially designed instruction to meet the unique needs of handicapped children…" (EAHCA, 1974, 89 STAT. 776). These include items such as statements related to student goals or services they will receive. Because Congress included some explicit definitions for the provision of special education services, the opportunity to monitor whether local education agencies complied with those expectations became possible. In a study released by the National Association of State Directors of Special Education, Judy Schrag (1998) described this IDEA implementation phase as the "analytic phase" (p. 10). The emphasis of both research and practice was focused on "procedural compliance and incorporation of required IEP components/process" with respect to IDEA (Schrag, 1998, p. 10). Within this time period subsequent to the initial passage of the law, multiple studies were completed to determine the efforts by states to meet the requirements of IDEA. Most found issues with IEP development and the exclusion of necessary components, making them non-compliant (Anderson 1978; Nadler & Shore, 1980; Schneck, 1980). Required information such as goals and objectives or the mandated participation of certain team members were missing from IEPs (Reiher, 1992). From the outset of the initial enactment of EAHCA, it appears that compliance with the outlined and expected components was inconsistent.

Each revision of IDEA only added to the inconsistencies described above, as subsequent amendments increased additional requirements to both the IEP and to the regulations. In the 1990 revision to IDEA, transition planning was incorporated into the IEP, for example. Every IEP for a student 16 years or older now had to include activities and services related to postsecondary interests and needs (Kohler & Field, 2003). The revision in 1997 layered more

requirements onto existing ones. For IEP teams, a general education teacher became a requisite member as part of the process (Schrag & Ahearn, 1998). Assistive communication services and supports also needed consideration as a part of the IEP. In addition, students with disabilities were expected to be included in state and district wide assessments. The Improvement Act of 2004 added emphasis on annual measureable IEP goals, as well as increased transition activities. These are all examples of expanded compulsory items to the IEP document and process with each amendment of IDEA, creating additional expectations for educators.

With expanded expectations at the IEP level for local educational agencies, state education departments also increased their means and tools for IDEA compliance oversight. From the inception of the EAHCA, the law has included the provision "for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs)" (89 STAT. 784). Each state receiving federal funding for the administration and implementation of this law was required to annually report on its progress to Congress. This has evolved to what is now called a State Performance Plan in IDEA 2004 (Klotz & Nealis, 2005). This plan, according to the Office of Special Education Programs, "evaluates the State's efforts to implement the requirements and purposes of the IDEA, and describes how the State will improve its implementation" (OSEP, 2016). It consists of 20 indicators that measure monitoring priorities to increase compliance and results for students with disabilities (Appendix B). The indicator is either "met" or "not met" based on a data source, baseline data, and measurement using the same data source towards the indicator (NASDE, 2014). One indicator, for example, is student performance on statewide assessments. The proficiency rates of students with disabilities is measured and compared with a target as determined by the baseline data. From this state-level

data based on local education agency input, the federal government monitors the fidelity towards indicators and monitoring priorities related to IDEA.

Part B State Performance Plan

Since the inception of IDEA, annual reporting of compliance to the law has been required. The revision of IDEA in 2004 quantified and defined this mandate into the State Performance Plan. As noted, there are 20 indicators that constitute the monitoring priorities established by the Office of Special Education Programs (U.S. Department of Education, 2013). The monitoring priorities are specific groupings into which each of the 20 indicators corresponds: Free and Appropriate Public Education in the Least Restrictive Environment, disproportionality, and effective general supervision Part B (U.S. Department of Education, 2013). These priorities appear to be established by "Congress' expectation that SPPs, indicators, and targets be developed with broad stakeholder input and public dissemination" (OSEP, 2011, p. 3). For each of the three priorities, there are indicators and the metrics for determining performance and progress towards meeting said targets. The first eight indicators align to the FAPE in the LRE monitoring priority. These include targets for graduations rates of students with IEPs, dropout rates of students with IEPs, the educational environments of students with IEPs, participation and performance rates on statewide assessments for students with IEPs, suspension and expulsion rates for students with IEPs, as well as opportunities for facilitated parental participation in the IEP process (U.S. Department of Education, 2013). Many of these targets use measurements that compare students with IEPs in the context of their non-disabled peers as well. For example, Indicator 4 examines suspension and expulsion rates for students with IEPs. The target percentage is measured in comparison to the suspension and expulsion rates of non-disabled students to determine if there is a discrepancy between the two, and if

students with IEPs are suspended or expelled at a higher rate (U.S. Department of Education, 2013).

Indicators numbers 9 and 10 also analyze metrics and targets within the context of the greater school based population, but include a comparison of race and ethnicity. Each of these two indicators are in place to ensure improved practice, as baseline data showed a "disproportionate overrepresentation identified of racial and ethnic groups in special education and related services was the result of inappropriate identification" (U.S. Department of Education, 2013, p. 8). The final indicators, 11 through 20, measure general compliance to IDEA, including adhering to established timelines for special education eligibility evaluations, developing a transition plan as a part of the IEP for students 14 years and older, and tracking IEPs that are contested or mediated (U.S. Department of Education, 2013).

As previously mentioned, per the State Performance Plan, each state is expected to include data regarding annual assessments required for accountability reporting under Title I of the ESEA. Indicator 3 addresses both the rate that students with IEPs participate in statewide assessments such as the MEAP, as well as the performance of students with IEPs on that statewide assessment. Both parts of the indicator are reported as percentages. In Michigan, scores from the MEAP were reported until 2014. Students then began taking a replacement assessment, the M-Step in 2015, when the Common Core State Standards were introduced (MDE, 2014).

Compliance Matters

The Individuals with Disabilities Education Act is a law, and with any law, the expectation is that it will be followed. However, IDEA is also a complex law (Yell, Shriner, & Katsiyannis, 2006). Maintaining compliance to it can be challenging for local and state

educational agencies. For the most current data reported by the Office of Special Education Programs, the majority of states in the country do not meet the requirements as determined by the annual performance report (U.S. Department of Education, 2015). The implications for non-compliance to components of IDEA can be significant and costly. School districts may face financial sanctions or lawsuits for not following the law or meeting state targets.

In regards to the state accountability plans and reporting to the federal education offices, there are no rewards, but there are potential funding consequences. For states not meeting requirements as targeted on the State Performance Plan over three consecutive years, a financial penalty could be sanctioned (U.S. Department of Education, 2015). States falling below the indicator targets could also receive significant federal intervention and increased reporting on a corrective action plan or agreement. These require local educational agencies to allocate time and additional resources to such compliance activities.

Another reason for school district and educator focus on procedural compliance to IDEA is because of due process hearings and court cases. In the decade beginning in 2000, there were over 2,000 due process hearings annually in the United States (Zirkel & Gischlar, 2008). A longitudinal study done by Blackwell and Blackwell (2015) disaggregating due process hearing data from one state over the course of close to a decade, found the most frequent issue litigated was related to the development and content of the IEP. This created a culture for those authoring an IEP to pay more attention to "crossing the t's and dotting the i's." Professional journals published articles like the one written by Katsiyannis and Herbst (2004) titled, "Minimize Litigation in Special Education." In it, they encouraged educators to be "familiar with and knowledgeable about procedural guidelines to ensure a free and appropriate public education (FAPE)…" (p. 106). This was for good reason, as the average cost for a school district

associated with a due process hearing reached $15,924 in 2013 (Pudelski, 2013). An attorney representing school districts in Michigan noted, "the best defense to any claim is very careful attention to procedure…you had better follow procedure rigidly, or you program could be derailed down the road" (Duff, 2001, p. 154).

As mentioned, the Supreme Court of the United States weighed in on this topic in 1982. Board of Education of the Hendrick Hudson Central School District, Westchester County, et al., Petitioners v Rowley et al. Respondent (No. 80-1002) gave guidance to the field of special education by providing what is referred to as the two-pronged Rowley standard. The first question the Supreme Court posed when addressing this case was "Has the State complied with the procedures set forth in the Act?" (458 US 176, 204). If this first cannot be answered by the district in the affirmative confirming that procedural compliance to IDEA has been met, then it may be considered a denial of FAPE.

Connecting Results and Compliance

The second question asked by the Supreme Court in the Rowley case was "Is the individualized education program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits?" (458 US 176, 204). So while the first question focused on *procedural* compliance, the second question focused on *substantive* compliance. This shifts the focus from solely assuring adherence to the legal requirements of IDEA to addressing essential content within the IEP that will likely result in educational benefit for the student (Hersh & Johansen, 2007). Although educational benefit was not explicitly defined by the Supreme Court, they did point back to the statute of IDEA including the section that stated instruction should both meet the State's educational standards and approximate the grade levels used in the State's regular education system. Since the Rowley decision, some

lower courts have included academic achievement assessment results as a measure of educational benefit as well (Johnson, 2003). The intent from the inception and with further judicial interpretation for IDEA was for students with disabilities to have access to general education *and* to receive a specialized, individualized education program that promotes growth. Currently, there lacks a depth of research in the field addressing relationships between state performance plans and instructional practice. A policymaker noted, "the problem isn't what's in IDEA, but rather, what has been enforced…the problem isn't IDEA—it's the implementation or enforcement of IDEA" (NCD, 2004, p. 22). Even with that, there is little study of the impact of procedural compliance on the graduation rates, achievement scores, grade point averages, employment rates, or college admissions for students with IEPs. In a study related to post-secondary outcomes, Erickson et al. (2014) stated, "despite IDEA's shift to an outcome-oriented ideology, there is a paucity of research on the outcomes of students with IEPs as a result of this shift" (p. 165).

The IEP

According to Stephen W. Smith (2000) in a guidance document for the Educational Resources Information Center Clearing House on Disabilities and Gifted Education, the Individualized Education Program is "the cornerstone of a quality education for each child with a disability" (p. 1). The IEP is the document in which the special education programming and services are outlined for the student, and is often referred to as the "heart and soul of the Individuals with Disabilities Act" (Bateman, 1995, p. 1). There are specific content expectations for the IEP document and process expectations for the IEP meeting (Kaufman & Hallahan, 2011).

The IEP is a document which must include essential components as outlined by IDEA. Those components can be described in broad categories. The first category is current performance. In this area of the IEP, called the Present Level of Academic and Functional Performance, the impact of the disability on the student is described (U.S. Department of Education, 2000). This description often includes academic deficits, assessment data, classroom based observations, physical or social-emotional needs, and the area of disability. The current performance section of the IEP also describes how the disability interferes with the student's participation and progress in the general education setting and/or curriculum (U.S. Department of Education, 2000).

To address the needs identified in the Present Level of Academic and Functional Performance section of the IEP, the IEP must include the manner in which specialized instruction and instructional supports are to be provided to the student with a disability. There are a myriad of ways this can be implemented given the student's individualized need. Students may receive specialized classroom programming, related services, supplementary aids and services, or any combination of these means for special education provision. In addition, the IEP document must include the details of how often these services will be provided, the duration of the service and in what setting they will occur. Finally, measurable annual goals are included as an important aspect to the IEP. IEP goals are important in determining if the student is making adequate progress on the identified deficit areas (Capizzi, 2008). IDEA outlines the requirements for including goals in the IEP document as follows:

> (2) (i) A statement of measurable annual goal, including academic and functional goals designed to—

(A) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability; (20 U.S.C. 1414(d)(1)(A)(i))

With that, Capizzi (2008) has outlined for providers the factors that make a goal measurable. These include: "(a) a specific description of the skill, (b) how the skill will be measured, and (c) against which progress will be measured" (p. 24). Additionally, in an U.S. Department of Education Office of Special Education and Rehabilitative Services "Dear Colleague" letter written on November 16, 2015, the requirement that IEP goals also be "aligned with grade-level content standards for all children with disabilities" was reiterated (p. 1).

There are also process expectations when authoring an IEP. An IEP is to be developed annually for students eligible for special education services, and the meeting is to be attended by a team of individuals who know and support the student with a disability. IDEA is specific about who the participants at a minimum should include. Besides educational professionals such as a general education teacher and an individual who can interpret evaluation results, the parent of the student with a disability is a required member of the IEP team. The IEP team collaborates to make decisions about placement options and the implementation of the IEP (U.S. Department of Education, 2000). If the IEP is not developed in accordance with IDEA to meet procedural and substantive compliance, then a denial of FAPE is likely for a student with a disability.

As important as the IEP is to the foundation of providing services and supports to a student with a disability, special educators have had and continue to have difficulty authoring compliant IEPs (Drasgow, Yell, & Robinson, 2001; Lipsky & Gartner, 1996). Errors described in multiple studies include not involving parents in meaningful ways, predetermination of special

education services, missing required team members, and not implementing the IEP as developed (Yell, Katsiyannis, Ennis, & Losinski, 2013). In addition, developing quality IEPs is also challenging for many educators. This would include composing goals that are considered measurable or aligned with the identified need of the student with a disability (Boavida, Aguiar, McWilliam, & Pimentel, 2010). A study by Etscheidt (2003) reported that districts struggled to develop IEPs that met all substantive requirements.

With that, given specific training to write quality and compliant IEPs, most special education providers can improve both in their daily practice (Pretti-Fontczak & Bricker, 2000). However, another team of educational researchers found that even when taught a rubric to assist teachers in writing compliant IEPs, teachers did not always meet IDEA requirements when writing them (Rosas, Winterman, Kroeger, & Jones, 2009).

The Impact of IEP Compliance on Student Outcomes

Currently, it appears there are few areas of special education where both procedural *and* substantive compliance coexist. In the field, procedural compliance seems to be the means and the end, while substantive compliance is an evolving endeavor, thanks in part to RDA. And, the research supports this notion. There are few investigations regarding the impact of procedural compliance, due process hearing outcomes, or State Performance Plans on student performance. In fact, there appears to be an assumption that increasing compliance on IEPs will actually result in improved outcomes (Erickson et al., 2014).

One research study completed in a Kentucky school district found a relationship between IEPs and program quality, but not with performance on academic assessments (Turner, Baldwin, Kleinert, & Kearns, 2000). Additionally, in an article for the School Superintendents Association related to special education compliance, the author, Sasha Pudelski (2013) noted,

> there is no evidence demonstrating that successful challenges to an IEP in a due process hearing lead to marked improvements in the academic performance of students with disabilities or improvements to what the district was providing students originally. No research proves that students who take advantage of IDEA's due process provisions fare better academically after undertaking the hearing process. (p. 7)

Neither shows a relationship between compliance and student outcomes.

Another recent study conducted in the area of transition showed promising results related to increased compliance with State Performance Plan indicators, however. This study found that there was a positive relationship between the IEP compliance indicator for transition and the outcome indicator for postsecondary training (Erickson, et.al, 2014). Research conducted by Finn and Kohler (2009) also concluded that by implementing an IEP compliance review process or framework, some districts significantly increased their adherence to IDEA transition requirements. In addition, they also investigated if this transition model would have an impact on IEP content as well. The results for the evaluation of outcomes were less conclusive, with close to 35 percent of students' outcomes improving, and almost 40 percent of the IEPs where the "relationship between the activities and outcomes… was less obvious" (Finn & Kohler, 2009, p. 25).

For years, the IEP has been perceived as "an administrative mandate" (Sugai, 1985, p. 233). Given that the sole focus on procedural compliance on the IEP has not led to the desired outcomes for students with disabilities since the inception of IDEA more than 40 years ago, the U.S. Department of Education, state departments of education, as well as educational researchers, reformers, and practitioners argue that the emphasis should shift to improving results

for students with disabilities on a number of accountability measures. However, even with the renewed efforts of monitoring substantive compliance, few studies reviewing the "relationship between the content of the student's IEP (i.e., items in compliance) and effects on the student's in-school and postschool outcomes" have been conducted (Finn & Kohler, 2009, p. 27).

CHAPTER II

METHOD

The primary purpose of this study was to determine the impact of teacher procedural compliance to the IEP document on student achievement as measured by the Michigan Educational Assessment Program (MEAP) and the National Assessment of Educational Progress (NAEP). Individualized Education Programs were examined and rated for compliance in concert with a review of performance on standardized academic assessment. Research suggests there is typically little relationship between the IEP document and instructional delivery or improved student outcomes (LaSalle, Roach, & McGrath, 2013; Lynch & Beare, 1990). These findings have important implications for practitioners, administrators, and policymakers because federal and state monitoring has typically emphasized procedural compliance in lieu of calculating educational benefit and evaluating student outcomes. This study investigated the following research questions:

1. Did the school district's attempt to significantly improve the quality of the IEPs actually do so?
2. Did student outcomes, as measured on the reading and math portions of the Michigan Educational Assessment Program (MEAP) and the reading and math tests on the National Assessment of Educational Progress (NAEP) improve significantly once teachers' rate of procedural compliance on IEPs improved?
3. If the answer to research question 2 is yes for either or both MEAP and NAEP data: Did student outcomes also significantly improve for students without IEPs?

4. If the answer to research question 2 is no for both MEAP and NAEP data: Were IEPs actually related to establishing grade-appropriate academic performance as measured by the two tests?

Research Focus

The purpose of this study was to assess the relationship between procedural compliance of an IEP document as determined by the Michigan State Department of Special Education Office and student growth as measured by the MEAP and the NAEP, respectively. This extant study was appropriate to discern if a teacher's increase on procedural requirements to the IEP document resulted in increased student performance on standardized assessments, and was chosen because it provided an opportunity to determine if the intersection between the two could impact the manner in which administrators and educators practice in the future.

Setting and Participants

The study was conducted using IEP and achievement data related to students attending schools within a small public school district. The district is located in northern lower Michigan and is comprised of three elementary schools, one middle school, and one high school, totaling approximately 1,600 students. Based on demographic data published by Michigan on the MiSchool Data website for the 2013-14 school year, 52 percent of all students are considered Proficient in reading by the end of 3rd-grade as measured by the Michigan Educational Assessment Program. In that same year, 66 percent of all students graduated with a diploma in four years. However, for students with IEPs, the graduation rate falls to 35 percent and the dropout rate more than doubles the total student population rate, at almost 24 percent. Students with IEPs comprise approximately 11.5 percent of the total student population in the district.

There are 72 students whose data was examined in the study, ranging in grade from pre-kindergarten to 12th-grade. Both genders were included, with 29 percent female and 71 percent male. All students in the study took or were eligible to take the statewide assessment with accommodations. No student who took the alternative state assessment was included in the analysis.

Based on the most recently released data from the State of Michigan (2013), the overwhelming majority, or 99 percent, of all teachers in the district were Effective or Highly Effective. All 11 special education teachers employed by the district were considered Effective or Highly Effective. None of the special education teachers who developed, authored, and finalized IEPs during the study were considered probationary, and all were tenured. The minimum number of years teaching was five total years, while 2 of the 11 teachers had over 30 years in the field. Seven of the teachers had single special education endorsements with their teacher certification: 4 with cognitive impairment, 2 with learning disabilities, and 1 with emotional impairment. The remaining 4 teachers had multiple endorsements, each in the areas of emotional impairment, learning disabilities, hearing impairments, and early childhood.

Apparatus

Per IDEA, each state is required to ensure compliance to both federal and state rules. The State of Michigan has both Compliance Standards for Special Education, as well as resources for monitoring compliance to the standards (MDE, 2013). There are a number of these resources for specific areas of compliance that are published by the Michigan Department of Education. One resource used to measure compliance of the IEP document and for General Supervision Monitoring is the Student Record Review (Appendix C). The Michigan Department of Education Office of Special Education Sample Student Record Review: FAPE Spring 2012 was

the apparatus utilized to determine compliance for the IEPs authored by providers within the school district.

The Student Record Review is a checklist that allows the reviewer to determine if the IEP document is considered compliant, and if not, what corrective action is required to bring the document up to the standard to meet compliance. There are 26 probe statements based on citations from IDEA regulations that align to essential components of the IEP. The totality of the probes equates to the requirements for compliance of an IEP. There are three possible responses for each probe: Yes, No, and NA, or non-applicable. The categorical format provides ease in determining compliance of the IEP. If even one of the 26 probe statements is marked, No, by the rater, then the IEP is noncompliant with corrective action required.

Procedures

Phase 1: Baseline

In the 2011-2012 school year, there were 226 students with an IEP receiving special education services in the district. Given the random selection process by the State of Michigan, any of the IEPs of these students could have been chosen for the review to ascertain procedural compliance. In the spring of 2012, officials from the Michigan Department of Education Office of Special Education completed a general supervision monitoring audit on the district. Three official state monitors conducted interviews with district service providers, administrators and teachers. They also completed a thorough review of 10 randomly selected IEPs using the Student Record Review. From their review, the MDE OSE monitors determined that only 1 of the 10 IEPs was considered compliant; that is, meeting all the standards on the record review. The state target and expectation is that all, or 100 percent of IEPs are considered compliant when reviewed.

In August of 2012, a focused monitoring finding was cited since the "local is not in compliance with IDEA regulations regarding IEP development and implementation," including the follow non-compliant violations:

- Attendance of required members at IEP meetings.
- Specific present level of academic and functional performance statements in the IEPs.
- Measureable annual goals.
- Specifying time, frequency, and condition for provision and documentation of supplemental aids and services.
- Revision of IEPs when students are not making progress.
- Providing programs/services aligned with the IEP.

The required corrective action was that all IEPs would be compliant when a random sample was selected and reviewed again in the spring of 2013. Given the random selection process utilized by the State of Michigan Office of Special Education, any of the IEPs of the students from the district could have been chosen and could be chosen for the future audit review. In addition, during this school year, 2011-2012, there was no external monitoring of IEP development nor any special education teacher or provider training of IEP development.

Table 3

Phase 1: Baseline

Date	# of IEPs Non-Compliant	# of IEPs Compliant	% of IEPs Compliant
May 2012	9	1	10

Phase 2: Training

The following school year, 2012-2013, focused on increased IEP compliance for the return MDE audit in May of 2013. To ensure an increase in compliant IEPs from 10 percent to 100 percent in under a calendar year, the district engaged in multiple activities. Training was conducted monthly with administrators and special education personnel on the essential components of a compliant IEP. Another activity was the systematic monitoring of IEP authorization and development. This was done using the Student Record Review rubric employed by the MDE Office of Special Education monitors. The case managing special education teacher used it as a guideline to develop the IEP document when authoring an IEP for a student on his or her caseload. Additionally, the district was assigned two teacher consultants to support improved compliance on IEPs. Both teacher consultants have Master of Arts in Education degree, as well as special education teaching certificates with endorsements in cognitive impairments and learning disabilities. They were both trained by the Intermediate School District Monitor on the use of the Student Record Review form.

Each of the two teacher consultants used the same format and rubric to review every draft IEP document. If the IEP draft document received a No on any of the 26 items, it was considered not compliant. The overwhelming majority reason for non-compliance was due to unmeasurable goals. Ninety-five percent of the non-compliant IEPs included unmeasurable goals, with 15 percent non-compliant solely for that reason. Other reasons for the additional non-compliance included: missing data from the present levels of academic achievement and functional performance (PLAAFP), non-specific supplementary aids and services, or non-attendance of required IEP team members. Authoring teachers or providers received feedback and the opportunity to revise the document to meet procedural compliance standard per the

findings on the Student Record Review. Finally, up to 10 newly developed and finalized IEPs a month were randomly selected to be reviewed for monitoring and interrater reliability to determine if they would be considered compliant based on the process used by the MDEOSE.

Table 4

Phase 2: Training

Date	# of IEPs Non -Compliant	# of IEPs Compliant	% of IEPs Compliant
October 2012	6	4	40
November 2012	5	1	17
December 2012	3	1	25
January 2013	5	5	50
February 2013	5	5	50
March 2013	3	4	57
April 2013	1	9	90

Phase 3: Maintenance

During the third and final year, a format similar to that used by MDE was implemented to insure adherence to compliant IEP development practices that had been discreetly trained. Each month, 10 IEPs were randomly selected and reviewed by the teacher consultants assigned to the district using the same Student Record Review as the MDE to measure compliance. The teacher would be given the feedback so that appropriate adjustments could be made before finalizing the document. If an error pattern emerged, retraining occurred in that area.

Table 5

Phase 3: Maintenance

Date	# of IEPs Non -Compliant	# of IEPs Compliant	% of IEPs Compliant
October 2013	2	7	78
November 2013	3	6	67
December 2013	0	0	NA
January 2014	0	9	100
February 2014	1	5	83
March 2014	0	4	100
April 2014	1	6	86

Inter-rater Reliability

Inter-rater or inter-scorer agreement was collected on a total of 101 IEPs, or almost half of the IEPs implemented in the district during the study. Inter-scorer agreement was obtained to ensure consistency between the two teacher consultants in evaluating the compliance status of the IEP documents that were reviewed. This was determined on an item-by-item basis of the 26 items MDE Student Record Review checklist. When the two teacher consultants both scored the items as Yes or No, this is agreement. When there is a difference in how they scored the item, there is disagreement. To determine the calculation of inter-scorer agreement, the total number of agreements is divided by the number of agreements plus disagreements and multiplied by 100. (House, House, & Campbell, 1981). Inter-rater reliability between the evaluating teacher consultants was found to be at 94%.

Data Analysis

Using inferential statistics, there were a number of ways to organize, summarize, and analyze the data obtained from this study. The first method of analysis was to investigate

procedural compliance with IDEA to the IEP document calculating the percentage of reviewed IEPs evaluated as compliant and non-compliant per the Michigan Department of Education Office of Special Education Student Record Review rubric. By using a chi-square test, the observed frequency of compliance was compared to the expected frequency. This analysis provided the procedure to "determine whether the discrepancy between the set of sample percentages and those specified in the null hypothesis is large enough for the null hypothesis to be rejected" (Huck, 2012, p. 412). Comparing the mean percentage of compliance in each of the three phases allowed for the determination of whether the district made progress in becoming more compliant per State intervention, and to determine if the assumed frequency would be the same in all phases.

For the next part of the study, student assessment results were included in the analysis using data from the same participants whose IEPs were reviewed for procedural compliance. Scores from the Michigan Educational Assessment Program (MEAP) and the National Assessment of Educational Progress (NAEP) were analyzed in relation to performance towards proficiency scores. At each grade level, the lowest possible score, or cut score, to be considered proficient or at benchmark was determined for both the MEAP and the NAEP. For the MEAP, the scores were provided every year by the MDE, which are included as Appendix D. For the NAEP, the scores were based on the recommendations from the Michigan Linking Study published by the Northwest Evaluation Association in 2012 (Appendix E). The study determined the RIT score that "would be the equivalent to the minimum score for proficiency" on the MEAP (NWEA, 2012, p. 2). Each score was then converted to a ratio, with a score of 1.0 being proficient. Using non-independent groups *t*-test, proficiency ratio means for each compliance phase were compared. In statistically looking at the test scores from the students

whose IEPs were reviewed from each phase (i.e., baseline, training, and maintenance), the study determined if there was a measured difference between the mean proficiency ratios of student data as compliance percentages increased.

If there was in fact a difference, the study determined if the difference between the averages of the two groups could have occurred because of random chance in the sample selection or if it is considered statistically meaningful. Such findings are relevant to whether a variable other than compliance improved proficiency level performance on standardized assessments of students with IEPs. Given that the null hypothesis would assert that there would be no statistically significant difference between the two, the analysis will also investigate if that assumption is accurate or if an alternative hypothesis that compliance to the IEP has an impact on student outcome results should be accepted.

Finally, if there was not a difference that is considered statistically significant given the analysis, IEP content was examined to determine if the IEPs were developed utilizing grade-level standards to align with the skills assessed by the MEAP and NAEP. This was done by reviewing IEP goals and calculating the total percentage of those drafted using the grade-level content standards commensurate to the area of need.

CHAPTER III

RESULTS

This study investigated whether: (a) teachers increased the quality of authoring and writing compliant IEPs, (b) whether this increased procedural compliance on IEPs had an impact on student assessment results, and (c) whether there was a relationship between outcomes for students with IEPs and non-disabled peers or whether there was a relationship to grade-based standards on IEP goals.

Compliance

From a cursory review, it appears teachers met the target of writing quality and compliant IEPs. When the MDE OSE state auditors reviewed the district's IEPs in May of 2012, only 1 of 10 reviewed was considered compliant with the expectation that all IEPs are always compliant. Due to the citation, the auditors returned at the end of the 2012-13 school year to again inspect 10 randomly selected district IEPs. Every IEP, all 10 of 10, were considered compliant at that state-level review. In the span of the baseline year to the end of the training year, the IEPs increased in compliance from 10 percent to 100 hundred percent from the perspective of the MDE OSE state official (see Figure 1).

Additionally, upon insistence from the district superintendent that the special education department avoid future citations for non-compliance, procedures put in place for teacher accountability in developing and authoring IEPs during the training year were maintained the following school year, 2013-14. Teachers continued to remain compliant or near compliant when IEPs were randomly selected and reviewed by the teacher consultants (see Figure 2).

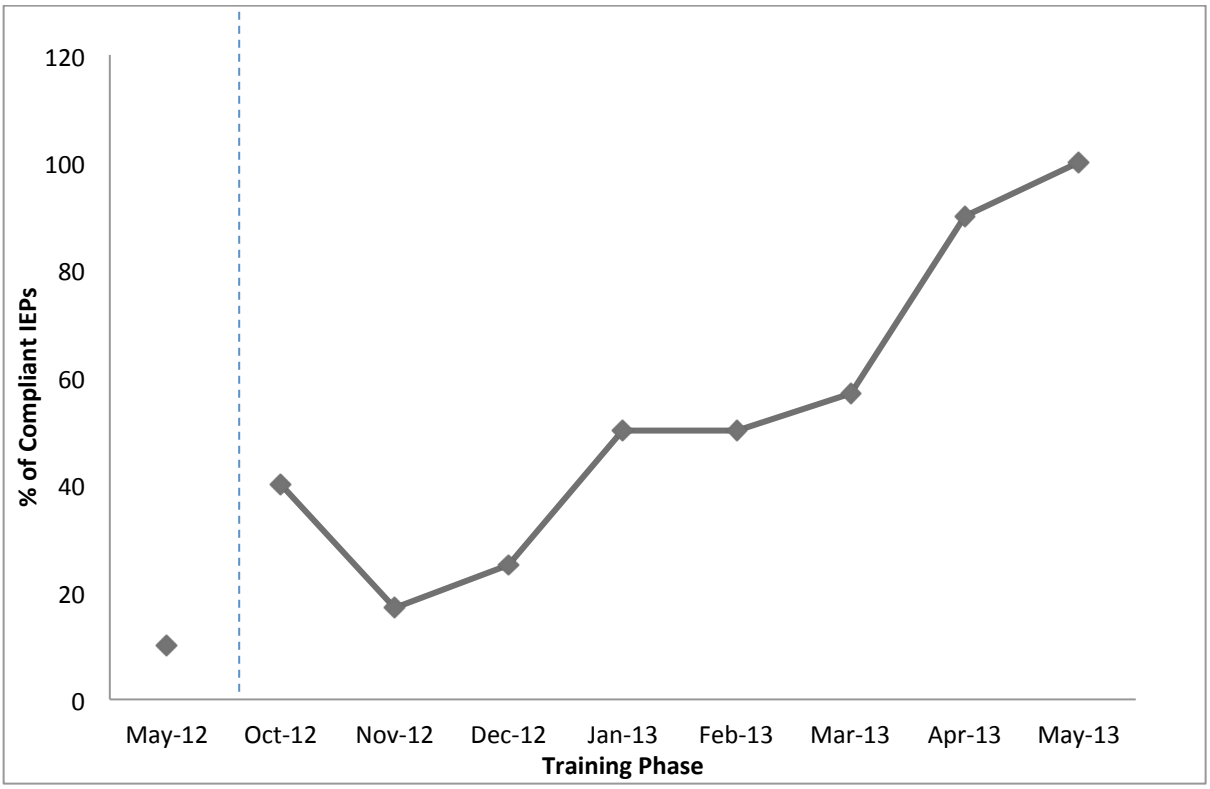

Figure 1. Comparison of percentage of compliant IEPs in baseline and training phases.

Figure 2. Comparison of percentage of compliant IEPs in training and maintenance phases.

A statistical analysis also provides evidence the district made progress in becoming more compliant when developing IEPs. A chi-square test was used to test the null hypothesis that the percentage of compliant IEPs would be the same in all three phases of the study. One would expect this to be the case in the absence of an effective intervention for increasing compliance. The mean compliance percentage of each phase increased from 10% in the baseline phase to 47% in the training phase. It then increased from 47% to 85% in the maintenance phase.

Results of the chi-square test revealed that the obtained data differed significantly at the .01 alpha level from the expected data as expressed in the null hypothesis (X^2 = 112.782, df = 1, $p < .01$). Therefore the null hypothesis can be rejected. With the IEP being defined as compliant based on the MDE OSE Student Record Review rubric of all 26 items affirmatively rated, the data appears to suggest the quality of the teachers IEPs increased beyond what would be considered due to chance.

Although each phase in and of itself may not appear as great in significance as the comparison of the totality of the data from the initial measure in the spring of 2012 to the final measure in the spring of 2014, all mean compliance percentages changed in the positive direction as indicated by Tables 6 and 7.

Table 6

IEP Compliance Comparison Between Baseline and Training Phases

Phase School Year	Compliant IEPs		
	No	Yes	Total
Baseline 2011-2012	90.0 (9)	10.0 (1)	100.00
Training 2012-2013	53.0 (28)	47.0 (29)	100.00
Chi Square $p < 0.1$	33.591		

Table 7

IEP Compliance Comparison Between Training and Maintenance Phases

Phase School Year	Compliant IEPs		
	No	Yes	Total
Training 2012-2013	53.0 (28)	47.0 (29)	100.00
Maintenance 2013-2014	15.0 (7)	85.0 (37)	100.00
Chi Square $p < 0.1$	32.175		

Given the results, the null hypothesis that the results would be the same across all phases is rejected. The results are in fact statistically significant due to the intervening factors and the district service providers succeeding in writing more quality and compliant IEPs from the initial review to the follow-up review phases.

Results

Utilizing the findings from the compliance analysis to further this investigation, achievement data from the students whose IEPs were reviewed was statistically compared. Following the lead of nationwide and state reporting of scores from benchmark and proficiency assessments, the analysis of student achievement scores in math and reading were reviewed and sorted into either Proficient or Not Proficient based on the performance standards as defined by the respective assessment. In doing so, there were startling results. Of the 154 subtest scores reviewed over the three school year timeframe, only **2** subtests scores were considered Proficient or at benchmark on the respective assessment measures. Assessment scores were then calculated as a ratio towards proficiency or benchmark. This was done by comparing the obtained score divided by the lowest possible score, or cut score, the student must earn to be considered

proficient or at benchmark. The proficiency ratio scores are reported in the student achievement table (Table 8).

Table 8

Student Achievement Proficiency Ratios

Subject	Compliance Phase	Ratio	Subject	Compliance Phase	Ratio
Math	1	0.82353	Reading	1	0.53333
Math	1	0.82353	Reading	1	0.66667
Math	1	0.94118	Reading	1	0.60000
Math	1	0.52941	Reading	1	0.46667
Math	1	0.29412	Reading	1	0.73333
Math	1	0.52941	Reading	1	0.86667
Math	1	0.73684	Reading	1	0.76471
Math	1	0.63158	Reading	1	0.76471
Math	1	0.63158	Reading	1	0.76471
Math	1	0.97321	Reading	1	0.88793
Math	1	0.79913	Reading	1	0.84034
Math	1	0.98690	Reading	1	0.90756
Math	1	0.79913	Reading	1	0.72269
Math	1	0.84821	Reading	1	0.83621
Math	1	0.79913	Reading	1	0.75630
Math	1	0.92544	Reading	1	0.81967
Math	1	0.93578	Reading	1	0.73451
Math	1	0.79913	Reading	1	0.72269
Math	1	0.84716	Reading	1	0.84454
Math	1	0.90830	Reading	1	0.83613
Math	1	0.84716	Reading	1	0.77731
Math	1	0.89224	Reading	1	0.78629
Math	1	0.84716	Reading	1	0.75630

Table 8—Continued

Subject	Compliance Phase	Ratio	Subject	Compliance Phase	Ratio
Math	1	0.89908	Reading	1	0.73451
Math	2	0.41176	Reading	2	0.75000
Math	2	0.76471	Reading	2	0.93750
Math	2	0.76471	Reading	2	0.81250
Math	2	0.41176	Reading	2	0.75000
Math	2	0.76471	Reading	2	0.93750
Math	2	0.76471	Reading	2	0.81250
Math	2	0.31579	Reading	2	0.66667
Math	2	0.84211	Reading	2	0.44444
Math	2	0.78947	Reading	2	0.83333
Math	2	0.68421	Reading	2	0.66667
Math	2	0.98661	Reading	2	0.85776
Math	2	0.84716	Reading	2	0.86975
Math	2	0.98253	Reading	2	0.91597
Math	2	0.87773	Reading	2	0.84034
Math	2	0.86161	Reading	2	0.83621
Math	2	0.79913	Reading	2	0.79412
Math	2	0.92982	Reading	2	0.82377
Math	2	0.83945	Reading	2	0.73451
Math	2	0.93839	Reading	2	0.93981
Math	2	0.85308	Reading	2	0.75000
Math	2	0.84716	Reading	2	0.72269
Math	2	0.82969	Reading	2	0.84034
Math	2	0.89100	Reading	2	0.91667
Math	2	0.93450	Reading	2	0.86975
Math	2	0.91943	Reading	2	0.79412
Math	2	0.90830	Reading	2	0.80093
Math	2	0.81651	Reading	2	0.82773
Math	2	0.88073	Reading	2	0.73451

Table 8—Continued

Subject	Compliance Phase	Ratio	Subject	Compliance Phase	Ratio
Math	2	1.00877	Reading	2	0.84071
Math	2	0.88312	Reading	2	0.79339
Math	2	0.98701	Reading	2	0.94215
Math	2	0.87013	Reading	2	0.84298
Math	2	0.87719	Reading	2	0.85141
Math	2	0.80519	Reading	2	0.72650
Math	2	0.90517	Reading	2	0.92576
Math	2	0.92377	Reading	2	0.78166
Math	2	0.96313	Reading	2	0.83884
Math	2	0.88018	Reading	2	0.87603
Math	2	0.83117	Reading	2	0.86026
Math	2	0.90476	Reading	2	0.87603
Math	2	0.88940	Reading	2	0.89669
Math	2	0.99134	Reading	2	0.82969
Math	2	0.86147	Reading	2	0.71901
Math	2	0.90323	Reading	2	0.72650
Math	2	0.88312	Reading	2	0.90598
Math	2	0.91928	Reading	3	0.77778
Math	2	0.89686	Reading	3	0.55556
Math	3	0.89474	Reading	3	0.83333
Math	3	0.78947	Reading	3	0.61111
Math	3	0.63158	Reading	3	0.77778
Math	3	0.52632	Reading	3	1.27778
Math	3	0.68421	Reading	3	0.77778
Math	3	0.52632	—	—	—
Math	3	0.52632	—	—	—

A mean proficiency ratio score was calculated for math and reading for each compliance phase. Using a non-independent groups *t*-test, the achievement data was analyzed to determine if there was a measured difference between the proficiency ratio means in relationship to the phase of compliance in which the score was obtained. The *t*-test revealed that the mean difference between the proficiency ratio during the baseline phase, where mean compliance was at 10%, and the proficiency ratio during the maintenance phase, where mean compliance was at 85%, was not significantly different for either math or reading. Comparison of the mean proficiency ratio for mathematics for students in the 2011-12 school year (M = .79368, SD = .16436) and the mean proficiency ratio for mathematics for students in the 2013-2014 school year (M = .65414, SD = .14528) appeared to be not quite statistically significant between the compliance phases $t(29) = 2.0227$, $p = .0524$. When investigating the mean proficiency ratio of student reading scores between the same two school years, 2011-12 (M = .75516, SD = .10536) and 2013-14 (M = .80159, SD = .23320), there was no statistically significant difference as compliance increased $t(29) = 0.7632$, $p = .04515$ (see Figure 3).

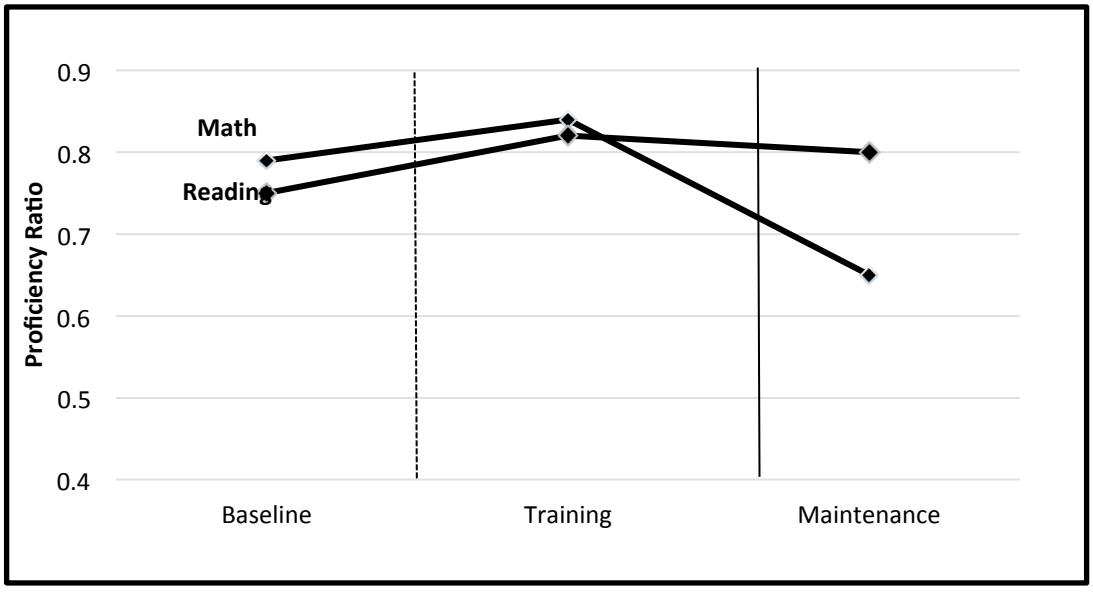

Figure 3. Proficiency ratio means for math and reading in all three compliance phases.

Outcomes

Because there was no statistically significant difference in achievement scores across the phases of compliance, the IEP goals from the reviewed IEPs were analyzed for content aligned to grade-level standards.

In order to determine if the IEP goal was written at the student's grade-level, criteria from Rule 34 CFR 300.320 through 300.324 of IDEA was utilized to develop probe questions:

- A statement of the child's present levels of academic achievement and functional performance
- A statement of measurable annual goals, including academic and functional goals designed to:
    - Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
    - Meet each of the child's other educational needs that result from the child's disability (20 U.S.C. 1414(d)(1)(A)(i))

Like the IEPs, the two raters more specifically evaluated the IEP goals. There were a total of 127 goals assessed to determine alignment to grade-level standards. For each IEP goal, three dichotomous Yes/No questions regarding the goal were asked: Is the instructional area aligned with the student's grade level? Is the standard upon which the goal will be based at the student's grade level? Is the measurable annual goal based upon the student's grade level? This checklist is included as Appendix F.

Overall, inter-rater reliability was found to be at 71%. This was calculated by dividing the total number of agreements by the number of agreements plus disagreements and multiplying by 100 (Huck, 2012). The obtained level of inter-rater reliability substantially exceeded the

chance level (58%) associated with the base rates of "yes" and "no" responses of the two raters. Cohen's kappa was calculated to compare obtained agreement to chance agreement, and its value is .31. Landis and Koch (1977) considered such a kappa value to represent "fair" inter-rater reliability and to be consistent with a meaningful, but not ideal, observational system. Inter-rater agreement was calculated for each of the three probe questions, with obtained values very similar to that obtained for overall inter-rater reliability. For question 1 regarding the instructional level, the raters responses were consistent with one another 72%. On the question reviewing grade-level and standard alignment, they agreed 72%. Finally, for the rating on the annual measureable goal, they were found to be 71%.

Table 9

Frequency of Rating

	Question 1		Question 2		Question 3	
	Yes	No	Yes	No	Yes	No
Rater 1	95	32	95	32	63	64
Rater 2	111	16	111	16	97	30

With overall agreement at 71%, the data appear to be fairly consistent between raters, with 75% of the probe question scores affirmative for the alignment of the IEP goal to the student's grade-level standards. However, the evaluation of question 3 by Rater 1 is discrepant from the other ratings, as it falls just below 50% for affirming that the measurable annual IEP goal was based upon the student's grade-level.

CHAPTER IV

DISCUSSION

The current shift in the field of special education from an accountability system focused on procedural compliance to one with an emphasis on student outcomes means school districts must begin to address the well-documented achievement gap between students with and without disabilities. This fundamental adjustment however, is not in lieu of procedural compliance, but rather the *addition* of substantive compliance to that existing expectation.

Compliance

With the threat of sanctions for not complying with IDEA as determined by the State of Michigan, the district put procedures in place to increase the quality of their IEPs and to meet the mandated compliance target. The results based on the first research question of this study demonstrate that the district special education service providers did in fact improve on procedural compliance on the IEPs. The number of Yes marks on the Student Record Review grew, as did the monthly mean compliance scores, from the first phase (baseline) through the final phase (maintenance). This finding is significant and was validated by the MDEOSE during their final audit of the district in the spring of 2013, where one hundred percent of the IEPs the monitors reviewed were found procedurally compliant. The teachers continued to author compliant IEPs even without the threat of state sanctions the following school year in 2013-2014, during the maintenance phase. In fact, the overall mean percentage for all teachers during the maintenance phase (85%) was higher than the training phase (47%), the phase with more implications for non-compliance. This may indicate that the procedures put in place by the district to improve the quality of IEPs were broader than merely "passing the state audit." Instead, the special education service providers appeared to benefit from the use, training, and

feedback related to the MDEOSE Sample Student Record Review – FAPE Spring 2012 checklist during the training phase to create an expectation of constructing compliant IEPs so that "the district would not be in this position again."

As noted in previous studies (Rehfeldt, Clark, & Lee 2010; Rosas, Winterman, Kroeger, & Jones, M, 2009), a rubric or checklist does not necessarily equate to compliant IEPs and the inclusion of all the components required by IDEA 2004 when writing them. However, as shown with this study, special education providers came closer to meeting the procedural requirements of the IEP after the implemented use of the MDEOSE rubric (85%) than they did prior to its use (10%). In addition, the use of the rubric allowed for consistent and objective feedback to district special education providers regarding their performance on writing quality and compliant IEPs. With the interrater reliability well over 90 percent (94%) between the intermediate school district teacher consultants when using the MDEOSE rubric to review district IEPs, all special education providers who were either constructing or examining the IEPs were clear about the essential components to meet the IDEA requirements. Based on statistical analyses as well as state agency focused monitoring, the district significantly improved its procedural compliance on IEPs.

For those preparing teachers to work in the field of special education and for administrators practicing already, this conclusion has implications for training and ongoing monitoring of IEP development. Individualized Education Programs can be difficult for teachers to consistently author with complete compliance as previously discussed. A framework or rubric for teachers to reference as they construct the document may help in avoiding procedural errors. In addition, a systematic method for reviewing and providing feedback to special education

providers regarding the quality of their IEPs would be a beneficial special education administration strategy to ensure a culture of compliance to IDEA regulations.

Academic Achievement Outcomes

As is well documented in the literature and outlined in previous chapters, students with IEPs are not scoring commensurate with their same-aged, non-disabled peers on national and statewide assessments (Reschly & Christenson, 2006). Not only is there an achievement gap between disabled and non-disabled students, but an overwhelming majority of students with IEPs are considered "non-proficient" on these same assessments, thus not meeting grade level standards (Anderson, Medrich,& Fowler, 2007). This trend was reflected in the data from the school district of study as well. The second research question investigated the achievement assessment results of the district's students with IEPs on the MEAP and NAEP in comparison to the rate of improved compliance by the same district's special education service providers. Of the 154 reading and math subtest scores reviewed, only *two* of the subtest scores were considered proficient or at grade-level benchmark. Therefore, solely using attainment of "proficiency" as a comparison measure was not viable for the statistical analysis. Instead, a proficiency ratio was calculated to discern if there was any measurable difference in scores between the three compliance phases. The ratio towards proficiency was calculated using 1.0 as the cut-off or lowest proficient score for the grade and subtest. Although this conversion of score to a ratio is not typically computed when discussing proficiency levels on statewide assessments, the small sample of "proficient" scores from this study would not have provided a feasible statistical comparison. It was a bit shocking, but not at all surprising, that there were so few math and reading MEAP and NAEP subtest scores considered proficient across the three school year data analysis for students with IEPs in the school district.

When considering the mean proficiency scores in comparison to the compliance scores, there does not appear to be much if any relationship. In fact, as the service providers became more accurate in writing compliant IEPs (M = 10 vs. M = 85), the mean proficiency score actually decreased in mathematics (M = .79368 vs. M = .65414). In the subject of reading, there was no statistically significant difference between the two means from phase one with IEP compliance was measured at 10% and when it increased in the final, maintenance phase to 85% (M = .75516 vs. M = .80159).

For special education practitioners, trainers, and administrators there is typically a presupposition that if the IEP is considered compliant, then it equates to educational benefit for the student with a disability. As noted by Erickson et al. (2014), this is a false assumption especially if the goal is to access the general education curriculum and master it as assessed by statewide assessments. Since RDA intends to reshape national and state monitoring from procedural compliance to student outcomes and results, special education practitioners will need to develop skills in assessment literacy. Given that special education teachers typically do not consider results on statewide assessments when developing IEPs (Sharpe & Hawes, 2003), it would be incongruous to expect that outcomes for student with disabilities on these same assessments could naturally improve.

Finally, the last two questions of this study addressed student outcomes. The third question was contingent upon whether the MEAP or NAEP scores for the school district's students with IEPs improved as the teacher's compliance on the IEPs improved. Based on the results, it is clear that there was no improvement on MEAP or NAEP reading and mathematics subtest scores from the baseline phase in school year 2011-2012 to the maintenance phase in school year 2013-2014 for student with disabilities. No MEAP or NAEP score comparisons

were thus made between students with and without IEPs. Instead, the final question, "Were IEPs actually related to establishing grade-appropriate academic performance as measured by the two tests?" was addressed in this study.

Because there was no improvement on the statewide assessment or national standardized assessments for students with IEPs even as IEP compliance statistically improved, this question becomes relevant for a number of reasons. One reason is that the alignment of the IEP to the grade level standards is important as the MEAP and NAEP annually assess skills aligned to those grade level standards. Another reason is that the USDOE Office of Special Education and Rehabilitative Services reemphasized the requirement that IEP goals be "aligned with grade-level content standards for all children with disabilities" in a "Dear Colleague" letter written on November 16, 2015, (p. 1). Finally, in the article "What We Know and Need to Know About the Consequences of High-Stakes Testing for Students With Disabilities" by Ysseldyke and Nelson (2004), the authors cite a study by Sharpe and Hawes (2003) in which, "they generally found that teachers almost wholly disregarded the results of large-scale assessments in the consideration of IEP goals and objectives" (p. 82).

Overall, it appears that for the most part, the IEPs and accompanying IEP goals written by the district's special education service providers were aligned to the state standards of the grade level in which the student was enrolled. When writing the annual measureable IEP goal aligned to state standards, there are three components to consider; the instructional area, the student's grade level, and the grade level standard on which the goal will be based (Appendix G). When reviewing the first component, the raters agreed that the instructional area was accurately selected at grade level by the district special education providers for the specific student between 75 and 87% of the IEP goals. Identical agreement was observed by the raters as well for goal

alignment to the state standard on which the goal would be written (between 75 and 87%). On the last component, however, the raters did not feel as confidently that the special education teachers wrote measureable IEP goals that were aligned to the particular grade-level state standard of the students. One found that less than half of the IEP goals met the threshold for a measurable goal that was actually written to include the grade level expectation. The other did not appraise the same measure quite as low, but it was lower than the previous ratings at 76% "yes" in contrast to 87% for the first two component ratings. They reported that it was difficult to positively rate an IEP goal that included "in an age-appropriate manner" or one in which the grade level was ambiguous and used statements like " on applied problems" which they mentioned could be found in multiple grade's standards. While there could be greater clarity when writing grade-level standards based IEP goals, it appears that the special education providers in the district wrote IEPs based on the instructional level and grade-appropriate academic level that are typically measured by the MEAP and the NAEP.

Given these results, there are implications for both teacher training programs as well as current practitioners in the field of special education. While it appears that IEP goals were written based on grade-level standards, it is not apparent if the appropriate standard was intentionally selected with the outcome in mind. Progress monitoring of the IEP goals as well as instructional practice to achieve them was not a part of this study. However, as standards-based goals are developed as a part of the IEP construction process, special education providers may need to consider how they will measure incremental progress on the IEP goals. Instructional practice can be then modified if students are not making adequate growth towards the standards. Careful selection and alignment of the IEP goals to standards, as well as more frequent

monitoring of progress on them may contribute to better performance on standards-based summative assessments.

Limitations

The limitations of this study are not unlike those typical when utilizing a nonexperimental method. The researcher is at the mercy of another entity using archival data from that entity. Educational settings also quite often have concurrent and even competing, initiatives being implemented simultaneously, which makes it difficult to control for extraneous variable impact or manipulate independent variables. In addition, clear and defined relationships between the variables are not as easily established with statistical analyses alone.

Each of the three phases of analysis – baseline, training, and maintenance – were based upon and contained within a school year and thus student data obtained in that year could loosely be considered a "group" when comparing relationships across the phases. Because the students were not assigned to each group or year by the researcher, group equivalence cannot be assumed. Nor should independence, as the students and teachers whose data were analyzed all came from the same school district. Some interactions may have influenced or affected outcomes or performance (Cone & Foster, 2006). This was due to the fact that the data was being collected for another purpose - as a method to monitor teacher progress towards meeting the compliance expectations as outlined in the Michigan Department of Education Office of Special Education finding the school district received in the spring of 2011. This study was then developed much later in response to the announcement by the United States Department of Education Office of Special Education in 2014 that student outcome results, and not just compliance, would be monitored by both the federal and state governments in relation to the adherence by school districts to IDEA (Delisle & Yudin, 2014). As with garnering access to school district data post

hoc, the variability and accessibility of clean and consistent data for the researcher can be challenging. In this study, the sample size for achievement data for students with IEPs for the 2012-2013 school year was larger than that for the 2013-2014 school year. Although the data related to the compliance had a consistent sample size over the three phases, the student achievement data did not. Using proportional statistics helps provide the comparisons necessary to analyze the potential relationship, however.

Given that the research was completed within the context utilizing data from one school district, these findings would not necessarily generalize to other school districts. Additionally, "without true random assignment of the students to conditions, there remains the possibility of other important confounding variables that the researcher is not about to control" (Price, 2012, p. 7). A comparison between the school district in which the study was conducted alongside a similar school district that was not under the same type of Office of Special Education State Department scrutiny as a control group, would have also provided another opportunity for comparison and generalization. Although the school district's increase in compliance had no visible impact on student achievement outcomes from this study, a sample from another similar district comparing the two may have provided another data set in which to draw some conclusions and comparisons about compliance, results, and directionality of the two.

Finally, although the efficacy of using a rubric or external framework in supporting teachers to author more compliant IEPs has been shown (Rosas et al., 2009), the technical adequacy of the rubric developed and utilized by the Michigan Department of Education Office of Special Education to assess IEP compliance is unknown or unpublished. Like the study conducted by Finn and Kohler in 2009, the MDEOSE Sample Student Record Review – FAPE Spring 2012 checklist "used in this study, however, appears to parallel the IEP content and

process requirements of IDEA, and training appears to have resulted in interrater reliability" (p. 26).

This does not diminish the importance of this type of study to the field, however, in fact, more and continued work post hoc on the data that has been collected regarding student performance over the forty some years since the enactment of IDEA should be engaged in to determine trends and patterns. Such type of program evaluation analysis may assist practitioners in systematically determining practical uses and relationships in the field that can improve student outcomes.

In addition, extensions or modifications to this study may support further practitioner understanding of the impact that procedural compliance has on substantive compliance or educational benefit. Single subject designs or case studies at the student level may provide specific insights in the relationship between procedural compliance and student outcomes. Conversely, repeating this study with two districts concurrently would allow for one of them to be utilized as a "nontreatment" comparison group if they had similar baseline compliance means.

Conclusion

The purpose of this study was to assess the relationship between procedural compliance of an IEP document and student growth as measured by state and nationwide assessments. This extant study was appropriate to determine if a teacher's increase on procedural requirements to the IEP document resulted in increased student performance on standardized assessments with the recent federal promotion of Results Driven Accountability for students with disabilities. Given the well-documented lack of proficiency towards state standards for students with IEPs as well as the achievement gap between students with and without disabilities, the United States Department of Education shifted its focus of IDEA monitoring to a framework with renewed

focus on outcomes for students with disabilities, including performance on statewide assessments (USDOE, 2014). Even with support for this shift, there is little research that supports what does, in fact, contribute to increased achievement and better outcomes for students with disabilities (Erickson et al., 2014). With past practice of state and federal monitoring emphasis on procedural compliance, it seems practical for special education researchers and practitioners to first consider the intersection between compliance and outcomes. However, this study, like those conducted prior, found that there is little relationship and no impact of procedural compliance on outcomes for students with IEPs (Finn & Kohler, 2009; Pudelski, 2013; Turner et al., 2000). Even as the compliance increased and the quality of the IEPs improved in the district, there was no statistically significant positive difference in achievement scores for the students with IEPs. Although procedural compliance may not be essential to outcomes for students with disabilities, it is still important for special educators to adhere to procedures and safeguards that ensure compliance to the regulations within the IDEA, just not so exclusively as to ignore substantive compliance and educational benefit. In the new era of Results Driven Accountability in the field of special education, trainers, administrators, and providers will need to develop IEPs calculated for educational benefit and measureable outcomes.

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Appendix A

Letter of Support

KPS Kalkaska Public Schools

Students Today · Leaders Tomorrow

Christine Robertson, Ed.S.
17887 Birchview Dr
Nunica, MI 49448

Kristal Ehrhardt, Ph.D.
Professor, Special Education Program
4851 Sangren Hall
Western Michigan University
Kalamazoo, MI 49008-5258

Dear Ms. Robertson and Dr. Ehrhardt,

Thank you for consulting with our school district on this project to investigate the impact of procedural compliance on the IEP to student achievement on "high-stakes assessments" required by the Michigan Department of Education (MDE). As you know, we have improved the quality of our IEPS to meet MDE and IDEA standards. Our next step will be to determine if such improvements leads to better student academic achievement on required assessments. The outcomes from this analysis may help us to determine best use of teacher time to ensure positive academic achievement for our students.

We look forward to collaborating with you on this project.

John Sattler

John Sattler
Principal and RAP Team Coordinator

315 S. Coral St. | Kalkaska, MI 49646 | T: 231-258-9109 | F: 231-258-4474 | www.kpschools.com

Appendix B

State Performance Plan

Part B of the Individual with Disability Education Act - Ages 3 to 21

***Results Indicators**

1. **Graduation -** Percent of youth with individualized educational programs (IEPs) graduating from high school with a regular diploma.
2. **Dropout -** Percent of youth with IEPs dropping out of high school.
3. **Statewide Assessment –**Participation and performance of children with an IEP on statewide assessments.

4A. **Rates of Suspension and Expulsion -** Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with an IEP.

5. **Educational Environments: Ages 6 through 21 -** Percent of 6-21 year old children with an IEP served inside the regular class and in public/private separate schools, residential, homebound/hospital placements.
6. **Early Childhood Education Environments: Ages 3 through 5 –** Percent of children with an IEP aged 3 through 5 attending a regular early childhood program and in separate special education class, separate school or residential facility.
7. **Preschool Outcomes -** Percent of preschool children with an IEP aged 3 through 5 who demonstrate improved positive social-emotional skills; acquisition & use of knowledge and skills; and use of appropriate behaviors.
8. **Facilitated Parent Involvement -** Percent of parents with a child receiving special education services who report schools facilitated parent involvement.
14. **Postsecondary Outcomes –**Percent of youth who had an IEP, are no longer in secondary school and who have been employed, enrolled in higher education, or some other postsecondary education/training program within one year of leaving high school.
15. **Resolution Session Agreements -** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
16. **Mediation Agreements -** Percent of mediations held that resulted in mediation agreements.
17. **State Systemic Improvement Plan (SSIP) –** A comprehensive, ambitious, yet achievable multi-year plan for improving results for children with disabilities.

*Results Indicators: Michigan sets measurable and rigorous targets with broad stakeholder input. Targets vary by indicator.

****Compliance Indicators**

4B. **Rates of Suspension and Expulsion by Race/Ethnicity -** Percent of districts that have a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with an IEP; and policies, procedures or practices that contribute to the significant discrepancy.

9. **Disproportionate Representation - Child with a Disability –** Percent of districts with disproportionate representation of racial and ethnic groups that is a result of inappropriate identification.
10. **Disproportionate Representation - Eligibility Categories -** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification.
11. **Child Find (Evaluation Timelines) -** Percent of children with parental consent to evaluate and were evaluated within 30 school days.
12. **Early Childhood Transition -** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and had an IEP developed and implemented by their 3rd birthday.
13. **Secondary Transition -** Percent of youth aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are based upon an age appropriate transition assessment and transition services.

**These compliance targets are set by the United States Department of Education at either 0% or 100%

MICHIGAN Department of Education

Appendix C

Sample Student Record Review

Michigan Department of Education
Office of Special Education

Sample Student Record Review

FAPE – Spring 2012

NOTE: In reviewing the student record, respond to probe areas related to the current IEP.

Student Name: _____ Birthdate: _____

Current Grade Level:

PreK
K
1
2
3
4
5
6
7
8
9
10
11
12
Other

Current IEP Date: _____

Race/Ethnicity:

American Indian
Asian
Black
Hispanic
White
Two or More Races

Primary Disability:

Autism Spectrum Disorder
Cognitive Impairment
Emotional Impairment
Other Health Impairment
Specific Learning Disability
Speech and Language Impairment
Other

Reviewed By: _____ Date of Review: _____

Item #	Citation	Probe	Responses			
Individualized Education Program (IEP)			**Yes**	**No**	**NA**	**Comments**
1	§ 300.321(a)	The required members of the IEP team attended the IEP meeting.	O	O	O	
2	§ 300.321.(e)(1-2)	There was documentation of an excusal if a required member was not in attendance.	O	O	O	
3	§ 300.322	There was evidence of repeated attempts to invite the parent if the parent did not attend.	O	O	O	
4	§ 300.322(c)	If the parent did not attend the IEP meeting, the team used other methods to ensure parent participation.	O	O	O	
5	§ 300.503 R 340.1721b(a)(3) (Oct 2011)	The public agency provided the parent with an offer of FAPE within 7 school days from the IEP meeting.	O	O	O	
6	§ 300.303(b)(2)	A redetermination of eligibility IEP meeting was convened within the past 36 months.	O	O	O	
7	§ 300.324(b)	The student's previous IEP meeting was held within the past 12 months.	O	O	O	
8	§ 300.320(a)(1)	The IEP contains a statement of the student's present levels of academic achievement and functional performance (PLAAFP).	O	O	O	
9	§ 300.320(a)(1)(i)	The IEP explains how the student's disability affects the student's involvement and progress in the general education curriculum.	O	O	O	
10	§ 300.320(a)(2)(i) R 340.1721(1)(a) (Oct 2011)	There is a statement of measurable annual goals with short-term objectives, including academic and functional goals designed to meet all of the student's needs that result from the disability.	O	O	O	

11	§ 300.324(a)(2)(i)	In the case of a student whose behavior impedes the student's learning or that of others, the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address that behavior.	O	O	O	
12	§ 300.117 § 300.320(a)(5)	The IEP explains the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular services and other nonacademic activities.	O	O	O	
13	§ 300.320(a)(4)	The IEP specifies the special education programs and services the student is to receive.	O	O	O	
14	§ 300.320(a)(7)	The IEP specifies the frequency and duration of each special education program and/or service to be provided for the student.	O	O	O	
15	§ 300.320(a)(4)	The IEP team considered supplementary aids and services and/or program modifications to be implemented in the general education, special education, non-academic or extracurricular setting.	O	O	O	
16	§ 300.320(a)(7)	The IEP specifies the frequency and duration of supplementary aids and services or program modifications, or the conditions under which they will be provided.	O	O	O	
17	§ 300.320(a)(7)	The IEP contains the beginning and duration dates for programs and services.	O	O	O	
18	§ 300.323(c)(2)	The student's schedule matches the IEP. [Review student's schedule.]	O	O	O	
19	§ 300.323(c)(2)	The student is receiving **all** programs and/or services specified in the IEP. [Review service provider documentation.]	O	O	O	

20	§ 300.320(a)(4)	Programs and/or services support all of the student's goals and objectives.	O	O	O	
21	§ 300.320(a)(3)(i)	The IEP contains a description of how the student's progress toward meeting the annual goals will be measured.	O	O	O	
22	§ 300.320(a)(3)(ii)	The IEP states when periodic reports on the student's progress toward meeting the annual goals will be provided.	O	O	O	
23	§ 300.320(a)(3)(ii)	There is evidence that progress reports have been provided as written in the IEP. [Review evidence.]	O	O	O	
24	§ 300.320(a)(6)(i)	The IEP includes a statement about accommodations necessary for measuring the academic and functional performance of the student on State and district-wide assessments.	O	O	O	
25	§ 300.320(a)(6)(ii)	If the student will take an alternate assessment, there is a statement about why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate.	O	O	O	
26	§ 300.106 R 340.1721e(1)(b)	There is a statement documenting that extended school year services were considered.	O	O	O	

Does this student require a CAP?	Yes	No	N/A	If N/A, explain

Citation	Item of Noncompliance	Corrective Action Required		Due Date
		Check all that apply: ☐ Review existing evaluation data. ☐ Complete a new IEP or IEP amendment ☐ Provide all programs and services specified in the IEP (or convene a new IEP or IEP amendment). ☐ Provide compensatory services. ☐ Provide progress reports to parents. ☐ Other (Specify)		6/15/2012

Notes

Appendix D

MEAP and MME Score Catergories and Scale Score Ranges

MEAP Score Categories and Scale Score Ranges
Fall 2011
Grades 3-9

Subject	Grade	Level 4 Not Proficient	Level 3 Partially Proficient	Level 2 Proficient	Level 1 Advanced
Mathematics	3	205 - 321	322 - 335	336 - 370	371 - 427
	4	285 - 422	423 - 433	434 - 469	470 - 554
	5	358 - 515	516 - 530	531 - 583	584 - 671
	6	472- 613	614 - 628	629 - 674	675 - 762
	7	581 - 713	714 - 730	731 - 775	776 - 873
	8	676 - 808	809 - 829	830 - 864	865 - 961
Reading	3	194 - 300	301 - 323	324 - 363	364 - 417
	4	285 - 394	395 - 418	419 - 477	478 - 529
	5	385 - 500	501 - 520	521 - 564	565 - 631
	6	491 - 601	602 - 618	619 - 652	653 - 726
	7	574 - 697	698 - 720	721 - 759	760 - 824
	8	690 - 795	796 - 817	818 - 852	853 - 921
Science	5	351-525	526-552	553-566	567-666
	8	665-825	826-844	845-862	863-969
Social Studies	6	483-592	593-624	625-648	649-734
	9	778-898	899-927	928-959	960-1045
Writing	4	261- 361	362 - 399	400 - 428	429 - 512
	7	536 - 665	666 - 699	700 - 732	733 - 804

Michigan Merit Examination – 2012 Guide to Reports

MME Score Categories and Scale Score Ranges for Spring 2012

Subject	Level 4 Not Proficient	Level 3 Partially Proficient	Level 2 Proficient	Level 1 Advanced
Reading	(950-1080)	(1081-1107)	(1108-1140)	(1141-1250)
Writing	(950-1050)	(1051-1099)	(1100-1145)	(1146-1250)
Mathematics	(950-1092)	(1093-1115)	(1116-1137)	(1138-1250)
Science	(950-1105)	(1106-1125)	(1126-1143)	(1144-1250)
Social Studies	(950-1096)	(1097-1128)	(1129-1157)	(1158-1250)

MEAP Score Categories and Scale Score Ranges
Fall 2012 — Grades 3-9

Revised 5/30/2013

Subject	Grade	Level 4 Not Proficient	Level 3 Partially Profi-	Level 2 Proficient	Level 1 Advanced
Mathemat-ics	3	208 - 321	322 - 335	336 - 370	371 - 416
	4	283 - 422	423 - 433	434 - 469	470 - **539**
	5	363 - 515	516 - 530	531 - 583	584 - 668
	6	470 - 613	614 - 628	629 - 674	675 - 769
	7	**572** - 713	714 - 730	731 - 775	776 - **863**
	8	668 - 808	809 - 829	830 - 864	865 - **950**
Reading	3	188 - 300	301 - 323	324 - 363	364 - 423
	4	283 - 394	395 - 418	419 - 477	478 - 537
	5	385 - 500	501 - 520	521 - 564	565 - 630
	6	490 - 601	602 - 618	619 - 652	653 - 730
	7	574 - 697	698 - 720	721 - 759	760 - 826
	8	688 - 795	796 - 817	818 - 852	853 - 921
Science	5	350 - 525	526 - 552	553 - 566	567 - 668
	8	668 - 825	826 - 844	845 - 862	863 - 971
Social Stud-ies	6	481 - 592	593 - 624	625 - 648	649 - 729
	9	778 - 898	899 - 927	928 - 959	960 - 1046
Writing	4	247 - 361	362 - 399	400 - 428	429 - 513
	7	531 - 665	666 - 699	700 - 732	733 - 809

MME Score Categories and Scale Score Ranges for Spring 2013

Subject	Level 4 Not Proficient	Level 3 Partially Proficient	Level 2 Proficient	Level 1 Advanced
Reading	(950-1080)	(1081-1107)	(1108-1140)	(1141-1250)
Writing	(950-1050)	(1051-1099)	(1100-1145)	(1146-1250)
Mathematics	(950-1092)	(1093-1115)	(1116-1137)	(1138-1250)
Science	(950-1105)	(1106-1125)	(1126-1143)	(1144-1250)
Social Studies	(950-1096)	(1097-1128)	(1129-1157)	(1158-1250)

MEAP Score Categories and Scale Score Ranges
Fall 2013 — Grades 3-9

Revised 2/20/2014

Subject	Grade	Level 4 Not Proficient	Level 3 Partially Proficient	Level 2 Proficient	Level 1 Advanced
Mathematics	3	203 - 321	322 - 335	336 - 370	371 - 412
	4	284 - 422	423 - 433	434 - 469	470 - 549
	5	366 - 515	516 - 530	531 - 583	584 - 665
	6	467 - 613	614 - 628	629 - 674	675 - 760
	7	571 - 713	714 - 730	731 - 775	776 - 863
	8	674 - 808	809 - 829	830 - 864	865 - 958
Reading	3	189 - 300	301 - 323	324 - 363	364 - 439
	4	283 - 394	395 - 418	419 - 477	478 - 531
	5	385 - 500	501 - 520	521 - 564	565 - 633
	6	488 - 601	602 - 618	619 - 652	653 - 730
	7	574 - 697	698 - 720	721 - 759	760 - 829
	8	685 - 795	796 - 817	818 - 852	853 - 921
Science	5	349 - 525	526 - 552	553 - 566	567 - 666
	8	666 - 825	826 - 844	845 - 862	863 - 968
Social Studies	6	481 - 592	593 - 624	625 - 648	649 - 737
	9	778 - 898	899 - 927	928 - 959	960 - 1050
Writing	4	252 - 361	362 - 399	400 - 428	429 - 514
	7	526 - 665	666 - 699	700 - 732	733 - 814

MME Score Categories and Scale Score Ranges for Spring 2014

Subject	Level 4 Not Proficient	Level 3 Partially Proficient	Level 2 Proficient	Level 1 Advanced
Reading	(950-1080)	(1081-1107)	(1108-1140)	(1141-1250)
Writing	(950-1050)	(1051-1099)	(1100-1145)	(1146-1250)
Mathematics	(950-1092)	(1093-1115)	(1116-1137)	(1138-1250)
Science	(950-1105)	(1106-1125)	(1126-1143)	(1144-1250)
Social Studies	(950-1096)	(1097-1128)	(1129-1157)	(1158-1250)

Appendix E

Linking Study

TABLE SET 1 – MINIMUM ESTIMATED SAME-SEASON (FALL) RIT CUT SCORES CORRESPONDING TO STATE PERFORMANCE LEVELS

MATH-Current Season							
Cut Scores and Percentiles for each State Performance Level							
Grade	Not Proficient	Partially Proficient		Proficient		Advanced	
	Cut Score	Cut Score	Percen-tile	Cut Score	Percen-tile	Cut Score	Percen-tile
2	*<171*	*171*	*29*	*181*	*59*	*203*	*97*
3	<185	185	29	195	59	215	97
4	<198	198	33	204	51	222	92
5	<205	205	29	212	47	232	91
6	<212	212	31	222	56	243	94
7	<219	219	35	228	56	247	90
8	<223	223	34	237	66	255	93

READING-Current Season							
Cut Scores and Percentiles for each State Performance Level							
Grade	Not Proficient	Partially Proficient		Proficient		Advanced	
	Cut Score	Cut Score	Percen-tile	Cut Score	Percen-tile	Cut Score	Percen-tile
2	*<152*	*152*	*6*	*170*	*35*	*192*	*86*
3	<166	166	6	184	35	206	86
4	<178	178	6	192	29	217	89
5	<188	188	9	199	28	221	84
6	<196	196	13	205	31	221	73
7	<200	200	13	212	38	227	77
8	<201	201	11	217	44	236	87

*Note: the cut scores shown in this table are the **minimum** estimated scores. Meeting the minimum MAP cut score corresponds to a 50% probability of achieving that performance level. Use the probabilities in Table Set 3 to determine the appropriate 'target' scores for a desired level of certainty. Italics represent extrapolated data.

Appendix F

IEP Goal Checklist

Goal alignment

34 CFR 300.320 through 300.324, and that must include:
*A statement of the child's present levels of academic achievement and functional performance…
* A statement of measurable annual goals, including academic and functional goals designed to:
*Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
*Meet each of the child's other educational needs that result from the child's disability;

Answer yes (+) of no (O) to the following questions:
Is the instructional area aligned with the student's grade level?
Is the standard upon which the goal will be based at the student's grade level?
Is the measurable annual goal based upon the student's grade level?

Goal	Instructional Area	Standard upon which the goal will be based	Measurable annual goal

Appendix G

MDE Recommended IEP Goal Form

Section 4: Option I
Goals and Objectives/Benchmarks

Instructional Area—List the appropriate content area (e.g., strand/domain):

Michigan Content Expectations Upon Which Goal Will Be Based—List the appropriate GLCE, EGLCE, HSCE, EHSCE, or Early Childhood Standards of Quality for Pre-kindergarten:

Baseline Data

The student is currently _____ *(data)* on the _____ *(assessment)*.

Annual Goal

By _____ *(date)*, the student will _____ *(demonstrate skill)* when/at _____ *(conditions criteria)* on _____ *(assessment/evaluation)*.

Short-Term Objective/Benchmark: _____

Performance Criteria: _____

Evaluation Procedure: _____

Evaluation Schedule: _____

Status Date: Progress Toward Annual Goal: _____ Comments: _____	Status Date: Progress Toward Annual Goal: _____ Comments: _____
Status Date: _____ Progress Toward Annual Goal: _____ Comments: _____	Status Date: _____ Progress Toward Annual Goal: _____ Comments: _____

Short-Term Objective/Benchmark: _____

Performance Criteria: _____

Evaluation Procedure: _____

Evaluation Schedule: _____

Status Date: _____ Progress Toward Annual Goal: Comments: _____	Status Date: _____ Progress Toward Annual Goal: Comments: _____
Status Date: _____ Progress Toward Annual Goal: Comments: _____	Status Date: _____ Progress Toward Annual Goal: Comments: _____

SCHEDULE FOR REPORTING PROGRESS

When:

Position(s) responsible for implementing goal activities (check all that apply):

☐ Special Education Teacher ☐ Teacher Consultant ☐ Speech and Language Provider

☐ School Social Worker ☐ Occupational Therapist ☐ Physical Therapist

☐ Other: _____

Position(s) responsible for reporting progress on goal: _____

Appendix H

HSIRB Approval

WESTERN MICHIGAN UNIVERSITY

Human Subjects Institutional Review Board

Date: October 19, 2016

To: Kristal Ehrhardt, Principal Investigator
Christine Robertson, Student Investigator for dissertation

From: Amy Naugle, Ph.D., Chair Amy Naugle

Re: HSIRB Project Number 16-10-39

This letter will serve as confirmation that your research project titled "The Impact of Procedural Compliance to the IEP Document on Student Achievement and Academic Benchmarks" has been **approved** under the **exempt** category of review by the Human Subjects Institutional Review Board. The conditions and duration of this approval are specified in the Policies of Western Michigan University. You may now begin to implement the research as described in the application.

Please note: This research may **only** be conducted exactly in the form it was approved. You must seek specific board approval for any changes in this project (e.g., ***you must request a post approval change to enroll subjects beyond the number stated in your application under "Number of subjects you want to complete the study***)." Failure to obtain approval for changes will result in a protocol deviation. In addition, if there are any unanticipated adverse reactions or unanticipated events associated with the conduct of this research, you should immediately suspend the project and contact the Chair of the HSIRB for consultation.

Reapproval of the project is required if it extends beyond the termination date stated below.

The Board wishes you success in the pursuit of your research goals.

Approval Termination: October 18, 2017

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CAMPUS SITE: 251 W. Walwood Hall