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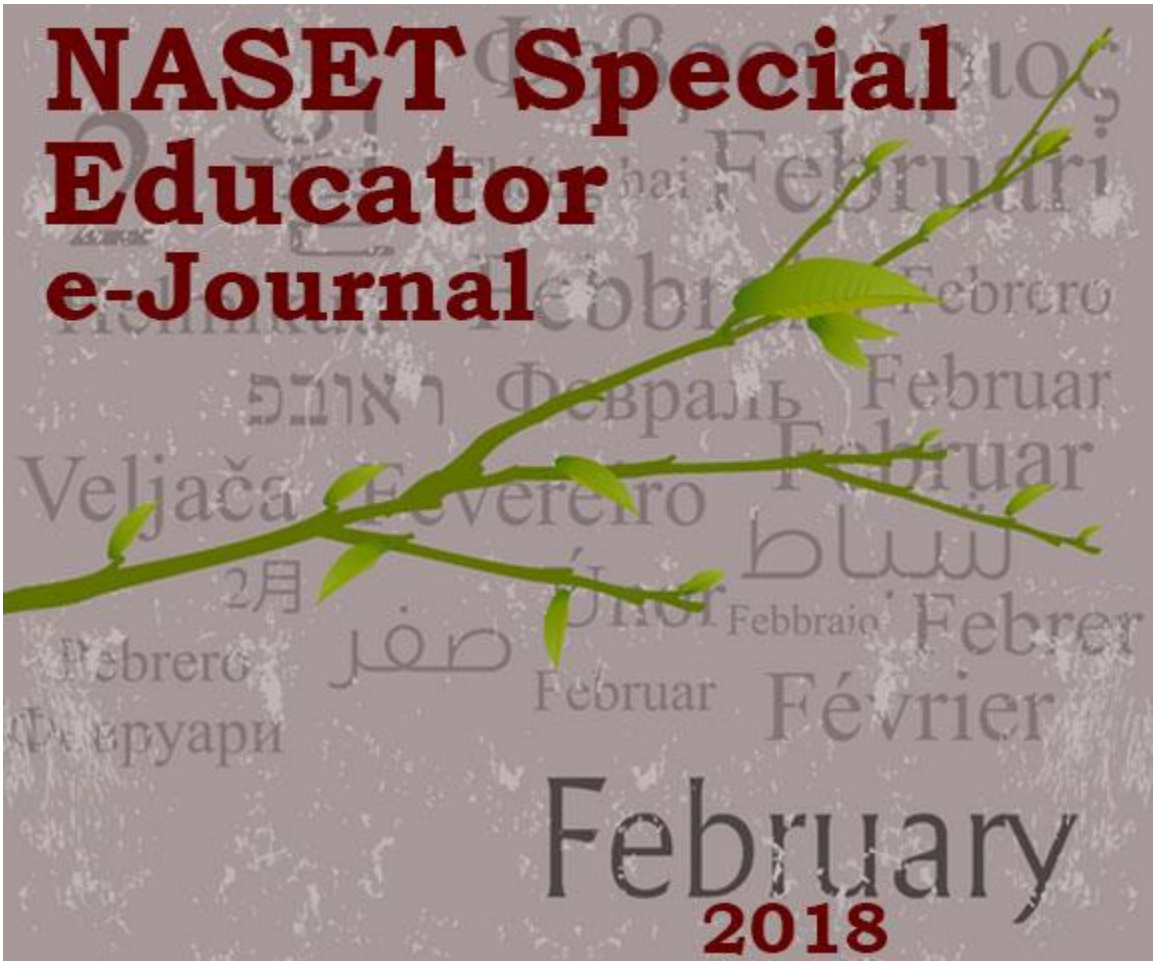

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Special Education Legal Alert

Perry A. Zirkel

This monthly legal alert, as a wider view to start the new year, provides two over-arching legal developments: (a) a six-month look at the lower court progeny of the Supreme Court's *Endrew F.* decision, and (b) the latest data on the incidence of students on 504 plans. The layout follows the usual format of a two-column table, with key rulings on the left and practical implications on the right. For automatic e-mailing of future legal alerts, sign up at **perryzirkel.com**; this website also provides free downloads of various related articles, including those specific to the complaint procedures avenue under the IDEA.

In an article published last month entitled "*Endrew F.* After Six Months: A Game Changer?," and available on my website, I have provided a systematic outcomes analysis of lower court decisions with a substantive FAPE issue between the date of the Supreme Court's decision in *Endrew F. v. Douglas County School District RE-I,* and September 22, 2017, which marked its six-month anniversary. More specifically, the analysis was limited to the 33 cases in which an IDEA hearing officer applied *Rowley*'s substantive standard for FAPE and the court applied the corresponding substantive standard under *Endrew F.* Because one of the cases had two relevant rulings, representing two successive IEPs, the analysis was based on 34 rulings.

In only 2 (6%) of these 34 rulings was the outcome different between the pre-*Endrew F.* hearing officer and the post-*Endrew F.* court. Moreover, the difference was limited to a remand of a ruling previously in the district's favor for further consideration and—oddly enough—a reversal of a ruling previously in the parent's favor. Partially moderating this lack of the overall outcomes difference, in 5 rulings the court upheld the hearing officer's determination in favor of the parent.	Overall, the characterization of *Endrew F.* as a game-changer," at least with regard to the rulings for the notable number of lower court decisions in the first six months after the decision, is hyperbole. However, a more definitive conclusion awaits more extensive research extending to not only a longer period but also hearing officer decisions. Moreover, beyond such empirical litigation analysis, the question of the effect of the decisions of IEP teams is the ultimate consideration.

Second, whether the hearing officer was in a "some" benefit or "meaningful" benefit jurisdiction did not seem to make a significant difference in the outcome. However, in 3 of the cases, the court expressly concluded that the *Endrew F.* standard was not substantively distinguishable from the previous standard of "meaningful" benefit. In any event, the lower courts' analysis of *Endrew F.* was rather cursory.	It will take more time for hearing officers and party attorneys to flesh out a more careful analysis and application of the holding of *Endrew F.* in light of its varying dicta, which will in turn stimulate a more definitive shaping of judicial precedents. The key will be the identification and weighting of the relevant factors within the key phrase of "appropriate under the circumstances" in its holding, although the individualized nature of the IDEA inevitable counters high outcomes predictability.

Although the U.S. Department of Education's data has for many years reported the incidence of students with IEPs under the IDEA, the Department only started collecting and reporting the incidence for students with 504 plans under Section 504 (herein referred to as "504-only" students) as part of OCR's biennial Civil Rights Data Collection (CRDC) for 2009–2010. The most recent reported data are for 2013–2014. The results stimulate the need for wider awareness, thoughtful consideration, and more extensive and intensive analysis.	
On average across of the school districts in the nation, the proportion of 504-only students was 1.8% for 2013–2014. The corresponding percentages for 2009–2010 and 2011–2013 were 1.0% and 1.5%, respectively (per the Zirkel & Weathers' articles cited on my website).	The growth is largely attributable to the gradual awareness and implementation of the more liberalized eligibility standards in the ADAAA of 2008 and the resulting Department of Justice regulations in 2016.
As with the incidence of students with IEPs under the IDEA, the percentages of 504-only students varies rather widely among states. The leading states in terms of their respective averages were: New Hampshire – 5.5%, Louisiana – 5.0%, and Vermont – 4.4%.	The explanations for these differences are not simple but the likely contributing factors include (1) the extent of litigiousness in the cultures of each state; (2) the interaction with the over- and under-identification of students under the IDEA; and (3) the interrelationship with demographic factors, such as race and wealth.

At the other extreme were New Mexico – .5% and, tied for next lowest, Nebraska and Utah, each at .7%.	
The differences are also notable for race/ethnicity (in favor of Whites), gender (in favor of males), and poverty-related school status (in favor of non-Title I as compared with Title I schools).	These factors are not unexpected, given their significance and interaction for various other distributional results in our society, such as average annual incomes.
A systematic comparison among school districts is not available in the literature, but one may well hypothesize a wide discrepancy between the wealthy suburbs in litigious metropolitan areas, such as New York, Chicago, and Los Angeles, and their corresponding inner-city schools.	These intra-state differences may be at least as statistically and practically significant as the inter-state differences, although the matter merits empirical as well as policy attention. The data are available via OCR's CRDC.

Shift in Education Policy under the Trump Administration

Perry A. Zirkel

A succession of events in the first year of Donald Trump's presidency signals a shift in education policy as part of a broader conservative agenda to reduce governmental regulations, including civil rights activism. Akin to the proverbial pendulum, the shift is rather clear and uniform in its immediate direction, but not its ultimate extent, especially for special education. The immediate effects are evident in the actions and inactions of the U.S. Department of Education's OCR and OSEP. [1] However, the long-range effects on both general and special education are likely to be primarily attributable to the changed complexion of the federal judiciary. Conservative judges tend to defer to school authorities, but not, for example, in cases of applying the First Amendment's religion clauses or statutes that are clear and specific as to Congressional intent. Here are the highlights in chronological sequence for this past year:

- Feb. 7, 2017: The Senate confirmed, with the vice president's vote breaking the tie, the President's appointment of Betsy DeVos, a longtime advocate of charter schools and vouchers whose Senate hearing revealed to be not knowledgeable about the IDEA, as head of the Department of Education.
- Feb. 22, 2017: The OCR/DOJ Dear Colleague Letter (DCL) withdrew the Jan. 7, 2016 Letter to Price and May 13, 2016 DCL regarding Title IX coverage of transgender students.
- Mar. 27, 2017: President Trump signed Congress's voiding of the Nov. 2016 ESSA and teacher-preparation regulations per the Congressional Review Act.
- Feb. 24, 2017: The President issued Executive Order 13777, "Enforcing the Regulatory Reform Agenda," establishing federal policy "to alleviate unnecessary regulatory burdens."
- Apr. 25, 2017: The President appointed the regulatory reform task force to implement this policy.
- June 8, 2017: OCR's acting director Jackson issued an internal memo to OCR staff that included:

  • a change from (1) collecting 3 years of data from LEAs to (2) a new policy that substantially reduces the scope (systemicàindividual), LEA paperwork, and time for investigations

  • a summary that in the 8-month period from Jan. 21 (day after presidential inauguration) to Aug. 17, OCR "closed" 7,769 complaints, compared to 8,625 closed cases during all of FY 2016 (under the previous administration)[2]
- June 22, 2017: The aforementioned regulatory reform task force issued its interim progress report - https://www2.ed.gov/documents/press-releases/regulatory-reform-task-force-progress-report.pdf
- June 22, 2017: As a departure from the usual issuance of proposed new regulations, the Department of Education issued in the *Federal Register* an open-ended invitation for suggestions of regulations and guidance that may be appropriate for repeal, replacement, or modification (by Aug. 21, 2017).

  • This invitation reportedly yielded 16,000 comments, including many based on template from National Women's Law Center that urged the Department to retain all current civil rights regulations and guidance documents.

- Sept. 8, 2017: In stark contrast with the past practice of frequent policy letters in response to individual inquiries,[3] OSEP and OSERS issued only one such policy letter in the ten-month period since the end of February, with this exception being for a private schools' issue (which referenced the abovementioned Executive Order 13777) - https://sites.ed.gov/idea/idea-files/policy-letter-september-8-2017-to-brian-radziwill/
- Sept. 22, 2017: OCR issued "Q&A on Campus Sexual Misconduct," including its notice of intent for new rulemaking under Title IX and its revocation of the previous administration's 2011 and 2014 guidance documents.
- Oct. 20, 2017: OSERS issued notification of its rescinding of 72 "guidance documents" that were purportedly "outdated, unnecessary" or ineffective."
  - 9 from RSA (mostly concerning vocational-rehabilitation)
  - 63 under OSEP (mostly superseded or outdated)
- Oct. 27, 2017: The Department issued notice of its intent to withdraw total of 600 "outdated" pieces of sub-regulatory guidance.
- Nov. 1, 2017: *Education Week* reported that the Department of Education has drafted a proposal for a two-year hiatus in implementing the new racial/ethnic "significant disproportionality" rule so as to have time to consider whether to continue, modify, or eliminate it.
- Nov. 11, 2017: The *N.Y. Times* reported President Trump's successful strategy to reshape the federal judiciary via young and deeply conservative nominees, including (a) 18 nominees and 9 Senate approvals w/o any disapprovals for the appellate level, and (b) lesser but effective emphasis at the district court level, with a predominance of white males and including several nominees whom the ABA has rated as unqualified.[4]
- Dec. 15, 2017: The *Wall Street Journal* reported significant cuts in staff of U.S. Department of Education's OCR via job freeze and buyouts.

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[1] The Department of Education includes, among various other units, (1) the Office for Civil Rights (OCR) and (2) the Office of Special Education and Rehabilitation Services (OSERS), which in turn, includes the Office for Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA).

[2] The distribution of the 7,769 closures were: dismissals - 76%; insufficient evidence - 9%; administrative closures - 7%; resolution agreements - 5%; and early complaint resolution - 2%.

[3] For a more general policy document, see Questions and Answers on U.S. Supreme Court Decision *Endrew F. v. Douglas County School District RE-1*, https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf(USDE Dec. 7, 2017).

[4] This agenda, which included quick rather than careful vetting, continued into the new year; on Jan. 8, 2018 the President resubmitted 21 judicial nominees to the Senate whose nominations expired in 2017, including two that the ABA rated as "not qualified."

CLASS: DECONSTRUCTING THE SCHOOL-BASED, PSYCHO-SOCIAL LEARNING ENVIRONMENT TO SERVE THE 21st CENTURY INCLUSION CLASSROOM

By Kevin J. Quail II, B.S., B.C.S.E.

Abstract

Building on the academic and philosophical perspectives presented by Neil Postman and Charles Weingartner's in *Teaching as a Subversive Activity* (1969), the author deconstructs the dominant elements of the post-modern American classroom. This analysis purposes to identify these primary elements in order to examine and clarify the symptoms and characteristics of the low achievement and even lower morale that pervades the American public education system. Examining the social learning environment in which students with and without disabilities are served, stakeholders—educators, parents, students, schools, etc.—are better equipped to utilize empirically-based strategies and interventions and develop dynamic and impactful curricula and programs that meet a broader spectrum of student needs.

Introduction

There is an inarguable and identifiable need for a global reconsideration of the elements and purpose of the academic learning environment, particularly as it applies to schools from pre-primary to post-secondary. Worldwide, our professional educators, teachers, instructors, facilitators, etc. are woefully miseducated and misinformed, the evidence of which is apparent given the literacy and economic growth rates of almost every country from first-world to worst-world. This is simply unacceptable. There are a plethora of solutions to the diverse problems that schoolteachers globally face every day. The focus of this analysis will be the solutions plaguing the conception and misconception of the elements and development of the learning environment from the academic and philosophical perspectives of Neil Postman and Charles Weingartner as presented in their published work *Teaching as a Subversive Activity,*published in 1969.

Postman and Weingartner highlight the basic impediments to effectual instructional, and thus learning, potential by examining the nature of the societal impressions that govern the perceptions of success or failure of the general education environment or classroom—consisting of multiple elements including but not limited to the Teacher. The logical structure of this analysis will thus explore the problem, proposed solution, and possible implications with regard to the way people globally perceive the success of the educational environment, or class, as examined by experienced, battle/time-tested educators and researchers.

The Problem

The success of a democratically governed society is determined first and foremost by the extent to which the electorate is well-informed or educated. Essentially, when, what, who, where, why and how the people are taught has a direct influence on the ability of the status quo to maintain long-term. Perceiving the United States

as the standard-bearer for a "free," "democratic," "first-world" society, it seems perfectly sensible to focus exclusively on the nature of America's general educational methodologies and approaches as represented by their popularity, evidenced by the amount of mass-published praise and advocacy, and then extrapolate the effects as similar or equal to the experiences and results of the countries and societies that seek to emulate that brand of social structure and philosophy. Thus, the universal rub: All democratically-elected governments, real and illusory, function under some system of bureaucracy.

The consequence of direct bureaucratic oversight on classroom performance standards is more than clear—depreciative. Postman and Weingartner explain the issue clearly:

> ...bureaucracies are the repositories of conventional assumptions and standard practices—two of the greatest accelerators of entropy. ...bureaucratic structures retard the development and application of new survival strategies. [Yet, they point out that:] ...We are not "against" bureaucracies, any more than we are "for" them. They are like electric plugs. They will will probably not go away, but they do need to be controlled if the prerogatives of a democratic society are to remain visible and usable. This is why we ask that the schools be "subversive," that they serve as a kind of antibureaucracy bureaucracy, providing the young with a "What is it good for?" perspective on its own society. Certainly, it is unrealistic to expect those who control the media to perform that function. Nor the general and politicians. Nor is it reasonable to expect the "intellectuals" to do it, for they do not have access to the majority of youth. But schoolteachers do, and so the primary responsibility rests with them (pp. 12-13).

This line of inquiry begs a question: What if a teacher education program that develops schoolteachers incorporates the best of all of the above—media specialist, general, politician, and intellectual?

The major problem with the bureaucratic perspective is that it views education as a business. In the United States, it is the third largest business. This perception causes the principle players—administrators, teachers, and even communities—to associate the elements of teacher and student as producer and product, respectively. Postman and Weingartner discuss this as well:

> The trouble is that most teachers have the idea they a they are in some sort of business. Some believe, for example, that they are in the "information dissemination" business. ...The signs that their business is failing are abundant, but they keep at it all the more diligently. Santanaya told us that a fanatic is someone who redoubles his efforts when he has forgotten his aim. In this case, even if the aim has not been forgotten, it is simply irrelevant. But the efforts have been redoubled anyway. ...Unless our schools can switch to the right business, their clientele will either go elsewhere (as many are doing) or got into a severe case of "future shock," ... Future shock occurs when you are confronted by the fact that the world around you were educated to believe in doesn't exist. Your images of reality are apparitions that disappear on contact. There are several ways of responding to such a condition, one of which is to withdraw and allow oneself to be overcome buy a sense of impotence. More commonly, one continues to act *as if* his apparitions were substantial, relentlessly pursuing a course of action that he knows will fail him. ...We would like to see the schools go into the anti-entropy business...the purpose [of which] is to subvert attitudes, beliefs, and assumptions that foster chaos and uselessness (pp. 13-15).

These men's words clearly explicate the major obstacle to proper education that faces democratic—"free"—societies; and despite having been penned decades before, the logic is still relevant today.

The Proposition

Obviously, a reconsideration of the concept of the classroom/learning environment is in order. Postman and Wiengartner's treatise ultimately deconstructs the ideal, resolute learning environment—an atmosphere capable of developing men and women "who—as a result of internalizing a different series of concepts—[are]...actively inquiring, flexible, creative, innovative, tolerant, liberal personalit[ies] who can face uncertainty and ambiguity without disorientation, who can formulate viable new meanings to meet challenges in the environment which threaten individual and mutual survival" (p. 218)—into three fundamental components: (1) The Message, i.e. the Question, (2) The Messenger, i.e. the Teacher, and (3) The Audience, i.e. the Learner.

The Message

The Message comprises what the Audience walks away with after time spent with the Messenger. For the classroom, the Message is often referred to as the "goal;" this moniker is apt. The Messenger has a goal that is accomplished through the transmission, via method, of content to the student.

The Message is not just the verbal communication—the lesson, the posters on the wall, etc.—but everything in the environment. Postman and Weingartner quote Marshall McLuhan's statement that, "The medium is the message" (p.16), an echo of the sentiments of John Dewey's "we learn what we do."

> ...the environment itself conveys the critical and dominant messages by controlling the perceptions and attitudes of those who participate in it. Dewey stressed that the role an individual is assigned in an environment—what he is permitted to do—is what the individual learns. In other words, the medium itself, i.e., the environment, is the message. "Message" here means the perceptions you are allowed to build, the attitudes you are enticed to assume, the sensitivities you are encouraged to develop—almost all of the things you learn to see and feel and value. You learn them because your environment is organized in such a way that it permits or encourages or insists that you learn them (p. 17).

Essentially, the learning environment—the classroom itself or wherever class is being held—*is*the physical expression of the Message whereas the teacher, as the Messenger, is the physical embodiment of it. The Message consists of the method as well as the content; thus, a proper evaluation of the classroom environment considers the meaning and implications of both to evaluate the effectiveness of the Message.

The concepts of content and method are as simple as they sound but with simplicity often comes profundity. Essentially, content "is always thought to be the 'substance'" whereas method "is 'merely' the manner in which the content is presented...never more than a means of conveying the content" (p.18). While accurate, these definitions are quite imprecise:

> "The medium is the message" implies that the invention of a dichotomy between content and method is both naive and dangerous. *It implies that the critical content of any learning experience is the method or process through which the learning occurs*. ...It is not what you say to people that counts; it is what you have them *do*. If most teachers have not yet grasped this idea, it is not for lack of evidence. It may, however, be due to their failure to look in the direction where the evidence can be seen. In order to understand what kinds of behaviors classrooms promote one must become accustomed to observing what, in fact, students actually *do* in them. **What students do in the classroom is what they**

> **learn...and what they learn to do in the classroom is the classroom's message** (p.19). (Bold emphasis added.)

These are not mutually exclusive elements of instructional methodology that are to be studied separately, ranked, and prioritized; and in fact it is dangerous to do so as it has flooded the educational system with teachers communicating messages without being aware of it. Why is that dangerous? In our traditional system of education,

> ...what is it that students *do* in the classroom? Well, mostly, they sit and listen to the teacher. Mostly, they are required to believe in authorities, or at least pretend to such belief when they take tests. Mostly, they are required to *remember*. They are almost never required to make observations, formulate definitions, or perform any intellectual operations that go beyond repeating what someone else says is true. They are rarely encouraged to ask substantive questions, although they are permitted to ask about administrative and technical details. (How long should the paper be? Does spelling count? When is the assignment due?) It is practically unheard of for students to play any role in determining what problems are worth studying or what procedures of inquiry ought to be used. ...what students mostly do in class is guess what the teacher wants them to say (pp. 19-20).

And what message do the aforementioned elements of classroom instruction, very common in today's most democratic societies, transmit to our students—our children, the people who will become our policy makers, lawyers, doctors, entrepreneurs, and teachers? Ironically, it is: "You don't get a vote; your voice doesn't matter." Voting statistics among young voters aged 18-26 are a clear indicator that this message is being communicated very effectively.

One of the clearest indicators of a classroom's message is the content of the questions and the method in which the answers are encouraged or discouraged. Unfortunately,

What all of us have learned (and how difficult it is to un-learn it!) is that it is not important that our utterances satisfy the demands of the question (or of reality), but that they satisfy the demands of the classroom environment. Teacher asks. Student answers. ...Thus, students learn not to value [questions]. They get the message. And yet few teachers consciously articulate such a message. It is not part of the "content" of their instruction. ...The message is communicated quietly, insidiously, relentlessly, and effectively through the structure of the classroom: through the role of the teacher, the role of the student, the rules of their verbal game, the rights that are assigned, the arrangements made for communication, the "doing" that are praised or censured. In other words, the medium is the message (p. 22).

Why might the school system of a democratic society encourage such practices? Because "once you have learned how to ask questions—relevant and appropriate and substantial questions—you have learned how to learn and no once can keep you from learning whatever you want or need to know" (p. 23), and self-empowerment is not the message. When we learn how to ask the right questions, we realize the importance and value of inquiry—we are able to ask the right questions of the right people and live with the right answers. And "asking questions is behavior. If you don't do it, you don't learn it. It is really as simple as that" (p. 24). In reflection, Teachers ask: "Is my environment posing the right question?" If a teacher does not consciously examine the requests being communicated by the organization of their learning environment, they will find themselves transmitting

messages in direct contrast to the content presented in their lesson objectives, propagating miscommunications, misinformation, and mistrust.

The Messenger

For over two decades, the standards movement has gained so much traction that the politics and politicians that govern and fund the educational system in our democratic society cannot converse without using some form of the phrase "we need higher standards." The results of comparative analyses clearly indicate that students (and later workers) in the U.S., despite efforts to create and instruct students in accordance with high standards, is lagging further and further behind their non-American counterparts in schools all over the world. In response, the content and the methods have been hyper-standardized to discourage disparity. Now more than ever before, professional teachers are required to use one-size-fits-all approaches subject to bureaucratic approval.

> What one needs to ask of a standard is not, "Is it high or low?," but "Is it appropriate to your goals?" ...Any talk about high standards from teachers or school administrators is nonsense unless they are talking about *standards of learning* (as distinct from standards of grading, which is what is usually meant). What this means is that there is a need for a new—and "higher"—conception of "fundamentals" (p. 67).

What we need is clear: a reconsideration of the 3 Rs—the basic fundamentals and thus the ultimate content of our Message—what the Audience needs. Our current verbiage highlights the most basic of actions—Reading, Writing, and Arithmetic. However, these are not skills, rather means to an end. With no end in sight, when will students learn? The fundamental need of a democratic society is an electorate comprised of citizens capable of informing themselves. To achieve that aim, we require teachers imbued with the skills and conceptions to develop inquiry environments that provide students with valuable learning experiences. If our standards are to be truly appropriate, then the 3 Rs we need to consider are more akin to Reason, Rhetoric, and Rightness.

While not preferred by Postman and Weingartner, they do highlight the need for a higher conception of our fundamentals. This requires teachers to view our lessons as experiences. Students come to us already able to engage in reason, rhetoric, and right thinking. Teachers are charged to facilitate the Audience's experience with a line of inquiry that lead to the drawing of rational, relevant conclusions. Thus, teachers must be conscious of the attitudes their learning environment invokes, especially because "the attitudes of teachers are the most important characteristics of the inquiry environment. ...The beliefs, feelings and assumptions of teachers are the air of a learning environment; they determine the quality of life within it" (p. 33). Postman and Weingartner proffer a set of behaviors that teachers, or anyone instructing an audience, display in an inquiry environment (pp. 34-37):

a) "The teacher rarely tells students what he thinks they ought to know."
b) "His basic mode of discourse with students is questioning."
c) "Generally, he does not accept a single statement as an answer to a question."
d) "He encourages student-student interaction as opposed to student-teacher interaction. And generally he avoids acting as a mediator or judge of the quality of ideas expressed."
e) "He rarely summarizes the positions taken by students on the learnings that occur."

f) "His lessons develop from the responses of students and not from a previously determined 'logical' structure."
g) "Generally, each of his lessons poses a problem for students."
h) "He measures his success in terms of behavioral changes in students: the frequency with which they ask questions; the increase in the relevance and cogency of their questions; the frequency and conviction of their challenges to assertions made by other students or teachers or textbooks; the relevance and clarity of the standards on which they base their challenges; their willingness to suspend judgments when they have insufficient data; their willingness to modify or otherwise change their position when data warrant such change; the increase in their skill in observing, classifying, generalizing, etc.; the increase in their tolerance for diverse answers; their ability to apply generalizations, attitudes, and information to novel situations."

In short, teachers in inquiry environments master the art and science of interrogation in order to prompt and nurture the development and use of reason, rhetorical devices, and right thinking to resolve problems.

The Audience

The Audience, the learners—of which the teacher is part, is the meaning maker, the curriculum. Essentially, what we teach is whom we teach. As it is, teachers teach people, and Postman and Weingartner explain how "people 'happen' as wholes in process. Their minding' processes are simultaneous functions, not discrete compartments" (p. 84). Thus, if we wish for our instruction, i.e. the learning environment, to yield effectual results, then the methods and strategies through which we convey meaning must meet them *as* they are—whole beings.

> You have never met anyone who was "thinking," who was not at the same time also "emoting," "spiritualizing," and for that matter "livering." When the old progressive educationists spoke of teaching "the whole child," they were not being idealistic. They were being descriptive. Teachers have no other alternative than to teach "the whole child." The facet that teachers exclude "the emotions" and "the spirit" from their lessons does not, of course, mean that those processes are unaffected by what the teacher does. Plato said that, in order for education to accomplish its purpose, reason must have an adequate emotional base, and Dewey spoke often of "collateral learning," by which he meant most of the learnings that occur while the teacher is dealing with "the intellect." Naturally, these are the most enduring learnings, probably because they are not programmed, syllabused, tested, and graded. The effect of the teacher's isolation of the "intellect" is that certain important features of human beings tend to go unnoticed (p. 84).

In short, our current methodological principles are continuing us down the path of incomplete awareness and myopic exploration as we seek the answers via highly limiting inquiry criteria. Consequently, many members of our actual and potential audience are unable to work with us before they even enter the learning environment—i.e. they are deemed failures before they are given the opportunity to perceive success.

What comprises the audience? Learners. This too should include the facilitator of learning, who serves as the model, the exemplar, of knowledge appropriation and application within the context of their discipline. So,

> What do good learners believe? What do good learners do? [1] ...good learners have *confidence* in their ability to learn...they have a profound faith that they are capable of solving problems, and if they fail at

> one problem, they are not incapacitated in confronting another. [2] Good learners tend to *enjoy* solving problems. ...and they tend to resent people who want to "help" by giving them the answers. [3] Good learners seem to know what is relevant to their survival and what is not. They are apt to resent being told that something is "good for them to know," unless, of course, their crap detector advises them that it is good for them to know—in which case, they resent being told anyway. [4] Good learners...prefer to rely on their own judgment. ...[5] Good learners are usually not fearful of being wrong. ...they can change their minds. ...[6] Good learners are emphatically not fast answered. They tend to delay their judgments until they have access to as much information as they imagine will be available. [7] Good learners are flexible. ...they are capable of shifting to other perspectives to see what they can find. ...good learners seem to understand that the "answers" are relative, that everything depends on the system within which you are working. ...[8] Good learners have a high degree of respect for facts...and are skillful in making distinctions between statements of fact and other kinds of statements. ...[They] are highly skillful in all the language behaviors that comprise what we call "inquiry." ...[9] good learners do not *need* to have an absolute, final, irrevocable resolution to every problem. ...[The] "inquiry method"...[develops] an environment in which these behaviors can flourish, in which they are the dominant messages of the medium (pp. 31-33).

From an inquiry-based curricular model, teachers can inspire not only the ability, but the desire, to learn in anyone. The result is the development and motivation of "meaning makers," men and women with no limitations, "no end to [their] educative process. [Who continue] to create new meanings, to make new transactions with [their] environment" (p. 91). This should be the ultimate goal of education, and thus the primary foundation of our instructional methodologies, ideologies, and pedagogies.

The Prerequisite

Concisely: "the idea of man as a meaning maker puts him back at the center of the universe, although not in the same sense as before"(p. 98). Hence, a universal classroom ideal places man at the center of the conversation—what we often refer to as the lesson objective. It seems that in order to conceive the classroom as a most dynamic learning environment, the primary objective must be for the learners to study—explore, research, analyze, question, justify, evaluate, etc.—*themselves* as parts *and* wholes of the universe in which we all exist. Reformation of the curricular model, applicant pool, professional expectations, or political structure is thus far from effectual. We must redesign our perception of the learning environment from a platform or pulpit via which we distribute meaning into a vehicle of transformation that none who enter can avoid yearning for and exploring the meaning of meaning—truth (and what would be the potential if we perceive the whole universe as a learning environment?). The result of said conception would completely disempower the seeds and symptoms of the most crippling form of ignorance—learned helplessness—and provide learners with access to a "language process" that "is fully implicated in any and all of our attempts to assess reality" (p. 99)—i.e. inquiry.

Any curricular delivery model that meets the aforementioned prerequisites would be considered inquiry-based, interdisciplinary, and individualizable—deconstructing the content (ultimately the Self) into reasonable and usable concepts while simultaneously imbuing the learner with the rhetorical abilities to rightly reunify the principles and constructs into a meaningful gestalt (holistic construct) with which they can build and assign meaning to anything they encounter in their lives in every possible context.

The Prescription

An Instructional-Based Learning Taxonomy

The first need is a learning-based learning taxonomy unlike that to which we have been relegated in recent generations. Bloom's Taxonomy (1956; 1964), used predominantly in K-12 settings (later revised by Krathwohl in 2002 and Marzano and Kendall in 2007 but oft ignored by current practitioners who lack the will to research) and Webb's Depth of Knowledge (2002)—deconstruct the classification of learning objectives for students and guide educators' instructional practices. They are clear and concise conceptual frameworks, delineating the construction of learning objectives from start to finish. However, there is a major limitation that greatly diminishes the extrapolation of these models into instructional practice: These processes are founded on cognitive principles for the purposes of developing valid and reliable standardized test questions. Krathwohl (2002), one of the architects of Bloom's Taxonomy in 1956, states that "the framework was conceived as a means of facilitating the exchange of test items among faculty at various universities in order to create banks of items, each measuring the same educational objective" (p. 1). Taxonomies proffered since have followed comparable developmental methodologies

The purposes of the current, widely used taxonomies are not to explicate how academic content should be deconstructed and taught by educators. Instead, their focus is on the deconstruction of learning objectives for the purposes of standardized test development. Therefore, these models can only be useful in test preparation programs where the focus is on increased standardized test scores. As indicated by the United States' decreasing academic status compared to its industrialized counterparts, the skills and abilities honed in test preparation do not engender apt scholarship and higher critical thinking skills. Only a substantive curriculum that is rooted in the development of scholarly behavior—i.e. research—and critical analysis can serve to transform ephemeral success on an assessment into effectual success in academia and beyond.

Thus, a clear and logical taxonomic system founded on learning principles, and provides a conceptual framework to describe and explain the structure and function of academic content, would provide instructors with an invaluable tool for deconstructing broad topics into intellectually edible meals—viable lessons—for students of any age and at any level of understanding. As such, a new taxonomy that constructs a metacognitive framework for learning and mastering content as opposed to ephemeral test objectives is needed.

An Inquiry-Based, Interdisciplinary, Individualizable Curriculum

A. The Inquiry-Based Learning Environment

What we mostly have in schools today is a curriculum that centers on delineated subjects where questions focus on eliciting "right" answers. "In plain truth, what passes for a curriculum in today's schools is little else but a strategy of distraction, ...It is largely designed to *keep* students from knowing themselves and their environment in any realistic sense; ...it does not allow inquiry into most of the critical problems that comprise the content of the world outside the school" (p. 47). Postman and Weingartner describe a classroom exchange between the instructor and the students where, after responding to a series of questions and sharing them conversation-style, the class was able to "formulate tentative hypotheses about personality integration, prose,

poetry, how one writes, how one reads, and the difficulty a person who is 'not together' would have with reading and writing" (p. 177). There are various examples of such high quality outcomes; not because it is the only or best way to elicit that type of result with questions alone, but because the curriculum was guided by the students and, when properly directed, great learning emerges from imagination and spontaneity as much as rigorous prescription. After explicating several similar scenarios, based on real events, they noted:

> that the curriculum that emerged in these classes had a curious but compelling unity. The students did a great deal of writing and talking. They asked dozens of questions about language, some of which were strikingly original. They also asked many questions of an intensely personal nature. And they came every day. Not because they were required to come, but because they felt that what was happening had something to do with them. ...The "subject," of course, *was* them: that is, it concerned *their* perceptions of the world, and their attempts to communicate with that world. ...The curriculum was not a logical sequence of predetermined pieces of something. It was a flow of ideas, one idea leading to the next because that was the order in which the students thought them. The instructor never had occasion to say, "Today we will discuss..." The students always knew what they were to discuss because, in a sense, the discussion of the previous lesson had not ended (pp. 177-178).

The inquiry method of instruction is not a singular method rooted in one preferred teaching style. It seems to be a phenomenological approach in that it incorporates whatever teaching method is required to best approach the situation the students bring up, and thus cannot be scripted or predicted. The success of such an approach is based almost entirely on the students' perceptions, not the instructor's. This means, of course, that the different styles of instruction that could be employed must be studied and practiced, leading to an integrated teaching style that is responsive in all aspects—cultural, social, emotional, spiritual, mental, etc.—and begins with answers to questions the students actually care about.

Any curriculum is only as sound as the instructor delivering it; the instructor embodies and models the process, so if the students are not able to engage with it, where does the fault lie? Postman and Weingartner suggest a reflective process where teachers ask themselves: (1) What am I going to have my students do today, (2) What's it good for, and (3) How do I know? These questions are designed to make the instructor "uneasy about shilling for someone else and might weaken [their] interest in 'following the syllabus'" (p. 193). Regardless of the instructional method, the most critical element of a language-rich, inquiry-based, high impact learning environment is the instructor's ability to listen. "The principle reason for [instructor's] learning how to listen to students is that [they] may increase [their] understanding of what the students perceive as relevant. The only way to know where a [student] is 'at' is to listen to what he is saying. [We] can't do that if [we] are talking" (pp.195-196). The act of listening is teaching at its finest and the number one skill that must be developed in order to effectively develop and sustain an inquiry-based learning environment.

B. The Interdisciplinary Approach—A New Set of "R's"

In the last 30 years, we have witnessed the rise and demise of the standards movement as school leaders, reformers, and politicians attempt to prepare students for rigorous post-secondary study. The increasing number of remedial college courses (an oxymoron) is clear evidence that standardization of material and instructional methodology is not an effectual solution. In fact, "any talk about high standards from teachers or

school administrators is nonsense unless they are talking about *standards of learning*... What this means is that there is a need for a new—and 'higher'—conception of 'fundamentals'" (p. 67). Postman and Wiengartner aver that a new set of fundamentals that "derive from the emotional and intellectual realities of the human condition" is needed. I proffer that what used to be Reading, Writing, and Arithmetic be reevaluated, and that a new set of R's be considered: Reason, Rhetoric, and Rightness.

Instead of focusing on mutually exclusive subjects in a call-and-response forum, instructors should focus on teaching students how to deconstruct and integrate learning systems—disciplines—and engage in the multiple forms of dialogue used to describe them. By actively engaging in such a process, students gain the skills to draw rational and relevant conclusions, clearly communicate their thought process, and provide accurate and precise resolutions to different kinds of problems or questions. These skills would not only provide them with the ability to engage in any type of dialogue about any kind of problem, but also the ability to ask the right clarifying questions to effectively construct a gestalt that provides them with reasonable and relevant contributions. This is not difficult, and yet

> There are thousands of teachers who teach "subjects"...because *they* are inclined to enjoy talking about such matters. In fact, that is why they became teachers. It is also why their students fail to become competent learners. There are thousands of teachers who define a "bad" student as any student who doesn't respond to what has been prescribed for him. There are still thousands more who teach one thing or another under the supposition that the "subject" will do something for their students which, in fact, it does not do, and never did, and, indeed, which most evidence indicates, does just the opposite. And so on. ...it is...insane...for a teacher to "teach" something unless his students require it for some identifiable and important purpose, which is to say, for some purpose that is related to the life of the learner. *The survival of the learner's skill and interest in learning is at stake* (p. 42).

Postman and Weingartner propose a "Questions Curriculum" that focuses the student on "the structure of the learner and his learning" in lieu of subjects with "arbitrarily limiting dimensions" (p.80). Thus, the primary topic of study is the student's acquisition and utilization of language in its myriad forms. The primary skill becomes the art and science of asking questions where answers are not "right" or "wrong," but "weak" or "strong."

> ...the art and science of asking questions is the source of all knowledge. *Any* curriculum of a new education would, therefore, have to be centered around question asking. ...if a school system is unwilling to scrap its present curriculum structure...it will need to transform its instructional program so that the major content of what is to be learned by the students results from inquiries structured by the questions that are raised. This implies that students will spend a great deal of their time finding answers to their questions. Question asking and answer finding go hand in hand. ...question asking, if it is not to be a sterile and ritualized activity, has to deal with problems that are perceived as useful and realistic by the learners. ...There is no such thing as "subject matter" in the abstract. "Subject matter" exists in the minds of perceivers. And what each one thinks is what it is. We have been acting in schools as if knowledge lies outside the learner, which is why we have the kinds of curricula, syllabi, and texts we have. But knowledge...is what we know after we have learned. It is an outcome of perception and is as unique and subjective as any other perception (pp. 81 & 92).

Again, the primary focus of instruction in the inquiry-based learning environment is on the student's languaging processes, their "methods of codifying reality" (p. 100). When this process is meaningfully undertaken, "the student can begin to develop standards by which he can judge the value of perceptions—his own or anyone else's" (p. 104).

Via this method of teaching and learning, question-asking and answer-finding, the entire class is able to develop understanding, make meaning, of themselves and the world they inhabit in ways that they could change it if they so choose. Postman and Wiengartner defer to Alfred Korzybski's qualifications of "semantic awareness" to describe the different conclusions concerning language that this model develops in students:

> First, ...meaning is not "in" words. Meaning is in people, and whatever meanings words have are assigned or ascribed to them by people. ...people cannot give, assign, or ascribe meanings which they do not already have in their [repertoire]. Obviously, a word and its referent that are beyond one's experience are "meaningless." Thus, to talk about what words mean rather than what people mean obscures rather than clarifies the relationship between language and reality. [Second,] words are not what they ostensibly refer to. Or..."the word is not the thing." ...words assume...a life of their own and can become more important than the reality they are intended to codify. ...[Third,] [w]ords vary in the degree to which they correspond to verifiable referents. Some words are relatively more concrete or specific. ...[Fourth,] with increasingly abstract or general words...the direction of meaning shifts accordingly from "outside" to "inside." With increasingly specific concrete or specific words...the direction of meaning shifts accordingly from "inside" to "outside." ...[Fifth concerns the] "photographic" effects of language[:] We live in a universe of constant process. Everything is changing in the physical world around us. We ourselves, physically at least, are always changing. ...One of the most common manifestations of the lack of this kind of semantic awareness can be found in what is called "prejudice": a response to an individual is predetermined because the name of the class in which that person is included is prejudged negatively. ...
>
> The idea that the study of any subject is essentially the study of language seems to be recognized everywhere except in school. A moment's reflection on what constitutes *inquiry* will reveal that practically the entire process consists of language operations. If we allow that inquiry involves question asking, defining, observing, classifying, generalizing, verifying, and theorizing, then the inseparability of language and inquiry is obvious. (pp.106-109, 115).

The inquiry-based learning environment produces learners who have the skills to master skills related to languaging, particularly listening and responding mindfully, ruling out only unreasonable and invalid conclusions instead of those with which they simply do not agree.

C. Individualizability—the degree to which an instructional program can be adapted to meet individual students' goals.

If the student is the center of the learning environment and everything revolves and evolves in and around them, then ultimately they are also the curriculum. If educators seek to evoke significant learning in their students, then they must seek to teach more than reading, writing, and arithmetic in such a fashion that every student in their classroom is indistinguishable from one another. Postman and Weingartner restate Carl

Rogers' definition of significant learning outcomes, which clearly explicates the goals of every teacher who seeks to develop unique individuals:

> The person comes to see himself differently.
>
> He accepts himself and his feelings more fully.
>
> He becomes more self-confident and self-directing.
>
> He becomes more the person he would like to be.
>
> He becomes more flexible, less rigid, in his perceptions.
>
> He adopts more realistic goals for himself.
>
> He behaves in a more mature fashion.
>
> He becomes more open to the evidence, both of what is going on outside of himself and of what is going on inside of himself (pp. 145-146).

If our lessons, comprising our curriculum, do not seek to engender the aforementioned in some way, shape, or form, then what are we actually teaching our students to do or to be?

The goal of the inquiry-based learning environment is not to find answers, but to seek the questions that provide the answers that are most meaningful to us and our goals. Through the process of seeking questions, we engage with and utilize the myriad forms and codes of academic language, developing our modes and methods of achieving skill, as well as content, mastery. To develop and implement a system of lessons, a curriculum, that fosters individuality and self-esteem, teachers must consider the concept of systems as they exist in an educational context:

> Perhaps the most useful strategy to employ is to determine what kind of system you are confronted by. System, in this context, refers to situations in which we are trying to "know" something, in which we are trying to assign meanings. ...A closed system is one in which the knowables are fixed. ...Most mathematical problems are closed systems (at least as they are presented in school). There is a right answer, within the limits of the system, and any other is wrong. ...Since most of our formal training consists of learning to make *decisions*...we tend to assume that this approach is applicable to all situations. ...Open systems may be thought of as situations in which there are degrees of "rightness," and in which a right answer today may well be a wrong answer tomorrow. ...in the world in which we live, there are fewer and fewer closed systems that have any relevance either to knowledge or to life. Our students will need the most frequent opportunities to think about problems in an open way; that is, to make choices and to find solutions. Closed problems simply leave out too much to produce a viable answer to any question except one that is so abstract that the answer doesn't make any difference to human beings as they go about the business of trying to cope with an ever-changing environment. ...It would be entirely possible, of course, to create a curriculum based on an analysis of systems. Such a curriculum could coexist with or develop from a questions curriculum, and it would provide students with a continuous experience in studying the effects of language, particularly in regard to how language operates to "close" or "open" the mind. ...The purpose of all this...is to make

> our students into open systems. ...Because the process of knowing is inseparable from "languaging," ...language...is regarded as the mediator of all human perception and is used as a unifying and continuing focus of all student inquiry (pp. 116-117, 119-120, 122).

A curriculum that cannot and does not develop men and women produces armies of co-dependent automatons with no sense of self-reliance or awareness, i.e. infants. In such a society, how can there be democracy? When we offer students ownership of their learning environment, the shared responsibility manifests and molds the concept of democracy as it is ultimately defined; to do otherwise is to fertilize and justify the logic of despotism.

The Promise

Genuine educators concern themselves with the honest pursuit of self-awareness and improvement. They use socially contrived evaluation criteria as tools to frame social understanding rather than to draw conclusions and make inferences about perceived ability. True educators keenly understand that potential is unquantifiable—a person with hope can achieve the improbable despite the obstacles in their path.

The educator's first student must be themselves, as scholars are committed to a life-long pursuit of wisdom—and the wise need only fear God. They refuse to relinquish their fundamental idealism, deigning to kneel before the gods of materialism and cynicism. The world does not shape them; they shape the world. They do not *have* hope, they *are* hope. They know fear, but they are not ruled by it. My dear colleagues: what do we have to fear? We can neither feign to learn nor deign to yearn.

We cannot be slave to systems, but masters of them. Fear unmercifully taints reason; thus, freedom is necessary for scholarship. Not physical freedom—even idealism can only extend so far—but total liberation. We must believe that the conceivable is achievable no matter how farfetched or improbable it may seem and be tempered only by utility. After all, where would we be if early man refused to walk for fear of falling?

We are all educators. We are all innately imbued with the understanding and wisdom to guide ourselves and others toward self-actualization. However, few of us are called or created to be professional educators. And despite the demands and nature of the job, in any context, true educators do not confuse the *job* with the *work*. We must, of course, respect the process, but we cannot deny the promise—hope. We cannot nurture in others what does not exist in ourselves. There can be no hope for the future if there is no hope for the present, and we are all present because of educators. As such, let us offer our students the best possible environment in which to achieve and thus believe.

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ACTION RESEARCH REPORT PROPOSAL: DATA CHATS TO FOSTER STUDENT MOTIVATION AND ACADEMIC SUCCESS

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Public school students across the state of Florida are required to take the yearly state assessment, known as the Florida Standards Assessment (FSA), which measures students' yearly achievement of education standards. These standards were established to guarantee that students graduate from high school, ready for success. However high school students who score below a Level 3 on the eighth grade FSA in reading are required to take intensive reading classes. These courses are generally comprised of both students who are neuro-typical (general education students) as well as students with disabilities. Many students often feel frustrated at having to lose out on taking a preferred elective that interests them. In 2017, the number of ninth and tenth graders in Florida who scored a Level 1 on the FSA was 25%, and of that number, 61% were students with disabilities (Florida Department of Education, 2017).

The more successful, research-based programs are expensive, and because school districts already have programs in place, it may be difficult to convince administrators to invest more time and money in different interventions. Many studies point to the efficacy of utilizing student data-based models to bring about positive academic change in students (Svinicki et al., 2016). Some research even suggests that when teachers involve their students in taking ownership of their learning, it often results in positive outcomes (McCombs, 2012).

The purpose of this study is to determine if conducting data chats with students will have an effect on their learning gains in reading and their motivation to flourish in school. The number of students in the United States who do not read text well enough to learn new material is considerably high, and this lack of reading mastery influences whether or not they stay in school (Vaughn et al., 2015). Data point to the necessity of conducting more intensive remediation in reading at the secondary grade levels (Vaughn et al., 2015). One of the goals of conducting data chats will be to make students aware of the reading domains they need to improve upon. The data chats would entail weekly private collaborations between the teacher and each student involved in the study, in order to review the domains in which he or she needs the most improvement. The teacher would instruct the student on how to graph his/her results, and assist them in charting their percentage scores. This would enable students to have a visual representation of which domain they need to work on.

The action research study will be conducted in two ninth-grade intensive reading classes with students who earned a Level 1 or 2 on the FSA during their eighth-grade year. One class consists of 12 students in the Special Education program. The second class is comprised of 17 general education students and one student with disabilities. Of the students in the Special Education class, two are female and 10 are male. There is one Asian student, two African Americans, and nine Hispanic students. In the second class, eight students are female and 10 are male. Of these, 14 are Hispanic, one is White, and three are African Americans. The Special Education teacher will be the person meeting with students to conduct data chats and collect data.

The resources that will be used for this action research plan include, but are not limited to, Miami Dade County

Public School District's Grade 9 intensive reading curriculum, pre-selected data binders to compile information, as well as administrative and parental consent in order to conduct the study.

Literature Review

Various studies have shown that motivating students to take ownership of their education can be increased once students realize that academic success is within their reach. Thus, convincing them that making learning gains is a possibility. Some researchers believe that a new system needs to be established to assess student participation in data-driven decision making (Kennedy et al., 2011). Other studies point to the lack of follow-through between policy-level discussions and actual implementation of new practices as a major dilemma for our educational system (Marsh et al., 2014). There is strong evidence that emotions influence a student's confidence in their intelligence (Mega et al., 2014) and that how we learn is influenced by many factors (Ferla et al., 2007). Indeed, studies point to how intensive interventions can lead to learning gains, when they are conducted for an extended period of time (Vaughn et al., 2015), and how implementing these interventions can increase student motivation and engagement (Martin, 2008). Yet some researchers point to the necessity of delving deeper into the process of learning (Van Velzen, 2016). There are many factors to consider when using data to revamp instruction (Svinicki et al., 2016), and sufficient time to implement results seems to be one major limitation of data-driven instruction (Cowie et al., 2017). Nevertheless, implementing a system of data chats helps teachers use data to effectively guide instruction.

Student Involvement in Data-Driven Decisions

Kennedy and Datnow (2011) believe that a new system to assess student participation in data-driven decision making is necessary. They feel that students should be involved in this reform so that the new procedure will be more student-focused. Students would subsequently be involved in applying data results to their own learning.

Kennedy and Datnow (2011) conducted a study of 10 schools that had a reputation for using data effectively to foster student success. This study occurred in two phases: first elementary schools, and then high schools. Researchers visited the schools over a period of two years where they conducted various classroom observations as well as administrator and teacher interviews. Data were collected on students and then used to adjust instruction. Data analysis was comprised of theme identification, a compilation of case reports, and cross-case examination. Although students were not included in data analysis, an increase in student engagement in learning was observed. Researchers pointed to the positive effects that involving students in analyzing their own data could have, in order to improve academic learning gains. Results showed that efforts were made to include students in Data-Driven Decision-Making of all three Tiers of intervention – but not in educational transformation. Thus, conducting data chats with students – and involving them in making positive changes -- could essentially help them reach their learning potential.

Student Accountability

In a related study, Marsh, Farrell, and Bertrand (2014) found that little emphasis has been placed on involving students in reviewing data about their academic progress. They conducted a case study on the role of curriculum coaches and professional learning communities in enhancing teacher competency by using data to

restructure instruction. Four school districts with a large percentage of African American students and English language learners who had failed state reading assessments were involved in the study. Marsh et al. (2014) set up focus groups with curriculum coaches and teachers, conducted classroom observations, and interviewed administrators and district personnel, over a period of two years. Teachers then incorporated instructional practices that had been shown to cultivate student motivation. Data were collected using qualitative analysis software. The results of the study showed that students have to develop interest in an assignment, and believe that they can successfully do it, in order to feel accountable for their learning. In addition, researchers discovered a lack of follow-through between policy-level discussions and the actual implementation of new practices in the areas of teaching, learning, and student motivation. This study points to the need of having increased teacher awareness about the benefits of student data-use included in professional development programs.

What Makes a Good Student?

Mega, Ronconi, and De Beni (2014) found a strong correlation between emotions, self-regulated learning, motivation, and academic success. Their study showed that emotions do influence a student's confidence in their intelligence and affect their perception of academic competence.

Mega et al. (2014) administered questionnaires to almost 6,000 undergraduate university students. Researchers generated three questionnaires on the following topics: self-regulated learning, emotions, and motivation. The self-regulated learning questionnaire included questions about organization, elaboration, self-evaluation, strategies for studying, and metacognition. The emotions questionnaire asked students questions about how often they felt positive emotions such as enjoyment, hope, and pride, and negative emotions such as anger, anxiety, and shame. The motivation questionnaire asked participants to describe specific motivational beliefs and confidence in their intelligence, self-perception, and ability for academic success. The results of the study showed that positive emotions foster productive study time organization, which can then lead to prolific summaries of study notes and materials. Emotions, whether positive or negative, were shown to influence a student's self-esteem and confidence in the possibility of their academic success. Thus, these results support the notion that student motivation is an important component in learning.

Nevertheless, the struggle to make learning gains is an even bigger challenge for high school students with disabilities. Vaughn et al.'s (2015) study included ninth grade students with disabilities who exhibited deficits in reading comprehension. Researchers pointed out that high school students who struggled with reading may needed more intensive reading intervention than students in the primary grades.

Vaughn et al. (2015) implemented a two-year reading intervention program in three diverse urban high schools to determine if students with disabilities, who also demonstrated reading comprehension deficits, could show progress. Participants were enrolled in small 50-minute-long classes during their elective period, in which they received explicit instruction in the areas of word study, vocabulary in content-area text, comprehension of content-area text, and engagement. Researchers found that the participants scored significantly higher – nearly half a standard deviation -- on standardized reading comprehension tests than fellow classmates with disabilities who were not enrolled in the study. These results showed that students with disabilities who

struggle with reading comprehension, can make learning gains if they receive intensive reading intervention – with fidelity -- for an extended period of time.

Student Motivation and Engagement

Martin (2007) studied how educational interventions can boost student motivation and academic engagement and lead to learning gains. The study included 53 high school students who were identified by the school as low-performing students. Twenty-six of the students were in the treatment group and twenty-seven in the control group. The intervention was comprised of 13, 30-minute-long modules that were completed in small groups. These teacher-led modules targeted motivation and engagement including: (a) preparing advance organizers, (b) generating information about what was important to their motivation, (c) reflections on what they learned, and (d) having teacher mentors review and then close-out each activity.

This study utilized the "Motivation and Engagement Scale-High School" to measure motivation and engagement through cognitive and behavioral features, impeding and maladaptive cognitive components, and maladaptive behavioral elements. Researchers used a pre-and post, treatment and control, group design. The results showed that student motivation for those in the treatment group was positively impacted when teachers took stock in their students' individual progress. This then led to increased engagement in their own academic improvement.

Awareness versus Understanding

On the other hand, Van Velzen (2016) analyzed the differences between awareness and understanding, and how they can help teachers comprehend their relationship in terms of learning. Van Velzen (2016) used a mixed method approach to collect quantitative and qualitative data in order to obtain more valid results. The two different samples consisted of 11th graders and college freshmen who were selected because of the differences in developmental maturity related to the learning process. The high school students were selected from random schools, while the freshmen came from one university. Van Velzen (2016) used questions instead of interviews to obtain a larger sample. Participants responded to open-ended questions posed by a familiar teacher or professor. The concepts of awareness and understanding are often ignored by researchers. Yet Van Velzen's study showed that awareness and understanding both contributed to the general knowledge of the learning process, but these develop late and in different ways, depending on age and/or maturity of different age groups.

Student Cognitions and Study Strategies

Ferla, Valcke, and Schuyten (2007) set out to look at what factors may influence how students learn. They administered questionnaires to 473 university students, which tested students' learning styles and regulation strategies. Researchers felt this to be a valid topic of study due to the fact that students are now expected to process more information, and study more independently, than ever before.

Results showed that students have either a Constructive Conception of Learning or a Reproductive Learning Conception. People with a Constructive Conception of Learning see hard work as the way to be successful in school. These students are independent, focused, and utilize proven study techniques. On the other hand,

students who have a Reproductive Learning Conception see school success as being out of their reach, feel less motivated, do not consider their study methods effective, and avoid trying to learn new material altogether.

Student Data for Instructional Improvement

Svinicki, Williams, Rackley, Sanders, and Pine (2016) explored theories about how teachers can improve their instruction, what factors they need to consider, and how colleagues can help. Self-Efficacy, the ability to accumulate data and use it for improvement, is one major consideration that teachers must look at when considering data-driven instruction (Svinicki et al., 2016). Participants included 41 faculty members from a university, who answered questionnaires about the following three factors: using student data to improve instruction, instructor beliefs about the value of data, and their beliefs about the feasibility of gathering and using student data. The study showed that over 50% of the faculty involved in this sample did look to student data to improve their teaching and felt confident about their ability to implement Data-Driven Instruction. Therefore, determining how instructors feel about these three factors is a crucial first step in getting them to use data more efficiently.

Student Teacher Data Literacy

Similarly, Cowie and Cooper (2017) examined whether or not beginning teachers can, with proper training, become proficient in using data to guide instruction. Many teachers lack confidence when it comes to using data. Moreover, another big obstacle for these teachers wanting to use data to guide instruction is finding the time to implement the results explicitly.

Cowie and Cooper (2017) set out to determine whether new teachers had the ability to develop the mathematical thinking needed for data literacy. Their study incorporated surveys of students' mathematical thinking, as well as follow-up conferences to discuss results and get feedback from the participants. Results showed that beginning teachers can be trained to become data literate, thus enabling them to incorporate it into their teaching strategies and improve their students' learning gains.

Teacher Training

Horn, Kane, and Wilson (2015) conducted a study of how training teachers to utilize data correctly was a critical element for improving instruction. The research showed that school data chats must be structured in a way that faculty can learn from test results to then alter or maintain teaching strategies for optimum outcomes. Data collection consisted of sampling math department workgroups over one academic year at four different schools. Researchers conducted observations and attended departmental meetings to analyze how data was being evaluated, how the information was being disseminated within each school, and the results of different strategies that teachers implemented. Ultimately, Horn, Kane, and Wilson (2015) determined that involving teachers in data chats gives them the opportunity to learn to analyze data and later improve their pedagogy. Since teachers are being made accountable for student learning, it is counterproductive for schools to only conduct data chats at the departmental level.

The literature review supports the proposed action research by implementing the use of data chats with high school special education students, who do not demonstrate reading mastery. The goal is to create a positive dialogue between the teacher and her students. The data chats would entail weekly private collaborations between the teacher and each student participant. Students can then be taught strategies for improvement. Thus, giving them the tools for academic progress that may provide them with a sense of educational accountability.

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Co-Teaching- What Makes it Work? Teacher Perspectives

By Darlene Desbrow and Midori Sanchez

Abstract

The purpose of this article is to present perceptions of the service delivery model, co-teaching, by educators currently working together in a co-teach environment at the elementary, middle, and high school levels. Co-teaching has become the service delivery model of choice for many school districts across the country, yet, teachers within the co-teach environment are facing many challenges such as making time to collaborate, working together successfully, and determining which educational co-teach techniques are beneficial for achieving student success. The results of this study are based on an informal anonymous survey voluntarily completed by eight special education and five general education teachers currently working in the co-teach environment from one Orange County school district.

Several years ago as a young college student, my professor informed the class that one day the special education environment may no longer exist. He went on to explain that with the push for mainstreaming and full inclusion of students with special needs, parents and educators would soon recognize the benefits both socially and academically of educating special needs students in the general education environment, not yet named co-teaching. At the time I had worried I would no longer be needed as an educator, this was of great concern as I looked toward a future in the field of special education, yet, I had doubt that this would ever come to be. Fast forward over twenty years later and many schools are now in the beginning stages of this educational delivery service model called co-teaching. Although co-teaching research articles and the use of co-teaching date back to as far as 1995 (Cook, L. & Friend, M. 1995), I have only recently recognized many schools transitioning to the co-teach service model. Within the past three years I have been informed of and have observed elementary, middle, and high schools in many school districts move special education teachers into the general education classroom to begin the co-teaching process.

Justification

Co-teaching is a service delivery option which provides students with special needs specialized academic instruction in the general education environment with co-teachers, one being a general education teacher and the other being a special educator (Friend, M. 2014, Dieker, L., & Murawski, W., 2003)). For co-teaching to be successful teachers must be ready to share a classroom, accept each other's teaching styles, plan lessons together, share grading and lesson plan responsibilities, and create expected classroom standards (Marston, N., 2017). According to teachers in one Orange County school district this is a slow progressing process. The transition has been easy for some educators, but difficult for others. Therefore it is important to develop an understanding of the co-teaching process from teachers' perspectives.

Co-Teaching

Co-teaching, as noted earlier, is a service delivery option which places students with special needs in the general education environment that consists of one special education teacher and one general education teacher

working collaboratively (Friend, M. 2014; Deiker, l. & Murawski, W. 2003). Within the co-teach environment, teachers use specialized academic instructional techniques to jointly deliver instruction that is beneficial to the learning needs of all students (Friend, M. Cook, L. Chamberlain, D. & Shamberger, C, 2010). Co-teach class sizes can vary from state to state or district to district where students with disabilities can make up from 10% to 50% of the student environment (Wilson, G., & Blednick, J., 2017). The benefits to teachers partnered in the classroom may include professional growth, differentiation of instruction, teacher access and behavioral management (Beninghof, A. 2017). The model of instruction can be delivered in a variety of ways. Some of these models include:

Parallel Teaching- Two teachers teaching the same content simultaneously to students within groups.

Station Teaching- Teachers split the content into different stations around the classroom.

Alternative Teaching- One teacher works with a large groups of students while the other teacher pulls a small group out of the classroom to work together.

One Teaches/One Assists- One teacher instructs while the other walks around and assist and answers questions

One Teach/One Observe- One teacher instructs while the other gathers data (Goldstein, S., 2015; Friend, M., 2014; Beninghof, A., 2017).

Some of the cons related to co-teaching can include lack of planning time between teaching partners, different teaching styles, one teacher carrying the load rather than a 50/50 split, or co-teachers' lack of comradery with each other (Stark, E., 2015; Fitzell, S., 2016). Co-teaching is considered a "compromise" between inclusion and mainstreaming and has been recognized as extremely beneficial for students with learning disorders both academically and socially (Mickelson, K., 2008).

Statement of the Problem

Across the country, an increasing number of schools are moving towards the delivery model of co-teaching (Dieker, L., & Murawski, W., 2003). As this model is put into place, many educators are pleased with the co-teach process while others have expressed issues related to lack of resources, limited planning time, lack of training, as well as varying attitudes and beliefs toward the co-teach process (Solis, M., Vaughn, S., Swanson, E., Mcculley, L., 2012). Despite efforts to successfully begin the co-teach model in classrooms of one Southern California Orange County school district, difficulties relating to successful partnering, planning, and delivery of instruction have presented unique challenges to the educators. A study investigating the perception of co-teaching in its early stages of implementation may help determine why some teachers are having success, while others are facing difficulties.

Survey

A brief survey was sent via email to 18 teachers, nine special education and nine general education, currently co-teaching at the elementary, middle, and high school levels from one Southern California Orange County school district. Teachers were asked to print, complete, and return the survey through district mail; anonymity

was voluntary. 13 of the 18 teachers voluntarily completed and returned the survey. Items on the survey included:

Describe your co-teaching environment. (grade level/subject)

How long have you been co-teaching?

Do you have common planning time? (high school/middle school teachers)

What, if any, of the co-teach strategies are used in your classroom?

Discuss what you believe to be the strengths of co-teaching.

Discuss what you believe to be weaknesses in co-teaching.

Surveys received were from eight special education teachers and five general education teachers. From the middle school level, surveys were returned from two general education teachers and three special education teachers. From the elementary school level, surveys were returned from two general education teachers and two special education teachers. From the high school level, surveys were returned from one general education teacher and three special education teachers. It is unclear as to why the remaining five educators, one special education and four general education, chose not to participate in the survey.

Results

Research findings have yielded mixed perspectives on the co-teaching model most specifically related to special education and general education teachers at the middle school and high school level.

Elementary Level

The elementary level surveys from two general education and two special education yielded positive results. Teachers reported that they were paired at the beginning of the school year to share a classroom and that it was a voluntary process. Teachers at the elementary level reported setting up their classrooms together and that each teacher was provided a teacher desk. Student schedules, at the start of the school year, included both teacher names as did the classroom door and informational materials presented to parents. The teachers reported using a variety of co-teaching strategies rather than just focusing on one, the most specifically noted are One Teach/One Assist, Alternative Teaching, and Station Teaching. Teachers reported a positive working relationship and that they collaboratively planned lessons before school, on early release days, and occasionally during their lunch period. Teachers at the elementary level were in agreement that the co-teaching environment was beneficial both socially and academically for the special needs students as well as the general education students. Additionally, it was noted that although some academics were adapted to meet student needs, all students were held to the same class standards. Overall, the elementary teachers were in agreement that they are benefiting from the areas of expertise each teacher is able to provide whether it is related to content or behavioral interventions.

Middle School Level

Middle school teachers' perspectives on co-teaching varied; some teachers noted positive experiences and some noted the opposite. As well, perspectives between the special education teachers and the general education teachers were also varied. To begin, the middle school teachers shared that they do not share a classroom for the entire day; at the minimum, two periods only. Students rotate their schedule throughout the day and, at this time, they are offered co-teach in the areas of math and language arts only. Math and language arts special education teachers will join the general education co-teach class, usually limited to one period in math and two periods in language arts, to maintain a cohesive working room. All three of the special education teachers expressed frustration that their names were not included on the student schedules at the start of the school year, but did acknowledge that their names were included on informational materials sent out to parents. They also shared that they do not have a teacher desk possibly accredited to the fact that their time spent in the co-teach room is temporary. Two of the three special education teachers stated that they shared a small desk in the back with student helpers. One of the three special education teachers and her partner do not have common planning time which means they must make their own time to plan in the morning, after school, or during lunch. Two of the special education teachers shared that they do have common planning time with their partner, but this can be frustrating to coordinate. The special teachers noted the frustration is caused by the fact that they are teaching four other sessions of special needs classes compiled with the number of Individual Education Plans (IEPs) that need to be completed. These teachers felt that using their planning time with the co-teach teacher created stress due to having to closely manage their time to complete their own reports and lessons, but agreed to set aside two days for planning with co-teachers in the hopes that this would be sufficient to collaborate. The three special education teachers were in agreement that from their perspective students regarded the general education teacher as the most prominent figure in the classroom, blaming this on the classroom set up of one teacher desk at start of the year as well as student schedules only listing one teacher. Although participation was voluntary, one special education teacher noted feeling anxious entering the co-teach classroom because he/she did not feel welcomed by the general education teacher due to a conflict of personalities regarding teaching styles and student interaction. Although the middle school general education teachers indicated that they have positive feelings about the co-teach environment and their co-teacher, minor issues surfaced. One of the general education teachers expressed frustration with the special education teacher "spoon feeding", a term used by the teacher to indicate that too much support was given when interacting with the special needs students. The other general education teacher expressed frustration with the special education teacher's lack of content knowledge at the co-teach grade level. All teachers at the middle school level did note that they combine numerous co-teach strategies; most specifically One Teach/One Assist, Station Teaching, Parallel Teaching, and Alternative Teaching. The general education teachers both felt unsure of the limitations they should impose on the special educators in the areas of content development, grading, and conferences. Middle school special education teachers did agree that they felt they had to conform to the teaching ways of the general education teacher so much so that a special education teacher noted that she felt like a student teacher being observed as she taught. While some of the issues stemmed from lack of communication with the partner, all teachers at the middle school level agreed that there was a lack of training and expressed that co-teaching is "a work in progress".

High School Level

The high school surveys yielded consistent results from the general education teacher and the special education teachers. Consistent with the middle school teachers, the special education teachers do not spend 100% of their day in the general education classroom. High school teachers did not note if their names had appeared on the student schedules or if they each had a teacher desk. The general education teacher noted a positive experience with his/her partner noting the use of One Teach/One Assist as the preferred instructional method, but stated that they would bounce words off each other throughout instruction. The special education teachers also reported positive experiences within the co-teach environment. One special education teacher noted a weakness of the model due to unfamiliarity with the high school language arts content and that having to familiarize his/herself before instruction could be stressful. He/she also noted that he/she had been moved to different grade levels for three years in a row to accommodate the student population noting that once he/she became familiar with the content he/she was moved to another level. Teachers noted that they share a common planning time which has been beneficial for preparing and agreeing upon lessons created together. The high school co-teachers found the experience positive, consistent with the elementary teachers, and believe that the immersion benefits the special educations students academically and all students socially. Interestingly, the most consistently noted weakness from teachers across the grade levels was related to disagreements regarding room temperature. Some teachers prefer that the room be very cold, while others prefer the room a bit warmer. The teachers who reported preferring a warmer room noted that bringing a sweater or jacket to class was necessary to accommodate the other teacher and their climate preferences. All in all, teachers agreed that co-teaching does yield positive outcomes both socially and academically for students with special needs as well as the general education population.

Discussion

The rationale behind the introduction of co-teaching in schools is to increase the number of instructional opportunities for students as well as increase content rigor, add increased classroom support, and decrease the stigmas that students with special needs may encounter (Cook, L., & Friend, m., 1995). Other benefits to co-teaching for students include respect for diversity and learned tolerance (Wilson, G., & Blednick, J. 2011). As well, there are many advantages to having a teaching partner in the co-teach environment. Co-teachers can share responsibilities in differentiation of instruction, provide greater student attention, share academic instruction, and increase awareness of new instructional strategies by learning from each other's expertise (Cohen, S., & Hoffman, D., 2014). In order for co-teachers to collaborate successfully together they must be able accept their partners teaching style or be willing to compromise, be open to a variety of instructional techniques, and be willingly able to communicate openly with a colleague when there is an issue (Cook, L,. & Friend, M., 1995).

According to this study, teachers agree that to successfully begin the co-teach class it is necessary to:

1. Include both teachers' names on student schedules
2. Design rooms for two teachers to be viewed as equals (two teacher spaces)
3. Have a mutual respect for your partner's teaching style and student interactions
4. Provide informational material to parents with both teacher names included
5. Ensure the use of co-teach "teaching strategies" by teachers that work best for the students, teaching partners, and the space provided.
6. Have access to common planning time, at least two days a week

7. Have some basic knowledge of the curriculum and its content for special education teachers entering the general education classroom
8. Agree upon a comfortable room temperature (helpful; not crucial)
9. Access and have opportunities for training (beneficial; highly recommended)

Co-teaching can be a great experience for everyone involved. Be willing to speak with your partner rather than other teachers when issues arise, do not let students pin you against each other, and always ask for support from a trusted administrator or advisor as needed.

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Dr. Darlene Desbrow is a special education teacher in the Los Alamitos Unified School District in Orange County, California. She also works as an on-line professor in the education department for United States University located in Chula Vista, California. Dr. Desbrow earned a doctorate in special education and has had over 20 years of experience working with mild to moderate learning disabled students at the elementary and

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Buzz from the Hub

All articles below can be accessed through the following link: http://www.parentcenterhub.org/buzz-november2017-issue2/

Stand Up, Sit Tall for Inclusion

Visit the Inclusive Schools Network, and snap up the many offerings that will help you and yours take part in Inclusive Schools Week, as well as support inclusive practices for the children and families with whom you work throughout the year.

Webinar | Assistive Technology Tools to Meet Student Needs in the Classroom

This August 2017 webinar from the Center for Technology and Disability highlights the accessibility features available in a range of devices that can empower students to be independent in completing assignments. Great for sharing with educators, families, and youth with disabilities to inform them about valuable apps, websites, and resources across academic areas.

Principal Leadership: Moving Towards Inclusive and High-Achieving Schools for Students with Disabilities

Principals can play a huge part in moving their schools toward the inclusion and achievement of students with disabilities. This paper from the CEEDAR Center features a matrix that can guide principal leadership professionals through the major components of inclusive practice.

Making Inclusion a Reality

From PBS Parents, these suggestions spotlight what parents can do to promote inclusion for their child, what schools can do to promote successful inclusive education, and what families can do if they meet with resistance to an inclusive education for their child.

Latest Employment Opportunities Posted on NASET

* **Executive Director of Special Education** - Under the direction of the Chief Academic Officer, the Executive Director of Special Education provides vision, leadership, oversight and evaluation for the Department of Special Education. A completed application includes all application materials and three supervisory references. This position is posted until filled, with an initial screening date of February 11, 2018. To learn more - Click here

* **Special Education Teacher (secondary)** - Linwood Center is currently hiring for Special Education teachers for Grades 9-12. The teacher will guide the educational process and provide specialized instruction at the secondary school level for students with autism and related disabilities in classrooms of four to seven students. S/he will use various techniques to promote learning, including individualized instruction, problem-solving assignments, and small-group work. To learn more - Click here

* **High School Special Education Teacher** - Tutor individual and small groups of students, reinforcing language and reading concepts. Schedule and conduct IEP meetings, coordinating schedules with parents, general education teacher(s), administrator, and all appropriate special education staff. Communicate with parents regarding individual student progress and conduct. Maintain progress records and record progress toward IEP goals. To learn more - Click here

* **Instructional Specialist** - The STEPP Program's mission is to provide students with learning disabilities who aspire to achieve a college education and who demonstrate the potential for postsecondary success with access and comprehensive support throughout the university experience. By partnering with these students, their families, and a variety of educational communities, the STEPP Program fosters a network of opportunities and resources to empower and support students from admission to graduation from East Carolina University. To learn more - Click here

* **EXECUTIVE DIRECTOR** - Criterion Child Enrichment is conducting a search for an Executive Director. Founded in 1985 as a not-for-profit organization, Criterion has served families for over 30 years and is a leading provider of early childhood education and early intervention services. Each year the agency serves over 7000 families through a program network that extends throughout the Commonwealth of Massachusetts. To learn more - Click here

* **Director of Special Education** - We believe that all of our students, including our most vulnerable, can achieve at a high level. The Director of Special Education is charged with ensuring that our schools are able to provide our students with disabilities with the supports they need to achieve their full potential. To learn more - Click here

* **Program Director ~ Annandale Campus** - Applications are being accepted for this key leadership position within PHILLIPS Programs. The PHILLIPS School ~ Annandale Program Director, reporting to the President & CEO, will be responsible for all aspects of operation of a 200 pupil campus for students with emotional & behavior problems, learning disabilities and other school challenges. The Program Director also oversees a staff of 150. To learn more - Click here

* **Special Education Teacher - Various** - $50,000/school year (185 days), summers off with year round pay and year round appreciation. Special Education Teachers needed in Arizona (Phoenix and surrounding cities). Needs are in the self-contained and resource settings serving students with emotional disabilities (ED),

Autism (A), Severe/Profound (S/P), and Intellectual Disabilities (ID). STARS is the largest school contract agency in AZ. STARS is owned and operated by Occupational Therapists. You will be an employee and receive full benefits. To learn more - Click here

* **Academic Advisor 1** - Advises and assists current and prospective students regarding interpretation of placement assessment, ascertainment of desired career and academic goals, development of an academic plan, establishment of program requirements related to academic objectives, and course scheduling and registration.Assists in the resolution of individual academic issues. Advises students on academic program changes and resolves issues affecting his/her degree progress and attainment of academic and career objectives. To learn more - Click here

* **Director of Special Education** -Oversee the development and administration of the District's Individuals with Disabilities Education Act (IDEA) Grants (pre-K and K–12) and the English as a Second Language Grant for English Language Learners (ELL). This includes both managing the budgets for each of the grants as well as developing and maintaining a comprehensive continuum of supports and services for students with disabilities and ELL students from preschool, age three, through high school graduation for both public and nonpublic schools. To learn more - Click here

* **Director of Student Services** - Located in the village of Kenilworth on Chicago's North Shore, District 38's 500-student, 100-employee, JK-8 Joseph Sears School combines the feel and traditions of a small-town community. Its goal is to prepare students for success through their teenage years and beyond by allowing them to cultivate their passions, develop a genuine love of learning and establish a system of values that will guide them throughout their later stages of life. To learn more - Click here

* **Learning Specialist/Learning Program Teacher**- Woodlands Academy of the Sacred Heart is seeking a certified learning specialist to teach in the school's Learning Program. The position is full-time, and the start date is immediately. Requirements include a master's degree or post-graduate work in education with emphasis in varied exceptionalities or learning disabilities.To learn more - Click here

* **Special Education Teacher** - The Adolescent Care Unit (ACU) at Tséhootsooí Medical Center on the Navajo Nation seeks a Special Education Teacher to work with 8 to 10 teens aged 13-17 with mild emotional or behavior issues in a subacute 60-day inpatient program. ACU combines western therapy with Native American traditional cultural methods to foster health and Hozho or harmony, and is located in northeastern AZ. To learn more - Click here

* **Special Education Teacher - Various Positions Open**: 2 positions for Special Education Resource 5th - 8th, Special Education Resource K-3rd, SPED - Social Skills le-4th, SPED - Social Skills 6th - 8th, Arizona certification required. To learn more - Click here

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