CRITICAL ANALYSIS OF "AT-RISK" POLICY DISCOURSE:

IMPLICATIONS FOR ADMINISTRATORS

AND TEACHERS

A Dissertation

by

LYNN HEMMER

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

August 2009

Major Subject: Educational Administration

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Approved by:

Co-Chairs of Committee,	Jean Madsen
	Mario Torres
Committee Members,	Luana Zellner
	Sarah Gatson
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ABSTRACT

Critical Analysis of "At-Risk" Policy Discourse: Implications for

Administrators and Teachers. (August 2009)

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While No Child Left Behind (NCLB) provides a mechanism for holding states, local education agencies (LEA), and schools accountable to improve academic achievement for all students, policy itself has done little to include students from dropping out of school. Rather, dropout prevention/recovery schools/programs such as alternative schools of choice are recognized and relied upon as a means to reduce the number of students dropping out of school. These schools seek to re-engage the student who is at-risk to dropping out of school through nontraditional means and strategies. As more and more students become disenfranchised and drop out of school, these schools grow in importance. To ensure that all students have equity in education, regardless of educational setting, these schools warrant further attention and consideration. Therefore, two questions become evident: (a) How do educators in alternative schools interpret and implement policy such as NCLB? and (b) How do they define their role and responsibility?

This case study examined the socio-legal discourse applied when seven administrators and 15 teachers administered policy as a response to an at-risk student population in five demographically diverse alternative education settings in California and Texas. A critical discourse analysis of text, interviews, and observations was used to reveal administrator and teacher assumptions and motivations of policy and risk. The data analysis revealed three dominant discourses of risk compliance and policy knowledge that were notable forces in the policy implementation of NCLB at these schools. Themes that emerged from the data included responsibility, dissociation, success, and equity.

The findings from this study have demonstrated that a moment-by-moment process shapes the construction of role, responsibility, success, and equity as defined by the teachers and administrators. Furthermore, the discourse of risk and policy converged as ideological and political conceptions that perpetuate the notion that educating disadvantaged children as a process of demonstrating a particular level of knowledge and/or acquitting what it means to be considered at-risk. The implication for these educators is that the risk discourse that was engaged influenced their sense of responsibility, practice, and thus may counter policy intent.

DEDICATION

To my parents, Betty and Don DeMay:

With many memories, much love, and extreme gratitude, all of which will carry

me through until we meet again.

I made a big decision a little while ago.
I don't remember what it was, which prob'ly goes to show
That many times a simple choice can prove to be essential
Even though it often might appear inconsequential.

I must have been distracted when I left my home because
Left or right, I'm sure I went. (I wonder which it was!)
Anyway, I never veered: I walked in that direction
Utterly absorbed, it seems, in quiet introspection.

For no reason I can think of, I've wandered far astray.
And that is how I got to where I find myself today.

Bill Watterson

ACKNOWLEDGEMENTS

Many people contributed to the possibility and eventual completion of this study.

Thank you Sister Ferdinand – many years ago you took on the challenge to be my mentor. Your grace, your wisdom, guidance, and capacity to see the goodness in all people grounded me to understand that all things are possible.

My committee members were ideal. Each brought to the forum and shared enthusiastically their expertise, wisdom, and knowledge, all of which made for a grand opportunity for me. To my co-chair, Jean Madsen, you were a constant source of encouragement. Thank you for challenging me to test my boundaries and then being there to help me make sense of it all. Your gentle reminders, the Saturday support group, and most importantly, your high expectations kept me focused on the bigger picture. To Mario Torres, my co-chair, it is with much appreciation that you found an extra seat for me in the summer cohort. Your teaching of the Politics of Education course was truly a turning point for me. There is no doubt in my mind that this class got me to thinking of a possible idea using the concept of policy and practice for my research. To Luana Zellner, from the master's cohort to my final defense, your classes helped me to develop and complete this study. Thank you to Sarah Gatson. Through your suggestions and guidance, you have endeared me to the socio-legal discourse that figures predominantly in my study.

I am very appreciative to Marilyn Oliva who signed on as the dissertation editor with short notice. Thank you for your professionalism and "can do" attitude.

Thank you to my dear friends, Kellie and Jackie. I know the last few years have been difficult. But, those long phone calls as I traveled the country roads to and fro school helped me more than you realize. While I pushed our friendship to the limits, I appreciate your giving me the space to fulfill a dream of mine.

Thank you Deneen and Sandy. Your own journey of returning to school, the highs and lows, and the possibilities you encountered and shared, encouraged me to continue to move forward.

Debbie and Steve, what can I say? Your little sister did it! Thank you for sharing in my enthusiasm and letting me know how proud you are of this accomplishment.

To Fran and Gene, while the kids have grown up over the course of this endeavor, I have not forgotten how instrumental you were through the whole process. Thank you for all those summers you came to watch over us.

To my children, Douglas and LeeAnna, thank you. This is an accomplishment I share with you. During the times I questioned how to make *time* between family and school, you let me know "no worries," family will always be here.

And finally, to my husband, Gene – your quiet demeanor, your willingness to just listen and not judge, your ability to love unconditionally, and your patience in all things – I truly cherish. Thank you for standing by me.

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CHAPTER I

INTRODUCTION

In this study the researcher attempted to evaluate the discourse intersection between educators administering "at-risk" policies and their sense of responsibilities when serving disadvantaged students in dropout preventative/recovery schools and programs. Framing this intersection of risk policies (*law*) and responsibility within the education reform policy of No Child Left Behind Act of 2001 (NCLB) is purposeful when considering the mounting social movement played out in the education system to address the needs of students at risk of dropping out of school.

While a cornerstone of NCLB is concerned with increased accountability standards and measures, the intent of the NCLB was to set in motion school reform to improve the academic achievement of the disadvantaged student through accountability, flexibility, and choice, thus creating an education system that is more inclusive, responsive, and fair (NCLB). High-stakes testing and greater academic standards in turn have forced states and local education agencies to reexamine restructuring schools and programs to meet the needs of students at risk for school failure (McDill, Natriello, & Pallas, 1985). But controversy and unresolved issues continue as more and more specific risk categories (migrant children, English language learners, abused and neglected children, delinquent children, and children with cognitive and/or physical disabilities) are identified and responded to through federal education policy (McGuinn & Hess, 2005)

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The style for this dissertation follows that of *The Journal of Educational Research*.

and action. With the additional inclusive measures and more and more students identified as being at risk, research indicates that students with a higher number of risk factors will attend a nontraditional school, i.e., the alternative schools (Fulkerson, Harrison, & Beebe, 1997).

Schools that seek to re-engage the out-of-school student and/or reconnect the student who is at risk of dropping out of school through nontraditional means and strategies, i.e., alternative schools, are growing in importance (Aron, 2006) and numbers (Lehr, Moreau, Lange, & Lanners, 2004) as more and more students become disenfranchised and drop out of school (Kim & Taylor, 2008). A student at risk of dropping out of school is, of course, not exclusively a contemporary event. In 1988, the percentage of students considered at risk of dropping out of school was estimated by the National Center for Education Statistics (NCES) (1992) to be between 10 and 25%. Other scholars, at that time, estimated, and by their own admission conservatively, that 33% of the total school population was considered at risk (Pallas, Natriello, & McDill, 1989). Currently, because not all states factor into their accountability reports an at-risk measure, it is difficult to determine the number of students at risk for school failure and/or to dropping out of school (Martin & Brand, 2006). What is available are data concerning the characteristics of the at-risk student, where these at-risk students are concentrated, and the policy response to them by states and local education agencies. One such response has been the advancement of alternative education schools and programs as an appropriate setting to better serve at-risk students.

The students who attend dropout preventative/recovery schools and programs (i.e., alternative schools) are readily identified in an at-risk category according to a variety of social, state, and federal criteria. It is recognized and acknowledged that students who are disadvantaged against and most vulnerable to dropping out of school continue to include those who are members of ethnic minority groups (Griffin, 2002), children living in poverty (Barrington & Hendricks, 1989; Suh, Suh, & Houston, 2007), and very likely are the same students who experience academic failure measured by achievement scores and retention (Egemba & Crawford, 2003; Griffin, 2002; Suh et al., 2007). Yet, concern arises as to how these schools fit within consequential policy, such as NCLB.

Defining Alternative Schools

Attention to and consideration of these alternative schools and the educators who are involved with them is mounting as communities, districts, and states struggle to meet the needs of this at-risk student population and to provide an equitable education as defined by the NCLB (Martin & Brand, 2006). While alternative schools have been around for the better part of the last 50 years (Aron, 2006; Sagor, 1999), defining them and their educational parameters and achievements remains elusive. Multiple definitions (federal, state, educational, social) exist which compound the issues surrounding describing of alternative education. For example, the U.S. Department of Education (2002) defines an alternative school as one that "1) addresses needs of students that typically cannot be met in a regular school, 2) provides nontraditional education, 3)

serves as an adjunct to a regular school, or 4) falls outside the categories of regular, special education, or vocational education" (p. 55).

Where the federal (as well as many states') definition is broad, Raywid (1994), a renowned researcher of alternative education, has shed light on the importance of using a comprehensible definition that others may use and understand. She categorizes these schools by their purpose and mission. Raywid identified the three categories by: (a) innovation and choice attendance (Type I); (b) remedial to prevent expulsion (Type II); and (c) emphasis on remedial work that attends to meeting the social, emotional, and academic needs of the students (Type III). Raywid further recognizes that alternative schools cannot be made to fit into any one category necessarily, but in fact blur the typology boundaries to meet the diverse needs of students. These categories are accepted and used as a framework by other researchers to build upon a better understanding of alternative schools.

While definitions such as Raywid's (1994) help to present a clearer picture in defining an alternative school, many state definitions continue to reinforce a generic version of the alternative school with an eventual overuse of the word alternative. For example, California interchanges the word alternative for magnet schools, alternative schools of choice, as well as the disciplinary school settings. This lack of consensus in policy definition is significant as educators and society attempt to define what alternative education means to them.

Alternative School – Popularity

State education policy reflects a growing concern for educating the at-risk student. As reported by Jobs for the Future (JFF) (2009) in their advance state policy research paper "since 2000, thirty-three states have passed new legislation and/or put new regulations into place related to alternative education" (p. 3). States such as Oregon have responded with law that requires students who are not successful in the regular schools be provided the opportunity for an alternative education (Boss, 1998). This is but one example of state legislation responding to an at-risk student population with educational policy. Many other states are now becoming more involved with crafting alternative education policy directly relating to preventing and/or recovering students from dropping out of school.

As evidenced with the national research study conducted by the National Center for Education Statistics (NCES), alternative education policy is still in relatively unchartered waters in terms of policy necessity and analysis (Kleiner, Porch, & Farris, 2002). The NCES study broke new ground by taking a closer look at the topics that were "related to the availability of public alternative schools and programs, enrollment, staffing, and services for these students" (p. iii) as an important consideration when serving those students who were at risk for educational failure. Their findings indicate that the number of public alternative schools increased in the 1990s as the need for such schools increased. The report continues with state data collected that confirmed their findings of alternative education expansion. For instance, the number of alternative

schools in Washington State increased from 44 to over 180 schools within 25 years (mid-1970's through 1995).

Washington is not the only state to experience exponential growth for alternative schools. According to data from the Texas Education Agency (TEA, 2007a) Academic Excellence Indicator System (AEIS), Texas has experienced an increase in registration of alternative education schools over the last 14 years. In 1994, there were 254 registered alternative schools, which accounted for 4.1% of schools statewide. By 2006, the number of schools grew to 417. The number of students attending these schools has also increased in the alternative schools. Student enrolled in grades 7-12 at an alternative school was 94,129 in the school year ending 2007 up from 72,294 in 2002/2003. State data inclusive of student demographics at alternative schools are nil. In order to determine demographics such as ethnicity and economically disadvantaged, data were pulled from the 2005 summary report that includes test data, completion rate percentages, as well as dropout rates. These data indicate that approximately 70% of the students attending alternative schools in Texas are either African American or of Hispanic descent. In addition, at least 50% of the students are considered economically disadvantaged.

California has experienced similar growth, though calculating this number requires pulling from multiple data sources (alternative, continuation, opportunity schools and programs) to include a comprehensive, but still limited, if not convoluted definition of alternative education (California Department of Education [CDE], 2008). Caution is used with reporting this data as California has added additional programs and

services (i.e., Advancement Via Individual Determination, California Partnership Academes, and more) under the school distinction of alternative education. The total enrollment in alternative education for 2007-2008 was 761,287, which represented 12.1% of total student enrollment in California public schools. In the 2002-2003 school year, only 397,221 students were enrolled in alternative education settings, which reflects a 6.4% of the total number of students enrolled in the state. An importance in reporting these data supports the previously mentioned problems with defining alternative education.

College Readiness Data – Texas

Texas also evaluates academic achievement (TEA, 2007a) of students enrolled in alternative education campuses (AEC's) reported on several performance indicators (State Gold Performance Acknowledgment, GPA) such as graduation plan (minimum, recommended, and distinguished), advanced course/dual enrollment completion, AP/IB results, SAT/ACT results, as well as commended performance on state assessments to name a few for all students (as opposed to by student groups). Results gleaned from these data indicate that only 62.6% of the students enrolled in an AEC completes the minimum graduation plan compared to 77.9% of the students enrolled in public comprehensive schools graduating with a college readiness diploma of recommended or distinguished plan.

Data also suggest that students attending alternative schools are not afforded the opportunity to enroll in Advanced Placement or International Baccalaureate courses with

only 0.5% enrolled in these courses. At the traditional schools, over 20% of the student body participated.

Similar low percentages existed with students participating in the SAT/ACT testing once enrolled in AEC's; 8.4% participated in these tests compared to 68.2% at traditional schools. Of those who met at or above criterion, only 10.1% of students from alternative schools were successful as opposed to 27% from the regular high schools. Similar academic achievement discrepancies between AEC's and traditional schools are evident as well in state assessment results and college readiness percentages.

Statement of the Problem

NCLB's (2002b) policy goal strives "to improve student achievement and change the culture of America's schools" (p. 9) and to ensure that "all children have the opportunity to obtain a high-quality education and reach proficiency on challenging state academic standards and assessments" (p. 13). As policymakers work toward revamping NCLB for reauthorization, students continue to drop out of school at alarming rates (NCES). Even when students are enrolled in the very dropout preventative/recovery schools designed to meet their educational and social needs, i.e., alternative schools of choice, the dropout rate is staggering. More importantly, the number of at-risk students is not being reduced over time; in fact, it grows larger each year (Balfanz & Legters, 2004).

Educating students who are defined as at risk for school failures continues to be a major concern for those charged with providing opportunities to these students (Pallas et al., 1989) "that the rate at which students drop out of school nationwide is well recognized as a major educational and economic problem. Parents, educators, business

executives and policy makers all acknowledge that leaving school early profoundly

handicaps the dropout and puts the nation at risk" (p. 16). Yet, so little is known about

the schools that seek to re-engage these students (Aron, 2006) and even less of how they

operate under NCLB.

It appears that the authoritative component of the NCLB (2002a) to provide a

mechanism

> for holding schools, local educational agencies, and States accountable for
> improving the academic achievement of all students and identifying and turning
> around low-performing schools that have failed to provide a high-quality
> education to their students, while providing alternatives to students in such
> schools to enable the students to receive a high-quality education. (p.1440)

does little to influence students from dropping out of school. State dropout and college

readiness statistics suggest that NCLB policy fails to resolve issues surrounding the

education for those students who remain at risk of dropping out of school.

With the promise of educational access and equity heralded with the inception of

the NCLB, America's education system was poised to embrace students who are most at

risk of dropping out of school. NCLB's push for flexibility and concentrated best

practices by educators resonates with dropout prevention and recovery schools and

program strategies. The ease and purposeful mission of alternative schools to include

marginalized students, to be responsive to their academic and social needs, as well as

provide a fair opportunity to obtain high school credits for graduation seem a good fit

within NCLB. With this fit and because of this era of school reform, alternative schools

demand attention.

While the focus of NCLB is to create change for the disadvantaged student, there is incongruity when considering a competency-based approach of alternative education and NCLB's standards based approach (Martin & Brand, 2006). Given the skewed data, outcomes generated from a standards-based accountability system used to measure the success of the alternative school/program warrant exploration.

The staggering dropout statistics and lack of academic achievement outlined previously support the premise that a contradiction exists between the policy intent and outcome to leave no child behind. Because of this contradiction, educational policy research must include an exploration of how the federal policy is received at the local level and not just as the institution receives it. Because of the role teachers and administrators have in implementing policy at the local level, it is important to consider how these stakeholders arrive at a desired policy outcome when working with an at-risk population. Knowing that teachers and administrators must negotiate reform efforts and policy directives framed within their own context, experience, knowledge and skill base (Cohen & Ball, 1990; Darling-Hammond, 1990), it is imperative that this policy research considers individual practice that accentuates the issues surrounding the at-risk student.

Purpose of the Study

The overall purpose of the study was to examine how educators coalesce their duty to *law* with their sense of responsibility to resolve unintended policy consequences that results in contradictions to NCLB policy intent. State dropout and academic achievement statistics serve as a catalyst to explore how educational stakeholders, in positions of power and authority, think about law, how they make sense of the

interaction between their professional and social practice, "and what remedies or responses they believe are possible" (Nielsen, 2000, p. 1056). This merger of duty and responsibility in education finds itself at an intersection that seeks to include understanding how people interpret the law with "the ways people understand and use law" (Merry, 1990, p. 5). This study examined the socio and legal discourse that administrators and teachers applied when implementing policies of NCLB. More specifically, this study examined how administrators and teachers applied the law to administer dropout preventative/recovery schools.

Significance of Study

Policymakers in several states have responded aggressively with legislative action to minimize the achievement gap between White and minority students as well as that between middle- and upper-class students and economically disadvantaged students. While policy design ordinarily relies heavily upon the authoritative nature of law (Vago, 2003), social constructs of law that lead to one's interpretation of law (Scheppele, 1994; Stone, 1964) perhaps play a more pivotal role when ensuring equity in education. Because of the interaction between policy initiatives and individual action (Pressman & Wildavsky, 1973), consideration should include how administrators' and teachers' attitudes, motivators, and beliefs about their duty to law and responsibility may influence outcome.

This study recognizes that coupling the authoritative nature of policy with an individual's policy interpretation addresses an under-examined dimension in prior analyses of the policy and practice conundrum with respect to NCLB. With a fixed

agenda to create an effective learning environment, these teachers and administrators are challenged to meet the academic needs of students while confronting social circumstances, biases, and stereotypes faced by the at-risk student, all the while complying with policy. This research includes bridging how these administrators interpret and implement overarching and consequential policy measured against their sense of responsibility to the at-risk student.

The results of this study may be used to guide policymakers and practitioners in the development, interpretation, and implementation of policy for the at-risk student population as well as contribute to the socio-legal discourse literature. This study allows for a deeper understanding of the role educators have in impacting policy outcome by defining their sense of responsibility and social practices when coupled with policy compliance.

Definition of Terms

The operational definitions in my study were:

Alternative Schools – nontraditional educational setting designed to respond to groups of students that are not optimally served by the regular school program.

At-Risk Student – student who is not experiencing success in school and is considered a potential dropout.

Comprehensive High School – high school in the traditional sense and constitutes most public high schools in the United States.

Continuation Schools – an alternative high school classification used by the state of California.

Discourse – use of language seen as a form of social practice that can be drawn upon to

     construct social meanings (Clark & Ivanic, 1997; Fairclough, 1992, 1995). For

     example: educators may draw on discourses that exist in schools and classroom

     concerning students at risk, such as the discourse of a truant student, the

     discourse of a low-achieving student, the discourse of risk, the discourse of

     meeting academic standards, etc.

Dropout – student who leaves school before he or she graduates.

Ideology – the construction of reality, which is built into meanings, signaled by the use

     of discursive practices, which are automatically accepted and have social and

     political knowledge embedded in them (Fairclough, 1992, 1995). For example:

     pedagogical practices within schools establish certain ideologies that influence

     the reproductions of specific forms of knowledge and privilege over others.

Theoretical Framework

When the No Child Left Behind Act of 2001 was signed into law, it was clear that an astute pressure to reform the education system was underway. Peterson and West (2003), as well as others, placed this national reform effort alongside other pioneering education reform such as the compensatory and special education laws enacted in 1965 and 1974. With each of these legislative passing of policy, there was a growing social awareness as to specific, unique educational needs of diverse populations of students. Understandably, this awareness has transformed the landscape of education discourse to include the moniker of risk and policies to minimize the affects of risk.

Risk discourse dominates in multifarious settings of social, political, and economic discourse. Educational discourse has certainly fixated on the notion of risk in an attempt to override risk to deliver education. Educators, especially those who work in the alternative school setting, have found their everyday work articulated with the language of risk. With the eventuality of administering risk policies, these educators help to shape the chance and contingency of policy to affect change with their interpretation and implementation.

Scholars have noted the steady faith with which policymakers go about creating policy to effect change. But, policymakers give minimal attention to the social forces and organizational conditions that ultimately reshape the policy (Hill & Celio, 1998; Tyack & Cuban, 1995). What is more, personnel charged with implementing policy are assumed to have the necessary capabilities, values, and attitudes to equally meet the expectations of the policy. With this dependency between policy initiatives and individual actions (Pressman & Wildavsky, 1973), there should be considerations of how administrators' attitudes, motivators, and beliefs affect the implementation process.

To further complicate matters, there is uncertainty of *how* to achieve a policy goal. Cohen, Moffitt, and Goldin (2007) describe this uncertainty as a dual edge; one that may enable policy and the other to "inhibit[e] the capability that practitioners need if they are to respond in ways that consistent with policy aims" (p. 529). For example, the policy goals of Excellence in Education Act, a state educational reform, were severely hindered, if not compromised, due to ambiguity that extended across multiple components of the policy, i.e., funding, administrative direction and responsibility, and

lastly, interpretations (Madsen, 1994). These ambiguities influence the implementation process creating concrete contradictions between policy aim and actual outcome. Thus, in order to describe the influences involved to acquire a desired policy outcome, research requires merging a cross section of policy implementation that includes personal constructs of responsibility.

Previous studies addressing policy implementation shed light on the complex issues surrounding interpretation and implementation. With this study, there are questions about the laws and previous reform efforts' ability to alter or produce social transformation concerning students dropping out of school. These unanswered questions prompt this researcher to examine the process of arriving at contradictory outcomes associated with at-risk policy reform efforts using a socio-legal discourse. This discourse includes the social theory and research concerning risk, reform measures using policy to address remedy and prevention, policy compliance, institution and social force limitations, and lastly policy goal achievement.

Previous studies suggest that those charged with making and enforcing public school policy must base their interpretation and implementation of such policies against the legal and authoritative backdrop of *law*. For instance, the reticence on the part of lower federal court judges in the South to comply with the spirit of High Court desegregation rulings demonstrated that law/policy implementation was seldom straightforward (Peltason, 1961). Federal judges who were Southern themselves were hesitant to embrace and uphold law that threatened their political and social standing, creating unforeseen personal and professional dilemmas.

Using law to effect reform is not new, nor should be considered lightly. According to Lobel (2007), reform movements with a legal framework should not cast aside the impact that comes about by the reliance on law that narrows and offers "a limited and generalizing account of what ought to be considered a 'problem' and what can be envisioned as a 'solution'" (p. 950). Additionally, Spelman (1988) recognized that this reliance on law in turn promotes a united front of concern and perceived action that will eventually quash debate within the internal hierarchy of reform as well as break the grand vision into fragments. With these fragments, it is difficult to understand the complexities of interest, needs, and the stakes that are involved to bring about change.

Research Questions

The essence of understanding public education policy that professes equity in education centers on a hierarchy of educational governance coupled with a sense of social responsibility. Therefore, this study seeks to answer the following questions:

1. How do teachers and administrators define their role and responsibility in educating students who are at risk of dropping out of school?

2. How do teachers and administrators measure and define success for the at-risk student and for their campus?

3. How do teachers and administrators interpret their state's responses to No Child Left Behind in their school setting?

4. How do teachers and administrators comply with policy derived from No Child Left Behind that is designed to prevent and/or recover student dropouts?

In order to address the research questions that guided this study, a qualitative critical discourse analysis (Fairclough, 1989, 1992, 1995; Gale, 1999) approach was employed to reveal assumptions and motivations of judgments of policy and responsibility expressed by administrators and teachers working at dropout preventative/ recovery high schools. The use of discourse analysis allows the researcher to better understand the conditions behind a specific "problem" and make us realize that the essence of that *problem* can be viewed from a more comprehensive stance to include our positioning within the *problem*.

In order to understand the degree of influence that an educator's sense of responsibility has over policy and practice data were collected through a mix of federal-state-local governmental artifacts from the demographically diverse and yet similar states of California and Texas, interviews with educators working in dropout prevention/ recovery school settings from five school districts, and lastly, observations of social practice within the schools. Utilizing all three elements: (a) governmental artifacts, (b) interviews, and (c) observations allow for immersion within organizational activities and conversations are necessary to better understand the scope of how individuals understand and react to policy.

Because this study explores a combination of how people interpret and implement policy coupled with their sense of responsibility when working with students at risk of dropping out of school, it is intentional to only include educators working under their states' response to NCLB. Both Texas and California policymakers are recognized as having responded aggressively with legislative action to provide

alternative education settings to meet the needs of the at-risk student. Therefore, their teachers and administrators were considered for this study in anticipation of offering relevance to the relationship between policy, practice, and responsibility.

Given that there is an overrepresentation of minority and economically disadvantaged students attending and dropping out of these schools, the data sources included in this study reflected individuals working in schools in which demographic variations of diversity to include minority over-representation and/or disadvantaged social economic status. Because this policy study includes an examination of consequential outcomes, a cross section of schools was incorporated to include schools that met and/or failed state/federal accountability standards.

<center>**Limitations**</center>

In order to narrow the focus of this study, the researcher focused on dropout prevention/recovery schools and programs that serve an at-risk student population in Texas and California. Inconsistent definitions of alternative schools, as well as variation of criterion of at-risk indicators for students and school accountability models among states were a limitation found in this study. While Texas and California may have shared similarities within the NCLB required state response of an accountability systems, there were far more differences between the two systems.

The data collection for this study was limited in several ways. First, the researcher held a position as a full-time central office administrator, in addition to being a full time doctoral student. The central office position placed many demands on the researchers' ability to observe and analyze what was happening in the field. Therefore,

the researcher had to rely heavily on specific and limited opportunities of school visits.

Secondly, the number of schools that participated further limited the study. The

participation of personnel from each school was also limited. These schools and

participants may be representatives of other alternative schools and educators, but this

study only reported the findings of a small sampling, which may or may not be a true

representation of a larger culture. Thirdly, the researcher has ten years of experience as

an alternative school educator/administrator. As a former alternative school educator, the

researcher's cultural understanding of the at-risk student and the alternative educational

setting may be a limitation in terms of bias and potential subjectivity when assuming the

role of researcher. Finally, the ability to generalize the results of this study to other states

may not be possible because all data came from schools in California and Texas.

This study had several other limitations. The researcher only studied three

settings that serve at-risk high school students: (a) academic alternative high schools of

choice, (b) district programs to recover/prevent students from dropping out of school,

and (c) continuation high schools. This study did not include discipline alternative

schools, charter schools, residential facilities, or private schools.

Assumptions

This study incorporated several basic assumptions including that students and

society value a high school diploma. The researcher assumed that the state/district/school

accountability data collected from California and Texas state educational websites were

accurate. Furthermore, it was the assumed that the at-risk student populations identified

in this study and their correlating academic achievement data were collected by the states in a reliable and valid method.

Organization of the Study

The purpose of this study was to explore teachers' and administrators' *sense of responsibility* when working in a dropout prevention/recovery high school program, based on their interpretation and implementation of state policy responses to No Child Left Behind Act (NCLB). This study was divided into five chapters. Chapter I includes an overview of the study with an introduction of the study, a rationale for the study, a statement of the purpose, the importance of the study, definitions of significant terminology, research limitations, and lastly, procedures used to explore the research questions. Chapter II presents a review of alternative school research and literature. In addition, a review of policy implementation research and literature is presented. This includes key concepts and variables used to define how policy is interpreted and implemented. Also included in this literature review, is the social theory and research concerning risk, reform measures using policy to address remedy and prevention. Chapter III included a comprehensive account of the design of the study to include the methodology and procedures utilized in the collection, analysis, and presentation of data. In Chapter IV, the findings are presented and the analysis of the data used to address the research questions. Finally, Chapter V included a discussion of the study with an overview of significant findings of the study, consideration of recommendations, and implications for practice, conclusions, and suggestions for further research.

CHAPTER II

REVIEW OF LITERATURE

Introduction

Public attention and concern for educational institutions to recover and/or prevent students from dropping out of school continues as the No Child Left Behind Act comes under scrutiny in anticipation of its reauthorization. The concept of *saving* these children through public policy such as NCLB is not new. In fact, public policy that addresses children as at risk has much history and has evolved from multiple arenas of concern that include twentieth-century reforms, law, and contemporary issues in education (Wollons, 1993).

Contemporary alternative schools are credited as a policy response to reengage students, prevent/recovery students from dropping out of school; therefore, this literature review first presents an overview of the development of the alternative school. In addition, because NCLB provides the equity frame for this study, an overview of the federal and state accountability standards and measures is presented. The remainder of the literature is presented in two parts that are linked to one another under the umbrella of NCLB: (a) policy implementation and (b) risk discourse. All parts of the literature review converge to create a critical foundation in which to examine the administration of "at-risk" policy in the alternative school setting.

Alternative Schools – A Response to Risk

Historically, there is evidence that the concept of alternative schools has been around since the early 19th century, but as Miller (1995) points out, while alternative

schools/programs flourished during the 1960's and 1970's, they took a back seat to other

reforms of the 1980's and 1990's; yet they are once again taking center stage. Though as

Miller continues, this new focus on alternative schools perhaps is aligned in part to how

states respond and the strategies employed to prevent or recover student dropouts, one-

by-one.

Educational concern addressing the needs of the individual child is not new. Even

in the early 1900's, education for individualized needs of students was practiced.

According to Cravens (1993), depending on the vulnerability of the child – "the

destitute, the delinquent, the mentally and emotionally disadvantaged" (p. 4) champions

of child saving used multiple activities to address the needs of these children, one of

which is establishing institutions for their care, which may have included a component of

education.

While some scholars point to the emergence of the alternative school in Dewey's

time (Beken, 2008), these schools and programs are more often considered part the

progressive school movement in the 1960's (Dunn, 2000). There is also evidence to

suggest that alternative schools thrive in response to federal educational initiatives. There

is no doubt they flourished at the same time the Elementary and Secondary Education

Act (ESEA) of 1965 was authorized. As pointed out by McGuinn and Hess (2005), the

intention of ESEA was to provide additional resources for the education of the

disadvantaged student. With this intent, states and local education agencies were relied

on to determine how the money was spent. During this same time, urban education

initiatives looked to the alternative schools and programs as an innovative means to help

struggling minority and economically disadvantaged students to succeed in school (Raywid, 1999).

By the late 1970's, these schools and programs were losing their luster as the educational reform efforts shifted to a *back-to-the-basics* paradigm (Dunn, 2000). In order to stay viable, the schools that stayed open conformed to the traditional expectation of conventional curricula and practices (Dunn, 2000). At about the same time that *A Nation at Risk* was gaining attention in the 1980's, the goals of alternative schools again shifted to include a broader design. The educational proposals of the Nixon and Carter administrations added numerous categorical programs in education as an expansion to the Title I component of ESEA. As described by McGuinn and Hess (2005), Title I was expanded to include "migrant children, children for whom English was a second language, delinquent and neglected children, and children with mental and physical handicaps" (p. 10). In addition, special education programs were growing exponentially as a result of the 1975 Education for All Handicapped Children Education Act (EAHCA), currently codified as Individuals with Disabilities Education Act (IDEA).

Through EAHCA mandates, education reform now included the language of "free and appropriate public education" to all handicapped children. In addition, as McGuinn and Hess point out, with EAHCA, schools must provide "related services," while defining meaning from "appropriate," and "individualized" and "individualized educational program." While limited data exist as to the whether alternative education sites increased in response to EAHCA, it is important to consider the overlap of language between EAHCA and when describing alternative schools and the population these

schools serve. Under the guise of alternative education, the notion of *individualized* education is not necessarily new, though its appeal strengthened, perhaps in part due to the rhetoric of EAHCA.

As seen with the last 50 years, alternative education has responded to the educational waves, public policy addressing risk as well as social reform movements. These responses have given way to multiple definitions in describing the alternative school (Lange & Sletten, 2002). Yet, with all the definitions in play, their purpose has evolved and been accepted as a generically defined mission to serve students who are at risk for school failure (Paglin & Fager, 1997). Many alternative programs and schools have been designed for the at-risk learner with the desired results of keeping at-risk students in school.

The means by alternative schools and programs are initiated comes under discussion. Pianta and Walsh (1996) describe five activities that play a part in identifying the potential at-risk students as well as determining how to meet their needs: (a) identifying the specific populations who experience some negative outcome more than other populations; (b) isolating, in the population that experiences the negative outcome, the specific factors associated with the occurrence of that negative outcome; (c) categorizing those populations deemed more likely than other populations to experience the negative outcome as "at risk"; (d) designing and implementing interventions to eliminate, or at least buffer, the possible effects of the risk factors; and (e) evaluating how effective the risk intervention was in countering/buffering the effect of the risk factors. Accordingly, the premise is that if the negative outcome is identifiable, the

factors leading up to the outcome are also identifiable and manageable and thus intervention can be employed with the group most affected, by buffering the possible effects of factors (Vacha & McLaughlin, 1992).

The National Association of Secondary School Principals' (NASSP) curriculum report "Instructional Alternative: Rescue Strategies for At-Risk Students," related that at-risk students are salvaged "one-by-one," but the basis for such individual rescue operations must be programs and services that are more useful and persuasive than customary school content and procedures (Wircenski & Sarkees, 1990). The ease and purposeful mission of alternative schools to include marginalized students, to be responsive to their academic and social needs as well as provide a fair opportunity to obtain high school credits for graduation, therefore, seem a good fit within NCLB. With this fit and because of this era of school reform, it appears that alternative schools have returned to center stage and demand attention.

Attention toward the alternative/nontraditional schools and programs to recover and/or prevent dropouts continues to garner support throughout the levels of policymaking, at least observed through this study in California and Texas. In these states, legislative policy design includes offshoots of the standard accountability system to include these schools, but with their own eligibility criteria, procedures, and systems.

While research surrounding alternative schools is still in its infancy, scholars such as those working within the California Alternative Education Research Project (CAERP) are now delving beyond classification, definitions, and program descriptions to include how these schools and programs function and respond to policy intent (Ruiz de

Velasco et al., 2008). CAERP posed to school and district leaders questions relating to "chief enabling and constraining factors [of state policy] that bear on their work with continuation students" (Ruiz de Velasco et al., 2008, p. 6). School leaders responded that the accountability system challenged them to be more innovative in their practice, as they considered staffing and instruction in order to meet universal application of the state accountability standards found in California that mandates the same academic standards are needed to obtain a standard high school diploma, regardless of school classification. And on the other hand, they also acknowledged that as a continuation school, they "operate within a weaker school accountability system that contains fewer incentives for promoting student success than the accountability system applied to comprehensive schools" (Ruiz de Velasco et al., 2008, p. 6). This is a critical component to consider if the policy intent of NCLB strives that marginalized students be given access to an equitable education.

Specific reform measures involving alternative schools for the at-risk student, most notable the students at risk of dropping out of school is a relatively short one, although the condition of being at risk to graduate has existed for some time, with many students previously being classified as disadvantaged or by some other label. The issue of students dropping out of school has only received adequate attention since the 1970's. It gained political attention nationally when former President George H. Bush established increasing the high school graduation rate to at least 90% by the year 2000 as a national education goal. Yet, students continued to drop out of schools. As reported by Baker and Sansone (1990), the high school dropout rate remains a problem "nationwide,

the high school dropout rate is reportedly over 25% of the school population and

educators are searching for effective programs to keep students in school until

graduation" (p. 181). They also stated that "teachers, support personnel, administrators,

community members, and researchers acknowledge the loss to the individual and society

when large numbers of students fail to complete their education (Baker & Sansone

(1990, p. 181). In addition, Spring (2004) reports that racial minorities and socio-

economically disadvantaged students continue to be over-represented in the dropout

statistics nationwide.

Dropout statistics are but one aspect that is tracked in accountability measures

and standards. School accountability also takes into account student proficiency and

participation on standardized testing. These measures allow for equity to be discussed in

objective terms. Federal and state accountability policy further allows for the discussion

in context to various educational settings in which to address equity concern. Therefore,

this literature review provides an overview of NCLB and state educational accountability

policy.

While the complexity of the school accountability is beyond the scope of this

study, it is important to lay the framework of both the federal and state accountability

measures, especially in context to how administrators interpret and implement related

policy.

No Child Left Behind – Summary

The No Child Left Behind Act of 2001 (NCLB, 2002a) (Public Law 107-110)

reauthorized and amended federal programs established under the Elementary and

Secondary Education Act (ESEA) of 1965. In part, the NCLB contains four education reform principles: (a) stronger accountability for results, (b) increased flexibility and local control, (c) expanded options for parents/guardians, and (d) an emphasis on scientifically-based effective teaching methods.

Under NCLB, schools must make adequate yearly progress (AYP), as required under the Title 1 program, which provides funding to help educate low-income students, toward student proficiency in English/language arts and mathematics, and test 95% of all students and all significant subgroups. States that receive Title 1 funding must commit to the goals of NCLB. Schools, local education agencies (LEA) and the state must meet all AYP criteria in order to meet federal NCLB accountability requirements. If a Title I school or LEA does not meet AYP criteria two years in a row within specific areas, then it is identified for Program Improvement.

In addition to AYP, and as required by NCLB, states must move toward defining their own accountability system using a common set of indicators for the performance of students, schools, and/or districts. Both California and Texas have a standards-based accountability system that emphasizes student achievement by setting goals in the form of standards. In fact, prior to NCLB, California (in 1999) and Texas (in 1993) had already set in motion their own accountability measures and standards. Yet, the measures and standards are not deemed static as evidenced by the changes in testing programs for both states in the last few years. The rationale is that as new indicators of student performance are developed, other components of the accountability system must also change.

State Accountability Systems

State accountability systems are not alike, yet the basic premise is student

performance (Hanushek & Raymond, 2003). Questions raised by Hanushek and

Raymond in their study of state accountability systems include "how different

accountability measure reflect the quality and performance of schools and whether

different accountability systems should be expected to generate improvements in student

outcomes" (p. 128). They acknowledge two kinds of consequences derived from

accountability systems: "intended and unintended" (p. 128). Hess (2003) offers that one

of the unintended consequence of accountability systems is that a "meaningful high-

stakes systems will inevitably fail some students and thereby creates some clear losers"

(p. 62).

Hess (2003) continues to describe this unintended consequence in terms of who it

affects most.

> Even if disadvantaged children are the primary beneficiaries of accountability
> systems…such benefits are indirect and hard to define. This situation is
> especially thorny because children in minority and low-income communities are
> disproportionately likely to fail high-stakes exams, leaving officials vulnerable
> to charges of callousness and racial bias. As a result, officials will find
> themselves pressured to reduce the number of failing students or to reduce the
> consequences of failure. (pp. 62-63)

Furthermore, there is a domino effect expectation that accountability systems will

spur states to improve schools and schools to improve teaching. Yet, an outcome of such

a system may also "induce 'bad' outcomes as schools attempt to game the system"

(Hanushek & Raymond, 2003, p. 128). Several studies attribute rises in special education

identification (Jacob, 2002), increase in grade retentions, and students dropping out of

school (Haney, 2000) as a response to state and district integration of a test-based accountability system. Yet, as Hanushek and Raymond (2003) point out, "the validity of the interpretation depends crucially on whether or not other things are changing over time that could also affect the patterns of observed changes" (p. 142).

This point is well taken; especially in context of an observable change in both practice and policy that raises questions of the exclusivity of the at-risk student from the traditional schools. Fulkerson et al.'s (1997) conducted the Minnesota Student Survey of alternative schools. Their results indicated that not only is there a concentration of high-risk students enrolled in alternative schools, but these students have a higher number of risk factors. These risk factors include substance abuse, suicide attempts, sexual activity, and pregnancy as well as witnessing or receiving more abuse than students who attended the traditional high school. Most states have responded with "formal laws or policies defined alternative schools as being for at-risk students who are served in settings separate from the general education classroom" (Lehr, Tan, & Ysseldyke, 2009, p. 24).

Lehr et al. (2009) raise the question: "Are students placed in alternative education to assist schools in their efforts to ensure all students meet state standards and graduate or are students removed from traditional settings and placed in alternative schools for other reasons?" (p. 24). To answer these questions would require a deviation from this intent of this study: to better understand how administrators and teachers administer NCLB policy in their alternative schools. Therefore, this study is guided within the premise that students are in alternative schools to meet state standards and graduate. This

premise is necessary in order to include how states have responded with accountability

for alternative schools.

As both federal and state accountability standards become more stringent,

alternative schools are not immune to having to meet federal and state standards.

Alternative Education Accountability Policies

While the U.S. Department of Education (2002) defines an alternative education

school as

> a public elementary/secondary school that addresses the needs of students which
> typically cannot be met in a regular school and provides nontraditional education
> which is not categorized solely as regular education, special education, vocational
> education, gifted and talented or magnet school programs. (p. 55)

there continues to be ambiguity in how states apply the definition.

Lehr et al. (2009) conducted a nationwide search of state legislative information

about alternative school polices, structure, and educational practice. Their findings show

that while there is an increase in states formalizing legislation concerning alternative

education, they cannot attribute this increase to any one cause. Certainly, the increase of

students attending these schools may be a factor (Kleiner et al., 2002), but other reasons

may exist as well. In addition, Kleiner et al.'s review of state legislation and policy

indicated "the majority of states have legislative or policy language requiring students to

meet one or more at-risk criteria as a condition of alternative program enrollment" (p.

26), yet only "19 of the 36 states indicated their department of education had a system in

place documenting outcomes for students who attend alternative schools" (p. 26). Their

results further indicated that the type of information gathered is limited. Data may

include graduation rates, attendance, state-mandated tests etc., but rarely did states collect data on post-school outcomes.

NCLB expects all schools to report student participation and performance data, which is broken down by subgroups of ethnicity, gender, poverty status, special education, and English language learners. Statistical analysis formulas require a minimum number (depending on federal or state requirements) of students in each subgroup. This minimum participation enhances the reliability of the accountability design (Erpenbach, Forte-Fast, & Potts, 2003). Typically, alternative schools have a much smaller enrollment and as a result often do not meet the minimum floor to include each subgroup. Therefore, it is not a guarantee that alternative schools will be included in NCLB's adequate yearly progress (AYP) results or their states' ratings. This is not to say that they are exempt from accountability standards, as shown with two state examples below.

California and Texas have an accountability system that recognizes that some campuses that offer alternative education programs may need to be evaluated under different criteria than comprehensive or traditional campuses. In these states, legislative action includes accountability policy design that includes an offshoot of the standard accountability system to include these schools, but with their own eligibility criteria, procedures, and systems. In both cases, the states require these campuses to first meet certain eligibility criteria in order to be evaluated under alternative accountability procedures.

California uses the Alternative Schools Accountability Model (ASAM) (California Department of Education [CDE], 2007) as a voluntary program where qualifying schools select 3 of 14 reporting indicators that measure student learning readiness, transition, and academic performance. The framework for California's Alternative Schools Accountability Model (ASAM) for the alternative accountability system was first approved by the State Board of Education in 2000. Three central concepts were emphasized with this framework:

- Student and school performance measures should be based upon multiple indicators that assess a school's ability to serve high-risk students. The indicators should measure change in learning readiness, engagement, and educational goal attainment, as well as cognitive growth and academic achievement.

- Schools should be able to choose from a variety of indicators, those most appropriate to their goals and student population.

- A school's performance should not be compared with that of other schools, but rather with its own performance over time.

Texas uses the Alternative Education Accountability (AEA) (Texas Education Agency, 2007b) which allows for alternative performance measures for campuses serving at-risk students. While these procedures were first developed in 1994 and implemented in 1995-1996, there have been many revisions to both the rating criteria and procedures throughout the last 13 years. The current procedures were first implemented in 2005, with the design of the AEA procedures as an improvement model

that allows an alternative education campus (AEC) to meet either an absolute performance standard or an improvement strand for each accountably measure. AEC's must register and meet eligibility requirements that include serving "students at risk of dropping out of school" as defined in TEC S29.081 (d) and offers a nontraditional program rather than program within a standard, to name a few. In addition, there is a gold performance acknowledgement (GPA) for alternative education campuses that are awarded separately for each of 12 indicators for such things as Advanced Course/Dual Enrollment Completion, Attendance Rate, Commended Performance (All subjects) Recommended High School Program/Distinguished Achievement Program, SAT/ACT Results, and others.

Understanding the complexity of the accountability policy certainly must factor into district decisions and considerations when discussing the alternative school setting. This is evidenced by the increased enrollment in the participating alternative schools, program redesign, creating space in districts, etc. What perhaps is not discussed in its entirety is the motivation behind these alternative accountability designs, or how these policies are administered.

The research and literature surrounding policy implementation is presented next. This portion of the literature review centers on three aspects: (a) policy-practice interface, (b) policy as law, and lastly (c) policy attending to risk.

Policy Implementation

The researcher approaches the policy implementation process much as Pressman and Wildavsky (1973) contend that at the very least "implementation, to us, means just

what Webster and Roget say it does: to carry out, accomplish, fulfill, produce, complete"

(p. xiii). Throughout this review of literature, the disciplines of political science and

sociology are used as a matter of concern when individuals receive policy. The use of

these disciplines is intentional because they acknowledge how policy implementation is a

function of the interaction of aggregate public attitudes about an issue. These disciplines

also take into account political parties, individual interests, as well as the economic

undertone of supply and demand (Ryder, 1996; Shepsle & Bonchek, 1997) all observable

facets located in current education events.

Policy-Practice Interface

Development

This portion of the literature review attempts to explain how a policy-practice

interface contributes to achieving intended and unintended outcomes by examining

previous policy implementation research. Scholars (Madsen, 1994; Peckover, Hall, &

White, 2009; Spillane, Reiser, & Reimer, 2002) have examined the interface of policy

and practice for many years, noting that policy written as a deliberate plan of action is

assumed to guide decisions to achieve rational outcomes to policy implementation

administered by individuals.

Public policy, which embraces educational policy, stems from the matrix of

principles woven into the operation of legal systems in all states. It is dynamic, varying

in different cultures and over time may change. As Majone and Wildavsky (1978) point

out, "policy ideas in the abstract…are subject to an infinite variety of contingencies, and

they contain worlds of possible practical applications. What is in them depends on what

is in us, and vice-versa" (Majone & Wildavsky, 1978, p. 113). Policy substance,

therefore, is built around the social, moral, and economic values that tie society together.

With dropout statistics continuing to grow (NCES, 1992) even under NCLB

policy reform, there is no question that *something* is interfering with policy whose goal is

to arrive at a rational outcome (graduation) for the at-risk student. Previous research

indicates much attention has been given to explain this phenomenon. McDonnell and

Elmore (1987) trace policy implementation research through three generations

examining the divergence of policy goal and outcome.

As offered by McDonnell and Elmore (1987):

The first generation of policy implementation research focused primarily on whether results were consistent with intentions. The second generation focused on variations in the response of individuals and institutions, and on the conditions of successful implementation. The next generation, we believe, should build on the lessons of the first two by focusing on the instruments common to different polices and on the conditions under which those instruments are most likely to produce their intended effects. (p. 133)

Presently, because of the continued high number of students dropping out of

school, it is important to consider, as McDonnell and Elmore (1987) suggest, those

common conditions and instruments in policy that are most likely to produce an intended

effect. But at the same time, this researcher argues to not ignore the unintended effects.

Despite NCLB intentions, evidence suggests that there is continued disparity in academic

achievement among students attending the alternative school setting. Therefore, this

literature review turns to several policy studies from both generation one and two to

better understand the numerous factors involved that prevent or are cause to obtain a

policy goal as a concrete outcome.

Policy as Text

Several studies document the effect of how well policy is written and/or how well policy goals are articulated in contributing to the implementation process. When policy is written in an ambiguous manner or when policy directives are inconsistent (Pressmam & Wildavsky, 1973; Weatherly & Lipsky, 1977), policy implementation more often than not is undermined at the local level. Spillane et al. (2002) further argue that when policy is received at the local level and it is unclear, vague, or does not fit with the vested interest of those charged with implementation, then the policy goal is primed for failure.

The counter-argument has also been articulated. When policy directives are offered in increments (Cuban, 1988), and policy goals are measurable with a clear implementation procedure then as Mazmanian and Sabatier (1983) suggest, implementation at the local level is more likely to be received and implemented with efficiency and effectiveness. Clearly, local receivership of policy is an important component in the implementation process and should be explored in the context of the hierarchical process of principal-agent relations.

Policy Implementation Responsibility

Responsibility for policy implementation is often skewed by the governance system and organizational arrangements. Several policy studies attest to the complexity involved that signals competing actions that may eventually undermine the authority and power of policy (Cohen & Spillane, 1992; Porter, Floden, Freeman, Schmidt, & Schwille, 1988; Pressman & Wildavsky, 1973; Weatherly & Lipsky, 1977). When policy is received at the local level, specifically with teachers and principals, there is

simultaneous multiple organizational contexts involved (McLaughlin & Talbert, 1993).

Spillane et al. (2002) point out that "teachers and school administrators work in schools,

that are nested in schools districts, which in turn are nested in states, and so on" (p. 409).

With these layers of governance, formal situational differences do matter and account for

varying degrees and diversity of implementation. The relevance of these situational

differences comes to light when considering that NCLB policy aims to address a

collective audience of primarily the setting of traditional schools. Thus, this dissertation

takes into consideration the localized and specialized context of where and when these

instruments are received.

Rein and Rabinovitz (1978) draw the attention of policy implementation scholars

to the consequences of policy once it has been received at the local level. They define

policy implementation as "(1) a declaration of governmental preferences (2) mediated by

a number of actors who (3) create a circular process characterized by reciprocal power

relations and negotiations" through a process that is "dominated by three potentially

conflicting imperatives:

1. *The Legal Imperative* (respect for legal intent. To do what is legally required.
   This imperative stresses the importance of subordinator compliance to rules
   which derived from legislative mandates along the lines described by Lowi's
   classical theory).

2. *The Rational-Bureaucratic Imperative* (What from a bureaucratic point of
   view is a morally correct, administratively feasible, and intellectually
   defensible course of action. Emphasis here is on such bureaucratic norms as
   consistency of principles, workability, and concern for institutional
   maintenance, protection, and growth).

3. *The Consensual Imperative* (To do what is necessary to attract agreement among contending influential parties who have a stake in the outcome). (pp. 309-315)

With these three imperatives, it obvious that much attention of policy implementation research should include not only those who are charged with actual policy implementation, but also the contextual relevance of implementation. Thus, in order to frame the divergence between policy (as ambiguous and abstract) and practice (as concrete) through individuals' actions, contextual analysis is impetrative (Rein & Rabinovitz, 1978).

Contextual Situations

Rational Choice Tenets

The policy ideal of the alternative schools is to engage and educate those students who have not been successful in the traditional school setting and thus at risk of dropping out of school. When this ideal is not met, a profound consequence (students drop out of school) occurs. Following Rein and Rabinovitz's (1978) lead and using their conflicting imperatives, overarching policy such as NCLB must first be situated to include circumstances that require knowledge of the agreed upon (Consensual) problem from which policy was derived. While on the surface it appears dropouts in general are the concern, upon a closer look, the issue is not only the number of dropouts, but *who* is dropping out of school. Spring (2004) asserts that "savage inequalities are reflected in dropout rates by social class and race" (p. 53), and that "the consequence of these savage inequalities is the perpetuation of social class differences" (p. 54). Nationwide, racial

minorities and socio-economically disadvantaged students continue to be over-represented in the dropout statistics.

Defining a course of action (in effect to rectify the problem) requires action that is assumed to be derived from evidence of clean and sensible thinking, which is based on reason (Rational-Bureaucratic). To rationalize a plan of action requires that there be a consensus around the real issue. Shepsle and Bonchek's (1997) perspective is also included here, because their presentation of the rational choice theory assumes individuals choose the best course of action, based on both stable preference functions and constraints facing them. These actions, functions, and constraints must certainly require stakeholders to be engaged with strategic interactions brought about by their cognitive abilities and the time available to weigh options and choice against one another. Rational choice tenets rest with "the claims that individuals, groups, or states (actors) want what they themselves define as best (egoist) and act in a manner that is designed to achieve it (rational)" (Pentz, Mares, Schinke, & Rohrbach, 2004, p. 1826). Understandably then stakeholders consider preferences of outcomes based on the given information at hand and not necessarily based on all relevant information.

Rational choice theory also considers the institutional context within which individual action occurs (Schlesinger, 1997; Tulles, 1991). This specific contextualization is especially important to consider when discussing the alternative school setting, because as Pentz et al. (2004) suggest, "institutions refer to rules that guide behavior; they can be explicit (as in the case of laws) or implicit (as in cultural norms) and they can be embodied in formal organizations or simple constitute the social

context within which actors interact" (p. 1828). Because alternative schools are encouraged to formulate a different design of schooling for the at-risk student and many states hold alternative schools to a different accountability system, the rules that govern the traditional school may not be appropriate for the alternative setting. Yet, regardless of which rules are adhered to, rational choice theorists recognize that individuals are motivated to respond due in part of the threat of punishment or the promise of reward through the accountability system.

As with most analysis perspectives, rational choice theory is not without critics. Two concerns dominate critical discourse of rational choice: (a) preference formation and (b) limited rationality. Preference formation is likened to taking a reactive stance as opposed to proactive. Preferences are assumed or derived after the fact by reasoning backward (Musto, 1995). Meaning that "given this strategic context and this outcome, the actors must have valued these choices above these other options" (Pentz et al., 2004, p. 1828). The second criticism of rational choice theory applies the limitations assumed that humans can be reasonably approximated or described as "rational" entities, giving way to *bounded rationality* proposed by Simon (1947). As Simon explains, there are limits in how humans are able to formulate, solve, and process information and complex problems.

As shown with rational choice theory, the existence of choice implies options and options imply a ranking system employed by the stakeholder. How the stakeholder ranks, deserves attention in the consideration of agency and limitations. Therefore, this

literature review examines Ball's (1993) proposal that acknowledges the relationship

between agency and constraint through policy as text and policy as discourse.

Conceptualizing Policy

Ball (1993) conceptualizes policy text in the following manner:

policies as representations which are encoded in complex ways (via struggles, compromise, authoritative public interpretations and reinterpretations) and decoded in complex way (via actors' interpretations and meaning in relation to their history, experiences, skills, resources and context). (p. 11)

Policy implementation stakeholders wield considerable agency and power

(though limitations are evident) in how they make sense of policy and how they act in

relation to policy in contextual situations. With concern over this agency and policy

movement, Ball (1993) offers an approach inspired by Foucault (1982) of *policy as*

discourse as a necessary component of policy process. Using Foucault's work, Ball

(1993) views policy as the embodiment and construction of "certain possibilities of

thought" in which "[W]ords [and actions] are ordered and combined in particular ways

and other combinations are displaced or excluded" (p. 14). Stakeholders, charged with

policy implementation, are positioned to derive remediation and prevention possibilities

that are measured against specific constructs of problems. This review recognizes that

those charged with policy implementation at these very specialized schools must contend

also with policy constructs, but also constructs of their at-risk student population. These

two constructs would thus further impact administering at-risk policy.

Competing constructs between policy and student groups is evident within

Stein's (2001) qualitative work investigating "the ways in which policy language

influences practitioners' understanding of students who are eligible for policy-funded services" (p. 135), specifically Title I school and child designation. What is notable from Stein's work is that initially the governmental label of Title I designations was used to determine eligibility for districts and schools to receive federal funding based on poverty measures. Stein suggests that eventually "the interpretations of these labels [by teachers] influence whether teachers believe that policies can actually serve students' needs. Additionally, even practitioners who actively discourage and resist the use of labels and theirs association are consistently asked to rely on these categorization schemes" (p. 151).

Relying on these categorization schemes is not static though. Using Ball's (1993) approach of policy as discourse suggests that policy is both challenged and evolving, always in a state of "becoming, or was and never was and not quite; for any text of readers must necessarily produce a plurality of reading" (p. 11). Within this framework, policy implementation relies on "the enactment of texts[,] relies on things like commitment, understanding, capability, resources, practical limitations, cooperation and (importantly) intertextual compatibility" (Ball, 1993, p. 11). All of these concepts are critical components when discussing educating an at-risk student population. Given that the at-risk population is typically comprised of children who are from racial and ethnic minority groups and/or who live in poverty, implementing agents must also define and interpret policy need for these students. Yet, one area Ball does not address is the depth an agent's knowledegabilty of policy plays into policy as discourse.

Policy implementation and compliance requires that local actors are *knowledgeable* of the policy in question. Based on Hope and Pigford's (2002) outline of responsibilities for policy compliance, they charge administrators with a portion of disseminating knowledge policy as an important component.

Smit (2005) situates this frame of *knowledge* within the policy implementation process by exploring "teachers' understandings of policy in times of transition and shows how such local knowledge affects policy implementation" (p. 292). Her inclusion of teachers in the implementation process is not without reason. She uses Crossley and Vulliamy's (1995) argument that teachers and their practices are no doubt influenced by national education policy, but "there are hidden contextual micro-decision-making processes and dynamics, which have been ignored," namely, "teachers' understanding of policy" (p. 294).

Smit (2005) refers to these micro-processes and dynamics as instrumental in understanding the policy implementation process. These processes of social and historical context of actors, their subjective realities are able to "construct, filter, mediate, and shape their educational practice" (pp. 294-295). Thus, the outcome of intended policy may not correlate with actuality.

> The institutional practices and discourses that emerge out of the responses of practitioners to both the intended and actual policies of their arena, the peculiarities and particularities of their context, and the perceptions of the intended and actual policies of other arenas. (Samoff, Rensburg, & Groener, 1994, p. 22)

What can be deduced is that actual policy outcome may not be aligned with policy goals that stem in part by the knowledge of policy by local actors. A resistance is

played out in a variety of ways, oftentimes dependent of the experience of the teachers as well as their understanding of the policy itself. Furthermore Smit (2005) concludes that for those teachers for whom policy will have a great impact, they are more likely to put up resistance to the policy.

"Policy feels threatening – particularly when it affronts deeply embedded assumptions about the interaction of education, power, culture, and society – then conflict may arise between those who make policy happened and whose who resist it" (Smit, 2005, p. 301). Accordingly, Smit (2005) suggests that "teachers are 'principally' reluctant to abandon tried and tested method for new ones, which they may be afraid will fail" (p. 302). If the lack of policy knowledge indirectly correlates to agents resisting policy, then this literature must delve next into the concept of policy compliance.

Policy Compliance

The concept of policy compliance draws the attention of policy analysts in their attempt to formulate a consensus on what variables are critical to explain compliance (Bali, 2003) and thus provide another construct in implementation theory. Much has been written concerning policy compliance at the various hierarchical stages, the role of political and economic conditions, leadership predispositions and institution resources to explain implementation (Lester & Stewart, 2000). But as evidenced by numerous policy studies (Brouillette, 1996; Datnow, 2000; Goggin, Bownman, Lester, & O'Toole, 1990; Hening, Hula, Orr, & Pedescleaux, 1999; Lester & Stewart 2000), the final level of policy compliance is often mediated by local actors. These local actors are typically local education agency schools officials, administrators, and teachers. The role of the principal

and teacher, as local actors in the policy implementation process, is well documented. Hope and Pigford (2002) suggest that,

> Principals and teachers are more likely to embrace policies that match or approximate their concepts of teaching and learning or at least do not conflict substantially with fundamental and long-held pedagogical traditions. Educational policies that compete or conflict with the pedagogical beliefs of educators are more likely to experience delayed implementation or suffer from superficial implementation. (p. 44)

Hope and Pigford (2002) bring to the conversation a discussion of the impact of an individual's disposition toward policy itself that influences the compliance portion of the policy process. "The principal's disposition influences not only whether the policy will be implemented, but also the seriousness with which it will be implemented" (Hope & Pigford, 2002, p. 45). As with any implementation of policy, there are certain responsibilities and tasks that must be fulfilled in order to achieve a policy objective. Hope and Pigford outline three necessary stages of responsibility and tasks that are to be assumed by the principals for policy compliance:

1. *The Initiation Stage* (strategies are developed to inform and gain acceptance of policy from teachers; established and articulate a relationship between policy goals and school objectives and goals; create a plan of action through tasks, identifying those responsible, timelines, and evaluation).

2. *The Implementation Stage* (requires action in form of leadership support and formative assessment of the implementation process).

3. *The Institutionalization Stage* (policy becomes fully entrenched in school processes).

As shown with Hope and Pigford's outline of principals' responsibilities and the tasks needed for policy implementation, receiving and complying with policy is hardly a simple or passive practice. While Hope and Pigford provide much discussion on the impact of an individual disposition, they fail to explore how principals and leaders *cope* with policy compliance.

Hoy and Miskel (2001), authors of *Educational Administration: Theory, Research, and Practice*, provide examples of coping mechanisms used by administrators to protect and/or insulate their schools from external activities such as federal/state/local policy initiatives. With the acknowledgement that contextual and localized mediation of policy lies with administrators and teaches, it must be pointed out the formalized at-risk policy mandates generally are created and passed down from external environments and stakeholders. Hoy and Miskel suggest that these external environments (federal/state agencies) impose onto the task-environment (such as a school) pressures of compliance. The task environment responds in part by isolating their technical core from the external influences. Principals no doubt are compelled to protect and isolate their organizations from these external forces. Hoy and Miskel (2001) refer to this protection as *buffering*. They explain: through specific roles and responsibilities, processes are created to "deal with uncertainty and dependence from a variety of environmental elements" (Hoy & Miskel, 2001, p. 263) as a means of protection and efficiency from external forces.

Another means of coping explored through the work of Hoy and Miskel (2001) is the idea of *decoupling* which is explained as "organizations designed for efficiency ideally attempts to maintain a close alignment between their structures and their

technical activities (Meyer & Rowan, as cited in Hoy & Miskel, 2001, p. 279).

According to Meyer and Rowan (as cited in Hoy & Miskel, 2001), "goals are made

ambiguous and categorical ends are substituted for technical ends – that is, schools

produce students, not academic learning" (p. 279). Hoy and Miskel (2001) suggest that

the use of decoupling as a coping mechanism "masks or buffers inconsistencies,

irrationalities, and poor task performance that might undermine public faith in the

organization" (p. 279).

Lastly, a third mechanism of coping to be explored is the idea of *managing the*

image. Again turning to Hoy and Miskel (2001) for a summarization, they present

managing the image based on Ogawa's (1992) work of symbolic activities in which

commitments, support, and legitimacy of a school organization are produced by way of

shared meaning and values. Hoy and Miskel (2001) offer the example of "administrators

whose plans have failed can demonstrate to other administrators, teachers, the board of

education, and the public that the procedures were prudent and that their decisions were

made rationally" (p. 279).

These three coping mechanisms employed by administrators are important

considerations within the "at-risk" policy implementation process. But little is mentioned

concerning the necessary compliance derived from policy that embraces accountability

standards and measures. Therefore, this review considers an individual's disposition

toward compliance and thus law as an important consideration in policy compliance.

It is well known that flexibility is a pillar of NCLB. For example, NCLB allows states to develop an accountability plan that provides a sense of what the state expects as an academic standard and then defining the measure to ensure that standard is met.

The inclusion of accountability standards and measures is not subtle when discussing the issues of compliance to policy; rather it is brought to the forefront of discussion. Accountability is a structural component of NCLB to drive school improvement. The law "require[s] states to test students in grades three through eight annually and to ensure that graduates pass a high school exit exam…and imposed a series of corrective actions on schools and districts that fail to demonstrate 'adequate yearly progress'" (Hess, 2003, p. 55). With these accountability outcomes, "public schools and educators have been judged on the basis of whether or not they comply with regulations and directives, instead of upon student performance or progress" (Hess, 2003, p. 55). With consequential ramifications at hand, this literature review considers how policy implementation is impacted by the authoritative nature framing policy design, law.

The Concept of Law

The concept of law remains one of the few abstract and sought after constructs of our time. Its boundaries are at times blurred with policy constructs. Technically, law and policy differ. While policy provides guidance of actions toward achieving a desired outcome, law compels and prohibits behaviors. Yet, because educational policy refers to the collections of laws and rules that govern the operation of education systems it is important to include the intersection of the two constructs.

> In ordinary parlance, the term "law" conjures up a variety of images. For some, law may mean getting a parking ticket, not being able to get a beer legally if under age, or complaining about the local "pooper-scooper" ordinance. For others, law is paying income tax, signing a prenuptial agreement, being evicted, or going to prison for growing marijuana. For still others, law is concerned with what legislators enact or judges declare. Law means al the above and more. Even among scholars, there is no agreement on the term. (Vago, 2003, p. 8)

When discussing policy under the guise of law, there is historic evidence that a common strategy exists that assumes social change is ratified by changes to law and thus public policy. Monumental reform efforts such as the civil rights movement (Kluger, 1975; Tushnet, 1987), women's equality in education and employment (Costain, 1981), and more recently equal rights protection for gay, lesbian, bisexual, and transgendered people (DeLaet & Caufield, 2008) can be traced back to public policy arenas such as in courts and/or legislatures. Given the multiple layers of laws, rules, mandates, inducements etc. that are included in the administration of the education system, social constructs of law is an appropriate venue to include in policy implementation research.

Using Law to Effect Change

With the expectation and anticipation that educational policy (such as NCLB) effects change (closing the achievement gap), consideration is given to understand the conditions of law that are needed to be an effective impetus for change. Evans (1965) suggests that a law is likely to be successful to induce change if it meets the following seven conditions:

1. The law must emanate from an authoritative and prestigious source.

2. The law must introduce its rationale in terms that are understandable and compatible with existing values.

3. The advocates of the change should make reference to other communities or countries with which the population identifies and where the law is already in effect.

4. The enforcement of the law must be aimed at making the change in a relatively short time.

5. Those enforcing the law must themselves be very much committed to the change intended by the law.

6. The instrumentation of the law should include positive as well as negative sanctions.

7. The enforcement of the law should be reasonable, not only in the sanctions used but also in the protection of the right of those who stand to lose by violation of the law.

Yet, as Vago (2003) points out there are limitations of law as an instrument of change, especially when linking law and social change. Vago points to social factors such as "vested interests, social class, ideological resistance and organized opposition" (p. 326), which may be construed as potential barriers to change. In addition, cultural factors of fatalism, ethnocentrism, incompatibility, and superstition often act as obstacles for law to effect change (Vago, 2003). Lastly, Vago attributes "cost and limited economic resources in a society do in effect provide a source of resistance to change" (p. 332).

The work of Rosenberg (1991) sheds light on the limits law has to effect social change. Through a survey of politicized and controversial Supreme Court decisions (including *Brown v. Board of Education*), Rosenberg argued that little effect on change

was accomplished by way of the Supreme Court. Rather, because of legislative efforts to delay compliance with the *Brown* decision, many children continued to attend segregated schools, decades later. Rosenberg concluded that to have any effect at all, the Court needed the cooperation of other powerful institutional actors, such as Congress or state legislatures, or as Scheppele (1994) may suggest perhaps the cooperation of ordinary people needs to be a serious contender as a legal actor to parlay law into social change.

Law, by virtue of its mechanisms has impacted reform efforts not only in education, but also our social framework. It redefines the normative order, through both the processes of social practice and external pressures. Take for example, Hull's (2006) study of the legal and cultural discourse of marriage for same-sex couples. From her work, she explains that law is powerful in normalizing a cultural event, as seen with the marriage of same-sex couples. This cultural power of law was evident with many of her participants speaking of the social legitimacy of legal marriage, in "the sense that legal recognition would render same-sex couples normal and culturally equal to heterosexual married people" (p. 3). This reliance and the challenges of using a legal recognition to cultivate social change are not unique. Marshall and Barclay (2003) contend: First, *the law's power depends on the values, beliefs, and behavior of individuals*" (p. 622), that without the socialization of law, its power through text only is less effective. The second assumption is "*law is neither neutral or passive*" (p. 623), a dichotomy of oppressive strength to regulate behavior and the potential to liberate and empower. The third assumption is "*the law might be pervasive, but it is not determinant*" (p. 623), meaning that while "law defines and constrains our choices and actions…rarely does it directly

determine them" (p. 623), that individuals "first choose their preferred position in

relation to the existing law or legal norm and then to act on such a choice in contrast to

the publish precepts" (p. 623).

It is not surprising because law imposes "regulations, codes delineating

prohibited conduct, and social norms designed to maintain existing arrangements of

power and order" (Marshall & Barclay, 2003, pp. 617-618). Using law to maintain a

status quo of power and order between law and social constructs is evident in Gatson's

(1997) work. Gatson specifically engages the issue of gender between social

constructions of parenthood and labor policy development. She contends, "Law is an

arena in which we struggle over values and behavior. It is an arena where deeply

embedded mores about gender (among other basic social categories) come into play in

the objective make of new law" (p. 305). Gatson further cautions that when reading law,

such as labor policy, that gender-neutral language of the act tends to mask gender-biased

realities.

Law though, following Marshall and Barclay's (2003) three assumptions, can

also be used to create possibilities that are derived from law as evidenced with the

socialization of NCLB policy and its accountability components. While the school

accountability movement may resonate with policymakers as necessary (Moe, 2003) for

school reform, there is much reliance on educators to assume the role as a legal actor

through having to administer these policies. For educators, the law of NCLB policy is

encountered and implicated through their daily routine as teachers and administrators.

During the last decade, accountability standards have been made more stringent, with a

continuous process of reporting and review put in place. With this process in place, law has become an ordinary transaction and event in the professional life of educators.

With this section of the literature review, the researcher has suggested how law in action consists of individuals trying to navigate the opportunities and challenges through meaning-making activities presented in everyday life. Law certainly plays an important, though not necessarily exclusive role in policy implementation. Individuals are often "strategic in their mobilization of law, invoking it when it helps them, ignoring it when it might hurt, and generating more suitable practices and institutions when law is inadequate" (Marshall & Barclay, 2003, p. 624). Therefore, it is important to link how law is constructed as policy response for at-risk students.

At-Risk Educational Policies

Public policies attending to those *at risk* did not originate as educational policy but rather, as Cravens (1993) suggests, emerged from American legislation and values coinciding with the advancement of industry. For example, Cravens suggests that Franklin Roosevelt's New Deal programs (a series of economic programs that included relief [work] to the unemployed) and public policies response to spur recovery of a downtrodden economy eventuated to an organized child-saving effort that included remediation and prevention of risk. For example, through the Federal Emergency Relief Administration jobs were provided to parents and as such this assistance was eventually able to improve the lives of their children (Cravens, 1993). Cravens further suggests that programs and policy such as this and others (e.g., Fair Labor Standards Act of 1938 – limiting child labor; the Lanham Act of 1940 – funded defense plant day care;

Emergency Maternal and Infant Care Act of 1943 – provided health care to the wives an children of servicemen in the lowest pay grades) were considered temporary fixes though and not sought out to be permanent. Thus, the federal role in child-saving activities was originally limited in powers and responsibilities, acting more in the capacity as a partner with other entities to ensure a vital well-functioning American democracy.

Cravens continues to track (through the 1950's) the role of the federal government attending to at-risk children which grew through a variety of legislative and judicial proceedings. He outlines that the Department of Health, Education and Welfare in 1950, as well as the Supreme Court decision with *Brown v. Board of Education 1954* paved the way for a multitude of federal programs as a means of child-saving advocacy. In the next decade, Cravens suggests that the role and responsibility of the federal government continued to grow with the inception of the Economic Opportunity Act (EOA) of 1964 and Elementary and Secondary Education Act (ESEA) of 1965 in an attempt to address specific risk factors.

Where educational equity for African American children was central in the *Brown v BOE, 1954*, the affects of poverty took center stage with Lyndon B. Johnson' s War on Poverty campaign. The establishment of the EOA included several social programs to promote the health, education, and general welfare of the poor. During this same time, the ESEA educational reform effort mirrored a similar response to address poverty as a risk to provide educational equity. The ESEA Act was to provide financial assistance to local education agencies with a high percentage of students from low-income families. Local education agencies in turn were to use the funds for professional

development, instructional materials, support for educational programs, and promotion

of parental involvement.

The ESEA has been reauthorized every five years since. With each

reauthorization change, and/or additional components of *child saving* through education

have been added. For example, with the reauthorization in 1967, Title VII introduced a

program for bilingual education. In 1994, the Improving America's Schools Act (IASA)

(ESEA reauthorized during the Clinton administration) concerned itself with

disadvantaged children meeting high standards, technology for education, safe and drug-

free schools, and equity to name a few.

The goal of NCLB, the most current authorization of ESEA, is to increase

academic expectations and create environments that are conducive to learning, including

providing schools that are safe and drug free. This reauthorization legislation sought to

broaden school improvement goals to include increasing students' proficiency in

English, reading, and math; increasing rates of high school graduation; and improving

teachers' qualifications. In addition, NCLB requires all public schools to be accountable

of their ways and means in addressing these remedies and preventative measures of child

saving; hence, each public school must administer a statewide-standardized test annually

to all students. Schools that receive Title I funds must make adequate yearly progress

(AYP).

Accountability is not new to the educational arena, having emerged from several

educational waves of reform. While the three waves of reform are political in nature

(Hess, 2003; Nichols, 2005; Peterson & West, 2003; Tyack & Cuban, 1995), they no less

are linked to children identified as at risk for school failure. Therefore, it is imperative to explore from where NCLB emerged from within the educational reform waves while framed against the backdrop of the at-risk student. Several landmark educational reforms merged with social reform are worth considering in light of the educational waves that brought us to NCLB.

Educational Waves of Reform

During the mid-century mark, marginalized groups became more vocal, challenging "society to distribute educational opportunities more fairly" (Tyack & Cuban, 1995, p. 25). Advocacy groups challenged the process and means of current practices and social ideologies of expectations for disadvantaged students. These advocacy groups drew attention to their causes that in turn demanded political response. A result of these groups seeking "simple justice" (Tyack & Cuban, 1995, p. 26) was the demand for educational equity as documented by *Brown v. Broad of Education* (1954).

The *Brown v. Broad of Education* (1954) landmark United States Supreme Court decision declared that state laws that established separate pubic schools for black and white students denied black children equal educational opportunities. The Court decision gave rise to implementation conflicts that arose from social perspectives and ideology. These implementation and compliance issues are well documented (Peltason, 1961; Rosenberg, 1991) and were addressed further by the Court in *Brown v. Board of Education*, *II*. "The Court invited the states affected to submit briefs on the situation in their public schools and local communities" (Freyer, 2007, p. 146) as to how they were going to respond and comply. Ultimately, the Court saw fit to respond by ordering that

integration should proceed "with all deliberate speed," giving "localities maximum flexibility while obligating them to a "prompt and reasonable start" toward integration (Freyer, 2007, pp. 146-147). Yet, as Freyer points out, many Southern states and school districts, for years, interpreted *Brown v. Board of Education II*'s ambiguous directive as an excuse for resisting, delaying, and avoiding significant integration.

The purpose of discussing these Court cases is to remind us that the success and/or failure of reforms can be attributed to understanding the difference between an ideology and the social constraints of conflicting beliefs. This doctrine serves as a precedent of understanding an ideology that demands equity regardless of ethnicity, racial makeup, social economic status, and gender or handicapping status and is more often than not met with resistance on a variety of fronts.

Another such significant reform measure was initiated with the publication of *A Nation at Risk* (1983). *A Nation at Risk* was influential in drawing attention toward the downward spiraling affects of foreign competition over United States dominance in a global market (Peterson & West, 2003). Most notably, the response to the report reflected back to state regulations effecting proposed changes to education. These proposed changes (core content increase, standards and expectations, increased school time, teaching expectations, leadership, and fiscal support) did not attempt to change the system itself, but were put in place to stimulate progress directly linked to maintain the United States' competitiveness in a global market. And yet, with this report, it is important to point out and clarify that the term at risk became popularized, especially in context of an accountability standpoint.

The ideology of accountability made its appearance in political arenas through both governing platforms and marketable public relations at state levels. As discussed by Peterson and West (2003), there was considerable political profit made by raising the educational issues higher on state political agendas. Governors, especially in the southern states, used "accountability [as] an issue that helped elevate them to the national scene" (Tyack & Cuban, 2003, p. 7). A significant player in this first wave of accountability is H. Ross Perot, a Texas businessman and at the time of the reform was a future presidential candidate. As Peterson and West (2003) point out, during Perot's tenor as Texas' head of Education Commission schools and students were first held accountable under new state regulations. These new regulations of minimum graduation requirements and students required to maintain at least a "C" in class to be eligible to participate in varsity extracurricular activities opened the gateway for future accountability standards.

As part of the first wave of accountability, Dee (2003) explains, course graduation requirements and minimum competency testing were accepted with little resistance. These state-driven attempts of ensuring accountability requirements were more rigid taking away choice in curriculum. They reflected a return to the basics and were identified as the "New Basics" (Dee, 2003, p. 218). Within ten years of the *A Nation at Risk* report, nearly all states had adopted a graduation core requirement in four core academic areas of math, science, English, and social studies.

The second wave of educational reform kept the minimum expectations criteria, but responded by questioning the effectiveness of a centralized decision-making process. This criticism leads to research distinguishing effective schools and also attempts to

address what is meant by comprehensive school reform, both of which are the cornerstone of the second wave. Tyack and Cuban's (1995) case study (New York City school system) of the interaction between the two reforms is instrumental in distinguishing how reforms evolve and revolve around one another. The New York City school system adopted numerous strategies in response to the first wave to increase academic achievement. As Tyack and Cuban state, "the major goal of the legislation was to promote educational excellence and the target was lazy students and incompetent teachers" (p. 78). The resulting policy reflected "more days, and more hours of school, more academic courses, more attention to 'basics,' more discriminating stands for evaluation and compensating teachers, more standardized testing of pupil achievement, more elaborate reports of test results by local districts to state officials" (Tyack & Cuban, 1995, p. 79). Tyack and Cuban (1995) continue to make their point with including Richard F. Elmore's description that the first wave relied on "standardizations, central bureaucratic control, and externally imposed rules as a means of controlling the performance of schools" (p. 79).

Yet, subtle means were employed at district levels to manipulate the "more" aspect necessary to achieve academic excellence. Tyack and Cuban provide examples of these defense mechanisms that outwardly documented compliance, but in reality were only an illusion of compliance. Strategic site-based decisions such as labeling old courses to reflect compliance with new standards, extending the school day by increasing passing periods, and excluding low-achieving students from state testing (Tyack &

Cuban, 1995) brought to the forefront the discussion of top-down vs. site-based policy development.

These district/campus level strategies operated as defense mechanism as a response to compliance, yet strategic independence. The top-down mandates popularized by the first wave were disappointing to say the least. As cited by Tyack and Cuban (1995), the performances of the states and the achievements for the United States with those of other nations seemed to show that top-down mandates were not producing the dramatic changes reformers had sought. The New York City school district was not the only district struggling to comply with state mandates while countering the effects of local district/campus defiance. The second wave recognized the power of local autonomy and attempted to define it as a means to add to the first reform. As stated earlier, effective school research is an outcome of weaving the two reforms together. Effective school research emerged in the late 1980's as a means to understand how and why effective schools contribute to student achievement (Schneider, Teske, & Marschall, 2000). Schneider et al. complied a list of often-cited characteristics of effective schools to include: clear school mission, administrative autonomy, a cohesive curriculum, high expectations for students, instructional leadership, instructional time that maximizes students' opportunity to learn, parent contact and involvement, and widespread student rewards. All of these characteristics provide a sense of local empowerment, which is reflective of the second wave.

The third wave of educational reform is fully defined as the accountability wave clarified by three dimensions of federal design (Linn, 2004) and perhaps most associated

with the No Child Left Behind Act of 2001. These three dimensions of the current accountability system are described by Linn (2004) to include advanced academic achievement by " improv[ing] student learning by clarifying student expectations, motivating greater effort on the part of students and teachers, and using student achievement [standardized testing] as a primary mechanism of accountability" (p. 73). As noted with Peterson and West (2003) "Congress left to the states the precise standards to be set, the specific design of their testing instruments, and the administrations of their accountability systems" (p. 8).

The umbrella of accountability systems takes varying shapes and sizes as states attempt to customize their accountability systems, while at the same time comply with federal directives of No Child Left Behind. Linn (2004) continues that

> the state systems that are in place differ along many dimensions, including…uses that are made of the test scores, the stakes that are attached to results for teachers, other educators and students; the ways in which results are reported; the emphasis given to performance standards; and the level of performance standards set [by NCLB]. (p. 73)

Policy as Risk Production

It is easy to attribute the first educational wave as a response to a perceived crisis generated in part by the *A Nation at Risk* report and that the terminology of at risk gained prominence in everyday common usage (Land & Legters, 2002; Placier, 1996). With the motivation of the second generation of reforms, there is evidence that it sought to empower those most affected by compliance of directives. Central to the accountability motivation is the premise that stakeholders can "affect outcomes and will be assessed according to the outcomes they produce" (Linn, 2004, p. 74). Determining what

outcomes are desired is where ideology and social constructs of risk must be intertwined with policy implementation. Referring back to the *Brown v. Board of Education* (1954) and comparing it to the No Child Left Behind Act of 2001 (NCLB, 2002a) provides a frame for discussing accountability ideology. Both play a significant role in providing to the public a sense that a democratic ethos exists; one that purports "to provide every child with a quality education" (Nichols, 2005, p. 151) in the name of liberty and justice. Yet, public knowledge is limited concerning how policy itself may produce risk outcomes or that policymakers are cognizant of detrimental policy effects.

Policy studies are now turning toward examining the production of risk through policy and practice. Masood's (2008) dissertational study was concerned with Canada's at-risk educational initiatives combined with the implementation of high literacy standards. This study shed light on a governmental produced risk of educational failure. In the study, the at-risk subject emerged within three tiers. These tiers were categorized by how risk is identified and dependent through a student's success on the literacy standards assessment.

The initial "at-risk" group was defined as early in the implementation process of testing and accountability by failing to meet testing standards. At this initial stage, at risk was linked to normalizing forces of an achievement standard. The next tier of at risk Mosood explains, draws attention to students who demonstrate indicators of risk so that educators can 'remediate' them. This second tier emerged through discourse circulated from two Canadian ministry documents, such as *call-to-action* and *a framework for embedding high literacy standards and effective literacy practices across the*

curriculum, from K-12. Lastly, Masood refers to the third tier as intervention or prevention through the use of profiling "at risk" early in a child education.

With these three tiers of at risk, Masood (2008) introduces to the at-risk policy discourse, the relations of governmental power and risk production considered in light of the practice entailed with profiling. Through profiling emerges failure, or potential failure that is further attributed and assigned to the properties and characteristics of people. Tremain (2005) in her work on disability and impairment points to the governmental legitimization of categorizes of risk. Tremain suggests that the "art of government" (p. 11) is its rationality, its ability to introduce, form, and sustain activities and practices that the population renders acceptable. Or as Masood (2008) sums up,

> There would be no formal "at-risk" category without the practice of the grade 10 literacy test, which would also significantly absolve all tiers of the category as they now exist. The grade 10 literacy test as a practice legitimizes and naturalizes the "at-risk" category because it produces a population of suspect students-failures of the test. (p. 227)

This is a new generation of risk that must continue to receive attention.

But policy alone does not produce risk; practice by educators is also examined. Ashcroft (1999) in his article on the professional identity of alternative educators described that California State Education Code requires teachers in alternative school settings must have state teaching credentials, but also possess a "special fitness" when working in the alternative school environment, with at-risk students. While the state did not elaborate or define this "fitness," Ashcroft went on to say that it highlights the special nature of teachers who work this population. Yet, as noted by Land and Legters (2002), educators in general are susceptible to categorizing their practice (either

intentionally or unwittingly) to hold low learning expectation for students who are classified as at risk for school failure, or low academic achievement, thus continuing a cycle of risk production.

Mapping At-Risk Discourse

Child Saving

A growing body of sociological research has demonstrated that social-cultural and historical settings influence the ways in which people make sense of and respond to specific risk, and thus demonstrates the existence of logics of risk (Lupton & Tulloch, 2002). Using the discourse of risk merged with actions of child saving between and among these arenas outlines the trend of definitions and solutions offered through public policy reform measures.

Wollens (1993), Editor for *Children at Risk in America: History, Concepts and Public Policy*, suggests that defining at risk must take into account the social, institutional, and individual concepts of at risk and the means by which action is taken to prevent risk. Additionally, she contends that it is necessary to explore the language of risk through different lens and thus "requires an exploration of differing, often contradictory, concepts of the child and society that are embedded in public policy debates" (p. ix). Therefore, in order to better understand the contemporary concept of risk, this section of the literature review traces the ways in which risk has been defined and naturalized.

The term *risk* has been around for centuries. It emerged in the modernity with its documented meaning having evolved in context to which it is applied. Understandably

this contextualization has lead to contradictions, abstraction, if not ambiguity, in

definitions and theories. Luhmann (1996) surmises that the term *risk* replaced the notion

of good and bad fortunes stating that "perhaps, this was simply a loss of plausibility of

the old rhetorics of *fortuna* as an allegorical figure of religious content" (p. 4). God's

will, the notion of fate, pre-emptive actions to reduce natural disasters were all strongly

associated with the notion of risk during this time (Lupton & Tulloch, 2002). Luhmann

(1996) continues that with the emerging commercial society, the term risk eventually

replaced *prudential* as a (noble) virtue. With a highly competitive industrial society, the

term risk once again took on new meaning.

Risk, during the advent of the modern era time, evolved to a scientific measure

that included previous notions of threat, vulnerability, impact as well as a paradigm shift

to include risk and uncertainty measurable in part by statistics and probability. The

relationship and distinction between risk and uncertainty was explored in Knight's

(1921) seminal work, *Risk, Uncertainty and Profit*, which concerned itself with

economics. Given the relationship between the health of the economy through the

industrialization of America as well as the emerging federalism of government during

this time, it is important to consider how Knight advanced the scientific concept of risk.

Knight distinguished between "risk" (randomness with knowable probabilities) and

"uncertainty" (randomness with unknowable possibilities) as a means to explain the

complexity and interactions between quantitative measures of risk and qualitative

measures of uncertainty.

The concept of risk as a "randomness with knowable probabilities" can be likened to the ideal that the phenomenon is a measurable uncertainty. In other words, there is uncertainty without risk, but not risk with uncertainty. Knight (1921) continues that "an intuitive feeling or 'hunch' that a situation will eventuate in a certain way, and this feeling may inspire a more or less deliberative confidence by its very strength and persistence" (p. 44). But as Lupton and Tulloch (2002) summarize, the notion of "risk was no longer exclusively rooted in the natural world and the workings of God, but was seen to reside in humans' actions" (p. 320) thus spurring the notion of responsibility (Beck, 1992; Giddens, 1990) and the notion of fate losing it predominance (Lupton & Tulloch, 2002).

Attempts to define the "eventuate" associated with risk and the notion of responsibility were not lost on others of Knight's time. Take for example, John Dewey, a leading philosopher, psychologist, and educational reformer during the progressive movement who attended to advocating democracy in a pluralistic society. In his book, *The School and Society*, Dewey (1899) argued that a stable society and a healthy democracy are compromised without changes to public education.

Dewey challenged educators to recognize and respond to the unique differences between students. To place value on these differences: genetically and in terms of past experiences between each student because public schools were needed to help people become more effective members of democratic society. He surmised that a democracy stems from "a society [that] is a number of people held together because they are working along common lines, in a common spirit, and with reference to common aims"

(p. 28). The modernity the United States was experiencing during this time, through the Industrial Revolution, no doubt helped to spur Dewey's collective and coherent ideology of democracy (Cravens, 1993) and society. The theme established with Dewey's seminal work was the importance of children and their role in ensuring the nation's future through a social order. This ideal social order, a complex matrix, so needed and described by Dewey as necessary to a healthy democracy resonated well with progressive reformers.

The concept of "risk" used within the progressive reformer organization centered their response mechanism of advocacy under a range of economic, political, social, and moral reform efforts (Mintz, 2006). Their sense of advocacy involved both (a) remedies to ensure social order was sustained and (b) prevention and safeguards put in place to protect the social order (Cravens, 1993). Advocacy that is dependent on the various conditional reform efforts is further substantiated by Beisel's (1997) work in her book, *Imperiled Innocents*.

One of the questions explored by Beisel (1997) is "under what circumstances are concerns about children likely to result in moral reform movements?" (p. 4). While much concern over students dropping out has reduced the issue to an economic issue, Beisel (1997) cautions that

> reducing moral concern to economic factors, or treating concern about children as a "symbolic" rather than a "real" issue, blinds us not only to a fundamental motivator of human action-love for one's children-but lead us to misperceive the causes of a number of significant issues in both historical and contemporary political debate. (p. 14)

This is an important consideration in light of the social precepts that NCLB includes the mores of concern that all children do not have the opportunity to obtain a high quality education and thus the response derived from policy.

Cravens (1993) in his article *Child Saving in Modern America 1870's-1990's* coined the term "organized child saving," thus establishing the relationship between and among social reform and educational policy implementation. He defines organized child saving simply as "institutionalized concern for children as members of, and participants in, the social order, regardless of personal relationship of one sort or another" (Cravens, 1993, p. 4). Cravens further documents, through organized child saving, that risk discourse of remedy and prevention over the course of the last century plus has experienced dramatic shifts played out in three eras of child saving relying on different actors: (a) progressive reformers and advocacy groups responding with activities pointing primarily to *abnormal* identifiers of risk that work against a common social order (1870's-1920's); (b) deference to scientific and expert knowledge as these experts focused on the collective group identifiers of *normal* (1920's-1950's); and finally (c) a contemporary era of discourse of advocacy for individualism identifiers of risk brought about by the *system* as opposed to a collective group identity (1950's-current). The following is a summation of Cravens' work as it speaks directly to a better understanding of the present-day meaning of at risk.

First Era – The Progressive Movement

During the progressive movement, social order was defined in part by first determining who needed saving. Institutions such as juvenile courts, homes for the

feebleminded, and hierarchical public school systems were conceived or expanded to address the needs of dependent children and "abnormal groups of children in society" (Cravens, 1993, p. 7) as well as to protect the vested interest of a responsible society. This binary approach is most certainly an abstract definition in which children were identified as needing protection as well as identifying which children threaten the unspoken but powerful matrix of established social goals. While understandably merging the two frames of reference, who needs protection and who threatens social goals, suggests a contradiction, nonetheless they exist simultaneously.

As offered by Cravens (1993), the measures by which these "abnormal" children were compared were to the group child savers "exemplified as the highest standards of modern culture," that being "the middle class, white children of Anglo-Saxon Protestant backgrounds" (p. 5). With this comparison, progressive reformers further delineated between *rescue of* and *protection from* by several activities, one of which was to redesign school organizations and practice. For instance, schools "establish[ed] differential curricula for different groups of students, as well as other curricula to make children into responsible citizens" (Cravens, 1993, p. 9). It was also during this time that policy was formally introduced to legitimize segregated schools for nonwhite in all parts of the country. In addition, public school services grew to include "elementary health care, athletics, guidance counseling, and achievement testing (Cravens, 1993, p. 9). All were established to sustain and preserve the notion of a democratic society.

Another strategic means employed by the progressive reforms was to involve the federal government by increasing its role to provide risk remedies and risk preventions.

A key federal intervention legacy from this era included the creation of the Children's

Bureau established in the Department of Commerce and Labor in 1912 (Cravens, 1993).

The purpose of the Bureau was to collect data concerning child welfare and to report and

recommend legislation to Congress. Much of its investigative focus was on "infant

mortality, the birthrate, orphans, juvenile courts, desertion, dangerous occupations,

accidents and diseases of children, employment, and laws" (Cravens, 1993, p. 10)

affecting children in America. While states still enjoyed an enormous amount of power

and authority, the child savers and progressive reformers recognized that the federal

government (in addition to local and state governments) needed to take more

responsibility for the welfare of children (Cravens, 1993).

Second Era

With the second era, Cravens (1993) tracks the shift of organized child saving

intent toward understanding variations of "religious, nativity, and economic groups" (p.

5) within the *normal* child. During this era, there was a transfer of social and moral

authority from the lay activists to those considered "experts" in their fields. Because of

the complexity of reality, in which reality fluctuates, is dynamic, and also interactive, it

was thought that experts could better understand the system as a whole because of their

knowledge of integral parts. According to Cravens, this transfer of authority resulted in

public policy discourse that deferred to the experts because "only expert knowledge

could guide change" (p. 13) without compromising the integrity of the whole.

Experts insisted change to one part of the system ultimately affected other parts,

thus affecting the whole of the system. It is no wonder Cravens (1993) points out that

any ambitious child-saving policy was thwarted, because of the necessity to ensure and protect the survival of the whole:

> All elements in the population, from this perspective, equally valid and authentic components thereof – but manifestly not equal to one another in value and worth. The many different groups-race, classes, and nativity groups – were to be understood as distinct and legitimate members of the national population, for each element played its own particular role in the larger society, polity, and economy. (p. 14)

Cravens (1993) reminds us that during this second era, members of the organized child-saving consortium was not limited to "experts" but also included private and philanthropy groups such as two New York foundations: the Laura Spelman Rockefeller Memorial and the Commonwealth Fund. The Spelman Rockefeller Memorial spurred the academic subcultures of human sciences including research centers, professional organizations, specialized journals, and postdoctoral programs. Cravens further explains that originally, the intent of the Commonwealth Fund was to eliminate and prevent juvenile delinquency, but eventually prompted the field of child psychiatrists. Under the guise of child guidance, these psychiatrists "sought to probe the causes of maladjustments and to recommend cures in which all members of the child's constellation of family, peers, and adult authority figures would be considered as a system of systems, a constellation of differing emotional interactions" (Cravens, 1993, p. 18). Both of these organizations help to shape the emerging field of child guidance.

According to Cravens (1993), the central credo of the child guidance reform efforts was to adjust the individual to the system. Therefore, much of their research centered on understanding the development of the *normal* child which they inferred to

mean coming from the middle class. These experts worked under the ideology that belongingness and group identity defined and determined human nature and conduct, thus determining what an individual could or could not do.

During this same timeframe, Cravens (1993) points out that the public schools reflected similar trends of relying on the experts and the child-guidance doctrine. Stemming off the expanded curricula introduced during the first era of child-saving reform, schools during the second era provided an even more complex mix of curricula. As pointed out by Cravens, an outcome of the introduction of the newly designed curricula involved discriminatory practices between those who are tracked for college and those who were not. Added to the mix was the advent of college testing requirements (e.g., the Scholastic Aptitude Test [SAT]) for admissions to prestigious universities. This further added to the discriminatory practices by allowing higher education to be more selective in their admissions process.

Cravens (1993) continues that during this era, a time in which the American people experienced economic depression as well as war, policy discourse of child saving was cautious and tied to collaborative efforts of diverse partnerships. These collaborated efforts deferred to the experts who instilled in society's frame of mind to use a guarded approach to rescue the at-risk child in order to maintain a functioning system as a whole.

Last Era – Contemporary

The last era is what Cravens (1993) refers to as the contemporary era, experienced a major shift in ideology as child savers recognized and placed importance on the individual as opposed to a collective group identity. With these last 60 years,

dramatic changes occurred stemming from the ideal that children have rights and through

a variety of interest groups activities and strategies flourished to secure those rights. As

pointed out by Cravens (1993), within society an individual ethos took hold playing out

in

> the rebellion against conformity of the 1950's or against racism and the Vietnam
> War in the 1960's, or as the espousal of minimalism and "me-ism" of the 1970's,
> or the 1980's-style hunger for shiny new possessions, has meant more than a
> rejection of a larger whole, a system, or a system of systems. (p. 21)

Cravens (1993) offers that during this time, an emphases on the individual child

(and their difficulties) within the system identified a child as at risk either "potentially or

in reality" (p. 6). This type of policy discourse of organized child saving is "directed

toward the unfortunate, the stigmatized, the poor, the oppressed youngsters within our

midst" (p. 20), more specifically, individuals at risk. Within this discourse, Cravens

recognizes the theoretical shift from group identities to that of at-risk individuals

oppressed by the system itself.

Etiology of Risk

While it is compelling to *rescue* a child, the current social perceptions and

conventional notions of at-risk students have fragmented their issues of risk and

solutions of remedy into policy domains of accountability and responsibility. Yet, as

evidenced across scholarly literature, defining "at risk" continues to be elusive with no

absolute or definitive agreement as to what causes risk, the origins of risk or how to best

address risk (Brown, 2006). It is easy to defer and simplify the definition of an at-risk

child as one who is exposed to danger or harm of some kind (*Encarta Dictionary*, 2008).

But, with this generic and abridged definition, there is a hint of expectation that if the danger or harm were to be identified, then the child could be shielded from exposure. This straightforwardness approach is obviously too simplistic when considering the conditions and negative outcomes associated with being at risk. Therefore, it is no wonder that throughout the years, numerous conditions, and clarifications to define at risk have been attempted. As Derrida (1976) points out, the perspective of risk is dependent on how individuals, groups, and institutions use and understand its meaning within temporal and spatial contexts.

Take for example the impact of compulsory education had on risk discourse. Compulsory education advanced and popularized the discourse of risk to first include identifying, negative labels such as "backward children" (Richman, 1906), "educationally retarded (Perry, 1914), "culturally deprived" (Riessman, 1962), and "educationally disadvantaged" (Committee on Labor and Public Welfare, 1965) to describe which students were likely to experience low academic achievement. As pointed out by Brown (2006), these "deeply entrenched notions of risk and the at-risk student circulate within [and] across educational discourse" (p. 11) that includes governmental agencies, higher education, policy institutions, and pop culture. Risk discourse that once again is linked by remedies offered or prevention staged, must include the process of determining which remedies to afford the at-risk student and which prevention strategies to employ.

Pianta and Walsh (1996) suggest a methodology that first identifies the particular factors associated with the undesired outcomes and moves to proximate and buffer the

possible effects of these factors. They contend that risk research such as theirs is useful as a tool of inquiry in the "etiology of the problem of interest, the prediction of disorder, the identification of 'protective factors' and the translation of this information into early intervention and prevention programs" (Pianta & Walsh, 1996, pp. 20-21). At the same time, they suggest that designed intentions of remedy and prevention fail to materialize through education practice and popular discourse, and this researcher adds by way of policy implementation. Understandably, risk has become a central concept in the field of education, where it has been coupled with the concepts of child-saving variants as well as predictors. In both scholarly and popular discourse, the related concepts of risk and protection have emerged as constructs for conceptualizing social problems such as poverty, racism, high school dropouts, and child abuse to name a few.

In order to remediate risk, there must be a consideration of the production of risk in the first place. As outlined previously, multiple discourse of risk is circulated among disciplines. At risk is defined by and large by certain group perspectives of risk as it relates to potential damage and/or loss of something of value (Lupton, 1999a, b); yet, little is said about the production of risk. In the 1980's, studies that linked risk factors to the familial level (Natriello, McDill, & Pallas, 1990) were prominent. But by the 1990's, these studies were challenged with scholars including school level poverty, tracking practices, and school and teacher expectations as viable components in the risk production discourse of placing students at risk (Boykin, 2000; Cuban, 1989; Jagers & Carroll, 2002; Land & Legters, 2002; Swadener & Lubeck, 1995). With this discourse though, questions were raised concerning the issue of *fault* of the deficiencies found in

students or their families and/or communities. Thus returning to the social-political notions of class, race, and gendered notions of normality (Swadener, 1995; Swadener & Lubeck, 1995), so described and experienced during the progressive movement and responded to by governmentality efforts.

Theories of Risk

As evidenced by across the disciplines of psychology, sociology, and anthropology, scholarly attention toward risk theories have produced numerous general orientations. This literature review will explore three orientations of risk: (a) technico-scientific, (b) risk society, and (c) cultural symbolic (Lupton, 1999a, b). These three orientations are worth exploring to better frame actual at-risk policy implementation to better determine the operationalization of risk in policy implementation processes.

Lupton (1999a) identifies technico-scientific orientations within the cognitive sciences as "the problem of conflict between scientific, industrial and government organizations and the public" (p. 18). With this orientation, cognitive scientists work to identify patterns of how people assess and respond to risk. As further explained by Lupton (1999a), technico-scientific orientations assume that risks of threat, danger, or hazards are empirically measurable. Thus, there is an emphasis to apply rationality and science to remedy risk. With this application, it is further understood that risk is independent of socio-cultural processes.

The broadly marco-sociological approach of "risk society" orientation stems from the work of Beck (1994, 1995) and Giddens (1991, 1994) that emphasizes the nature of risk at a political and structural level. As Beck explains, the move toward a "risk society"

is due in part because of the modernization of an industrial society, which he refers to as the process of "reflexive modernization," a process that Beck contends involves a line of questions surrounding the productions of "bads" or risks as public and individual discourse in which to apply remedies to reduce or prevent risk. Accordingly, while risk is constantly debated in the public forum, concerns about risk dominate private lives as well. "Everyone is caught up in defensive battles of various types, anticipating the hostile substances in one's manner of living and eating" (Beck, 1994, p. 45).

Beck (1994, 1995) and Giddens (1991, 1994) argue that anxieties about risk in the late modern have spurred people to question current practices of remedy and prevention. Lupton (1999a, b) helps to summarize by suggesting that as the globalization of living in the late modernity, risks have become more complex and thus difficult to calculate and manage. No longer do people defer solely to the "experts" for handling risk, but in fact view institutions, such as government, industry and science as the main producers of risk. This is an important concept to consider in light of the trend of organized child-saving efforts discussed by Cravens (1993), moving from lay to expert to advocacy of individualism as a means of remedy and prevention of risk through policy implementation.

Furthermore, as Beck (1994, 1995) and Giddens (1991, 1994) suggest, risk, when viewed through the risk society orientation, can be characterized as a product of human actions and decision-making rather than of fate, and is, therefore, treated as a political rather than a metaphysical phenomenon. And with this, Douglas (1992) asserts that contemporary lay understandings of risk have moved solidly toward addressing

outcomes of risk only as a negative: "the word risk now means danger" (p. 24). This notion of danger aligned with risk was further substantiated with Lupton and Tolloch's (2002) empirical study in which their participants' predominant definitions of risk were synonymous with danger. Lupton and Tulloch (2002) summarized that "the emotions of fear and dread were associated with interpretations of risk as danger and the unknown. Uncertainty, insecurity and loss of control over the future was associated with risk, as was the need to try and contain this loss of control through careful consideration of the results of risk-taking" (p. 325).

With this, reflexivity, accountability, and responsibility are of importance as pointed out by Lupton and Tulloch (2002) in their findings about "a degree of rational judgment and choice on the part of the individual" (p. 331). But, Lupton and Tulloch's findings diverge from Beck and Gidden's when considering the extent of external forces (big industry, science, the government) producing risks for individuals. Rather, the participants in Lupton and Tulloch's (2002) study viewed themselves as "autonomous actors" and "products of personal biography" (p. 331) able to make rational decisions about which risks they choose to take or to recklessly take risk. However, when discussing risks at large for society, the trend in their responses was to "politicize risk, emphasizing the production of social inequity via deliberate governmental strategy or neglect" (Lupton & Tulloch, 2002, p. 331).

Because of this paradox when responding to risk, Heimer and Staffen (1998) suggest the need to better understand how contextualizing responsibility "in the social world in which they are resolved" (p. 373) may shed light on conditions by which people

are engaged. Meaning, it is necessary to broaden the contemporary debate from when to hold people accountable to "what social arrangements encourage them to hold *themselves* accountable" (Heimer & Staffen, 1998, p. 373).

The third risk orientation explored is cultural symbolic orientations as offered by cultural anthropologist Mary Douglas. In her book, *Risk, Acceptability According to the Social Sciences*, Douglas (1985) cites Rayner who presents the case that

> the cultural processes by which societies select certain kinds of dangers for attention are based upon institutional procedures for allocating responsibility, for self-justification, or for calling others to account public moral judgments powerfully advertise certain risk, which the well-advertised risk generally turns out to be connected with legitimating moral principles. (p. 7)

Douglas' "cultural theory of risk" explains, "the perspective that people have toward risk is based on their underlying assumptions and values about order, hierarchy, and the just society" (Draper, 1993, p. 642). While cultural symbolic orientation is similar to risk society orientation with regards to aligning risk with an objective hazard, threat, or danger, it is mediated through social and cultural processes and cannot be identified or understood in isolation of these factors. According to Douglas (1985), cultural theory employs the methodology of knowing "where the political stakes lie" and "where the individual stands in relation to them" (p. 50) thus necessitating the need to take into account "culturally distinct attitudes to authority and order" (p. 44).

Policy analysis can be defined in a number of ways (Hogwood & Gunn, 1984) because in part policies are complex and ambiguous appearing different to different observers, due to different features with distinctly different aspects (Hill & Bramely, 1986, p. 143). Policy, just as "risk," is a matrix of complexity and ideological practice

contested through engendered political and social debates (Demaine, 1999) and policy addressing *at risk* give rise to concerns of equity, inclusion, and social change.

Conclusion

With the enhanced identification and visibility of challenged learners and students dropping out of school, many states have adopted legislation focused on prevention and remediation for the at-risk student through alternative education settings. At the state level, policies relating to these programs give local education agencies the flexibility to create, sustain, or change programs targeting the at-risk student.

With the research intent of exploring the discourse of at-risk policy administration, a review of literature included the social-legal key concepts associated with at-risk policy implementation to give a background of a specialized area of public education.

First, this chapter included a literature review of policy implementation in which compliance and coping mechanisms were explored. Second, the sociological aspect of law was explored as well as accountability system design. Next, the concept of risk was mapped through definitions, etiology, and framed within historical and contemporary issues. Lastly, the literature review included the history of public policy targeting educational reform for students at risk. This included the evolvement of alternative education as a response to risk. These segments of the literature review intersect with one another at a triple junction of the social-legal aspects of administering at-risk policy in education (figure 1).
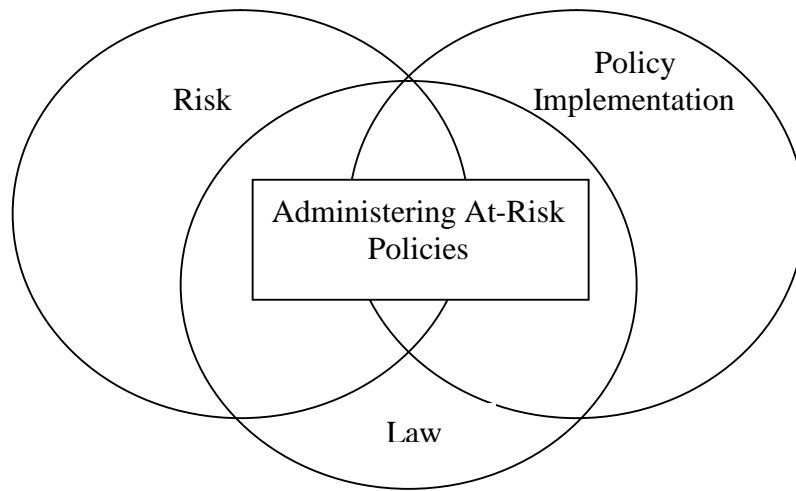
Figure 1. Triple junction of policy, law, and risk.

CHAPTER III

METHODOLOGY

Critical Discourse Analysis

This research study concerned itself with the policy implementation and risk discourse interaction contextualized in a specific definition of alternative schools, i.e., the alternative school of choice. Because of the ambiguity that continues to exist in defining alternative schools, it was important that the research design elucidate the boundaries of the phenomenon being studied (Yin, 2003). Therefore, this research is designed as qualitative case study that included alternative schools of choice that shared similar goals, expectations, as well as instructional practices.

Merriam (1998) suggests that the use of case studies will "bring about the discovery of new meaning, extend the reader's experiences, or confirm what is known" (p. 30) but requires certain characteristics to ensure the quality of the study.

Merriam (1998) describes the characteristics of qualitative case studies as being particularistic, descriptive, and heuristic, where the case study focuses "on a particular situation, event, program, or phenomenon"; "the "end product" of a case study is a rich "thick" description of the phenomenon under study"; and lastly, "the case study allows for a better understanding of the phenomenon under study" (p. 29).

The research design of the study further employed Smith's (1978) notion of *bounded system*. This bounded system approach allowed for defining the boundaries of the alternative schools that participated in the study. The use of a bounded system in this study is important because of the multiple meaning and notions of alternative schools.

Narrowing the profile scope of alternative schools allowed for an examination of a specified phenomenon, thus allowing for "interpretation in context" (Cronbach, 1975, p. 123). As Merriam (1998) explains, "by concentrating on a single phenomenon or entity (the case), the researcher aims to uncover the interaction of significant factors characteristic of the phenomenon" (p. 29).

This case study utilized a qualitative thematic analysis coupled with a critical discourse analysis methodology to reveal assumptions and motivations of judgments of policy and responsibility expressed by administrators and teachers working at dropout preventative/recovery schools. This method is appropriate to studying how educators construct and administer meaning from education policy in context to the social power and agency of education. Furthermore, the hierarchy nature of policy implementation challenges those in a localized position of power to negotiate their practice of responsibility to eliminate social and racial class differences within NCLB academic achievement goals (Cohen et al., 2007).

In this chapter, the researcher outlined the research design of the study. The chapter included the process used to select participants, procedures, and data analysis strategies. The overall purpose of the study was to examine how educators coalesce their duty to law with their sense of responsibility to resolve unintended policy consequences that result in contradictions to NCLB policy intent.

This study addressed the following questions:

1. How do teachers and administrators define their role and responsibility in educating students who are at risk of dropping out of school?

2. How do teachers and administrators measure and define success for the at-risk student and for their campus?

3. How do teachers and administrators interpret their state's responses to No Child Left Behind in their school setting?

4. How do teachers and administrators comply with policy derived from No Child Left Behind that is designed to prevent and/or recover student dropouts?

With these questions, this study sought to understand how administrators and teachers applied the law surrounding at-risk policies to administer dropout preventive/recovery schools.

As policy initiatives continue to redefine accountability measures and standards, thus shaping educational practice, it is necessary to better understand the conditions and assumptions masked with policy implementation. Therefore, it is appropriate to use a case study design, which allows for the opportunity to "gain an in-depth understanding of the situation and meaning from those involved" (Merriman, 1998, p. 19). In addition, a three-dimensional framework of discourse analysis offered by Fairclough (1989, 1992, 1995) was used in the analysis phase. This framework includes (a) an analysis of text, (b) discursive practices involving the context of which statements and texts are framed and debated, and (c) social practices of the relation of discourse within a wider power of structure and ideology. As Rogers (2004) explains, Fairclough's proposed discourse model, "Critical Discourse Analysis" examines "description, interpretation, and explanation of discursive relations and social practices at the local, institutional, and

societal domain of analysis" (p. 7). There is a link between the three elements of discourse framework that must be examined in context of one anther. The local domain includes the particular text; the institutional levels are the social institutions in which the statements and texts are discussed and "enable and constrain the local domain," the societal level domain encompasses the increased abstraction of "policies and meta narratives that shape and are shaped by local and institutional domains" (Rogers, 2004, p. 7). By using "Critical Discourse Analysis," research has the capacity to illuminate the relational dichotomy between duty to law and an individual's sense of responsibility when educating an at-risk student population. The study follows this model in the analysis of at-risk policies administered by school leaders and teachers working in alternative school settings. In order to examine how at-risk policy is administered by principals and teachers, the researcher looked specifically at the representations issued by key voices in the debate about state responses to the dropout crisis in: state at-risk policy, alternative education settings, and interviews. This methodology is further described by Jacobs (2006) as the "three analytical traditions to exhibit the inter-connections between policy texts and broader political change" (p. 42) that involves the analysis of the processes in which texts are framed; that is, the context in which statements are made and feed into other debates and social practices. With these, the local domain (specific texts) will be contextualized on the institutional level of the groups involved in the production of at-risk discourse and even further set in the societal level of educational practice.

Methods

Data Collection

The two major components of the data collection methodology involved data collected via the Internet, specifically for governmental artifacts and researcher interviewing and observing participants.

For this study, five (characteristic of Raywid's (1994) Type 1 with some characteristics of Type III) dropout preventative/recovery schools, i.e., alternative schools of choice, were selected. The inclusion of the participating schools were based on a theoretical sampling strategy (Draucker, Martsolf, Ross, & Rusk, 2007; Glaser, 1978) to include variation of (a) whether schools did or did not meet state and federal accountability standards, and (b) diversity across school composition to include district/school size, student ethnicity, student social economic status, and special programs population (English language learners, migrant and special education). Contact and introductions were initially made by email and/or telephone to district superintendents and/or central office directors, as well as campus principals in seven districts that had in place an alternative school or program. Five districts agreed and allowed their principals to participate voluntarily in the study (see data sources section for details about these districts and participants).

Data collected included (a) governmental artifacts of state policies addressing at-risk students, district policy pertaining to dropout prevention/recovery, state/federal accountability measures for alternative education, campus/district accountability documents, student academic progress templates, school brochures, school websites, and

newsletters/ newspaper articles, (b) school observations included various scenarios of administrator/teacher/student interaction (office, classroom, before school, after school, passing periods, community meetings), faculty meetings, and when available school/community socials, and (c) interviews were conducted with seven school administrators and 15 teachers at five alternative schools of choice.

Federal and state governmental artifacts relating to at-risk policy were collected from official websites (http://.www.ed.gov; http://www.tea.state.tx.us/; http://www.cde.ca.gov/). District and school artifacts were collected as well via website or provided by the schools, but are masked to preserve the confidentiality of the participants. These policy publications were collected from the various websites after a comprehensive search of the information clearinghouse per governmental agency.

Interview protocols (see Appendix A) focused on circumstances of employment, measurements used by administrators and teachers to define student success, and discussion of administrators' and teachers' approaches/responses to implementing their states' policy response to NCLB at their school. Pre- and post-interviews were conducted with administrators concerning specific instances of practice and artifacts that were observed and collected. Teacher interviews were limited to one face-to-face with the opportunity to email with questions or clarification. Permission was obtained to tape the interviews, thus allowing the researcher to transcribe so no details would be missed. Rights were reserved to contact via email each participant to check for accuracy or clarification.

Observations were performed and recorded using scripting and writing down anecdotal comments and behaviors in the various context and interactions (Merriam, 1998) (see Appendix B). The purpose of these observations was to document evidence relating to the practice of administrating policy. The researcher looked for evidence of policy implementation and practice relating to state and federal policy goals of NCLB for the at-risk student. Observation notes were written and became the raw data from which emerging themes were analyzed and triangulated with the artifacts collected and interview notes. These field notes data were one part of the triangulation used to show the connection between the interview questions and governmental artifacts. The data were converged to support he purpose of the research.

Data Sources

A thorough description of the data sources is given before the analysis to provide a rich framework to support the analysis. A short description of the educational accountability policy for the alternative school as well as policy attending to risk specific to this study as well as states, districts, schools, and participants are included to give information that may be relevant to the analysis and the questions being considered.

States

Five school districts located in California and Texas participated in this study. These two states were chosen because they continue to redefine policies that serve students who are at risk of dropping out of school as well as offer important similarities of student demographics. California and Texas have comparable demographic cross-sections of ethnicity in relation to one another and when compared to national

percentages (U.S. Census Bureau, 2007). Also taken into consideration is the minority over-representation of disadvantaged social economic status (National Center for Children in Poverty, 2007) in each state. In addition, these states have responded aggressively with legislative action to minimize the achievement gap between White and minority students. Furthermore, California and Texas have an accountability system that recognizes that some campuses that offer alternative education programs may need to be evaluated under different criteria than standard or traditional campuses. In both cases, the states require these campuses to first meet certain eligibility criteria in order to be evaluated under alternative accountability procedures. In addition to AYP, and as required by NCLB, states must move toward defining their own accountability system using a common set of indicators or the performance of students, schools, and/or districts. Both states have a standards-based accountability system that emphasizes student achievement by setting goals in the form of standards.

Districts

In choosing the participating districts, the following criteria was used: (a) the district must have responded to state legislative actions with local policy in the creation of a dropout prevention program; (b) student demographics of each district reflect a cross-section of diversity, to include social economic status, gender, and race; and (c) there was a sustainability (more than ten years of operation) of their alternative education school or program. After the above criteria was met, additional purposeful sampling included variation of district size, which ranged from less than 3,200 students to over 66,000 students.

Each of the districts was in the process of evaluating the functionality and strategies their alternative school employed to meet increased enrollment as well as stringent accountability standards. Title 1 districts were represented as well as majority minority districts. Each district promoted the alternative school to the community through newsletters, high school counselor conferences, and district websites, targeting those students who had dropped out of the school or were on the verge of dropping out.

Schools

While each participating school shared similar characteristics, a profile describing their setting, themes, and mission statement is provided (see table 1). Each school was disguised with the researcher assigning names to each school in order to maintain the anonymity and confidentiality of the participants.

The five schools were situated in diverse demographic contexts (see table 2), ranging from less than 50 students to over 300, all with a similar mission, to serve a student population identified as predominantly at risk for school failure. All schools, but one, were majority minority. Two of the schools had a large Hispanic population (83% and 96%) with most students economically disadvantaged (70% and 89%, respectively). The other two schools had semi-equal differentiated demographics among African American, Hispanic, and White populations. All schools reflected a predominant of Type I schools with some characteristics of Type III as defined by Raywid (1994). Each had a program theme and emphasized a change in pedagogy and curriculum to meet the individual needs of the students.

Table 1. Profile of School

School*	Setting	Theme	Mission Statement
Lakeview	Agricultural rural community. Housed in portable on football stadium property.	It takes a world of differences to make a different world	School is committed to help strengthen the community by promoting educational experiences that aid students in the realization of their personal goals, offer academic programs that challenge students to become successful in our society, and offer vocational pathways for positive entry into career and occupations fields.
Fireside	Metro suburban. Adjacent to a major, metropolitan city. Traditional school settings with multiple building and an open courtyard.	_ _ _	To offer students a quality education in a safe, small, and supportive environment. Opportunities and interactions are provided that promote academic achievement and character development, equipping students with the skills necessary to enter the job market.
Oak Terrace	Urban. Traditional school building.	Dream, Believe, Achieve	To create more opportunities for students, to assist each student on the development of his/her academic and social capacity.
Sunrise Academy	Urban. Shared renovated department store.	Reach for the Stars; Failure is not an option.	Provide second opportunity to achieve academic success and personal growth. Provide relevant and accelerated instruction and the positive and supportive atmosphere necessary to address the unique needs of our students.
Elmhurst L.C.	Suburban. Housed in a shopping mall complex.	One size does not fit all.	A non-traditional school of choice, designed to better prepare our students to succeed in college, their future careers and to become active, responsible citizens in their communities.

*Pseudo names.

Table 2. Demographic Characteristics of Participating Schools, Reported for 2006-2007

Demographics	Lakeview	Fireside	Oak Terrace	Sunrise Academy*	Elmhurst Learning Center
Student Enrollment	41	315	191	~125	73
African American	0	1.6%	0	32%	15%
Hispanic	83%	35%	96%	22%	38%
White	15%	58%	4%	26%	43%
Eco. Disadvantaged	70%	28%	89%	31%	4%
English Language Learners	49%	9%	5%	11%	-
Special Education	6%	10%	8%	9%	1%
Title 1	No	No	Yes	No	No

*Data reflect district demographics.

As both federal and state accountability standards become more stringent,
alternative schools are not immune to having to meet federal and state standards. Each
school presented a different strand or dimension of the accountability standards in terms
of whether the campus met or did not meet state and/or federal accountability standards
for the school year 2006-2007 (see table 3). One school had limited data but did meet
federal/state accountability. Another school met state measures, but missed federal
annual yearly progress (AYP) due to mathematics performance, but appealed the

decision and won. A third school was refereed to receive technical assistance from the

state due its dropout rate, but was not evaluated under AYP. The fourth school met state

requirements, but missed AYP in two areas, performance in math and dropouts. Lastly,

one school was not recognized by the state as a campus in its own right, but rather

identified as a district program, with its state assessment and dropout data sent to the

respective home campus of students.

Table 3. State and Federal Accountability Rating for Participating Schools for 2006-2007

Lakeview		
State Alternative Accountability – ASAM	Indicator 1: Student Behavior	Sufficient
	Indicator 6: Attendance	Sufficient
	Indicator 13A: Attendance	Commendable
Federal AYP	Yes – Met standard	
ELA Participation		
ELA Performance		
Math Participation		
Math Performance		
Graduation Rate		

Fireside		
State Alternative Accountability – ASAM	Indicator 5: Student Persistence	Growth Plan
	Indicator 6: Attendance	Growth Plan
	Indicator 13B: Ave. Credit Completion	Sufficient
Federal AYP	No – Did not meet standard	
ELA Participation	No	
ELA Performance	Yes	
Math Participation	No	
Math Performance	No	
Graduation Rate	Yes	

Table 3 (continued)

Oak Terrace

State Alternative Accountability – AEA	Acceptable
Federal AYP	Yes – Based on appeal
ELA Participation	Yes
ELA Performance	Yes
Math Participation	No
Math Performance	Yes
Graduation Rate	Yes

Sunrise

State Alternative Accountability – District Data	Acceptable
Federal AYP	Yes – Met standard
ELA Participation	
ELA Performance	
Math Participation	
Math Performance	
Graduation Rate	

Elmhurst Learning Center

State Alternative Accountability – AEA	Acceptable
Federal AYP	Not evaluated
ELA Participation	
ELA Performance	
Math Participation	
Math Performance	
Graduation Rate	

To preserve the confidentiality and anonymity of the participants, additional detailed descriptions of each participating school and district cannot be provided as to where this study was conducted.

School Goals and Expectations

Each of the participating schools advertised (brochures, website, informal conversations, state accountability reports) similar goals and expectations for their students (see table 4). In addition, data concerning course offerings are provided (see table 5). Each school offered the core courses necessary for their students to earn credits toward a high school diploma. Two of the schools offered limited off-site vocational training for entry into career and occupational fields. Three of the schools promoted informal partnerships with neighboring community colleges to streamline the application process. No school promoted advanced or dual credit classes.

Table 4. Profile of School Expectations and Strategies

	Student Application Process	Expectations	Strategies Employed
Lakeview	Yes	Opportunities are provided for students to progress in their studies and earn credits toward graduation.	Students are assigned individualized contracts and are allowed to work at their own pace on assignments. Comprehensive guidance services and a small school setting.
Fireside	Yes	The opportunities for students to equip themselves with the knowledge, skills, social behaviors and values required for a responsible and rewarding life in society.	Individualized instruction to meet a variety of needs. Provide a variety of opportunities. Encourage values commonly accepted by society such as honesty, decency, trustworthiness, flexibility, tolerance, and responsibility. Caring environment to motivate students to remain in school.

Table 4 (continued)

	Student Application Process	Expectations	Strategies Employed
Oak Terrace	Yes	Positive learning environment with high expectations that challenge our students to make choices that will result in lifelong learning.	Personalized/individualized monitoring and instruction; diversified counseling methods; flexible scheduling. Accelerated-paced setting designed for students who are experiencing or have experienced academic, personal, social and/or family problems that have proven to be an obstacle in completing their education.
Sunrise Academy	Yes	Modular, competency and reading based; attendance, behavior and production requirements. Campus goals: by 2009, 70% of students (enrolled for 90 days or more) will meet the passing standard as measured on grade 10 or Exit level math state assessment. 90% of students (enrolled 90 days or more, will meet contractual terms in areas of progress, attendance and discipline.	Application process; orientation; accelerated instruction; independent work;
Elmhurst L.C.	Yes	To prepare students with the knowledge and skills necessary to become responsible citizens in order to prepare them for a successful future in college, the market place or both. To provide solid academic foundation so every student is successful in a new global economy. Designed to serve only those individuals who are self-disciplined, strongly motivated, and committed to furthering their education in an independent environment, who require no disciplinary correction.	Students are engaged by core academics, with aligned courses of study related to broad ranges of college and career interests. Individualized, competency-based learning; flexible scheduling.

Table 5. Profile of Services and Course Offerings

	Social Service Available	Core Courses	Vocational Courses	College Connection
Lakeview	Yes	Yes	Yes	Yes*
Fireside	Yes	Yes	Yes	Yes*
Oak Terrace	Yes	Yes	No	Yes*
Sunrise Academy	Yes	Yes	No	No
Elmhurst L.C.	Yes	Yes	No	No

*Limited to streamlined application process.

The functionality of the organization at each school was similar to one another. Enrollment in the school was open and dependent on an application process, generally initiated by the home campus counselor or by the student if already dropped out of school. The process included students filling out applications, and scheduling multiple meetings with home campus counselor and alternative school counselor and/or principals. Acceptance of the student into the school was dependent on several factors: the number of credits already obtained, credits needed, prior attendance record, and discipline record as well as test scores. If a student was denied entry, they were referred back to their home to take the GED or reapply the next semester.

Once enrolled, students typically, and in some cases parents, signed a contract agreeing to abide by the school rules, which could be more restrictive than district rules. At three of the schools, the student would generally attend four hours a day (a.m. or p.m.) with the option to attend more by choice or consequence (truancy). The other two

schools operated longer than fours a day, but not a full day schedule as found at traditional high schools. Counselors or principals would review coursework needed by the students and assign them a schedule. Students rotated through classes, very much like at a traditional school. All but one school had actual classrooms, defined by walls, whereas one school had an open floor plan.

Very rarely did the schools accept students classified as ninth graders. The norm was second year tenth/eleventh graders and seniors who were shy a couple of classes needed for graduation. Due to the accelerated nature to obtain credits, students typically spent 16 months enrolled before earning enough credit for graduation. The exceptions were those seniors who needed only a couple of credits to graduate.

State adopted textbooks that met the state standards (California – California State Content Standards and Frameworks; Texas – Texas Essential Knowledge and Skills) were available in four of the schools. One school used a private vendor for their instructional materials that purported to meet the basics of the state standards. One school was moving toward computer-based instruction for its core classes. All schools relied on teachers to create additional instructional materials to help move students through the curriculum quickly. Three of the schools dedicated staff development training to curriculum development, working either independently or with traditional high school peers and district curriculum specialists. Two schools were not included in district wide curriculum initiatives.

Participants

Interviews were administered with two groups of educators, administrators, and teachers of at-risk students in alternative school settings. A theoretical sampling intent was used to include variation among schools, diversity among the seven administrators (of which two were vice principals) and 15 teachers (see tables 6 and 7), respectively included critical variation across gender, ethnicity, and experience. Guest, Bunce, and Johnson (2006) researched the issue of qualitative sample size in their study of data saturation and variability in qualitative research involving interview data. They found basic elements were present in as early as six interviews. Using the findings and recommendations of Guest et al., interviews with seven administrators and 15 teachers were conducted.

Table 6. Demographic Outline of Participating Administrators

	Lakeview	Fireside		Oak Terrace	Sunrise Academy		Elmhurst L.C.
Position	Principal	Principal	VP	Principal	Principal	VP	Principal
Pseudo Name	Sam	Fran	Al	Maria	Rhonda	David	Karen
Ethnicity	White	White	White	Hispanic	African Am	White	Hispanic
Gender	M	F	M	F	F	M	F
Admin Exp.	> 15 years; 2nd year at Lakeview; reentered work after taking retirement. Originally at traditional school.	> 15 years; Second year at Fireside. Traditional school admin exp. Moved in from out of state.	< 5 years; Multi career paths. Law enforce, counsel	> 15 years; various admin experiences. Self identified as change agent. Third year at Oak Terrace. District placed.	> 15 years. All admin exp at Sunrise. Involved with regional and state alternative org.	< 5 years. New admin, second year at Sunrise. Prev. music teacher.	< 5 years Completed first year as administrator Transitioned from teacher to admin at Elmhurst. Gave notice at the end of the school year.

Table 7. Demographic Outline of Participating Teachers

Teachers (Pseudo Names)	School	Ethnicity	Gender	Total Teaching Experience/Yrs at Current School	Role
Leticia	Lakeview	Hispanic	F	>15 / 1	ELA
Elliot	Lakeview	Other	M	> 15 years/ 1	Math
Robin	Lakeview	White	F	< 2 years/1	Sci/SS
Sara	Fireside	White	F	23/8	ELA
Steve	Fireside	White	M	25/25	Science
Robert	Fireside	White	M	18/18	Math
Barbara	Fireside	White	F	30/18	Social Studies
Linda	Fireside	White	F	30/26	Special Education
Monica	Fireside	Hispanic	F	>15/>15	Parenting
Cam	Oak Terrace	White	F	11/6	Science
Cathy	Sunrise Academy	White	F	7/3	ELA
Venetia	Sunrise Academy	African American	F	3/3	Science
Roger	Sunrise Academy	African American	M	20/15	Math
Kameria	Sunrise Academy	Other	F	5/5	Science
Holly	Elmhurst L.C.	White	F	15/12	Social Studies

Administrator Participants

Of the seven administrators who participated, four were female and three were male. Ethnic diversity of the administrators was achieved, with one African American, two Hispanics, and four White administrators participating. In terms of administrative experiences: three had less than five years' experience cumulative leadership experience, with one administrator having ended his/her first year as an administrator. All others had more than 15 years' experience of cumulative administrative experience. In all but one case, these 15 years included administrative duties at traditional campuses. Additionally, six of the school administrators had assumed their duties at the alternative campus within the last three years. All but two had been assigned to the campus with the remaining two having applied for the position.

Teacher Participants

Fifteen teachers across the five schools participated in this study. Eleven of the teachers were female and four were male. Furthermore, of the 15 teachers, two were African American, two Hispanic, nine White, and the ethnicity of the remaining two teachers was classified as *Other*. The teaching experiences and courses taught by these participants varied. Three of the teachers had less than five years' experience (two teachers had worked only at the alternative school setting; one teacher had one year at a traditional school and the remaining time at the alternative school) and the remaining 12 had over five years. With these 12, the majority of the teachers had both traditional and alternative school experiences, with one teacher having home school experience. Furthermore, variation across what courses these taught included the four core content

areas of math, science, social studies, and English as well as teachers who taught special education content mastery, and parenting were included in the study.

Data Analysis

As policy initiatives continue to redefine accountability measures and standards, thus shaping educational practice, it is necessary to better understand the conditions and assumptions masked with policy implementation. Therefore, this study employed a qualitative thematic strategy of data analysis in conjunction with Fairclough's (1989, 1992, 1995) three-dimensional framework of discourse analysis that includes (a) an analysis of governmental artifacts, (b) discursive practices (interviews) involving the context of which statements and texts are framed and debated, and (c) social practices (observations) of the relation of discourse within a wider power of structure and ideology.

The qualitative thematic analysis (Morse & Richards, 2002) was used to categorize and make judgments about the interpretation of the data. Using this approach enabled the researcher to ascertain broad patterns and themes that highlight cultural norms (Ely, Anzul, Friedman, & Gardner, 1991). These cultural norms were comprised from routine practices discussed and observed. Considering that the thematic analysis was approached from a macro analysis of data helped to clarify major social and educational discourses that were operating in classrooms and schools. The patterns that emerged from the initial thematic analysis were then compared with patterns that emerged and were identified through a microanalysis utilizing critical discourse analysis. Coupling thematic and discourse analysis allows for a holistic picture of the inter-

connections between patterns of cultural norms and naturalized practices (Fairclough, 1992) with policy texts and broader political change as found with education reformation (Jacobs, 2006).

A discourse analysis process became the unit of coding where the participants' interviews became the primary unit of analysis. The interviews were analyzed in a number of phases. A discursive logic following Kenway (1990), Taylor, Rizvi, Lingard, and Henry (1997), and Gale (1999) mapped the interconnectedness between policy as text, the "what"; policy as ideology, the "why"; policy as discourse, the "how." By utilizing a discourse analysis methodology, assumptions, motivations of judgments of policy, and responsibility expressed by administrators and teachers working at dropout preventative/recovery schools are revealed. This method is appropriate to studying how educators construct and administer meaning from education policy in context to the social power and agency of education. Furthermore, because the hierarchy nature of policy implementation challenges those stakeholders to negotiate their practice of responsibility to eliminate social and racial class differences within NCLB academic achievement goals (Cohen et al., 2007) makes discourse analysis imperative.

Triangulation

As patterns and working hypotheses emerged from the interviews, analysis of the collected artifacts and observations was used to triangulate and validate the emerging themes. In order to best answer the questions that guide a research study, Morse and Richards (2002) suggest incorporating multiple perspectives. They suggest that these perspectives can achieved by putting together an analysis that takes into consideration

different data *types* and *methods*. Therefore, these three data types (interviews, artifacts, and observations) were used to support a triangulation design of "multiple sources of data" (Merriam, 1998, p. 204) as a means to confirm the emerging findings.

The interview data were complied on a coding spreadsheet and a content analysis of identifying the frequency of themes was conducted. The researcher used a prior-research-driven approach to identify critical discourse themes (Boyatzis, 1998) and compared data from this study with the policy implementation, risk discourse, and socio-legal application literature. Several safeguards were implemented to ensure a reliability of judgment by considering diverse perspectives when examining administrators' and teachers' comments and lastly, sensitivity to themes with the data interpretation (Boyatzis, 1998).

In order to provide the best database for analysis, all interviews were tape-recorded and transcribed verbatim (Spradley, 1979). Reflections of the interviews were written down immediately following each interview. These reflections were useful to the researcher to monitor the data collection process as well as to begin to analyze the information (Merriam, 1998). These field notes contained behavior (verbal and nonverbal) description of the participants, insights suggested by the person being interviewed as well as parenthetical thoughts of the researcher. Similarly, the notes collected from observations were transcribed and coded. The initial coding of field notes and transcripts was used in the thematic analysis to identify major social components and cultural norms of administrators and teachers in the alternative educational setting.

The governmental artifacts were initially reviewed and coded according to the hierarchy of governmental agency (federal, state, district, and school) involved. A second review and analysis of artifacts was conducted in accordance to thematic relevance to the characteristics found in the literature: (a) constructs of risk, (b) social constructs of responsibility, (c) legal consciousness, and (d) policy implementation. As other prominent and redundant statements were identified, these were classified as subthemes.

All data were alpha coded according to the type of data: text, interview, and observation. A color code was added for the characteristics of constructs of risk, social constructs of responsibility, law, and policy implementation. Numeric codes were added to differentiate data sources. Additional coding was utilized based on whether the participant was an administrator, teacher, and the demographics (gender, ethnicity and years/type of experience) surrounding each participant. For example, interview data from an administrator at school number 4 having a theme of risk was coded as I-red-4a. Once data were coded, the researcher reread the data, the themes, and sub-themes in an attempt to identify any overlapping themes or cross-coded themes. This convergence of themes in turn supported the research questions.

<center>*Trustworthiness*</center>

To ensure reliability and validity for this study, Lincoln and Guba (1985) suggest the concept of trustworthiness as appropriate for qualitative studies. Therefore, throughout the research process, the researcher was concerned with (a) the credibility of the investigation – truth value; the transferability of the results – applicability; and lastly, (c) the dependability of the results, necessary to ensure consistency. To make certain

trustworthiness (reliability and validity) was achieved, the researcher used Morse and

Richards' (2002) suggestions to include an appropriate preparation and rigor in the three

phases of the project: (a) the design phase, (b) the actual conduct of the study, and lastly

(c) the completion of the study. As a means of verification (or completion) (Morse &

Richards, 2002), the researcher remains open to other interpretation of the data and will

provide enough evidence so that the reader may make counter interpretations (Rogers,

2004).

Summary

Using both a qualitative thematic and discourse analysis provided a solid

framework to answer the guiding questions for this study. The characteristics of risk,

responsibility, law, and policy implementation were explored using a qualitative critical

discourse analysis of text, interviews, and observations. The analysis of the discourse

used within the text, interview, and observations is not only concerned with how

administrators and teachers administer at-risk policy, but as the first and second research

questions suggest, the concern with the agency of these actors as they work to provide

educational equity for the at-risk student in an alternative school setting. The personal

construct of role and responsibility of those who are charged with policy implementation

must be explored in conjunction to how they define success for the students they serve.

The elaborate rhetoric provided by the participants in the interviews is measured against

the practice observed as well as their knowledge of the policies that guided their practice.

The inclusion of the discourse of policy (text) is important and reflected in the

third and fourth research questions as this study explored how the constructs of

responsibility were bridged with policy knowledge surrounding the at-risk student. The

consequential nature of current educational policy embedded with accountability

standards measures calls for an examination of policy knowledge and implementation by

those charged with implementation. This in turn addresses issues of compliance, which

as Woodside-Jiron (2004) contends that, "to ensure the success of policy, one must

engage in discourse practices that eliminate as much resistance as possible" (p. 190).

This researcher, therefore, is interested in the extent of discourse of the administrators

and teachers that sheds light on any kind of response that counters a policy goal of

educational equity. If this is the case, this researcher is further interested in the localized

position of authority and power of the subject represented in the discourse of resistance.

In the following chapter, the researcher presents the findings that emerged from

the analysis. The researcher then presents the critical discourse analysis of the four

characteristics under consideration (risk, responsibility, law, and policy implementation)

embedded with the three sources of text, interview, and observations.

CHAPTER IV

FINDINGS

Introduction

This case study was designed to describe the discourse intersection between educators administering "at-risk" policies and their sense of responsibility when serving disadvantaged students in dropout preventative/recovery schools and programs. The design of this study used a three-dimensional framework of discourse of policy text, participant interviews, and social context observations in order to define and remediate policy and practice toward the at-risk student.

This chapter presents the data generated by the study design and discusses the themes that emerged from the analysis. The chapter is organized in three sections. The first section contextualizes the research through the questions that guided this qualitative study. The second section reports the emerging themes. The third section of the chapter is the summary.

Context Description

The concept of negating the effects of risk for students is central to NCLB policy. A response to negating the effects of risk is played out in the alternative schools whose mission is to reengage the students who have experienced academic failure and are at risk of dropping out of school. The alternative schools participating in this research are reflective of Raywid's (1999) Type I and III classification of alternative schools in that they seek to change the school experience for students through innovative practice. In addition, these schools promote the idea that enrollment in these schools is a conscious

choice made by the student. These schools have adopted policy and practice to offer atypical positive school environments merged with innovative instructional and novel curricular strategies. Each of the participating schools share similarities in terms of mission, goals, and student population served. Yet, each represents different geographic as well as varying demographics in terms of students, community, finances, size, and location.

The schools' primary objective is to provide their students educational opportunities to earn/recover high school credit toward graduation in an accelerated format, by way of individualized and self-paced instruction. The schools offer guidance services (formal and informal), a small school setting, and low teacher-to-student ratio. Academic programs are offered that teachers and administrators feel will challenge their students to become successful in society. The activities and strategies employed by the educators at these schools further commit to aid students in the realization of their personal goals. These elements in turn make a very different experience for the students as well as the educators when compared to the concept of the conventional school experience.

In order to understand the administration of public policy that professes equity in education, this study sought to answer the following questions:

1. How do teachers and administrators define their role and responsibility in educating students who are at risk of dropping out of school?

2. How do teachers and administrators measure and define success for the at-risk student and for their school?

3. How do teachers and administrators interpret their states' response to No Child Left Behind in their school setting?

4. How do teachers and administrators comply with policy derived from No Child Behind that is designed to prevent and/or recover student dropouts?

The researcher used these questions to guide the research. The data collected for this study showed these teachers and administrators engaged in many policy events where ideology, practice, and responsibility had a role on a regular basis and directly related to NCLB policy intent. Though the data showed teachers and administrators engaged in a broad spectrum of policy events, only those "naturalized" practices (Fairclough, 1992) relating to NCLB policy goal (to include *all* children in opportunities of educational equity) are included. The following are the themes that emerged from the data. These themes are further presented by the discourse intersection of policy and practice established by teachers and administrators.

Emerging Themes

Analysis of data revealed four predominant discourse themes that shaped how these teachers and administrators perceived and administered policy for an at-risk student population. Based on the findings, the teachers and administrators appeared to interpret policy through a critical discourse lens of responsibility, disassociation, success, and equity. Furthermore, the data reveal that risk discourse assumed rhetoric of rational behavior and response that was not conceived through policy but through ideology and practice.

The multiple associations of "at risk" are revealed through a discourse analysis of artifacts, interviews, and observations. The emerging themes are first presented through examples illustrating the patterns of text expressed through policy. Participants' thoughts expressed during interviews and observations of the teachers and administrators are then discussed in context with policy text.

Responsibility Toward the At-Risk Student

The theme of responsibility discourse is first presented through policy represented by text and then through practice.

Policy Response

As the number of students dropping out of school continues to increase, states have responded with authenticating the role of alternative schools as a natural solution to minimize the number of students leaving school prematurely. Texas and California share a similar philosophical foundation in their policy response to serve the at-risk student (see table 8). For instance, California and Texas have developed accountability standards and policy specifically designed for alternative schools. This response requires separate educational facilities, specific eligibility criteria of school classification, student eligibility, as well as separate accountability standards. Their educational policy (Texas Education Code [TEC] §29.081(d); California Education Code [CEC] 44865, 46170, 48400-48438, and 51055) recognizes that not all students are successful in the traditional comprehensive high school, thus state policy calls for the need for an alternative education environment using nontraditional structure, strategies, and accountability standards. A school registration criterion is required within both state policies. There is

also evidence of differences with how the two states present their at-risk policy and the
context in which it is framed. The following is a summary of each state's response in
their attempt to define risk and thus inform intent of responsibility.

Table 8. Outline of How Risk Is Defined and Responded to Across Educational Policy

	Defining risk	Response to risk	Responsibility
Federal Policy-NCLB	• Achievement gaps, • educational decline – math and science	• States must develop content and skill standards. • Standardized testing, flexibility, choice. • Holding schools accountable.	• States, • Local education agency • Highly qualified teachers
Texas	• Grade retention, • academic failure, • testing-readiness, did not meet standards, • pregnant, parenting, • DAEP, • JJAEP, • expelled, • parole, • probation, • dropout, • LEP, • CPS, • homeless, • residential facility	• Student success initiative – • promotion tied to testing. • Policy attention for the at-risk student.	• Local education agencies
California	• Potential dropout, • out of school youth, • credit deficit, • foster youths, • diversion from criminal justice system, • pregnant, parenting	• Promotion tied to state assessments. • Policy created providing separate facilities for the at-risk student.	• Local education agencies • Teachers "fit" school

Texas

Texas policy addressing alternative education settings is presented in a technical manner explaining the criteria and procedures when establishing and maintaining such schools. Little is mentioned in policy that captures the necessity for such schools other than there are students in the education system who are "students at-risk of dropping out; recovering dropouts; pregnant or parenting students; adjudicated students; students with severe discipline problems; or expelled students" (TEA, 2007b, p. 73).

For a school in Texas to be registered as an alternative education campus (AEC), they must meet ten criteria as outlined in state policy (TEA, 2007b). One of the ten criteria is that the AEC must be dedicated to serving "students at risk of dropping out of school" as defined in TEC §29.081(d) and provide accelerated instruction" (TEA, 2007b, p. 77). Based on the Texas Education Code §29.081(d), the nature of this at-risk population tends to now reflect a diverse group of students to include students whose home language is something other than English, students who are parenting and/or pregnant, students subject to disciplinary actions, as well as neglected/abused children and homelessness. Yet, little is discussed in policy that addresses or considers the compounding nature associated with risk and the overrepresentation of children of poverty and members of ethnic minorities attending these schools.

California

California legislation provides that districts may establish alternative schools and programs of choice, designed to meet the following objectives:

- Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

- Recognize that the best learning takes place when the student learns because of his or her desire to learn.

- Maintain a learning situation in which maximum use is made of student self-motivation and in which students are encouraged to use their own time to follow their own interests. These interests may be conceived totally and independently by the student or as a result of a presentation by the student's teacher(s) of choice.

- Maximize the opportunity for teachers, parents/guardians, and students to develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

- Maximize the opportunity for students, teachers, and parents/guardians to react continuously to the changing world, including, but not limited to, the community in which the school is located.

California Education Code Section 58509 further authorizes the State Superintendent of Public Instruction to waive any part of the education code to "maximize the opportunity for improvement of the general school curriculum by innovative methods and ideas developed within the alternative school operation and to improve the general level of education in the state of California" (CDE, n.d.-a, para. 4)

In addition, California recognizes differences within an alternative education context, specifically, the continuation school. Continuation schools serve "students sixteen years of age and older who have not graduated from high school, are at risk of not graduating, and are not exempt from compulsory school attendance" (CDE, n.d.-b, para. 1). Credit deficiencies and flexibility are but two of the student necessities described with these programs. Continuation schools may include guidance services, career orientation, supplemental program and services that are recognized by the state and may be available at the schools. These services are beyond the state-mandated academic courses needed for graduation.

When considering the Texas and California policy responses in a side-by-side manner, it is evident that Texas defers to the technical aspect of criteria and procedures, whereas California policy language is less conventional. Based on the data collected, analyzed, and presented below, this division of written policy text did little to effect differences of practice within the two states, between the five schools.

Participant's Response

Identifying risk. While student eligibility to attend these schools begins with a formal label of risk, the moniker of "at risk" still took on many meanings in practice. Interviewed participants revealed countless associations of risk. Outwardly, these risk circumstances are aligned with policy definitions of risk that include family conditions of poverty, mobility, language, student behavior issues, and/or academic gaps. But on closer inspection, the teachers and administrators used risk discourse of student vulnerability to define their roles and responsibility (see tables 9 and 10).

Table 9. Outline of How Risk Is Defined and Responded to by Administrators

	Defining risk	Response to risk	Responsibility
Sam	Gang involvement, academic progress template; transition	Relationship Parent /student conferences, opportunity for students to attend school.	Falls to student. Redesign program, Redefine community/district perceptions
Fran	Truancy, credit deficit, lack of progress, substance abuse, parenting/pregnant	Academic counseling; tracking credit, conferences concerning graduation. First name basis with students. Calls to truant officer. Referred to GED program.	Monitoring, attendance each week, progress reports every 4 weeks. Orientation classes every quarter – refer to counselors. Formal counseling.
Al	Everybody's at-risk; previous school failure; dysfunctional families, substance abuse, parenting/pregnant, credit deficiency. Gang involvement. Drugs, homelessness.	Nurturing environment, calls to students, parents, truant officer. May be referred to independent study program or GED.	Target areas of issue, academic, social, drugs, individualized & school focus. Social workers counseled in addition to informal counseling. Discipline counseling.
Maria	Parenting/pregnant, poverty, out of schoolers cannot pass science and math state assessments. Economically disadvantaged – relates to lack of technology knowledge. Students aging out of education system.	Flexibility in attendance. Students may withdrawal/enroll multiple times. Have to love the kids. Enrollment increased from 60 to over 200. Prioritize student enrollment.	Restructuring school. Grant writing. Curriculum develop. Professional learning communities. Instills a can do attitude to her staff. Set the climate, set goals. Data driven.
Rhonda	Behind in credits. Not able to conform to school structure. Gaps. Poverty, having to work to help family. Pregnant/parenting	May refer to GED program. Know the student. Know his/her circumstances	Design program that takes into account family circumstances. Schedule meetings, have students be accountable.
David	Kiddo's that come here are at-risk as defined by TEA, need to earn credits, obstacles, risk for what-ever reason.	Make it possible for students to succeed according to student agenda. Help them develop social skills to use in workplace. Give them good information.	Uphold district policies, maintain safety, and the education of students. Ensure district dress code. Monitor discipline, attendance, course earnings.

Table 9 (continued)

	Defining risk	Response to risk	Responsibility
Karen	Students can't pass state tests. Some students are incapable of doing this. Prior students receiving Special ed. services, no longer qualify. Students that don't fit in the school environment, different learning styles.	Have students set a goal. Have more students graduate from school. Extend school calendar to year round, situate a satellite school. Program more accessible. Individualized. State technical assistance requirement. Coding paperwork to reflect less damaging consequences of students dropping out. Creative classes. Partnership between business organization and district for facility use. Supportive mechanism for dropouts.	Program change, supportive of teachers, students; keeping students on track. Have direction for them for the future. Develop social skills. Here to talk with students, open door policy. Paperwork/ administrative work.

While data suggest that risk has been broadly defined in policy by context and circumstances, the interviewed practitioners at the alternative schools did not dwell on differentiating types of risk among their students. The participants did associate their students' risk circumstances as a catalyst to their own action, thus setting into motion their calculated response to minimize or mange risk. This type of response is to be expected according to Cravens (1993). Cravens suggests that contemporary risk response includes an advocacy of individualism as a means of remedy and prevention of risk. First, understanding risk appeared to be foundational for the educators as they prepare their individual and school objectives with activities to meet the needs of the students.

Table 10. Outline of How Risk Is Defined and Responded to by Teachers

	Defining risk	Response to risk	Responsibility
Leticia	Traditional schools are getting rid of students who jeopardize school rating. High end homes in community, without the jobs. Creating little ghettos – analogy for NCLB. Prior academic failure	Confusion in how NCLB, state is responding to at-risk, limited funding. Policy Response is middle/upper class – college bound students. Teach to fill gaps. Intervention, Create a individualized education plan for each student. Here's the curriculum, here's the homework.	No funding which limits ability to do job. Must teach grade level standards as well as previous grade level. Teach me how to teach these kids.
Elliot	Academic progress template. Look at them [students], is it any wonder why they're here. God, they're a mess.	Accelerated credit. Sarcasm. Level the playing field. Self-paced.	Hands are tied. Reset computer program.
Robin	Students dropping out. Low, test scores. Defining needs of students. Truancy. Everyone is not proficient as measured by test standards. Kids slip through cracks. Kids struggling with school.	New program. Student involvement. Student interest. Build relationship with parent community.	Direct instruction, raise test scores. Student body government, Yearbook coordinator.
Sara	Disruptive behavior. Kids falling through the cracks – high school testing, alg 1 requirements. Grade retention. Not a stable population. Kids with chips on their shoulders. Low self-esteem.	Build Relationships. Establish school as a friend, teachers as your friend, work for you. Try to get into their (students) world. No homework. Affective approach. Self-esteem groups, anger management groups. Push positives. Minimal work day on Mondays to collaborate with other teachers to discuss concerns of students. Incentives such as candy/gift cards for good attendance. Counsel. Remediation classes.	Teach traditional English classes. Maintain Classroom cohesiveness. Provide an orientation program, that is tolerance based. Get students hooked to being productive. Give students a place to reach toward. A sense of accomplishment. They need to feel better about themselves. A therapists in a lot of ways and a support systems.

Table 10 (continued)

	Defining risk	Response to risk	Responsibility
Steve	Students driven by their own problems. Personal family issues, social issues. Does not value education. Test phobic. Self interest motivated. Transient students. Gang issues.	Deal with personal issues of the students. Smaller school. Develop relationships, connect would instigate student interest in academics. Academic important, but secondary to nurturing. Provide structure, but with small classes. Convince students that education is a good thing and worthy of their time. Doing their own thing.	I feel like it is my responsibility to do a greater commission. To make a personal connection the student, thus impacting whether the student is attending more often, socializing more, and creating change in personality. Student is happier. Keep things moving for our district.
Robert	Students not successful with alg 1 content.	Small classes, teach the same way as at other schools. Do what is in the best interest for the kids, keep own sanity. Students complete algebra 1, with at least a 70%. What the principal tells me to do.	Not pay attention to test scores, unless principal says to, even if students fails. Questions validity of state assessment for his students. To have students graduate with alg. 1.
Barbara	Boo Boo's from previous school failure. Highly mobile population. Students don't care, they don't the knowledge and skills.	Try to teach test taking skills, can't be expected to teach all standards to these kids. Certificate of completion. Differentiated instruction, different modalities.	Setting goals, social, academic. Filters down to the elementary grades to ensure kids are learning.
Linda	Learning disabilities	Work with individual students, offer content mastery courses, modality, differentiated instruction.	Modify curriculum, develop IEP
Monica	Parenting/pregnant, poverty, transitional, mobile	Parenting courses. Counseling. Work with the individual student and their children. Arrange social services benefits.	Develop parenting curriculum/program.

Table 10 (continued)

	Defining risk	Response to risk	Responsibility
Cathy	Kids have gotten off-track; difficulties adjusting to something is their life. Their circumstances are not easy or the best or traditional. Students have stories. Effects of Circumstances: create bad moods, crying out in the middle of class. Generational poverty. Language, cultural differences, students just disappear.	Personal attention to the individual, create positive learning environment. Accelerated pace. Small enough, tends to become more like family. Empathy, non-judgmental. Relationship. Understand why their behavior is the way it is. Family atmosphere. Uphold policy. Create safe environment. Respond with enthusiasm.	Help minimize the dropout rate. Help one child. To listen to the student. In charge of going to district faculty meetings, developing lesson plans, responsible for making kids. pass. To measure growth, by way of personal growth, dependent of prior accomplishments or lack of.
Venetia	Needing a credit to graduate, not success with traditional instructional and testing strategies. No parental parameters at home.	Nurturing, structured environment, connectedness, closely associated with students. Intimate setting. Do what ever it takes, to help the student succeed. To meet the kids at least half-way.	Multiple roles: mom, teachers, facilitator, and counselor. Track attendance, letters home, wake-up calls. A lot of responsibility outside the realm of education.
Roger	Gaps in math, kids circumstances have changed over the last twenty years.	Encouragement, accelerated course work. Help to develop self-respect, and respect for others. Teamwork, team player.	Made for this schools, coaching after school.
Kameria	Gaps in science. Different issues for each student. Family life, needing jobs, students opt to return to home campus, but never show up.	Tutorials during lunch for students to catch up on course work.	To teach science. To offer opportunities to accelerate coursework if absent.
Cam	Need a little bit of extra attention. Some of their brains are not ready for abstract concepts until they are much older. Prior enrollment at disciplinary school, some have records, some issue or	Safety Zone. Nurturing environment, wake-up calls to student homes. May focus of personal attention instead of the academic attention. Hands on activities	Relationship – mom role. Redevelop science curriculum.

Table 10 (continued)

	Defining risk	Response to risk	Responsibility
Cam	obstacle has kept them from making all the connections and they have some big gaps. Pregnant, parenting.		
Holly	Not able to function in social settings, prior school failure – class assignment, not understanding content.	Individualized. Personal growth, incremental	To highlight accomplishments. To fill in the gaps.

The following data are presented as examples of risk discourse administrators and teachers used to define their role and responsibility.

Typical Administrator's Response to Risk

Al, the vice principal from Fireside stated,

I think everybody here is at risk or they wouldn't be here. Everybody here has not been successful for some reason in the regular school environment. Many of them have dysfunctional families, certainly substance abuse is prevalent, some are parents already, virtually all of them come here with "I need credit," "I'm behind in my credits."

Typical Teacher's Response to Risk

Cathy, an ELA teacher from Sunrise Academy, purposefully chose this school for her second teaching assignment because she felt she could make a difference in the lives of at-risk students. She shared that when her friends ask about her school, they have a hard time understanding what she does: "so, it's kids that have either gotten off-track, have had difficulties adjusting or something in their life or are have difficulties."

Risk Defines Responsibility

Once risk was identified, the data suggest that both administrators and teachers considered their primary responsibility in educating the at-risk student was to first create an environment that mixed nurturing, relationship building coupled with social programs to meet the personal needs of the students, with the assumption that academic learning would follow.

Al, a White middle-class vice-principal, came to his position at Fireside after a full-time career in law enforcement. He had previously mingled evening high school teaching while also working fulltime as a police officer in the same district in which he taught. He shared: "my objective is to try and help them with whatever their issues may be: academic, social, drugs in some cases, whatever. I see what we need to do and try to come up with a plan that's best suited to the kids. And in that context also what's best for the school and the rest of the kids."

Venetia, a science teacher at Sunrise Academy was new to the career field. Having taught for just three years, she determined that her role assumes multiple responsibilities such as "a mother, a teacher, (laughing) a teacher, a facilitator, sometimes a counselor. I mean we have to do so many things, wear so many hats."

These types of response were often repeated from the teachers. For instance, Cam, an engaging young woman with an infectious smile, who teaches science at Oak Terrace, shared that her peers teased her that she had a "sign on my head that said 'rent a mom.' (Laughing) Because they [students] all wanted to come to my room because I treated them more like a mom, and less like an authoritarian."

Social/Behavior Risk

Three of the five schools offered formal social counseling with district social workers available to assist students who were homeless, pregnant/parenting, or whose family was experiencing guidance and counseling. One school had on-site support groups based on specific risk factors: for example, "12-Step" programs targeting drug and alcohol addiction, sober living, parenting classes, anger management, and building self-esteem. In many instances, both administrators and teachers were involved in informal counseling.

For example, Cathy, a White ELA teacher who has been at Sunrise Academy for three years, shared that her responsibility, besides being a teacher, was to be a listener because according to her:

> A lot of these kids have a lot of stories and sometimes they just need to get things out. They don't want to be judged, they don't want to be yelled at, they don't want to be screamed at. They want somebody to listen to them and say "ok," this is where you are at, let's work from here.

She continues to describe her response as one of empathy:

> I don't want to say I am their friend, because there is a definite line, but you can't help but gain a relationship with the students.…You get to know them so well because of the few students you do have in the class, so you know what's going on, you know that if they come in in a bad mood, why they are in a bad mood, because of the [their] circumstances…when a kid breaks out in tears in the middle of class, you understand why, because you've got those relationships.

The data further suggest that the construct of *saving* the at-risk student was a prevalent response to risk among the participants. In addition, policy and practice utilized the "at-risk" moniker repeatedly to establish the importance of these schools and these educators in the lives of their students as a means to "save" these students.

Academic Risk

Artifacts (credit recovery reports, course completion reports, attendance worksheets) were collected that suggested all five schools offered some form of academic counseling for their students. A common practice was to track credits, attendance and individual progress toward graduation. If a student fell behind or was truant, the principal, and/or teacher, would conference with the student to discuss their progress, and the consequences of their actions. This practice was further supported through the interviews conducted with the administrators.

For example, Fran, a White, middle-aged administrator at Fireside, had recently moved to the area from out-of-state where she had been a middle school administrator. She shared:

> One of the strengths is that we are constantly monitoring the kids' progress, I mean I think I started telling you we check attendance every week. We are looking at tardies every week, progress reports every four weeks, report cards every nine weeks. The counselors are constantly doing credit checks with the kids so we know what they need and where they are going. I go into the orientation classes at the very beginning of every quarter and we print the kids' transcripts and I talk to them about the graduation requirements and where they need to be and we do a little worksheet and they can see exactly where they are in their courses.

Three of the five schools had formalized their response to academic risk in a similar manner to the example provided above. These schools used student data, communicated with the district truancy officer, and scheduled frequent, mandatory meetings to discuss students falling behind in their progress. In addition, all schools adopted informal approaches as a means to establish a friendly relationship as a response to academic risk.

Examples of informal responses from the schools included some teachers making wake-up calls to students who were habitually tardy, administrators giving their cell phone number to students to call if they ran into trouble outside of school, an administrator allowing students to address them by their first name, and teachers providing tutorials during their lunch periods.

Child Saving

The mechanism of the alternative school responding to NCLB's policy goal that includes closing the achievement gap and affording all children an opportunity to obtain a high-quality education appears to rely heavily on institutional, social, and cultural norms that are embedded in practice. Furthermore, as Wollens (1993) suggests, the discourse of risk leads to varying actions by institutions and individuals to prevent or remediate risk. Therefore, these norms and actions are presented in context of how practitioners define and conceptualize the existence of the alternative school and their position as necessary to *save children* from the mitigating factors associated with a student being "at risk."

District Response to Child Saving

As presented in the literature review, alternative schools are defined in multiple constructs. With this case study, an attempt was made to narrow the definitional scope of the participating schools to include only schools operating as a dropout prevention/ recovery school. The data suggest that by using the alternative schools as a "safety net" for students who were at risk of dropping out of school, the five participating districts operated under a Rational-Bureaucratic Imperative (Rein & Rabinovitz, 1978). The

premise of this imperative is that an institution such as an alternative school will engage in what it considered to be morally correct, administratively feasible, and is a defensible course of action.

The data collected also suggest that districts deferred to the experience of these administrators and teachers to design the alternative schools as a strategic plan to remediate the risk of students dropping out of school. Upon closer inspection, the data further suggest the discourse that the administrators and teachers assumed was that of the resident expert in the field of risk circumstance. This discourse correlates well with the Rational Choice tenet that assumes individuals will engage in strategic interactions. As suggested by Pentz et al. (2004), individuals working under the Rational Choice tenet will define what is best (based on their knowledge and understanding) and act strategically to plan a course of action to achieve a rational outcome.

Administrators' Response to Child Saving

Administrators at the five participating schools had considerable latitude over the design and operation of their school. Superintendents and district administrators yielded to the school administrators' expertise of understanding "risk" to develop the districts' alternative school.

Sam, the administrator at Lakeview had been on the job less than one year. He had retired as a vice-principal from an out-of-state traditional high school, which had a high population of at-risk students. He took this position after his wife (who had been offered the position of principal at the district comprehensive high school) suggested him to the new superintendent as a candidate. He took great pleasure and pride sharing that

his superintendent "comes in and gives me a blank sheet of paper and says 'I want you to create a new alternative program.'" He continued that the school had been in existence for the past 20 years and needed new ideas.

Rhonda, the lone African American administrator in this study had just come to the interview after speaking at a local elementary school on behalf of the Anti-Defamation League. She had been in charge of the alternative school district program since its inception. She shared how she has been an integral part of the development of the district program. Ten years ago, she recognized the necessity to separate her program from the district discipline program. She shared that:

> We started looking at the "at-risk" kids [who were assigned to the discipline program], what happened was that many of the kids who were sent over there for discipline issues, when it was time for them to leave didn't want to leave. And they said, "you know I've done better here than I have ever done".…And that just tugged at my heart and I said "oh, my gosh, we've got to do something for these kids."

Rhonda approached the superintendent who allowed her to chair a committee to explore the potential for a district alternative school of choice. Eventually, the alternative school of choice was opened and developed into a separate school with its own accountability according to state standards. As the state accountability standards became more stringent for alternative schools and the potential that the school may not meet the state standards, thus possibly jeopardizing the district rating, the decision was made (based on input from Rhonda) to turn the school into a district program. With this change, Rhonda remained in charge of program redesign and function.

All administrators spoke of increased enrollment, waiting list, and expanded facilities, their respective districts recognizing their alternative schools as a natural solution to their dropout issues.

By the 2008/2009 school year, Elmhurst Learning Center was expected by the district to open a satellite extension of their alternative school at one of the traditional high schools and to extend the traditional August to June school calendar to operating year round. Karen, the newly appointed administrator (who transitioned from a teacher position at the same alternative school), explained that the district administrators "are actually want[ing] more students to graduate from this program." And by offering both a satellite site and extended school year, they felt more students who would enroll.

Teacher Response to Child Saving

It is interesting to note that the teachers' stance of child saving was predominantly shared in terms of the relationships they built with their students. For example, Steve, a 20+ year science teacher at Fireside, appeared hesitant in the interview until the conversation turned toward describing his role and responsibility at Fireside. He shared:

> I feel like it's my responsibility to do a greater commission. The idea was that it was a smaller school so you could develop these relationships and through those relationships we would be able to connect and they would be more interested in the academic side, but they are really driven by their own personal problems, personal family issues, social issues.

Cam, the science teacher from Oak Terrace, shared a similar construct of caring and a sense of responsibility that included:

> It's one of those thin lines that I, [pause] you almost wish you could take them [students] home and take care of them and honestly there is no way in the world I could ever afford to do it, much less, but I think they know I care.

While many of the participants readily shared their constructs of risk, thus setting into motion their strategic plans of action that included nurturing, caring, and relationship building, a subtle subtheme of entitlement emerged from the data. This subtheme relates to policy and practice brings forth in the discourse that suggests only *certain* students are identified as worth saving.

Entitlement

With the district support, administrators are allowed to develop admission policies for students to attend these schools. Students are required to submit an application, participate in an interview with either the principal and/or counselor, and to be recommended by their traditional/comprehensive high school counselor. If they have not met the required eligibility (beyond the state definition of at risk), they are referred back to their home campus, to a GED program, or are asked to resubmit their application after providing proof of any of the following: (a) improved attendance, (b) improved behavior, (c) passing state assessments, and/or (d) earned credit.

Administrators

Maria, the well-versed, self-described change agent administrator for her economically disadvantaged district, prioritized student enrollment at her Title 1 School. She took into consideration the age of students who could not graduate in four years, as she notes:

I enroll 21 year olds [they have priority], 20, 19, 18, I work backwards, because these kids are too…well they aging out of the norm of what happens. So, if I can't recover a 21 year old, they probably aren't going to finish.

Whereas, Fran the administrator from Fireside, a suburban, predominantly White middle-class school, carefully considered the consequences and impact that a fifth year senior may have toward her school's accountability, specifically the dropout component of the accountability standards. If a student had not earned at least 15 credits during their fourth quarter of their senior year, they would not be invited back for the next semester.

This lack of entitlement to attend a public funded "alternative school of choice" is further substantiated by how the other administrators of these schools often took the role as the gatekeepers to the schools. For example, Sam shared that a student who is heavily involved in gangs was returning to the school after being incarcerated in the juvenile justice system. Sam, stated:

This kid is on the fringes of being seriously into gangs and I met with his parents, and I met with him and I said "Ok, I'm going to give you one more shot." So today is his first day back and I am going to require him for the first two weeks to stay down here [in principal's office] with me. And we'll see how badly he wants to be back in school.

These statements reveal an accepted condition that an at-risk student is not necessarily entitled, as allowed by law, but rather has to earn their right to attend this particular public school setting.

Teachers

Once a student has been granted access to the school, the data suggest that the decision-making process associated with entitlement continues in the classrooms with teachers. According to Sara, the English Language Arts teacher at Fireside, students are

more likely to be "helped" when they follow the rules and have built a relationship with the teacher. She continues: "If they need my class because this is where they work and this is where they've got a relationship, I'm fine, but I just don't take anyone."

She explained that in order for the group of students to progress, they must be cohesive; if there is one person in the room to change the dynamics of the class, it is detrimental to the whole. Al, the vice-principal at the school, validated this by explaining: "Kids that make it miserable for everyone else, then I look for alternatives" such as enrolling them at the independent study program, referring them to GED. Al continued that the teachers at the independent study program (separate from the alternative school) "don't like it [when students are referred to their program because of discipline issues or lack of progress], it shouldn't be (for lack of a better word) a dumping ground for kids that can't function."

This last comment is interesting because oftentimes in the interviews, participants referred to and acknowledged that other educators see their alternative school as the "dumping ground" for students that who cannot function in the traditional/ comprehensive high schools. As pointed out by Cam, in response to a question about whether she has to educate teachers at the comprehensive/traditional high school, she laughs stating, "we're not a dumping ground; we actually have a plan, a goal."

Degrees of Disassociation

A second theme, disassociation, emerged from the data. This theme was to be expected because according to Hoy and Miskel (2001), administrators employ several coping mechanisms to protect and/or insulate their schools from external activities such

as federal/state/local policy initiatives. As evidenced through the interviews and observations, the data suggest varying degrees of disassociation between and among the administrators and teachers. Furthermore, it appears that an educator's ideology or cognitive framework relating to necessity of NCLB appears to influence the participants' administration of policy.

Duty to Law

As noted earlier, NCLB policy recognizes that the educational system was not responding to the academic needs of disadvantaged groups of students (i.e., economically disadvantaged, minorities, English language learners). Thus, in order to prompt an agency of responsibility toward academic achievement that is inclusive of all students, NCLB evolved to include measures of accountability, flexibility, and opportunities for parental choice. Yet, as evidenced by participants' interviews and context observations, this ideology of policy intent (to narrow the academic achievement gap between and among disadvantaged student population) is not necessarily received, much less acknowledged at the local level.

The expectation and anticipation of NCLB policy to effect educational change met many of Evans' (1965) conditions of law to induce change.

- NCLB emanated from an authoritative source, the federal government.

- Originally, it introduced a rationale that was understandable – equity for all children.

- In many communities, there was a sense of urgency and advocacy.

- Relatively speaking, the timeline for change was gradual with an end time in the foreseeable future.

- Those charged with implementation were assumed to be as committed to providing equity.

- The law provided recognition of both positive and negative sanctions.

- The enforcement of the law was assumed to be reasonable.

The administration of this policy was only influenced in part by the conventional authoritative interpretation used by these administrators and teachers. They administered NCLB policy through an authoritative lens often associated with accountability mandates and consequences, thus limiting the effectiveness of law to effect change.

This is not surprising. As Vago (2003) reminds us, the administration of law is limited based on social factors of "vested interests, social class, ideological resistance and organized opposition" (p. 326).

Their frameworks emerged as a focal point in which to discuss their disassociation between policy and practice. Many of the teachers disassociated themselves from policy by stating their indifference to policy and/or their lack of knowledge concerning the intricacies of policy. Administrators on the other hand were more obvious with their attempts to disassociate their practice from policy. They were quick to showcase maverick and symbolic gestures of resistance in having to include their students in detailed standardized accountability measures mandated by NCLB.

Administrators' Responses

      Through the administrators' interviews, and observations conducted at the schools, data suggest that administrators administered policy according to law, but with compliance and dissociation influenced by their ideology of the policy intent (see figure 2).

Continuum
Degrees of Disassociation

Administrator Ideology = Policy Intent	Policy Intent Acknowledged and Valued But, Administrator Sets Boundaries	Administrator Action does not Acknowledge Policy Intent

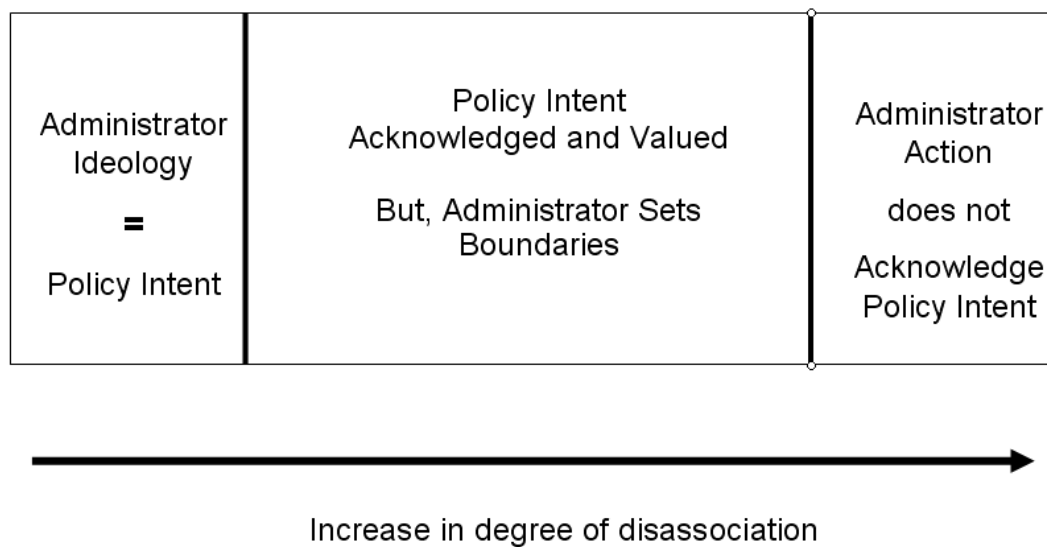→ Increase in degree of disassociation

Figure 2. Continuum degrees of disassociation.

      The majority of the administrators' responses fell in the middle of the continuum as illustrated with Rhonda's response: "I understand, I mean I understand, that there is good intent, you know, don't leave out any subgroups, or don't leave out minorities, all that is really good intent." Four of the administrators (Rhonda, Fran, David, and Karen)

acknowledged the need of the NCLB policy to remediate gaps in academic achievement for certain student groups, though not necessarily their students.

These administrators, though, were just as likely and vocal to advocate for exceptions to the rules as the conversation continues from Rhonda:

> I just don't think it's realistic. It sounds like legislatures who set on their lofty positions in Washington and, something that they would come up with cause, it sounds good, and it looks good. But for the people who are everyday with these kids and who knowing what their issues are problems are and what their needs are.

On the far left of the continuum, was Maria, the Hispanic administrator at Oak Terrace. Her sense of responsibility to provide an equitable education to all students was much aligned with NCLB policy aim to leave no child behind. According to her, the policy aim of NCLB served as a catalyst to drive action and practice to ensure not only policy compliance, but also ultimately academic equity. As shared in this particular interview from Maria, the data (as well as that of the others) suggest that ideology certainly impacted the interface between policy intent and practice. Maria states:

> I have a real problem with not being held accountable, so I think we need to have an NCLB, does it need to be tweaked? Yes. But do we need to have expectation of what schools are able to do with kids? I think we do. Because, I remember when there wasn't [accountability standards] and so if you were poor, Hispanic or economically disadvantaged or lived in certain part of the country, it didn't matter what you learned, nobody cared.

This ideology of policy intent to leave no child behind was evident in her practice as well. Maria is the same administrator who prioritized student enrollment taking into consideration a student aging out of the educational system. She recognized that this type of prioritizing may in fact jeopardize her school's accountability rating. But, as she

shares: "So if I can't recover a 21 year old, they probably aren't going to finish. And so we prioritize in that way and that makes it impossible for us to graduate kids in 4 years."

On the opposite end of the policy intent/ideology continuum, the data suggest that at least two of the administrators (Sam and Al) put much effort into creating purposeful distance between their practice and policy, thus creating the largest degree of disassociation. As shared in Sam's interview and observed through his interaction with faculty and students, he saw no reason or rationale for policy such as NCLB. As stated by him:

> And this is so educationally unprofessional, I couldn't give a rat's patootie about NCLB. I've been doing this a long, long time. What I think one of the biggest things missing in education is common sense. And you can give me all the NCLB's, all these acronyms, and blahs, blahs, blahs, blahs, blahs, blahs, blahs [melodic].

When examining the percentage of students testing proficient at this particular school, it is important to note that for the 2006-2007 school accountability report card, two elements stand out: (a) often the number of students testing per grade level, per subject was less then ten, thus too small for statistical accuracy to be included and (b) when data were available, the majority minority (Hispanic) and children of poverty subgroups did not score at either the proficient or advanced for ELA, math and history.

These are important statistics to consider in light of how Sam continues using his common sense as a methodology to policy intent: "Now if what we do meshes with NCLB, great. You judge me by our exit scores, you judge me by my increase in the kids testing proficient."

But again, according to the state accountability report card for this school, these same students are not meeting the proficiency standards on the state assessments. Nor, are they involved in advanced placement or college readiness courses.

Therefore, it not surprising when Sam discusses his rationale to turn away from NCLB and creates distance between policy and practice. He states:

> By the same token, I'm one of those firm believers that we are doing a huge disservice to an entire generation by telling everyone that they have to go to college – somebody's got to fix my car, somebody has to wire my house and you know what all these people are making more money than I am [laughing] as a high school principal.

Teachers' Responses

The theme of disassociation that emerged from the teachers' responses is best classified as one of indifference. In their discussion of policy, many of them combined and/or interchanged the federal NCLB accountability with their state's response of accountability measures.

While personal feelings regarding NCLB emanated from the interviews, it was not uncommon to hear that teachers did not have a vested interest in NCLB intent or that NCLB had prompted any positive impact or change to their classroom practice. Venetia, interpreted NCLB to mean that test data are more readily available to disaggregate. She reflected on the purpose of disaggregating test data: "Well, we actually look at that data [state test scores] and try to figure out, OK, what were our strengths and weaknesses."

But when asked if NCLB was the driving force to initiate change in classroom practice, then she quickly responded, "No, I really don't think NCLB is a driving force for those changes. I think that just education is a driving force. I mean it has to be done."

Linda, the special education teacher from Fireside, was concerned with the interview to begin because as she shared "I just feel I don't know as much about [NCLB]. When I think about NCLB, I just think about we have the [state test], the algebra requirement, and other than that I don't know the impact, I don't know." Her response was cautious and yet she made no claims to understanding as to why NCLB was in place outside of being used as a testing venue.

The data from teacher interviews further suggest that teachers did not share the same sense of urgency or ideology for policy such as NCLB. Their knowledge and understanding of NCLB centered on using test data as a means of reporting and not as a means to ensure academic achievement for disadvantaged students. As Steve explained his understanding of NCLB: "Well, from my point of view, NCLB is really just accountability, it's just testing. I don't see any other benefit other than data that is recovered from that and being able to compare schools."

Barbara, a social studies teacher for the last 18 years at Fireside argued that NLCB does not account for "real classroom learning" that she feels occurs in her classroom: "NCLB left behind a whole lot of kids. I think the whole policy is ridiculous. You know, I did an assessment in a variety of ways and now I have to go back to teaching the standards."

Yet, a contradiction arises concerning how she defines "real classroom learning." As evidenced with her statements: student learning is reduced to accelerated instruction in preparation for the state assessment. She continues to lament: it is "next to impossible to teach so that our kids will do well on the [state} test." Her focus, therefore, while

supposedly targeting the standards, is reduced to "teaching test-taking skills…focus on vocabulary, and do basic things so it will help them."

Another aspect of the teachers' dissociation to NCLB included their lack of acknowledgement or acceptance that NCLB policy intent includes their students. Robin's statement sums up many of the responses from other teachers at the five schools: "Oh, oh, I'm not a big fan of NCLB. So, I do think it is a little disjointed considering the student population that we have here, you know."

When speaking of NCLB, the teachers did not link their at-risk students to those described in NCLB policy (minority and children of poverty). Yet, school demographics for four of the five schools clearly indicated that these schools enrolled a significant percentage of both these populations.

Given the types of disassociation and resistance that emerge from the data, it is understandable that the administrators and teachers also challenged how policy defines success for the students and schools.

Defining Success

The third theme to emerge from the data reflected how teachers and administrators defined success for their students and schools compared to state and federal policy defining success. The theme of success emerged as a two-fold function: the measurements administrators and teachers used to describe student success and how they interpreted school success is based on accountability ratings. While defining success can be ambiguous, it became apparent that how these practitioners defined it appeared to be dependent on how they made sense of their responsibility to their students.

State Policy Defining Success

Texas uses an alternative education accountability (AEA) system for these specialized schools serving a high population of at-risk students. These schools can achieve one of two ratings: Academically Acceptable or Academically Unacceptable. The ratings are derived from three indicators: (a) TAKS Progress Indicator that incorporates progress measures for student results of state assessments from grade-to-grade; (b) Completion Rate II that is a longitudinal tracking rate of a cohort of 9th grade students over four years, and (c) Annual Dropout Rate indicator that uses the more rigorous NCES dropout definition.

California's Alternative School Accountability Model (ASAM) includes several non-academic performance indicators designed especially for schools serving an at-risk population. California's indicators are broken into three context indicators: Readiness, Contextual and Academic and Completion Indicators with 14 specific indicators outlined. The schools chose 3 of 14 indicators that they feel best represent and will reflect success for the goals of their school.

Practitioners Defining Success for the At-Risk Student

As administrators and teachers responded to questions of how they define success for their students, it was clear that they felt they knew their students' weaknesses and strengths, academically, socially, and personally. The data revealed that the administrators and teachers assumed the role of advocate. Each shared stories of individual students who had overcome social and/or personal obstacles, but this did not necessarily mean that they had graduated. These "success" stories were poignant

examples derived from students overcoming or managing their "risk" conditions in order to achieve success. But as evidenced by their responses, most administrators and teachers generalized the concept of success around personal and social success.

Managing Risk – A Success

The teachers and administrators placed much emphasis on the students' ability and capacity to overcome the risk factors that are associated with students dropping out of school as opposed to their own ability and capacity to lessen the effects of risk. The participants acknowledge that their classrooms and schools were set up as a safe-haven to escape the realities of risk. Yet, they acknowledged that there were certain risks that teachers and administrators could not alleviate or postpone long enough or consistently enough in order for the student to graduate from school.

The data further revealed that the participants interpreted that overcoming individual risk defined individual success. As Cathy, the ELA teacher from Sunrise shared, success for her students was measured by the needs of the individual. One student was successful by writing a complete sentence, while another student was deemed successful by completing a six-page research paper. She contends that "you can't measure it all in grades, you measure it in personal growth; you measure it in how they treat people." While Cathy's background is predominantly as a teacher in the alternative school setting and, thus, may have influenced her definition of success, many of teachers responded in much the same manner, regardless of their prior experiences.

Another measure used by the teachers and administrators to characterize success for at-risk students was in terms of how well the students replaced "bad behavior" with

acceptable practice. For example, Al defined success by "as simple as the kid came to class today. Because if the kid is here today, they're not committing a crime somewhere, they're not using drugs at the moment."

Maria responded similarly:

Socially, we have had to work with a lot of social skills with some of the students. What's appropriate, what's not appropriate. Uhm, how to dress, what adults will expect of you in the work force. So those are others, you know, mechanisms we kinda talk to students about it. If they are in the work-based program, then we can measure that [success] by their evaluation by their boss.

While many of the measurements of success used by the teachers and administrators tended toward personal growth, replacement of bad behavior, and/or social responsibility, there were academic measures of success as well, such as earning academic credit toward graduation. As evidenced with the above response though, the typical expectation of success for the at-risk student is not tied to NCLB policy goals that measure success by academic achievement standards.

Normalizing Success

These teachers and administrators parlayed *showing up to school*, *not doing drugs, following the rules, completing so many credits in a given timeframe* as more important than meeting policy goals of the NCLB. These measures of success became indiscriminate and accepted as the norm for the at-risk student. An outcome of these expectations is that there is no assurance that the students were provided with a set of academic skills.

When academics were considered, as a measure of success, it was in context as an afterthought, with teachers and administrators working first create a nurturing

environment. The measure they used to define academic success though did not necessarily stem from state assessments and accountability, but rather classroom activities.

Earning academic credits quickly through accelerated instructional practice resonated with the goals and objectives of all five schools. Both teachers and administrators tracked the number of credits earned by students in a given quarter. Too much time spent in any one class, or at the school in general correlated with students not progressing toward graduation.

As stated by Maria: "Well, the first [priority] would be them getting their work done in a a timely manner, uhm having them set a goal and most students set goals once they come here as to when they are going to graduate." Typically, if students did not progress accordingly, consequences of extended day, contracts, and conferences with the administrator or counselor were assigned. If these consequences were ineffective, then students may be referred back to their home campus or to the GED programs available through community education or in many cases the student dropped out of school.

Resistance to Policy-Defining Success

When success was measured in terms of student proficiency on state assessment as mandated by NCLB, the responses from the participants were more confrontational to the premise that NCLB standards did not address the needs of their at-risk students. For example, Cam stated : "I don't think it [NCLB] defines success for them [at-risk students] at all. I don't think it considered them. It said "this is how things are supposed to be and if you don't fit in this block then you aren't a success."

From the teacher interviews it became evident that to them success was not tied to data and numbers established from state assessment results and as required by NCLB. Rather, teachers placed much value in qualitative measures of success, as reflected with Holly's response:

> If I have a kid that sits still for a day and actually reads and writes a little bit, and that is progress over the day before and weeks before, that's measurement, but I don't put a number on it.

The ultimate measurement of success defined by teachers and administrators is the graduation of the at-risk students from high school. This is one success measure that parallels NCLB policy goals. But for many respondents, their sense of responsibility to the at-risk student is not driven by this measurement. To explain this further, Steve summed up the intent of academic pursuit as important, but "if you can't get a kid into class, it just doesn't really matter. So No Child Left Behinds' measure of academic progress is fine, but I don't think it really is a priority for my school."

Since high school graduation in both California and Texas is tied to both academic achievement and passing state assessments, this is an important consideration as the generalized measures of success for the at-risk student becomes more of a social and/or personal growth measurement. An outcome of these expectations is that there is no assurance that the students were provided with a set of academic skills, thus challenging the NCLB policy intent to provide a high quality education for all students. Karen, the administrator from Elmhurst, recognized this disconnect between policy intent and practice when applying it to student success.

The policy [NCLB] in my words is that each of them [student] is getting everything they need in their education. And then, they are supposed to be able to take these state tests, uhm and pass them to graduate. But, that's not happening. Students are not all graduating. They may finish their course work, but they can't pass the state test.

This is significant because schools and states must respond to accountability consequences. In fact, Karen's school had been identified as needing technical assistance from the state because the school failed to achieve an academic acceptable accountability rating for their dropout statistics. Interestingly enough, Elmhurst is in the district that central office administrators would like to see the expansion of this alternative school via a satellite school at one of the traditional high schools.

School Success

Federal and state accountability standards have shaped the context by which society measures success for the traditional schools. NCLB requires schools and districts to meet adequate yearly progress (AYP). AYP is determined by student performance on certain content state assessments and state assessment participation rates. Both of these criteria are broken down by demographic subgroups of ethnicity, social economic status, as well as special services provided.

Although NCLB requires school-level accountability, the majority of alternative schools do not have sufficient valid test scores to reflect in their state accountability system. Because of the small population of students, these schools typically do not have enough data to impart a valid AYP rating in all areas. Alternative schools and personnel no less have felt and are affected by the result of increased rigor in a data-driven society.

Yet, the administrators consider NCLB and state accountability secondary in response to a social and community acceptance of their school.

In the Eyes of the Community

Both teachers and administrators did not place much emphasis on whether the community expected the accountability standards be used as a measure of their school success. More often than not, community acceptance and relations brought about by school-social functions defined school success and not whether the school met the state or federal accountability standards. For example Sam, the administrator at Lakeview, prided himself for his outreach to the community and the overwhelming response in return.

> We are the biggest heroes in this town right now. We had the first ever back to school night and one of the old hands around here says you will have no one come. That is the nature of this beast. The parents don't care, the kids don't care; they won't show up. I looked at him and said you make sure you are here. You could not stir the people with a stick there were so may people here. Parents, aunts, uncles, brothers, sisters, we have them here all the time.

These social functions were prevalent through most of the schools. Administrators shared enthusiastically stories of bar-b-ques, guitar playing, mariachi bands, and social functions. The administrators used these social functions as opportunities to educate the community as to the mission of the schools. In two cases, administrators (Sam and Fran) made it a point to invite central office personnel and school board members to the socials to promote the schools as a continued viable resource to the district.

Additionally, administrators and teachers integrated socially acceptable practices, as discussed earlier, into their social functions as a measure of success that was reflected in their school. For instance, the opportunity was presented that on the day interviews were conducted at Oak Terrace, the school had also scheduled a career day for the students. Teachers were assigned to escort and monitor groups of students visiting with guest career speakers. Through observations, it became apparent that the teachers and administrators felt the need to continually remind the students about how to behave respectfully. At the conclusion of a career day, Rhonda, via the school intercom, reminded and instructed the students to show their appreciation for their guests by being respectful, thankful and to demonstrate positive attributes.

Equity for the At-Risk Student

These dropout preventative/recovery schools and the educators who work in them are challenged on many fronts to provide services for the at-risk student. The schools must keep students enrolled until they graduate as well as examine their success with academic preparation. As reported by Lehr et al. (2004), these students have a "higher rate of substance abuse, suicide attempts, sexual activity, and pregnancy. In addition,…are more likely to have been physically or sexually abused, or witnessed abuse within their family" (p. 4). Therefore, it should not come as a surprise that alternative schools have just as hard of time keeping students in school as does the traditional high school.

Yet, these same schools are held to stringent registration criterion as well as accountability standards as required by federal and state policy. These challenges, while

daunting, are not new. Consideration of the viability and effectiveness of the schools in providing equity in education for the at-risk student is new.

Drawing from Fine's (1993) study of urban high school dropouts, her research confronts the notion of whether legal educational accessibility for children is available regardless of their social class, race/ethnicity, gender, and geography. She challenges us to consider equity through a child's experience by suggesting that "questions of equity must be interrogated today inside schools and at their exits. The notion of equal opportunity rings hollow without analysis of outcomes" (Fine, 1993, p. 101).

Defining Equity

NCLB policy intent defines equity for students regardless of social economic factors, ethnicity, or special needs for "all children [to] have the opportunity to obtain a high-quality education and reach proficiency on challenging state academic standards and assessments" (NCLB, 2002a, Sec. 1). The data revealed that the degree of an administrators' and teachers' ideology of the systemic social issues surrounding equity for at-risk students resulted in most of the participants taking little responsibility to ensure this part of the law, meaning, that while administrators made an effort to meet AYP and state accountability standards, their actions were narrowed to improve test scores and increase opportunities for students to earn credit quickly.

Their concepts of equity were simplified, relatively uncomplicated, and at times, tied to the authoritative component to adhere to rules. Yet, in reality, the concept of ensuring equity is complex in nature due to dependency on context, ideologies, and experiences (Storez, 2008).

As evidenced by the following statements, both teachers and administrators attempted to equate accelerated instruction, self-paced learning to equity.

Translating Opportunity into Equity

Administrator response. Al viewed his alternative schools as a tremendous opportunity for students to recover credits as evidenced with this statement: "Uh, virtually all of them come here with 'I need credit. I'm behind in my credits' well you can make it up here." But, in the same breath, he negated his own responsibility to ensure this opportunity by stating: "But if you don't bring some self-discipline with you, you just get further behind."

> And I tell the kids there is no easier place to get a high school diploma, you don't have any books, you don't have any homework, unless you choose to some extra. But if you come here, well pretty much 80% of the time, gets you maximum credit for quarters. In the 80-100% range. So you got 20% of the time you theoretically can be somewhere else and still do ok here. You pass the exit exam which does take a little effort and someone will put a high school diploma in your hands.

Yet, these opportunities do not necessary translate into academic equity as described by another administrator, Karen: "Students are not all graduating, they may finish their course work, but they can't pass the state test."

Teachers, on the other hand defined equity as goal driven for an individual as opposed to ensuring that the group as a whole is provided equity. For instance, Holly, the social studies teacher from Elmhurst, focused on performance, i.e., earning credits to graduate, without regard to traditionally defined academic sustenance. She stated: "I'm more of helping them figure out a way to process it [academic concept] then getting them

tested or assessed." Yet, with this approach, there were no sustainable measures to indicate that a student understood the process taught.

Minimal Curriculum Standards/Instructional Practice

Flexibility, innovation, and changes are but a few progressive concepts associated with alternative schools. Yet, as evidenced with the participant interviews and observations conducted, these concepts do not necessarily transform into academic equity for students.

For example, Lakeview had moved toward a computer-based program. Sam, the administrator at this school prided himself with this "forward" thinking approach. But at the time of the interview, only Elliot, the math teacher, had built his classroom practice around this mode of instruction. The other two teachers preferred to develop their own materials, pulling from other resources that were not necessarily validated as research based. Their rationale being that it has worked in the past for their students and they see no reason to stop at this time.

For Elliot, who incorporated the computer-based instructional delivery – his method of instruction and assessment was for the students to go through the computer modules, while he was available (at his desk) to answer any of their questions. Once a student completed the work, they would request the teacher to allow them to take the test (also on the computer). If the student did not meet the passing standard, Elliot would reset the test each time until the student passed.

In all of the participating schools, state-adopted textbooks were rarely used. Administrators expected teachers to create a curriculum that would serve two purposes:

(a) curriculum aligned to the state standards and thus students would be successful on the state assessments and (b) students would complete the work in a minimal amount of time.

At Elmhurst, the same one that must receive technical assistance from the state, uses curriculum presented from modules that are purchased from a educational vendor. These modules, acknowledged by Holly's interview, are the bare basics with regard to state curriculum standards. The school opts to use the format of supplementing the modules with resources because students are able to move through the material quickly. Holly stated, "I feel like as a teacher I'll fill in the gaps (in textbooks, curriculum) for them with information I know they should have." Yet, there was no reference to the state curriculum standards.

Only Maria, the administrator whose ideology fully aligned with NCLB, sought to improve the curriculum at her school through intentional staff development. Using federal money brought about by her school missing AYP in previous years, she was able to bring in consultants to work with both her math and science teachers.

Equity for the At-Risk Student

There was little regard or awareness that teachers or administrators related their students as a NCLB target group representing the need for such policy. The one administrator who did acknowledge and contextualize equity from the perspective of the demographic of the student population was Maria. Evidence presented itself that she pursued a vision of educational equity for the at-risk student that was beyond performance goals. This administrator pulled district resources such as financial,

personnel support, technology, and curriculum redesigned to ensure the students were

provided equity in their education.

> There's been a bond that passed, so we lose the portables and we gain an art lab, classroom with, I mean we just actually running water in our art classroom last year. That was my big push, it was like the first, year, the first half year, you cannot teach art without running water. They would go out and get a bucket of water to wash their brushes, like no, no, no. So we moved the art classes and got it done but, we're real excited about having that. We really need a science lab, because we only have one. And with the new requirements that are coming into play for graduation, we really do need another science lab, that is an active lab.

But as evidenced with the data, she was an exception in this study ensuring equity

for the at-risk students.

Summary

This study examined the discourse of how alternative education practitioners

designed and administered programs for at-risk populations within the framework of

NCLB and state policy. An investigation of local policy interpretation required analysis

of both the language and routine behaviors of school-based practitioners. Interviews and

observations provided a lens of transparency into the educators' various interpretations

of educational policy, their constructs of at-risk students, and their role and responsibility

while administering policy.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Introduction

This final chapter discusses the findings and implications of the study, which have been derived from both a qualitative thematic and critical discourse analysis of the data together with theoretical contributions from the literature that provided the framework for the interpretations. The chapter is divided into three main sections: Section one presents a summary of the study that consists of the problem statement, the purpose of the study, the research questions, and the methodology. Section two includes the study's key findings and conclusions. Section three presents recommendations for action and considerations for future research.

Summary of the Study

The Problem

High school students continue to drop out of school. While NCLB provides a mechanism for holding states, LEA, and schools accountable to improve academic achievement for all students, policy itself has done little to include students from dropping out of school. Rather, dropout prevention/recovery schools/programs such as alternative schools are recognized and relied upon as a means to reduce the number of students dropping out of school.

These alternative schools are designed with flexibility regarding best practices in order to be responsive to the student who is at risk of dropping out of school. As evidenced by the increase of alternative schools nationwide, LEA's are deferring to the

alternative schools as a means to educate the at-risk students. The ease and purposeful mission of alternative schools to include marginalized students, to be responsive to their academic and social needs, as well as provide a fair opportunity to obtain high school credits for graduation seem also a good fit within NCLB. With this fit and because of this era of school reform, alternative schools and the educators who work in these schools demand attention.

The staggering dropout statistics support the premise that a contradiction exists between the policy intent and outcome to Leave No Child Behind. Because of this contradiction, educational policy research must include an exploration of how the federal policy is received at the local level, by those charged with implementing the policy: teachers and administrators. Knowing that teachers and administrators must negotiate reform efforts and policy directives framed within their own context, experience, knowledge, and skill base (Cohen & Ball, 1990; Darling-Hammond, 1990), it is imperative that this policy research considers individual practice and ideology that accentuates the issues surrounding the at-risk student.

Previous policy studies have explored interpretation and implementation issues as well as contradiction between intent and outcome. In addition, studies have linked the significance of the authoritative component of law in implementing policy. As well, research of alternative schools has recently taken center stage, but limited research work concerning administering policy to these specialized schools has been completed. To date, no studies have been conducted that merges all three arenas of interest: policy, law, and the alternative school. This study used the following key concepts of social theory

and research concerning risk, reform measures using policy to address remedy, and prevention, policy compliance, institution, and social force limitations, and lastly policy goal achievement.

Purpose of the Study

The purpose of the study was to examine how alternative school educators coalesce their duty to *law* with their sense of responsibility to resolve unintended policy consequences that result in contradictions to NCLB policy intent.

Research Questions

This study sought to answer the following questions:

1. How do teachers and administrators define their role and responsibility in educating students who are at risk of dropping out of school?

2. How do teachers and administrators measure and define success for the at-risk student and for their campus?

3. How do teachers and administrators interpret their state's responses to No Child Left Behind in their school setting?

4. How do teachers and administrators comply with policy derived from No Child Left Behind that is designed to prevent and/or recover student dropouts?

Methodology

A qualitative thematic (Morse & Richards, 2002) and critical discourse analysis (Fairclough, 1989, 1992, 1995; Gale, 1999) approach was employed to reveal assumptions and motivations of judgments of policy and responsibility expressed by

administrators and teachers working at dropout preventative/recovery high schools. This study employed Fairclough's (1989, 1992, 1995) three-dimensional framework of discourse analysis that includes (a) an analysis of text, (b) discursive practices involving the context of which statements and texts are framed and debated, and (c) social practices of the relation of discourse within a wider power of structure and ideology.

Five dropout preventative/recovery schools, i.e., alternative, in California and Texas were selected based on a theoretical sampling strategy (Draucker et al., 2007; Glaser, 1978) to include variation of (a) whether schools did or did not meet state and federal accountability standards and (b) diversity across school composition to include district/school size, student ethnicity, student social economic status, and special programs population (English language learners, migrant and special education).

Data collected included (a) governmental artifacts of state policies addressing at-risk students, district policy pertaining to dropout prevention/recovery, state/federal accountability measures for alternative education, campus/district accountability documents, student academic progress templates, school brochures, school websites, and newsletters/newspaper articles; (b) school observations included administrator/teacher/student interaction, faculty meetings, and when available school/community socials; and (c) interviews were conducted with seven school administrators and 15 teachers at five alternative schools of choice.

The characteristics of risk, responsibility, law, and policy implementation were explored using a qualitative thematic and critical discourse analysis of text, interviews, and observation. A qualitative thematic strategy of data analysis was used to categorize

and make judgments about the interpretation of the data. A discourse analysis process became the unit of coding where the participants' interviews became the primary unit of analysis. As patterns and working hypotheses emerged from the interviews, analysis of the collected artifacts and observations were used to triangulate and validate the emerging themes.

Discussion of the Findings

The results provide a clearer picture and better understanding of why there is contradiction between policy intent and outcome for the at-risk student attending these specialized schools. A qualitative thematic and critical discourse analysis was used to examine how alternative school educators coalesce their duty to *law* with their sense of responsibility to resolve unintended policy consequences that result in contradictions to NCLB policy intent. This chapter highlights how the practice of teachers and administrators was shaped by the dominant discourses that these educators drew on to construct their duty to law to comply with NCLB and their sense of responsibility when educating the at-risk student.

Research Question #1

How do teachers and administrators define their role and responsibility in educating students who are at risk of dropping out of school?

Considering the complexity of discourses at hand, critical discourse analysis allowed for the opportunity to better understand the identity constructions of role and responsibility. The evidence presented illustrates the way in which teachers and administrators took up multiple, concurrent, and shifting roles that were related to their

sense of responsibility. The results of the study indicated that teachers and educators

defined their role and responsibility based on the severity of risk assigned to a student.

They assumed multiple roles as specialists who are cognizant of risk, recognizing the

challenges facing at-risk students, to include social, personal, familial, and lastly

academic. With the multiplicity of roles, district leaders relied on these educators to

develop programs as a means to meet the educational demands of a student being at risk.

The design of the schools allowed for both teachers and administrators to

manifold roles as parent, friend, social worker, and lastly, as academic teachers. This is a

unique situation because as Todd (2003) explains, "teachers are often placed in a space

of tension between responding to students as persons and responding to students through

their institutionally defined roles" (p. 31). Yet, for these educators, their institutions

clearly legitimized and expected roles that exceeded a role designated as academic

educator or instructional leader.

This expectation fits well with literature examples of teaching as a moral activity

(Hansen, 1995; Noddings, 1984; Tom, 1984). According to Hansen (1995), this moral

activity translates a teacher's practice into a vocation that describes his/her work in

context to social value and ensures a personal meaning. But, as evidenced with this study

and confirmed by Feldmans' (2007) study concerning teacher responsibility, conflict

arises between practice and policy when policy expects a technical domain that is

measurable by student performance on standardized examinations.

Understanding risk from various roles helped these educators define and

conceptualize their position as necessary to save children from the mitigating factors of

risk. The teachers and administrators outlined their primary responsibility as necessary to create a "safe" nurturing environment for the at-risk student. Teachers and administrators further prioritized their responsibility to include maintaining a cohesiveness of their classroom (teachers) or program (administrators), which meant not all at-risk students were entitled to attend these schools. The most severe at risk (disciplinary, truancy, over-age) factors were likely to have to prove to administrators and teachers their commitment to attend by conforming to the prescribed rules of the program.

Drawing on the notion of agency to educate at-risk students, teachers and administrators established themselves as viable contributors to shape the holistic student, meaning that the end product of their work melded together the physical (attendance at school, not doing drugs), mental (completion of assignments, credit), and social conditions (adhering to rules) aspects of the holistic student. The premise that teachers and administrators agentically participate in the construction of the whole student does not mean they are necessarily successful overall. Rather, they measure their success in the moment-to-moment interactions and events. The teachers and administrators position themselves as authorities or in maintaining control of their respective agenda for each student.

Research Question #2

How do teachers and administrators measure and define success for the at-risk student and for their campus?

The results indicated that teachers and administrators employed distinct practices that contributed to and delineated how they measure and define success for their students

and school. Furthermore, the findings suggest that how teachers and administrators define success contributes to the contraction that exists between NCLB policy intent and outcome.

Defining Student Success

Teachers and administrators assumed an advocacy role for helping their students overcome risk conditions, both personally and socially, and to a lesser degree academically. The teachers and administrators defined success measures for students as appropriate social context of following rules, conformity, and the students' capacity to overcome risk. Academic success was defined and measured by students acquiring minimal academic skills. These skills were measured through individual goal setting that did not always nor necessarily eventuate toward a high school diploma.

Administrators focused on students developing social skills, appropriate behavior that would mirror a prospective work-based environment. Emphasis was placed on students moving through the courses and acquiring credits quickly, but again no assurances were made that students would be successful on the state assessments necessary for a high school diploma.

Teachers stressed the importance of measuring individual goals for their at-risk students. These individual goals were often personal and minimal academic accomplishments when compared to state standards and NCLB expectations of academic goals. This type of success was generalized across all schools, thus setting the expectation for these students as less than their peers at the traditional schools.

This limited expectation is congruent with the findings of the California Alternative Education Research Project (CAERP) (Ruiz de Velasco et al., 2008) discussed in Chapter II. The administrators who participated in the CAERP study acknowledged that as a continuation school, they "operate within a weaker school accountability system that contains fewer incentives for promoting student success than the accountability system applied to comprehensive schools" (p. 6). Therefore, it is no wonder that this limited expectation was normalized as an everyday occurrence and that these at-risk students should not be expected to achieve beyond minimal academic requirements.

Defining School Success

The findings suggest that administrators of these alternative schools placed value on their community perception of their schools rather than on federal and state accountability ratings. This in turns appears to contradict the authoritative component of the policy to effect change. Yet, as explored through Marshall and Barclay (2003), assumptions of individual and law, this contradiction can be expected. As they explain, the power of law is only as powerful as the values, beliefs, and behaviors of individuals. According to the administrators and teachers in this study, the community at-large placed little substance in holding this type of school to the consequential nature of NCLB.

A sense of accomplishment is evident and stems in part by how well the schools are received when hosting social events. These events serve as means of turning the tides of negative stereotyping for their students, their schools, and their practice. The ultimate

social event of the year includes graduation ceremonies (informal and formal) and is a prime opportunity to showcase their accomplishments.

Yet, these same educators acknowledged the difficulties they encounter to educate not only the social community of their mission, but also the educational community as to their value as a contributing member of the educational system, which further complicates how these educators act to define their preferential role and responsibility as a entity created to *save* child.

Research questions 3 and 4 are reflective of discourses concerning ideology and law that was used to define interpretation and compliance of policy. Discussions of the finding associated with these questions are best presented together. Efforts are made to delineate the questions, but as evidenced with the data, there is a zone that connects interpretation and compliance.

Through the interviews and observations, the data suggest that different cognitive frameworks between and among teachers and administrators played a significant role of interpreting policy intent, thus affecting implementation. As expected, teachers and administrators worked to create space and buffer their students, their schools and in the case of the teachers themselves, from accountability standards and measures derived from NCLB. While law may help to define an expectation as referred by Marshall and Barclay (2003), it can also constrain and at times propel choices and actions of individuals. But, as is the case with this study, it did not necessarily determine the actions of these educators.

The excerpts shared from the data reveal also that the notion of law was used to liberate and empower fit alongside an individual's ideology of the need for such law. As indicated by the extreme cases of the two administrators mentioned previously, actions (either aligned or resisted) toward NCLB law were justified and rationalized by the administrators based on their perceptions of the at-risk population. The law in turn served the administrator as a means to regulate and empower his/her behavior.

Research Question #3

How do teachers and administrators interpret their state's responses to No Child Left Behind in their school setting?

One of the discoveries through the analysis of the discourse relates to how teachers interpreted policy. Evidence suggests that teachers did not differentiate between state standardized testing and the federal government's use of state assessment results in their accountability measures. The specifics of each accountability system (state and federal) were oftentimes combined as teachers responded that the testing of their students was unreasonable. While the discussion continued to outline the difficulties and challenges the teachers faced with "this" (combined) accountability system, the cause for testing was never specified in their responses.

The discourse that arose through teacher involvement included a lack of urgency on the part of teacher as necessary to combat the discrepancy gaps between disadvantaged and privileged children. Rather, the teachers took issues with limitations to their teaching strategies that they attribute to NCLB. While the teachers acknowledge

that test data are used to highlight the discrepancy gaps, they readily acknowledge that this data are not used as a catalyst to change their classroom practice.

The policies that lead administrators to understand the aggregation and disaggregation of data were vaguely linked to the underlying intent of "why" policy such as NCLB is necessary. Because of the duality of using subpopulations (though, not always the same subpopulations) in both state and federal accountability, disaggregating data are reduced to how specific groups of students (social economic status and ethnicity) fare with specific objectives on the state assessments. NCLB accountability standards include more subgroup disaggregations of participating and performance to add in gender, special education, and English language learners. But these groups of students did not surface in the discourse of concern from the administrators.

Research Question #4

How do teachers and administrators comply with policy derived from No Child Left Behind that is designed to prevent and/or recover student dropouts?

The NCLB policy was founded on the premise of equity for all students, regardless of poverty, ethnicity, and social circumstances. Interesting enough, the themes of dissociation and resistance emerged from the data respective of the participants' role, as teachers, as administrators. Both groups assumed distinct postures and actions to create this space. Yet, the participants' ideology of their responsibility to the at-risk student did little to affirm an outward action that authenticated equity for their students.

Teachers distanced themselves from policy through disassociation. Ignorance of policy, lack of knowledge, and interchanging federal/state standards allowed teachers to

work independently, if not at times, perpendicular to the intent of the policy. With this disassociation, it was acknowledged that NCLB did not serve as a catalyst to effect change, but rather it was seen as a constraint, limiting what teachers felt were already good, sound instructional practices. They complied with policy (focusing on content specific testing objectives), though with minimal attention as to differentiating which groups of students were struggling.

Administrators cultivated the idea that alternative schools were changing for the better, that they were making efforts to meet AYP, as well as their states' accountability standards. Yet, they were unwilling to change the educational program to improve academic expectations beyond just testing students and providing accelerated credits. As seen with the teachers, administrators created space to distance their school from NCLB. With their actions and professed ideology of the at-risk student, this space was created through resistance and not disassociation. A discourse that included a continuum of policy compliance posturing was evident as administrators related to NCLB. This continuum discourse included two extremes of resistance/alignment postures that fit within understanding and believing in the intent of NCLB. Resistance surfaced as maverick ideas that included program initiatives (i.e., computer-based instruction), or opposition to have to include their student population in accountability standards.

Conclusions

The intent of this study was to investigate how administrators and teachers at dropout preventative/recovery schools interpret and implement NCLB policy to ensure equity in education. Furthermore, this study sought to understand how these educators

define their role and responsibility in this endeavor. Therefore, this study examined the discourse of how alternative education administrators and teachers designed programs for at-risk populations within the framework of NCLB and state policy.

NCLB brought about a change of expectation for all stakeholders, which is driven in part by accountability measures, standards, and consequences. The findings of this study suggest that this expectation when received at the local level is a generalization. This generalization casts shadows on policy intent through emphasis on contextual successes, skewed measures of equity for the at-risk student. These shadows are brought about by educators' conflicts between ideology and their duty to law.

The findings from this study have demonstrated that a moment-by-moment process shapes the construction of role, responsibility, success, and equity as defined by the teachers and administrators. The study's data analysis revealed three dominant discourses that were notable forces in the policy implementation of NCLB at the five alternative schools. These educators negotiated the discursive forces of risk, compliance, and policy knowledge that shape how they administer policy. Furthermore, the discourse of risk and policy converged as ideological and political conceptions that perpetuate the notion that educating disadvantaged children as a process of demonstrating a particular level of knowledge and/or acquitting what it means to be considered at risk. Within this analysis, teacher and administrator identities were constructed in both concurrence with and in opposition to dominant policy discourse that were revealed in this study.

First, the discourse of risk and educational policy that addresses risk is conceptualized as a responsive and reflexive entity that is objectively measured and

assessed in policy, but not in practice. Within this discourse, teachers position themselves in relation to their constructions of risk, translating to their defining their role, and thus their responsibility, with their primary role is to act as a caregiver to the at-risk student. Administrators were positioned in relation to the discourses to act as the authority to combine risk and policy and thus determine student membership. The most compelling data, however, showed teachers and administrators' resistance to both the dominant discourse surrounding equity and the inscribed authority within these events.

The finding showed that within the discourse of at-risk education policy, equity for these students was reduced to compliance to law, establishing climate, and applied strategies that project innovative practices. This seemingly benign practice outwardly appears objective; however, the underlying meaning of such practice reinforces who and what constitutes privilege in our education system. While the official risk policy definition is based on federal, state, and district frameworks, and a product of education reform efforts, teachers and administrators drew on their own constructions of risk and the affect of risk to reveal a narrow definition of equity for an already disadvantaged population of students. Official definitions about what counted as risk were negligible in assuming best practices thus limiting responses for at-risk students in the alternative education community. These practices such as computer-based programs, self-paced programs, accelerated curriculum were implemented to teach the at-risk children how to acquire credit quickly. Also, these practices further limited a student's opportunity for acquiring a high quality education as defined by NCLB.

Within the discourse of risk policy, educators questioned the authoritative component of policy. While this questioning is necessary to pursue possibilities that may lay outside the traditions of our educational system that continues to privilege education for some, creating space to simply implement a culturally responsive pedagogy is not enough. As educators, their ideologies effect practice which may continue to perpetuate the discriminatory practice for disadvantaged students disguised as a response to risk.

Second, the discourse of educating at-risk students, as it was enacted in this study by the inclusion of alternative school, set up a view of success for the at-risk population that was equitable to a commodity. This commodity was obtained by those who were considered to have the capacity to change and denied to those who were not. Thus, defining success was challenging because of the multiple constructs. With the multiplicity of definitions, possibilities of success were actually slanted, and students were constructed as successful without the benefits of achieving a quality education.

Without an agreement of defining success between practice and policy, two important points need to be made concerning this contradiction that is inherent to policy implementation. First, the reliance of using alternative school settings and the flexibility afforded these schools as a means of dropout prevention/recovery has extended the possibility of challenging the traditional boundaries of an educational setting and accountability. Their autonomy of late though has been questioned. The image of alternative schools though continues to project autonomy. As LEA's rely on these schools, rely on the professionals as knowledgeable of risk and practice, one would assume that the role of federal and state governance has been reduced. Rather, the role of

federal and state governance has actually increased governmental intervention and is questioned, if not challenged by these educators.

Secondly, a crucial attribute of our educational policy is that education is understood as a local educational agency control under state responsibility, though regulated in part by national policy. In this hierarchy context, policy comes to be seen as an authoritative component that compels an educator to act in a rational manner. Yet, as evidenced with this study, law did not serve as a catalyst to convince educators that an ideological need warrants such policy. Rather, there is a tension between notions of the educators' duty to law and their autonomy being challenged.

At-risk policy discourses emerges through legislative changes that reflect changes in the social and common sense understanding of the disadvantaged student that is also played out in the classrooms and schools for students at risk. The underlying assumption informing this study is that policy such as NCLB attempts to respond to students who society has identified as disadvantaged and placed at risk. Meaning that "risks" are socially constructed and thus may change based on the norms, morals, and beliefs at work in a given society at a given time (Lupton, 1999a). Educational policies, such as a state's response to dropout prevention/recovery, that seek to reduce the perceived educational risk by engaging individuals in risk-avoiding settings, as found in alternative schools, legitimizes the ideologies and practices of the educators in these schools. Therefore, the risks associated with these students, whether it is how they are defined as being at risk of dropping out of school (i.e., academic low success), the risk of harm to

the self (i.e., drugs) or others (i.e., disciplinary) or responses enacted to minimize the risk factors are all discursively constituted.

Take for example how teachers and administrators made judgments and determination of what is in an at-risk students' "best interests with regard to goals, career, and social interaction. Administrators and teachers responded in ways that could be considered objective, especially when backed by district central office reliance on their "expertise" in working this population. However, more commonly, these judgments and determinations are not made pursuant to any objective study to include NCLB policy intent. Rather, they reflect ideologies of a social construction of attitudes, beliefs, and knowledge concerning at-risk students. Reference is frequently made by the administrators and teachers to know what is "best" for their students; however, these "best interests" are not measured objectively.

Implications

Methodological

Coupling qualitative thematic and critical discourse analysis is a valuable tool for examining educational policy implementation. Through a discourse analysis representation of roles, responsibility, compliance, and their application can be discerned and applied for discussion concerning their appropriateness in context to policy implementation. This study provides valuable information to better understand the way in which ideologies, different cognitive frameworks, and practice can compete with policy intent.

Policy

States already have adjusted accountability measures and standards to reflect less

expectation from this group of campuses (Alternative Education Accountability [AEA],

Texas Education Agency; Alternative Schools Accountability Model [ASAM],

California Department Education). While the merits of students and programs associated

with dropout prevention/recovery schools are quietly debated in context of

individualized success, it is by examining policy in conjunction with practice as

necessary to deconstruct a generalized discourse that is dependent on the social systemic

issues of poverty, disengaged learners, and student/family dynamics. This examination is

essential in order to ensure that educational needs are being met and are not filtered by

systemic social issues to define indicators of success.

Equity

The NCLB policy was founded on the premise of equity for all students,

regardless of poverty, ethnicity, and social circumstances. Policy reformation continues

to undertake initiatives to combat the inequities in education. This study contributes to

the growing body of policy implementation research by integrating ideology, law, and

risk with authenticating the intent of policy to include equity. This contribution should

foster further research and debate on the ways in which policy is interpreted and

implemented, and thus influences the equitable notion of education.

Alternative Schools

As alternative schools come into their own right as a viable component of a larger

education system, it is reasonable to assume that these schools will continue to grow in

numbers and popularity. As policymakers work on defining an alternative education system and accountability standards, they still do not consider the social mitigating factors that interfere with a student's schooling. While policies in both Texas and California are being reworked that include a process of policy negotiation, administrators working in dropout preventative/recovery schools struggle to find a balance between compliance and ideology. Leaders of such schools should take notice of how their ideologies and motivations influence and impact policy goals when they attempt to accommodate to the needs of individuals. A review of their leadership decisions points to efforts of rational actions countered by their emotionality, nurturing capabilities, and social constructs of disadvantaged students.

Suggestions for Future Research

Given that our current national educational policy is highly concerned with questions of equity, debates are certain to figure prominently concerning a philosophical, ideological question of individuals versus group need and limitations of interventions. Therefore, this researcher suggests further studies of the policy implementation process to involve three considerations: (a) the capacity of the current educational system to provide equity for individuals, (b) secure evidence of effectiveness of innovative policy and practice, and (c) the discursive representation of conflicting goals and consequences between policy and practice. Having uncovered the limitations in both policy and practice as a means to deter students from dropping out of school, it is imperative to move further to explore the capacity of our current educational system to meet the needs

of all students. Applying critical discourse analysis with a study of finance, equity, and reform would yield important information.

The limited scholarly research concerning alternative schools is yet another reason to expand the discourse of alternative schools to include state policymakers and central office administrators. Because of the ever-changing accountability measures and standards, recent policy changes have done little to ensure that academic sustenance is carried over to the alternative school setting. Because of the role these schools are now serving as a means to minimize a district's dropout rate, it would help to uncover and make explicit some of the policy expectations and effectiveness of such schools.

Lastly, scholarly research on policy implementation of NCLB needs to broaden the discursive representation of text, practice, and social setting to other educational settings. Other actors charged with implementing this policy should also be examined including traditional school settings and charter schools. This would broaden the range of representations for discussion.

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APPENDIX A

INTERVIEW PROTOCOL

Interview Protocol

For every interview, these were the typical questions asked. Extra questions may have been asked in reference to something they said.

Interviewer (I): Do you have any questions concerning the information sheet?

I: Are you comfortable with me using taper recorder?

I: What is your current position on campus?

I: Describe how you (administrator/teacher) came to work at this high school. Please include your previous experience.

I: How would you define your role?

I: In working with students who are at-risk to dropping out of school, how do you define your responsibility?

I: What measures do you use to define success for your students?

I: What are your thoughts of the design of No Child Left Behind? What about in context of the student who attend an alternative education school?

I: How do you think No Child Left Behind defines success for the student attending an alternative school?

I: How do you think your State has responded to the dropout issue?

I: Is there anything else you would like to add?

I: How do alternative school settings attend to risk factors?

APPENDIX B

OBSERVATION CHECKLIST

Observation Checklist
(Merriam, 1998, pp. 97-98)

The Physical Setting:

The Participants: (who, roles, characteristics)

Activities and Interactions:

Conversations:

Subtle Factors: (Informal and unplanned activities, symbolic meaning of words, nonverbal communication, physical cures, what was not happening).

My Behavior (observer comments)

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