

To: Patti E. Kefalas

Date: October 29, 2009

From: Debbie Barnett

Re: Inclusion versus Grade Retention in Michigan Special Education

You asked me to research the laws or other requirements in Michigan relating to holding back a disabled child a grade versus the alternative position that a disabled child should be schooled with his or her “age-appropriate peers”. The specific facts of this case are that the child’s teacher would like to hold the child back a grade, whereas the supervisor disagrees.

First, there does not appear to be any specific federal or state law or regulation that absolutely requires a disabled child to be schooled with age-appropriate peers nor is there any federal or state law or regulation that absolutely prohibits holding back a disabled child a grade, if the child is in need of this action. The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 (2008), has, as one of its goals, to include all students, regardless of their disabilities, within the general education environment and, to this end, requires that a disabled child be schooled in the least restrictive environment (LRE) as defined by the statute at 20 U.S.C. §1412(5)(A) and set forth in the IDEA Federal Regulations, 34 C.F.R. § 330.114:

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The Michigan Administrative Rules for Special Education (April 2009) does not contain language that is as strongly in favor of inclusion as the IDEA, stating at R340.1722, Rule 22, that the individualized education program team for a disabled child determines the educational placement of the student with disability in programs and services “from a continuum of alternative placements, such as instruction in general education classes, special classes or special schools, home instruction in hospitals and institutions, resource rooms, or itinerant instruction

with general education class placements.” However, a paper published by the Michigan Board of Education, dated August 10, 2004, entitled “Procedures for Determining the Least Restrictive Environment in Accordance with the *Individuals with Disabilities Education Act* (IDEA)” is a very strong statement in favor of including disabled students within general education programs. This document is attached along with this memo. The paper first defines inclusive education as follows:

The provision of educational services for students with disabilities, in schools where peers without disabilities attend, in age-appropriate general education programs under the direct supervision of general education teachers, with special education support and assistance as determined appropriate through the individualized education planning team (IEPT).

The paper states that this definition is congruent with the Michigan Department of Education’s belief that all children should have the opportunity to be educated together, regardless of disability, in the school he or she would attend if not disabled unless otherwise determined appropriate through the IEPT process.

It would appear then that, under both federal and state laws and regulations, maintaining a disabled child in a general education classroom with children of his or her own age is highly favored. However, there may be times when grade retention is required. See, e.g., *Grade Retention in Special Education*, by Jessica Griffioen, Western Michigan University (attached with this memo). Grade retention is defined as not allowing a student to continue on to the next grade with their peers due to problems with performance. While grade retention has been criticized as leading to low self-esteem and self-confidence in the retained child as well as a higher drop-out rate later in high school, it may still be necessary depending on the performance and specific profile of the disabled child. For example, one special ed practitioner had a positive experience when she held a child back a grade, noting that the student was well below the maturity level of his peers and after being retained, he did very well due to his now being in an environment that was more suitable to his maturity level. This practitioner suggests early intervention as an alternative to grade retention but this requires proper coordination between the special education teacher and the general education teacher as well as other members of the

student's planning team. Intervention options suggested include: preschool programs, early reading programs, one-on-one instruction and summer school.

In conclusion, under federal and Michigan state regulations, if at all possible, a disabled child should be maintained in his or her grade with non-disabled children of the same age; however, if the child's disability is so severe that an education in a general education classroom with children of his or her own age cannot be achieved, even with supplementary aids and supports, then grade retention might be the better solution. In either event, this evaluation should be made by the student's IEPT, which includes the parents, the student (if appropriate) and others with knowledge or special expertise about the child. Thus, in this case, there is a dispute between the teacher (it is not clear if this is the special education teacher or the general education teacher) and the supervisor (I am assuming of the team). Other members of the team should be consulted and a unified decision reached. But if at all possible, the rules regarding this issue favor the child remaining in his age-appropriate general classroom. I can provide you with various websites and other references relating to the issues of inclusion and grade retention upon request.

Running head: GRADE RETENTION

Grade Retention in Special Education

Jessica Griffioen

Western Michigan University

## Grade Retention in Special Education

Over the past twenty-five years, grade retention has greatly increased in popularity (Jimerson, 2003). This occurs despite an abundance of research performed throughout the last century proving retention to be a generally ineffective intervention for struggling students (Jimerson, 2001). It is estimated that seventy-two percent of all students who were retained were later diagnosed with a learning disability (Barnett, 1996). To explore grade retention and how it affects special education these three main points will be addressed: (a) high accountability from No Child Left Behind for all students. (b) the damaging short and long-term effects of being retained a grade. (c) intervention prior to grade retention will enhance chances for success.

### *High accountability from No Child Left Behind for all students.*

It seems the standpoint of setting high standards and retaining struggling students wins political popularity (Holmes, 2000). Consequently, standards in education is often a hot topic with politicians. Students are frequently threatened with retention if they do not meet educational requirements, it is not evidential if these threats even make a difference (Allington, 1997). The recent laws of No Child Left Behind requires every student, including those that face challenges, to be held accountable to meet the expectations of standardized testing. Furthermore, less than one percent of students with impairments will be allowed to take alternate tests (such as MI access in Michigan). Some states use the scores of standardized testing as an evaluation to promotion or retention, it is noted that with the increase of standardized testing, there has also been an increase of special education classification and retention (Beebe-Frankenberger, 2004).

### *The harmful short and long-term effects of being retained a grade.*

Grade retention is known as not allowing a student to continue on to the next grade with their peers due to problems with performance (Jimerson, 2003). The basis for retention may not

always be low achievement, a study comparing equally low achieving students, some promoted to the next grade and the others were retained, revealed that students who were retained were less social, less popular, had lower self-confidence and had more instances of negative behavior in class. When retaining a student it may be difficult to realize the traumatic effects it may cause because there may be immediate academic growths, but within a couple years they tend to decline below the level of academically-equal promoted peers (Anderson, 2002). This growth may be misperceived because teachers rarely keep note of a student's progress beyond a couple years.

Students that have been retained view grade retention as a punishment and express feelings of strong negative emotions (Holmes, 2000). Students that were not promoted also reported to have significantly lower self-esteem. Personal adjustment and interaction with their peers changes significantly when they move on and the retained student stays in the same grade. There is an abundance of research performed on the relation between dropping out of high school and being retained earlier on in life (Jimerson, 2003). Results from these studies shows that students retained are two to eleven times more likely to drop out of high school than their non-retained peers. Parents, teachers, and administrators play the imperative role of deciding when to promote or retain a student, they should be aware of the significant effects that retaining a student could have.

*Intervention prior to grade retention will enhance chances for success.*

A child who has been retained would most likely have benefited from intervention by an early detection of possible failure and instead receive the remediation generally given to students only after they have been retained (Holmes, 2000). Administrators generally do not see grade retention as a helpful plan for intervention and are most often opposed to it (Allington, 1997).

Furthermore, they define it as a way to “catch up” when a student may have had an abundance of absences or for students with immaturity possessing the promise of an outcome of great growth with another year. Certainly the situation of the individual should be well considered before the action of retention is taken.

The cause of failed intervention may be because there is poor collaboration between the special education teacher and the general education teacher, in order for a student in special education to be successful, there needs to be consistency between all of their team members providing them services (Jimerson, 2003). There is a variety in the types of intervention tools and programs that teacher and parents can take advantage of to prevent the need to retain a student. Some intervention options include: preschool programs, early reading programs, one on one instruction, summer school, and mnemonic strategies.

### *Summary*

The trend of retention seems to be mistaken as a viable solution for struggling students. The focus on standardized testing causes an unreasonable measurement for students in special education, these measurements result in an increase in grade retention. The effects of retention are detrimental to the outcome of a students overall success. The key to prevent the negative impacts on the student is decreasing grade retention by earlier detection of a students struggles and low performance and implementing the appropriate intervention.

My reaction has consistently continued to be in opposition of most cases of retention throughout my research. If all suitable intervention has been carried out and the child still does not seem competent for the next grade, I may considered grade retention an appropriate decision. For example, I have witnessed a case where the student was well below the maturity level of his peers and after being retained, he was able to flourish in an environment more suitable to his

level of maturity. His fellow students were open and understanding to his situation, which is not always the case. It is an important decision that should not be taken lightly and all members of the multi-disciplinary team should be involved.

One of the main components of IDEA is that all children receiving special education services deserves the least restricted environment and specifically requires students to be able to attend class with age-appropriate classmates. It seems clear to me that grade retention is probably not the best solution for a student receiving special education services because grade retention is typically not the best learning environment.

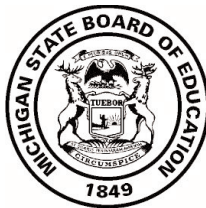
This information gathered will be useful for me in the future as a professional because I understand the No Child Left Behind Laws and how they hold everyone accountable and the effects they have on grade retention. I will also be more aware of the negative impact that retaining a student back a grade will have on them in the future. I will know the importance of detecting problems early and intervening with struggling students. I will be cognitive of the fact that it is important to educate general education teachers to pick up on the signs of a struggling to intervene prior to retaining.

## References

- Anderson, G., Whipple, & A., Jimerson, S. (2002). Winning the battle and losing the war: Examining the relation between grade retention and dropping out of school. *Psychology in the Schools, 39*, 441-457.
- Allington, R., McGill-Franzen, A., & Schick, R. (1997). How administrators understand learning difficulties: A qualitative analysis. *Remedial and Special Education, 18*, 223-32.
- Barnett, K., Clarizio, H. (1996). Grade retention among students with learning disabilities. *Psychology in the Schools, 33*, 285-293.
- Beebe-Frankenberger, M., & Bocian, K., Gresham, F. (2004). Sorting second-grade students Holmes, T., differentiating those retained from those promoted. *Journal of Educational Psychology, 96*, 204-215.
- Saturday, J. (2000). Promoting the end of retention. *Journal of Curriculum and Supervision, 15*, 300-314.
- Jimerson, S. (2001). Meta-analysis of grade retention research: Implication for practice in the 21<sup>st</sup> century. *The School Psychology Review, 30*, 420-37.
- Jimerson, S., & Kaufman, A. (2003). Reading, writing, and retention: A primer on grade retention. *The Reading Teacher, 56*, 622-35.

**Procedures for Determining the  
Least Restrictive Environment in Accordance with the  
*Individuals with Disabilities Education Act (IDEA)***

August 10, 2004



## **State Board of Education**

Kathleen N. Straus, President  
Herbert S. Moyer, Vice President  
Carolyn L. Curtin, Secretary  
John C. Austin, Treasurer  
Marianne Yared McGuire, NASBE Delegate  
Elizabeth W. Bauer  
Reginald M. Turner  
Eileen Lappin Weiser

## **Ex-Officio**

Jennifer M. Granholm, Governor  
Thomas D. Watkins, Jr., Superintendent of Public Instruction



## **Compliance with Title IX**

What Title IX is: Title IX of the Education Amendments of 1972 is the landmark federal law that bans sex discrimination in schools, whether it is in curricular, extra-curricular or athletic activities.

Title IX states: “No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal aid.”

The Michigan Department of Education (MDE) is in compliance with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq. (Title IX), and its implementing regulation, at 34 C.F.R. Part 106, which prohibits discrimination based on sex. The MDE, as a recipient of federal financial assistance from the United States Department of Education (USDOE), is subject to the provisions of Title IX. MDE does not discriminate based on gender in employment or in any educational program or activity that it operates.

The designated individual at the Michigan Department of Education for inquiries and complaints regarding Title IX is:

Ms. Roberta E. Stanley, Director  
Office of Administrative Law and Federal Relations  
Michigan Department of Education  
Hannah Building  
608 West Allegan  
P.O. Box 30008  
Lansing, Michigan 48909  
Phone: 517/335-0436  
Email: stanleyr@michigan.gov

### **STATEMENT OF COMPLIANCE WITH FEDERAL LAW**

The Michigan Department of Education complies with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education.

**Procedures for Determining the Least Restrictive Environment  
in Accordance with the *Individuals with Disabilities Education Act (IDEA)*  
August 10, 2004**

This paper sets forth the position of the Michigan State Board of Education regarding the placement of students with disabilities in general education programs within general education facilities. This encompasses the concept in the delivery of programs and services to students with disabilities known as inclusive education. Inclusive education should be integral to efforts in P.A. 25, school improvement, school restructuring, and core curriculum to enhance education for all students.

This paper serves as a statement of commitment to increasing opportunities for students with disabilities in general education classrooms within these facilities and to the integral involvement of parents in this process. It is the belief of the State Board of Education that special education and related services created in general education classrooms will not only maximize the potential of students with disabilities, and students who are not disabled for integrated community living.

For purposes of this paper, inclusive education is defined as follows:

The provision of educational services for students with disabilities, in schools where peers without disabilities attend, in age-appropriate general education programs under the direct supervision of general education teachers, with special education support and assistance as determined appropriate through the individualized education planning team (IEPT).

This definition is congruent with the Michigan Department of Education's belief that all children should have the opportunity to be educated together, regardless of disability, in the school he or she would attend if not disabled unless otherwise determined appropriate through the IEPT process.

The federal regulations at 34 CFR §300.347 and §§300.550 to 300.556 delineate the rights of students with disabilities to a placement in the least restrictive environment. (Attached)

These regulations state (in part) the following:

That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum... must — Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

Must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

It is the policy of the State Board of Education, pursuant to state and federal requirements, that students with disabilities must be educated with their nondisabled peers to the maximum extent appropriate to meet their individual educational needs and potential. So that this may be realized, it is essential that options be available in general education programs within our general education facilities. Further, a process (see LRE placement considerations) must be followed by the individualized educational planning team which include an explanation of the extent to which the student will not participate with nondisabled students in the general education program, in extracurricular and other nonacademic activities. Education assignments are not to be based on the label describing the student's disability or the availability of programs.

It is believed that adherence to the contents of this paper by Michigan's public schools will assure an educational environment that is appropriate for serving the individual needs of each of Michigan's students with disabilities, as well as foster the preparation of all youth for a lifetime of integrated community living.

#### Least Restrictive Environment (LRE) Placement Considerations

The State Board of Education is in agreement with the following statement taken from S.Rep. No. 105-107, p.20; H.R. Rep. No 105-95, p.99 (1997):

The Committee wishes to emphasize that once a child has been identified as being eligible for special education, the connection between special education and related services and the child's opportunity to experience and benefit from the general education curriculum should be strengthened. The majority of children identified as eligible for special education and related services are capable of participating in the general education curriculum to varying degrees with some adaptations and modifications. This provision is intended to ensure that children's special education and related services are in addition to and are affected by the general education curriculum, not separate from it.

The State Board of Education supports the use of the following 10 step process in determining the educational placement of all students with disabilities.

1. The student's eligibility for special education is determined by the individual educational program team (IEPT).
2. The student's specific educational needs (cognitive, affective, and psychomotor) are identified and discussed by the IEPT.
3. The specific special education and related services necessary to address the student's needs identified in step 2 are determined by the IEPT. These programs and services must be identified by rule number and provider title.
4. The IEPT should give first consideration to the appropriateness of placement in the general education environment with modifications and supports. The full continuum of services will be considered without regard to current availability.
5. The extent to which the student will not participate in general education programs is determined by the IEPT.
6. In selecting the LRE, consideration is given to any potential harmful effects on the student or on the quality of services that he/she needs (300.552d).
7. A determination of where the programs and services may most appropriately be provided, including consideration of placement as close as possible to the child's home, may be made by the IEPT.

8. If the IEPT does not make a specific facility determination, documentation of the placement considerations will be forwarded to the Superintendent. The Superintendent will review the placement considerations and make a determination of where and when the programs and services will begin.
9. In either case, the Superintendent is then required to inform the parent of the public agency's intent to implement the individualized education program, to identify where those programs and services will be provided, and when they will begin (R 340.1772a).
10. Upon receiving written notice, the parent then has a reasonable time to 1) accept the Superintendent's decision as appropriate, 2) request mediation and/or a hearing related to eligibility, the individualized education program, or the placement decision, or 3) request another IEP.