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An Investigation of Education Leaders' Perceptions of their Knowledge of Special Education Law

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AN INVESTIGATION OF EDUCATION LEADERS' PERCEPTIONS OF THEIR
KNOWLEDGE OF SPECIAL EDUCATION LAW

By

Kendra Schneider

A DISSERTATION

Presented to the Faculty of

The Graduate College at the University of Nebraska

In Partial Fulfillment of Requirements

For the Degree of Doctor of Education

Major: Educational Administration

Under the Supervision of Dr. Kay A. Keiser

Omaha, Nebraska

September, 2016

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Abstract

AN INVESTIGATION OF EDUCATION LEADERS' PERCEPTIONS OF THEIR KNOWLEDGE OF SPECIAL EDUCATION LAW

Kendra Schneider, Ed.D.

University of Nebraska, 2016

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The purpose of this quantitative study was to examine the perceptions of candidates in the Educational Leadership program at the University of Nebraska Omaha regarding their knowledge and understanding of special education law, including the areas of Free Appropriate Public Education, Child Find, Least Restrictive Environment, Procedural Safe Guards, and Related Services. It further analyzed whether UNO Educational Leadership graduate students' opinions are related to school district size, professional experience, administrative experience, or area of certification.

When thinking about the considerable amount of training and knowledge it takes to be well versed in the rules and regulations of special education, it's difficult to imagine how a principal of a school can take on this responsibility in light of an already demanding position. The principals' responsibilities have shifted significantly beyond that of a building manager. This study analyzed responses from candidates in the Educational Leadership program at the University of Nebraska- Omaha regarding their perceptions of their knowledge of special education law. This study found a significant difference in respondents perception of special education law based upon the amount of coursework one has in the area of special education. While this study denotes statistically significant

differences upon respondents in the Educational Leadership program at the University of Nebraska- Omaha, the study suggests a need for additional research.

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I would like to express deep appreciation to my dissertation chair, Dr. Kay Keiser. Your encouragement helped me maintain focus on my goal and you helped break this seemingly enormous project into very manageable tasks. You believed in my skills, talents and abilities, which in turn helped me to believe in myself. You made this entire journey more than enjoyable.

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CHAPTER 1

INTRODUCTION

Special education is a complex system with many rules and regulations specific to educating students with disabilities. Everyday children with disabilities are participating in schools across the country, receiving education protected by laws created specifically to ensure that each student receives a free and appropriate education (FAPE) in the least restrictive environment (LRE). Having a full understanding of the intricate details that accompany the rights of students with disabilities in public education is conceivably impossible. Special education teachers, directors, and other special education leaders spend years learning how special education meshes into the general education system and considerable effort goes into understanding the laws that govern the rights of students with disabilities. Further, case law addressing special education litigation constantly changes the definition as the courts identify the meaning of the words, “Free and Appropriate Education.”

Historically, it has been the responsibility of district administration to manage special education programming, staffing, financing, testing, and facilities (Patterson, Bowling, & Marshall, 2000). With the implementation of the Individuals with Disabilities Education Act (IDEA) however, the push moved educating students with disabilities into inclusive settings and having access to the general curriculum to the maximum extent possible, which shifts the burden from district administration to that of the building principal. The amendment to PL 94-142 was intended to ensure that students with disabilities receive educational services that include the high expectations found in state educational standards (Johnson, 2003). In addition, students are to be included in

the general education curriculum, thus requiring all students to participate in all state- and district- wide assessments (Yell, Rogers, & Rogers, 1998).

Principals as Special Education Leaders

“IDEA is a complex law, and special educators, administrators, and teacher trainers have to understand that special education programs must meet the FAPE requirements,” (Yell, Ryan, Rozalski, & Katsiyannis, 2009, p. 74). According to Lashley (2007), principals are required to sharpen their practices related to academic performance due to the provisions of NCLB. Yet, in a study conducted by Davidson and Algozzine (2002), the majority of individuals in their survey rated their satisfaction in training of special education law in the “low” or “well below” categories. Also, analysis of the data collected in this study concluded that novice administrators might have difficulty in providing leadership and effectively managing special education, due to their lack of knowledge of special education law. In an additional study by DiPaola and Tschannen-Moran (2003), 75% of principals indicated special education law and implementation as an area where additional professional development is needed.

Furthermore, through the reauthorization of the Elementary and Secondary Act (ESEA), which was signed into law as No Child Left Behind (NCLB), ensured high expectations for all students. NCLB raised the academic bar for students with disabilities and requires principals to demonstrate Adequate Yearly Progress for all students (DiPaola, Tschannen-Moran, & Walther-Thomas, 2004; Wakeman, Browder, Flowers, & Ahlgrim-Delzell, 2006). Principals have become concerned with the requirements for reporting performance for all students with disabilities, particularly because inadequate progress from this sub-group could cause the school to come under regulatory sanctions

(Lashley, 2007). With the inclusion of more students with disabilities in the general education classroom, it is important that principals have an understanding about the needs of students with disabilities in order to give general education teachers support and guidance for teaching all students (Wakeman, et al., 2006).

When thinking about the considerable amount of training and knowledge it takes to be well versed in the rules and regulations of special education, it's difficult to imagine how a principal of a school can take on this responsibility in light of an already demanding position. The role of the principal is a complex and daunting endeavor. Simply stated, principals' plates are full. The principals' responsibilities have shifted significantly beyond that of a building manager. Principals are now responsible for the instructional leadership in the building, monitoring student achievement for all students, and making instructional decisions based upon the data (Lashley, 2007; Wakeman, et al., 2006).

Understanding special education is no small undertaking. According to McLeskey and Waldron (2002), implementing inclusive services can be challenging because the model varies from school to school based upon administrative support, the core set of values in each school, and resources available. These factors make it particularly difficult for a building principal to decide exactly how services should be delivered. Moreover, while a principal does not need to be a disability expert, a competent principal must possess a fundamental knowledge of special education and knowledge of current issues in special education to perform the essential special education leadership tasks (DiPaola & Walther-Thomas, 2003; Wakeman, et al., 2006). Not only must the principal be familiar with the legal content of the IEP, but also understand the needs of the student.

This became considerably more complicated when the law required students with disabilities to be provided with access to the general education curriculum (Lashley, 2007).

When instructional leaders have a better understanding of students with disabilities, IDEA and NCLB requirements, and effective practices, they are better prepared to provide the classroom support needed by students and their teachers (DiPaola, et al., 2004). Effective instructional leadership is based on knowledge and skills that permit a deep understanding of what is happening in every classroom. Under IDEA, parents and school districts must work together to ensure appropriate services are being provided for students with disabilities. "To the extent that this partnership is productive, millions of Individualized Education Program (IEP) teams annually invest their resources and energy in the productive design and implementation of free, appropriate educational programs for eligible students in least restrictive settings," (Newcomer & Zirkel, 1999).

Unfortunately when parents and school districts disagree, situations end up in the courts and these incidents appear to be more frequent when involving a student with special needs. During the original legislative discussion, Senator Stafford commented: "It is part of the rhythm of life in this country, an unconscious assumption, that our children will be educated. So it should be for the handicapped child and his parents. It should not be, for them, a court battle" (Winnick, 1987). A court battle, however, it has often become. With regards to litigation, in the 1980s and 1990s, education litigation in general declined, yet special education litigation increased dramatically (Newcomer &

Zirkel, 1999). Furthermore, according to Mead and Paige (2008), the United States Supreme Court has had to interpret 10 cases that relate to IDEA between 1975 and 2006.

Principals are required to know about a number of programs under their umbrella of the building leader. Many school administrators, including building principals, have little to no formal training in special education. Unfortunately, according to DiPaola & Walther-Thomas, 2003, school principals are lacking knowledge, skills, and dispositions to meet the legal demands of IDEA. Frequently, school districts rely on the director of special education to assist with special education law and issues. The director of special education, however, is frequently a district level position and cannot be at the school site to make all special education decisions. Major responsibilities regarding special education still remains with general administrators, while the special education administrator can assist whenever possible with special education programs (Mayer, 1981).

Current laws, court decisions, and the educational program changes since the inception of PL 94-142 place the educational administrator in the position of being responsible for a broad range of programs in the areas in which he/she has no teaching experience and limited background and knowledge. This problem has often been ignored or denied by those who feel that special programs are the responsibility of the director of special education. Administrative responsibilities with limited background and knowledge of the field of special education, however, will never prove to be a satisfactory solution. Special education administrators are not usually located at the school site, where students are required to receive a free and appropriate education. Typically, job descriptions for a director of special education position include budgeting,

supervision of district personnel, and district policy making. The special education administrator can and should assist in each of these functions as they relate to special education programs, however, daily decision making and major responsibilities lie with general education administrators.

It is clear that training in special education law and issues is imperative for school leaders. So where should the instruction of special education law take place for school administrators? According to Davidson and Algozzine (2002), university faculties and local school districts should make training administrators in special education law a top priority. Yet, Jacobs, Tonnsen, and Baker (2004) found that most universities do not require special education coursework for initial administrative certification.

Purpose Statement

The way students with disabilities are educated has changed drastically over the recent years. It is important that educational leaders stay current with the ever-changing laws and regulations. By having a good understanding of the core principles of special education law, students with disabilities can receive the services they are entitled to and costly litigation can be avoided. Therefore, the purpose of this study was investigate Educational Leadership candidates perception of their knowledge of special education law and where they receive most of their training in this area.

Research Questions

1. What are the perceptions of Educational Leadership candidates at the University of Nebraska-Omaha regarding their knowledge of special education policies and procedures?

2. What are the Educational Leadership candidates' self ratings of their level of knowledge about special education policies and procedures in the areas of free appropriate public education, zero rejection, least restrictive environment, individualized education program, procedural safeguards, evaluation, related services, and discipline?
3. What are the differences between perceptions of Educational Leadership candidates from large school districts and small school districts regarding their understanding of special education policies and procedures?
4. Is there a significant difference of Educational Leaders' perceptions of understanding special education policies and procedures based upon special education coursework?
5. Is there a significant difference of perceptions of Educational Leaders understanding of special education policies and procedures based upon years of experience?
6. Is there a significant difference of perceptions of Educational Leaders understanding of special education policies and procedures based upon area of certification?
7. Is there a significant difference of perceptions based upon candidates in the Masters program from candidates in the Doctoral program?
8. Is there a significant difference of perceptions based upon candidates who are currently principals from candidates who hold other educational leadership positions?

Definition of Terms

Doctoral candidates in the Educational Leadership program. Candidates at the University of Nebraska Omaha must possess a master's degree and hold an administrative certificate or have an Educational Specialist degree.

Free Appropriate Public Education (FAPE). The definition of FAPE according to the IDEA states, [t] he term "free appropriate public education" means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the state involved, and (D) are provided in conformity with the individualized education program required under ... this title 50 ("U.S. Department of Education," 2008).

Individualized Education Program. An individual education plan written for each child with a verified disability. The plan must include the child's present level of performance, instructional goals, and how the services will be provided.

Least Restrictive Environment. To the maximum extent appropriate, children with disabilities are educated with children who are not disabled. Removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Manifestation Determination. A process to review all relevant information and the relationship between the child's disability and the behavior.

Masters candidates in the Educational Leadership program. Candidates at the University of Nebraska Omaha must hold a current teaching certificate.

Multi-Disciplinary Team. A group of qualified professionals and the parent whose responsibility is to evaluate the abilities and needs of a child referred for evaluation and to determine whether or not the child meets the definition of a child with a disability.

Related Services. Transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children (EHA section 1401 [17]).

Zero-rejection. No child may be excluded from public education, regardless of the child's disability.

Assumptions

When school leaders have sufficient knowledge of special education law and procedures, districts are able to implement successful special education programs and avoid special education due process.

As far as the survey, study participants completed the survey during class time; however, no grade or other incentive was given for participating. Further, surveys were completed anonymously, so it was assumed that study participants provided candid, honest responses. Also, it was assumed that each study participant would not answer all five of the open-ended questions, therefore the open-ended questions were used to help with clarification and rational to answers, which is addressed in chapter 5.

Limitations

The study was delimited only to Educational Leadership candidates currently taking courses at the University of Nebraska Omaha. The study was delimited to only Educational Leadership candidates in the eastern part of Nebraska since the program does not offer distance education options. Some of the candidates were classroom teachers and did not have experience as an administrator of a school. A majority of the candidates in the Masters program were classroom teachers working towards earning their administrative certificates, therefore many did not have actual experience as a school administrator. Some Doctoral candidates were studying educational leadership, but were not aspiring to be an administrator, so some did not have administrative experience. Also, the study was based upon Educational Leadership candidates perceptions' of their understanding of special education policies and procedures.

Significance

Embedding ongoing special education legal issues training within the culture of the University of Nebraska Omaha, Educational Administration Master's degree program for principals, can potentially increase principals' understanding of and practices toward meeting the needs of all students in the school setting. However, it is imperative to assess the present level of understanding regarding special education legal issues and due process rights held by candidates currently enrolled in the program in order to develop specific training to meet any identified gaps in knowledge. If significant needs for training are identified the information may be useful in developing course work specific to increasing principals' understanding of special education law.

In addition, the research study could provide information and direction for

improved principal preparation programs in the area of legal issues faced by principals in the public schools. Topics such as free and appropriate public education; assessment; suspension and expulsion; parent rights; due process; procedural safeguards; student placement and change of placement have a rich history in the courts, generating volumes of case law. An understanding of the court findings may give principals insight into how to handle day-to-day challenges without creating potential exposure for time-consuming litigation against the district where they serve.

Since a special education complaint can be filed at any time by a parent, teacher or any other person in the school district, this study would be beneficial to the school districts served by educational leaders trained at the University of Nebraska Omaha. With a greater understanding of special education federal and state law, case law, compliance issues and parental rights, the principals will be better equipped to lead individual educational planning processes for the benefit of students. In addition, principals who understand the complex intricacies of special education law may have more confidence in their abilities to handle parent complaints and the accompanying remedies available to both the parent and the school district. Further understanding the special education complaint, mediation, and hearing processes could potentially save time and money for the district.

To future researches, this study has the potential of being replicated in other college and university principal preparation programs. Further the study will bring to light the importance of focused training in special education law.

Outline of the study

This dissertation is divided into 5 chapters. Chapter 1 provides information regarding the need for educational leaders to have knowledge of special education law and policy. It also includes the purpose for the study, research questions, definitions, limitations, assumptions, and the significance of the study. Chapter 2 provides a summary of the history of special education, information regarding the core principles of special education law, and an overview of the demands of the role of the principal. Chapter 3 describes the methodology used to conduct this study.

CHAPTER 2

REVIEW OF LITERATURE

Historical Overview of Special Education

Legally requiring that public schools must serve all students is a relatively recent initiative. Prior to the 1950s, very few federal laws authorized direct educational benefits to individuals with disabilities and federal government had limited involvement in public schools (Martin, Martin, & Terman, 1996). As recently as 1958, in *Department of Public Welfare v. Haas*, the Supreme Court of Illinois held that states were not required to provide a free public education for the “feeble minded” or children who were “mentally deficient” based on the state's existing compulsory attendance legislation. Further, states could exclude students who were unable to gain any benefit from education because of their limited intelligence (Yell, et al., 1998). Moreover, in 1969, in North Carolina, it was considered a crime if a parent insisted on forcing the attendance of a child once the child had been excluded from public school.

The Constitutional foundation to support students with disabilities was based on *Brown v. Board of Education* which occurred in 1954. Through this law, it became unlawful to discriminate arbitrarily against any group of people (Friend & Bursuck 1996). Between 1971 and 1973, it was made clear by the federal courts that students are awarded equal protection of the law in schools, without discrimination on the basis of disability, just as the Supreme Court had ruled in *Brown v. Board of Education* in regard to race (Martin, et al., 1996). According to Beyer (1982), the decision in *Brown v. Board of Education* could easily be applied to children with mental or physical handicaps.

As federal legislation in the United States began to address school funding, and issues of discrimination and equal access for minority groups, in 1965, Congress passed the Elementary and Secondary Education Act, which supported funding to schools. Through ESEA, state-operated schools for handicapped children could claim Title I funds (Martin, et al., 1996). The next year, Congress expanded opportunities for funding for schools who educate students with disabilities. In 1966, programs for educating students with disabilities could be started, expanded, or improved through the Bureau for the Education of the Handicapped (BEH) under Title VI of the ESEA (Martin, et al., 1996). Even with these efforts, many states were still serving children with disabilities inappropriately or even refusing to provide services.

Pennsylvania Association for Retarded Children v. Pennsylvania was a landmark court case in 1971 that brought about significant changes for individuals with disabilities who had been excluded from public education. According to Yell, et al. (1998) the plaintiffs in *PARC v. Pennsylvania*, argued that states were delaying or ignoring their constitutional obligations, resulting in students with disabilities not receiving publicly supported education, which was a violation of the students' Constitutional rights. Through *PARC v. Pennsylvania*, schools could no longer refuse to educate students with mental retardation and the state must provide a free public education to all children with disabilities up to age 21 (Friend & Bursuck, 1996; Martin, et al., 1996;).

This law also set the standard for appropriate education, meaning that children should be offered an appropriate education based upon the needs of each individual child. The court settlement of *PARC* stated: "Placement in a regular school class is preferable to placement in a special school class is preferable to placement in any other type of

education and training,” (Weintraub, 1976, pg. 64). The findings of this case became a springboard for discussion of inclusive practices in the public schools. Prior to this finding, programs that removed the students from the classroom for individual instruction, also known as “pull out” programs were prevalent.

The *Mills. V. Board of Education of the District of Columbia* in 1972 established equal protection for all students under the law through due process procedures. This was a class action suit filed by a group of parents who claimed their children with a range of disabilities were being illegally excluded from public school, claiming that the school district was not following the fourteenth amendment, exclusion without due process (Maddalone, 2012). The court ruled that the board must provide publicly supported education for all children with disabilities and the court outlined due process procedures (Yell, et al., 1998). Further, the procedural safeguards included 1) the right to a hearing with representation, 2) a record, 3) an impartial hearing officer, 4) the right to appeal, 5) the right to have access to records, and 6) the requirement of written notice at all stages of the process (Yell, et al., 1998).

In 1975, Congress passed the Education for All Handicapped Children Act (PL 94-142). This act began as a solution for education for millions of children who were, prior to this law, excluded from public education, or were provided an education that was not appropriate to meet their needs, based upon their disabilities (Crockett & Yell, 2008; Yell & Drasgow, 2000, Martin, et al., 1996). P.L. 94-142 is a civil rights law and is the foundational federal special education statute.

P.L. 94-142 assured that handicapped children would again become included in general education programs, which is frequently referred to as “The Bill of rights for the

Handicapped,” (Mayer, 1981). The main function of this law is to provide a free and appropriate education to students with disabilities. It is the primary funding source to provide school districts reimbursement for providing services for students with disabilities ages 6 to 21. By having students with disabilities in the general education classroom, the majority of the responsibility for educating students with disabilities lies in the hands of the general education classroom teacher and the building administrator.

The first Special Education court case to be heard by the United States Supreme Court was *Board of Education of the Hendrick Hudson Central School District v. Rowley* in 1982. In this case, the Supreme Court determined that FAPE was a right for all students in Special Education (Yell & Drasgow, 2000). FAPE however, according to the Rowley case, meant that the Individualized Education Plan is designed for the child with a disability to receive some educational benefit, but the child is not entitled to every service that would maximize educational benefit (Martin, et al., 1996).

While the core principles of P.L. 94-142 have remained the same, the law was reauthorized in 1990, 1997, and 2004. In 1990, the law was renamed to IDEA (Individuals with Disabilities Education Act). The term handicapped was removed from the title and was replaced by the term disability. The name also was changed to reflect person first language. This revision also mandated that students with disabilities be served with their general education peers to the maximum extent appropriate through the least restrictive environment. The procedures set forth in IDEA are designed to encourage collaboration and teamwork between school districts and parents to design an appropriate educational program for the child with disabilities (Martin, et al., 1996).

The amendment in 1997 focused on improving the performance and educational achievement of students with disabilities, in both general and special education curriculums. In regards to the Individualized Education Plans for students, IDEA now required a statement of how the disability affects progress and involvement in the general education curriculum, and general education teachers are required members of the IEP team (Williams and Katsiyannis, 1998). Further it mandated that IEPs contain information for parents and school personnel to accurately track progress of students through measurable annual goals, including benchmarks or objectives (Yell, et al., 1998). Additionally, this amendment broadened the IEP team participant requirements to include a general education teacher and a local education agency representative to be present at the meeting.

Through IDEA 1997, Congress mandated that students be included in both state and district-wide assessments. No student, regardless of his or her disability could be excluded from participating in state and district-wide assessments. If a student is unable to participate in general state and district-wide assessments, alternate assessments were required to be developed by the year 2000 (Williams & Katsiyannis, 1998).

Additionally, a statement of transition needs must be included in the child's IEP beginning at the age of 14. IEP teams must start the discussion regarding future plans for students with disabilities. Transition plans must include planning for post secondary goals in the areas of education, vocational training, and independent living.

This amendment also required states to offer mediation as a way of dispute resolution surrounding adversarial special education disagreements between the parents

and the school district personnel. By adding mediation, a mediator can be brought in to disagreements before going straight to due process.

In 2004, the reauthorization of IDEA further aligned the revision with No Child Left Behind and the principle of accountability. It tightened the regulations that all students with disabilities will participate in district-wide assessments, either with or without accommodations or that students with significant disabilities will take an alternate assessment (Turnbull, 2005). Further, it required all special education staff to be highly qualified.

Additionally, it added two requirements for special education teachers. The first change requires teachers to add a statement in the IEP of the required special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable. The second provision requires teachers to collect data to monitor progress of students towards their IEP goals. Through data collection, teachers are able to make decisions based upon objective information, rather than subjective opinion (Crocket & Yell, 2008). By using peer-reviewed research, this requirement set up a direct link between services for children with disabilities and the general education population of students.

The 2004 revision also had an impact in identification practices. The law allowed for a response to intervention approach. This restricts a student from being identified as having a specific learning disability by giving the child an opportunity to respond to scientific, research-based intervention as a part of the evaluation procedures (Turnbull, 2005).

That is, the IDEA is no longer intended to simply provide students with access to educational services that provide some benefit. The IDEA is intended to go well beyond this by ensuring that students with disabilities receive educational services that incorporate the high expectations in state educational standards.

Core Principles of the Law

Special Education language is comprised of several terms and acronyms, many of which have legal significance under IDEA. Special Education means “specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability,” (Nebraska Department of Education, Rule 51). This includes a continuum of services from instruction in the classroom or resource room, to the home, hospitals, institutions, and other settings outside the public school. Students may receive specialized services in-state or out-of–state, depending on the need of the individual child.

Special education in the state of Nebraska is governed under the Law Title 92 in chapter 51. This law states:

Children with disabilities shall mean those children who have been verified by a multidisciplinary evaluation team as per 92 NAC 51-006 as children with autism, behavior disorders, deaf-blindness, hearing impairments, mental handicaps, multiple disabilities, orthopedic impairments, other health impairments, specific learning disabilities, speech-language impairments, traumatic brain injury, or visual impairments, who because of these impairments, need special education and related services. (92 NAC 51-003.08)

Zero-reject and Child Find

No student, regardless of the child's disability, can be excluded from public education is part of the zero reject core principle. It is the responsibility of the school district to develop procedures for locating and evaluating children who may potentially need special education and related services. This applies to all students starting from birth through age 21, including students in private schools. Child Find is triggered when school personnel recognize that a child is struggling in the general education and may need additional supports and services. Referral for evaluation is required when there is reason to suspect that the student may be a child with a disability and referral for an evaluation is required when there is reason to believe the student is a child in need of special education (Nebraska Department of Education, Rule 51).

(A) In general.--All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services (IDEA, 1997).

Referral and Evaluation

Prior to a referral for evaluation, a general education assistance team must go through a problem solving process to try alternative strategies to help a struggling student. This problem solving team is typically referred to as the Student Assistance Team or SAT team. If the SAT team is able to help the student make progress given alternative strategies, the student remains in the general education setting with SAT

interventions, but is not referred on for evaluation. If the student is unable to make adequate progress given the alternative strategies and interventions, the team refers the child on for evaluation by the multidisciplinary team (MDT).

When school personnel, including teachers, parents, or other professionals, suspect that a student may have a disability, they refer the student to the school's multidisciplinary team (MDT). School districts must ensure that parents are fully aware of any action taken by the school district to proceed toward evaluation. It is the responsibility of the school district's multidisciplinary evaluation team (MDT) to evaluate a child's eligibility for special education and related services. The school district must also ensure that the assessments used in verifying a child for special education are nondiscriminatory (Katsiyannis & Herbst, 2004). The child must be assessed in all areas related to the suspected disability, including where appropriate health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities (Nebraska Department of Education, Rule 51, 2014). Further, the school district must recognize that there are evaluation timelines surrounding days to complete initial evaluation, days from completion of initial evaluation to eligibility determination, and days from eligibility determination to IEP development.

Prior to the start of any evaluation, the school district must obtain informed parental consent. This includes 1) a written notice of the description of the action proposed or refused by the school district; 2) a description of other options considered and a rationale for rejecting such options; 3) a description of any relevant evaluations associated with the action; 4) a description of any other relevant factors; 5) a statement of protection under IDEA; and 6) sources parents can contact if they have any questions

(Katsiyannis and Herbst, 2004).

The multidisciplinary team is comprised of the school psychologist, a general education teacher, the special education teacher and an administrator (Drasgow, Yell, & Robinson, 2001). The team reviews all educationally relevant information related to the student who has been referred. Based on this information, team members determine the educational needs of the student based upon the three prong test: 1. The team determines whether the student has a disability, as covered by the IDEA. 2. The team reviews the student's present level of academic achievement and related developmental needs. 3. The team determines whether the child needs special education. If the student qualifies, the team determines whether any additions or modifications to the student's special education services in the Individualized Education Program are required, which enable the student to participate in the general education curriculum, as appropriate.

IDEA has identified 13 Disability Categories in which a child can be found eligible for special education services. These 13 categories include Specific Learning Disability (SLD), Speech or Language Impairment (SLI), Intellectual Disabilities (ID), Emotional Disturbance (ED), Autism, Hearing Impairment (HI), Visual impairment (VI), Deaf-blindness, Orthopedic Impairment (OI), Traumatic Brain Injury (TBI), Other Health Impairment (OHI), Multiple disabilities (Multi), Developmental Delay (DD). It is important to remember services are based on the eligibility for services and the provision of Free Appropriate Public Education, the actual disability label does not necessarily matter.

Free Appropriate Public Education (FAPE)

The fundamental responsibility under IDEA is the provision for free appropriate public education, through which each student with a disability is guaranteed an individualized education program (Zirkel, 2008). The standard of FAPE was defined in the Rowley case. According to a law review conducted by Beyer, (1982), the Supreme Court's principal holding was that appropriate education consists of "personalized instruction with sufficient support services to permit the child to *benefit* educationally from that instruction." Through this definition, the term *appropriate* was not clearly defined and a fixed standard has never been set (Crockett & Yell, 2008). Further determining the amount of services required by the term *appropriate* was given little guidance. The Supreme Court ended up relating the term *appropriate* with the terms *meaningful* and *benefit*, but declined to delineate exactly the amount of services that would be required to satisfy the new standard (Beyer, 1982). As a result of the limited case law definition of "appropriate", each IEP team defines "appropriate" on an individualized basis for each student identified in need of service. The term "appropriate" relates to how a student performs educationally, socially, cognitively, and physically on a daily basis in the general education setting. The daily proximity to students gives building level teachers and principals the best vantage point for observing and analyzing a student's present level of performance.

Consequently, with no general standard set by the Supreme Court, the decision is left to the state and local education agency to individually determine services through an Individualized Education Plan, and the IEP team process. Further, according to Crockett and Yell (2008), the Rowley court found that *appropriate* is based upon the child's individual needs and not the needs of the school district, yet the school district is not

required to maximize the potential of the student with a disability (Yanok, 1986). This definition of *appropriate* leaves some flexibility for determining the appropriateness of programming for each individual child, yet leaves the standard very vague. The lack of substantive definition in the standard for FAPE has resulted in frequent disagreements between school and parents regarding what constitutes an appropriate education for an individual student (Yell & Drasgow, 2000). Such disputes result in countless hours of mediation and potential or actual expensive legal fees to the district in an attempt to resolve disputes.

Individualized Education Program (IEP)

The IEP becomes the legal document that sets the basis for all further discussion, including discussion that moves through the courts, should the content of the document come into dispute. The purpose of the Individualized Education Program is to serve as a guide for specially designed instruction to meet the unique needs of students with disabilities. It is a written, legal document that determines the special education and related services a school district will provide to a student with a disability. The IEP must be reviewed annually by the IEP team.

The IDEA requires that an IEP must include the eight essential components (Gartin & Murdick, 2005). First, it must include the present level of performance, which is the starting point for writing the IEP. The present levels of performance set the baseline for writing the goal which the team hopes the student will achieve. Second, goals and short-term objectives/benchmarks must be written. The goals and objectives must be written based upon the skill deficits as determined in the MDT evaluation.

Third, the IEP must state the child's progress and reporting requirements, which updates the child's progress toward annual IEP goals and states when these progress updates will be communicated. Progress must be communicated to parents quarterly, at a minimum, but can be communicated more frequently if requested. Input from the related service providers should also be included in this report.

Fourth, the IEP needs to state the services to be offered. This statement needs to include related services. The statement must include how the special education and related services are based on peer-reviewed research to the extent practicable.

Fifth, a statement of general education involvement must be included. The central theme of the IDEA is inclusion, and this portion reports where and when students participate with their general education peers. The determination of the Least Restrictive Environment is the foundation for determining the amount of time a student spends in special education without general education peers. The location of services are broken down into three categories: (1) general education without special education support, (2) general education with special education support, and (3) special education services without general education peers.

If a student who is eligible for special education services, but is in a classroom without special education personnel for support, the general education teacher must still ensure that the appropriate accommodations are being provided. In environments where a student is in the general education classroom with special education supports, a special education teacher or related service provider typically meet the child's needs through co-teaching services. Co-teaching is a popular teaching strategy to promote inclusion. Through this strategy, staff work together to ensure the needs of all students are met

within the general education environment. If a student is pulled out for services or instruction is delivered by a special education teacher and there are no general education peers in the classroom, this would be identified as special education services without general education peers. The IEP must report the percentage the student spends in each of these environments.

Sixth, accommodations on district and statewide assessments must be listed. No Child Left Behind requires that *all* students are included in state-wide testing. The IEP team must determine if the child will take the assessments with or without accommodations. If the team decides the student will take assessments with accommodations, the accommodations must be listed on the IEP. If a student is unable to participate in the general education assessments, this statement must explain the reason for participating in an alternate assessment.

Seventh, dates and times of services must be defined, including a description of the frequency, location, and duration of these services. The IEP is a year-long plan and the specific dates for all services must be clearly outlined in this document. Moreover, as stated earlier, the location for these services must clearly be articulated, including when the student will spend time in the general education setting, and when services will be delivered by a special education teacher, without general education peers present.

And lastly, no later than the age of 16, a statement of the needed transition services must be included. Since the transition plan is the student's goals after graduation, the input into this section must come directly from the student. The transition services must identify the student's goals for post-secondary education, independent living, and employment. The transition plan must also include individuals or service

agencies who will assist the student in achieving their transition goals after graduation. Every step in the process must be addressed and included in the final document. The above items constitute the mandatory steps in the IEP process and any one of the steps can potentially be disputed through the courts.

When writing an IEP for a student, the law requires a team approach to be used, including parents as meaningful participants. According to Drasgow, et al. (2001), required members of the IEP team include:

- Parent(s),
- Local Education Agency representative (LEA representative),
- Student's Special Education Teacher,
- Student's General Education Teacher(s),
- Individual able to interpret evaluation results,
- student (when appropriate) and
- other individuals at the discretion of the parent or school (if necessary).

The IEP is the roadmap, or educational plan for each student who qualifies for educational services under IDEA. Through the details of IEP, each member of the IEP team, should understand their role in making sure the student is appropriately receiving FAPE, including follow through with goals and objectives and ensuring that the accommodations and modifications to the curriculum are being implemented.

Often the building principal is the Local Education Agency representative. The IEP team member who attends the meeting in the role of the LEA representative is responsible for making sure the district is able to commit financial resources to the requirements of the IEP. It is important that the LEA representative understands what is

necessary for each child to receive FAPE and to find the necessary resources to ensure that those services are provided. Julie Weatherly noted, at the 2013 Council for Exceptional Children National Convention, that the LEA representative is a person who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the public agency. Article 33 in the Nebraska Revised Statutes allow for state reimbursement of a portion of the special education costs to local school districts. This statute is a birth to age 21 mandate.

Related Services

Supplementary aids and services are options teachers need to consider when making decisions to support student access, participation, and progress in the general education curriculum and setting.

Nebraska Rule 51 defines Related Services as:

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools,

and parent counseling and training. Related services do not include a medical device that is surgically implanted (including cochlear implants), the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device. This definition does not limit the right of a child with a surgically planted device (e.g., cochlear implant) to receive related services as listed in this definition that are determined by the IEP team to be necessary for the child to receive FAPE or limits the responsibility of a district to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school; or prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

The IEP team determines the related services that are necessary to assist the eligible student to benefit from special education services. When the IEP team works through the components of the IEP, consideration to the listed related services must be given. If the team decides that a related service (or multiple related services) is necessary, the amount and location of those services is also established. Supplementary aids and services can also include training provided to the staff to support individual students in the classroom, the use of paraprofessionals, or behavior intervention plans.

Least Restrictive Environment (LRE)

IDEA mandates that all students are to be served in their least restrictive environment. The least restrictive environment is a continuum of services for students ranging from the most to the least restrictive alternative in order to receive educational

FAPE. 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 not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (IDEA 1997).

The decision for the LRE is determined by the IEP team after the team has discussed the needs of the individual child through the IEP process. The LRE will determine the setting or place where the IEP can be most appropriately implemented. “Public education must offer special assistance to exceptional individuals in a setting which promotes maximum interaction with the general school population and which is appropriate to the needs of both,” (Mayer, 1981, p. 7). The discussion of LRE must start with placement in the general education classroom. If the needs of the child cannot be met in this environment, then the discussion of placement can move to a more restrictive setting. The team ensures that the placement assignment is based on the child’s needs and abilities, requires the consent of the parent, is never considered permanent, and is reviewed annually to analyze whether or not the current environment and interventions are appropriate (Mayer, 1981).

If the team determines that the current placement is not appropriate, the consideration of another placement must be determined. While it is preferable that each student be educated in the least restrictive environment, it is recognized that not all students will benefit from full inclusion without additional supports and services (Rozalski, Stewart, & Miller, 2010). The team does not have to wait until the annual date

to determine if the current environment is appropriate and adjustments can be made throughout the school year to make sure the student is receiving FAPE.

According to Mayer (1981) the LRE decisions should be based on a variety of equally important options designed to meet the needs of the individual child, as opposed to being viewed as an arbitrary “ranking” of settings. The continuum of services ranges from the classroom setting with general education peers to an educational setting in a home/hospital or institution. As coded in the Federal Register: “Every public agency shall insure that a continuum of alternative placements is available to meet the needs of handicapped children for special education and related services. The continuum must include (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions)” (Federal Register, 1977, p. 42497). As environments become more restrictive, they are more segregated and services are more intensive. Whereas, environments that are least restrictive, services are less intense and students are more integrated and independent (Taylor, 2004).

The definition of LRE has evolved as court cases attempt to address issues of placement. LRE is the area of the IEP which parents are most apt to question and the placement of a child on the continuum of services is frequently contested. Parents and guardians, at times, refuse to sign an IEP, calling into question their child’s placement. Such disputes are settled locally or through the courts and the decisions give further incites in how to handle questions of LRE.

Procedural Safeguards

Parents and Children have rights under the IDEA and procedural safeguards are in place to make sure these rights are protected. The IDEA is a system of elaborate

procedural safeguards to ensure that: (1) Students with disabilities are properly identified, evaluated, and placed accordingly to the procedures outlined in the Act; and (2) To make parents equal partners in the education of their children (U.S. Department of Education, 2008). If parents and school districts have a disagreement about educational programming for a child, the procedural safeguards are in place to allow parents or the school district to formally disagree, while keeping both parties' rights intact.

Parents are required to be a part of the educational decision making for their child. This includes participation in all meetings involving the identification, evaluation, individualized education plan, and/or placement of their child. In order for them to be meaningful participants, they must be able to read and understand the information that is provided to them by the school district. IDEA mandated that parents receive information outlining their educational rights and responsibilities during evaluation and throughout the entire special education process (Fitzgerald & Watkins, 2006). The definition of a parent, according to IDEA Regulation 34 CFR 300.30:

Parent means a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent), a guardian (but not the state if the child is a ward of the state) or an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare or a surrogate parent.

It is a responsibility of the school district to provide a copy of procedural safeguards (also known as parental rights) to the parents one time per year. A copy of parental rights must always be given upon initial referral or parent request for evaluation,

upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year, in accordance with the discipline procedures and upon parent request (U.S. Department of Education Office of Special Education Programs).

When parents disagree with a school district on matters of identification, evaluation, placement, or FAPE of a student, the parents or the school district have a right to a due process hearing. A due process hearing is a formal hearing where both parties have a right to subpoena, examine, and cross examine witnesses (Yell, et al., 2009). A disagreement however does not automatically warrant a due process hearing. When a school district and parents are unable to reach an agreement, mediation can be a beneficial way to approach dispute resolution. The mediator is trained in mediation techniques to help individuals in conflict find a mutually acceptable solution to their dispute.

Prior written notice forms are also key documents as a part of the required procedural safeguards. Prior written notice must be given to parents/guardians when the school district proposing or refusing to initiate or change the identification, evaluation, placement or provision of FAPE to a child with a disability. If the school district fails to send out a prior written notice in these situations, school districts can be found to have made a procedural error.

Discipline

Issues around discipline and the legal regulations often show to be problematic for principals as they try to determine what to do with a student who has an IEP shows behaviors worthy of an alternative placement. Students who qualify for special education

have special protections under IDEA, which guarantees the student access to special education services.

A student who qualifies for special education can be suspended from school, but if the suspension exceeds 10 cumulative school days within a school year, a manifestation determination must be held. The manifestation determination investigates whether the “student’s conduct was caused by, or had a direct and substantial relationship to the student’s disability,” (IDEA 2004). Another condition stipulated in the clause is that the conduct was caused by the local education agency’s failure to implement the IEP (Turnbull, 2005). The IEP team reconvenes to review the disciplinary action and to determine if the conduct in question is a manifestation of the child’s disability or LEA’s failure to implement the IEP. If the answer is yes to either of the criteria, the IEP team has to determine appropriate next steps for the student. The team could consider:

- having the student remain in the current program with adjustments to the IEP,
- further evaluation including a functional behavioral assessment,
- a new or additional verification,
- revise the behavior intervention plan,
- a change of placement.

If the child’s behavior is not a manifestation of a disability, long-term disciplinary actions may occur, however special education services may not cease. With a long-term disciplinary action, the team must identify ways for the student to have access to special education services. The complexity of the manifestation has the potential to trip up principals as they attempt to appropriately discipline students with disabilities, while staying within the parameters of the law.

Training in Educational Law

Educational Leadership candidates at the University of Nebraska Omaha are required to take a comprehensive course in educational law. During this course, special educational law is embedded into this course, yet in only a small part of the course. According to Dr. Jeanne Surface, who teaches the course at UNO, the class only ‘skims the surface’ of special education law. The course addresses FAPE, LRE, IEPs, related services, private school placement, “stay put” provisions, compensatory education, and Section 504. The class also reviews some of the landmark cases in special education. Surface goes on to say that this class provides a general overview of special education law, but leaders directly supervising special education will need ongoing professional development and training because special education law is ever changing.

Universities, such as the University of Nebraska-Lincoln and the University of Kansas offer educational leadership courses in the area of special education law. These courses examine the principles of P.L. 94-142 and cover knowledge of special education terms, procedures, and programming. The Supervising Special Education course at UNL includes a brief introduction and orientation to special education; an analysis and issues related to the No Child Left Behind (NCLB) legislation; Response to Intervention (RtI); special education finance, personnel; and an orientation to special education discipline, behavior improvement, and school wide positive behavioral supports.

In August 2015, the Nebraska Department of Education will offer a Special Education Supervisor endorsement for professionals interested in a special education leadership endorsement. According to Dr. Kevin Peters, the Certification Director at the Nebraska Department of Education, the certification requirements will closely align with

the University of Nebraska- Kearney's Supervision of Special Education Masters of Arts in Education program. This is a 36-hour program for individuals who currently hold a valid Special Education endorsement. At the University of Nebraska Omaha, candidates complete a 39 hour Masters program. Twelve of the hours are specific to special education leadership, along with completing the requirements of an administrator endorsement.

Nebraska Department of Education Special Education Requirements

The state of Nebraska has a special education requirement for all individuals seeking a teaching and/or administrative certificate. There are four ways to demonstrate competency for special education:

1. Complete a special education course at an approved teacher education institution which addressed the exceptional child in the classroom OR
2. Complete an approved teacher education program for special education at an approved teacher education institution OR
3. If an approved course in special education is not completed, but the individual has employment experiences, which have provided an opportunity to acquire the five skills, a narrative can be written to show how the individual can demonstrate the five skills for special education OR
4. You can be eligible for a provisional certificate by signing an agreement statement, which states that you agree to complete the special education requirements set forth by the Nebraska Department of Education.

The Nebraska Department of Education has identified these five skills for the Special Education Requirement:

1. Knowledge of the exceptional needs of the disabilities defined under the Special Education Act. These are caused by physical, sensory, or intellectual impairment, inappropriate behavior, learning disabilities, and/or speech/language impairment;
2. Knowledge of the major characteristics of each disability in order to recognize its existence in children;
3. Knowledge of various alternatives for providing the least restrictive environment for children with disabilities;
4. Knowledge of methods of teaching students with disabilities in the regular classroom; and
5. Knowledge of pre-referral alternatives, referral systems, multidisciplinary team responsibilities, the individualized education plan process, and the placement process.

Summary of Literature Review

The literature review provided an overview on the history of special education, a look at the core principals of special education law, and information regarding the challenging demands of the role of the building principal. The literature suggests that along with the large role building leaders play, it is also critical that they understand the laws and procedures of special education in order to avoid conflicts with families of students with disabilities that may result in due process.

CHAPTER 3

METHODOLOGY

The federal “Individuals with Disabilities Education Act” (IDEA) that requires providing a “Free and Appropriate Public Education” (FAPE) for children who have verified disabilities, poses daunting and multifaceted challenges for school district personnel. “IDEA is a complex law, and special educators, administrators, and teacher trainers have to understand that special education programs must meet the FAPE requirements,” (Yell, et al., 2009, p. 74). When thinking about the considerable amount of training and knowledge it takes to be well versed in the rules and regulations of special education, it is difficult to imagine how a principal of a school can take on this responsibility in light of an already demanding position. In a study conducted by Davidson and Algozzine (2002), the majority of individuals in their survey rated their satisfaction in training of special education law in the “low” or “well below” categories. Further, analysis of the data collected in this study concluded that novice administrators might have difficulty providing leadership and effectively managing special education, due to their lack of knowledge of special education law.

Purpose of the Study

Administrators are key leaders in implementing IDEA and the accompanying case law findings resulting from special education litigation. This quantitative study examined the perceptions of candidates in the Educational Leadership program at the University of Nebraska Omaha regarding their knowledge and understanding of special education law, including the areas of Free Appropriate Public Education, Child Find, Least Restrictive Environment, Procedural Safe Guards, and Related Services. It further analyzed whether

UNO Educational Leadership graduate students' opinions are related to school district size, professional experience, administrative experience, or area of certification.

Design

The methodology for this study was administered through a cross-sectional survey. The survey, adapted from Cypress (2003), was comprised of 24 questions regarding critical topics in special education law. Participants indicated their opinions of their knowledge and understanding of special education law on a 5-point Likert scale. Participant demographic information was also solicited, including current position in public schools, professional experience, administrative experience, and area of certification. The instrument can be found in Appendix A.

The survey consisted of four parts: Part 1 consisted of two questions investigating Educational Leadership candidates' perceptions of their knowledge of special education policies and procedures as mandated under the Individuals with Disabilities Education Act (IDEA). Responses were recorded on a Likert scale ranging from *strongly agree* to *strongly disagree*. An answer of *Strongly Agree* received 5 points. An answer of probably *Agree* was given a score of 4 points. An answer of *Not Sure* rendered a score of 3 points. An answer of *disagree* resulted in a score of 2 and a response of *Strongly Disagree* received a score of 1 point.

Part 2 of the questionnaire was the knowledge section. The Likert scale was based on the truth or falsity of the statement (definitely true, true, not sure, false, definitely false) regarding major provisions of IDEA. This section included 22 statements on the following IDEA provisions: free appropriate public education, least restrictive environment, zero rejection, non-discriminatory assessment, individualized education

program, procedural safeguards, related services, and discipline. Scoring for this section of the survey was based upon the certainty of the response by the participant relative to their knowledge of special education law. The participant had to circle their degree of certainty (definitely true to definitely false) on the survey. The system of scoring displayed in Table 1 describes credit for principals degree of knowledge rather than absolute correct or incorrect responses.

Table 1

Scoring System for Part 2 of the Questionnaire

Response	Answer	Points
Definitely (true or false)	Correct	5
Probably (true or false)	Correct	4
Not sure	-	3
Probably (true or false)	Incorrect	2
Definitely (true or false)	Incorrect	1

A correct answer of *Definitely True* or *Definitely False* received 5 points. A correct answer of probably *True* or probably *False* was given a score of 4 points. Each *Not Sure* response rendered a score of 3 points. An incorrect answer of probably *True* or probably *False* resulted in a score of 2 and an incorrect response of *Definitely True* or *Definitely False* received a score of 1 point.

Part 3 of the survey solicits descriptive information from the participant. This

section is divided into demographic data, professional preparation, sources of knowledge most often used by the candidate, and time engaged in special education activities. Part four of the survey consists of four open-ended questions regarding special education law and policy that candidates can answer. This qualitative data provided additional explanatory data for interpreting judgments, attitudes and perspectives of participants.

Subjects

The study participants ($n = 67$) were current male ($n = 25$) and female ($n = 42$) candidates over age 25 in the Educational Leadership program at the University of Nebraska Omaha. Participants will be selected through a convenience sample of candidates in either the Masters program or Doctoral program in Educational Leadership. The demographic profile of the candidates in both the Masters program and Doctoral program closely aligned with the demographics of educational leaders in the state of Nebraska. Each Educational Leadership candidate has at least a 3.0 Undergraduate Grade Point Average and is currently a certified teacher.

Data Collection

Paper surveys were distributed to Educational Leadership candidates at the University of Nebraska Omaha through Educational Leadership courses. Course instructors were contacted for permission to distribute and administer the survey in class, making certain that each participant completed the survey only once. Completion of the survey was voluntary, and no grade or other incentive was given for participating. Instructors of the course collected each survey, regardless if it was completed or not, and placed them in a secure folder. Surveys were completed anonymously with results

tabulated and formatted into a spreadsheet for analysis using SPSS (Statistical Package for the Social Sciences) software.

This study proposes to identify

1. The perceptions of Educational Leadership candidates at the University of Nebraska Omaha regarding their knowledge of special education policies and procedures.
2. The Educational Leadership candidates' self ratings of their level of knowledge about special education policies and procedures in the areas of free appropriate public education, zero rejection, least restrictive environment, individualized education program, procedural safeguards, evaluation, related services, and discipline.
3. The differences between perceptions of Educational Leadership candidates based upon demographic information.

Research Questions and Data Analysis

In an attempt to identify how confident school leaders are with their knowledge of special education law and policies, the following questions guided this study:

Research Question #1: What are the perceptions of Educational Leadership candidates at the University of Nebraska Omaha regarding their knowledge of special education policies and procedures?

The first question will use descriptive statistical measures for the overall teacher perception of their knowledge of special education policies and procedures.

Research Question #2: What are the Educational Leadership candidates' self ratings of their level of knowledge about special education policies and procedures in the areas of free appropriate public education, zero rejection, least restrictive environment, individualized education program, procedural safeguards, evaluation, related services, and discipline?

The second question used descriptive statistical measures for the overall teacher perception of their knowledge of special education policies and procedures. The perceived levels of knowledge for each factor were tabled (mean and standard deviation) by the rating of each factor on the survey by the participant.

Research Question #3: Is there a significant difference between perceptions of Educational Leadership candidates from large school districts and small school districts?

Research Question #4: Is there a significant difference of perceptions based upon special education coursework?

Research Question #5: Is there a significant difference of perceptions based upon years of experience?

Research Question #6: Is there a significant difference of perceptions based upon area of certification?

Research Question #7: Is there a significant difference of perceptions based upon candidates in the Masters program from candidates in the Doctoral program?

Research Question #8: Is there a significant difference of perceptions based upon candidates who are currently principals from candidates who hold other educational leadership positions?

Research questions 3-8 were analyzed using a one-way ANOVA test with the factors of school district size, amount of special education coursework, years of experience, area of certification, type of graduate program, and current leadership position. A .05 alpha level will be used to determine the significance between each factor.

CHAPTER 4

The purpose of this quantitative study was to examine the perceptions of candidates in the Educational Leadership program at the University of Nebraska Omaha regarding their knowledge and understanding of special education law, including the areas of Free Appropriate Public Education, Child Find, Least Restrictive Environment, Procedural Safe Guards, and Related Services. It further analyzed whether UNO Educational Leadership graduate students' opinions are related to school district size, coursework in special education, professional experience, administrative experience, or area of certification.

The 4-part survey was used to gather information from Educational Leaders perceptions of their knowledge of special education law, policies, and procedures. The survey was distributed in Masters and Doctoral level Educational Leadership classes at the University of Nebraska-Omaha. A total of 67 Educational Leaders completed the survey and returned it to the instructor of the course.

Part 1 consisted of two questions investigating Educational Leadership candidates' perceptions of their knowledge of special education policies and procedures as mandated under the Individuals with Disabilities Education Act (IDEA). Responses were recorded on a Likert scale ranging from *strongly agree* to *strongly disagree*.

Part 2 of the questionnaire was the knowledge section. The Likert scale was based on the truth or falsity of the statement (definitely true, true, not sure, false, definitely false) regarding major provisions of IDEA. This section included 22 statements on the following IDEA provisions: free appropriate public education, least restrictive environment, zero rejection, non-discriminatory assessment, individualized education

program, procedural safeguards, related services, and discipline. Scoring for this section of the survey was based upon the certainty of the response by the participant relative to their knowledge of special education law. The participant had to circle their degree of certainty (definitely true to definitely false) on the survey. A correct answer of *Definitely True or Definitely False* received 5 points. A correct answer of probably *True* or probably *False* was given a score of 4 points. Each *Not Sure* response rendered a score of 3 points. An incorrect answer of probably *True* or probably *False* resulted in a score of 2 and an incorrect response of *Definitely True* or *Definitely False* received a score of 1 point.

Part 3 of the survey solicits descriptive information from the participant. This section is divided into demographic data, professional preparation, sources of knowledge most often used by the candidate, and time engaged in special education activities. Part four of the survey consists of four open-ended questions regarding special education law and policy that candidates can answer.

This study proposed to identify

1. The perceptions of Educational Leadership candidates at the University of Nebraska Omaha regarding their knowledge of special education policies and procedures.
2. The Educational Leadership candidates' self ratings of their level of knowledge about special education policies and procedures in the areas of free appropriate public education, zero rejection, least restrictive environment, individualized education program, procedural safeguards, evaluation, related services, and discipline.

3. The differences between perceptions of Educational Leadership candidates based upon demographic information.

Research Question #1

What are the perceptions of Educational Leadership candidates at the University of Nebraska Omaha regarding their knowledge of special education policies and procedures?

Responses were recorded on a Likert Scale ranging from *Strongly Agree* to *Strongly Disagree*. An answer of *Strongly Agree* received 5 points. An answer of *Agree* was given a score of 4 points. An answer of *Not Sure* rendered a score of 3 points. An answer of *Disagree* resulted in a score of 2 and a response of *Strongly Disagree* received a score of 1 point. The responses from participants ranged from 5 (*Strongly Agree*) to 1 (*Strongly Disagree*). Data on the respondents' perceptions of their knowledge of special education policies and procedures is displayed on Table 1 ($N = 67$, $M = 3.25$, $SD = 1.20$).

Research Question #2

What are the Educational Leadership candidates' self ratings of their level of knowledge about special education policies and procedures in the areas of free appropriate public education, zero rejection, least restrictive environment, individualized education program, procedural safeguards, evaluation, related services, and discipline?

Participants were asked to respond to 20 questions in Part 2 of the survey. Each participant had to indicate whether they thought each statement was *definitely true*, *true*, *not sure*, *false*, *definitely false*. The system of scoring gave credit for each participant's degree of knowledge rather than absolute correct or incorrect responses. For a correct

response, the maximum points awarded were 5 for an appropriate response of *definitely true* or *definitely false*. A correct response of *true* or *false* was awarded 4 points. A *not sure* response was awarded 3 points. A incorrect response of *true* or *false* was awarded 2 points and an incorrect response of *definitely true* or *definitely false* received 1 point. The responses are recorded on Table 2. The answer key for the 20 questions can be found on page 93.

Statement 3 scored their perception of their understanding of comprehensive evaluation ($N = 65, M = 4.34, SD = 0.64$). Statement 4 scored their perception of their understanding of parental rights ($N = 67, M = 4.34, SD = 0.83$). Statement 5 scored their perception of their understanding of non-discriminatory assessment ($N = 66, M = 4.41, SD = 0.63$). Statement 6 scored their perception of their understanding of zero rejection ($N = 67, M = 3.94, SD = 1.01$). Statement 7 scored their perception of their understanding of parents as team members ($N = 67, M = 4.25, SD = 0.80$). Statement 8 scored their perception of their understanding of services at private schools ($N = 63, M = 4.06, SD = .93$). Statement 9 scored their perception of their understanding of due process ($N = 65, M = 3.40, SD = 0.88$). Statement 10 scored their perception of their understanding of least restrictive environment ($N = 64, M = 4.38, SD = 0.63$). Statement 11 scored their perception of their understanding of least restrictive environment ($N = 67, M = 4.28, SD = 0.67$). Statement 12 scored their perception of their understanding of inclusion ($N = 66, M = 2.79, SD = 1.14$). Statement 13 scored their perception of their understanding of least restrictive environment ($N = 64, M = 3.34, SD = 0.95$). Statement 14 scored their perception of their understanding of manifestation determination ($N = 67, M = 3.66, SD = 0.95$). Statement 15 scored their perception of their understanding of

general education input into the IEP ($N = 66, M = 4.48, SD = 0.68$). Statement 16 scored their perception of their understanding of manifestation determination ($N = 67, M = 3.57, SD = 1.17$). Statement 17 scored their perception of their understanding of parental participation ($N = 67, M = 3.78, SD = 0.85$). Statement 18 scored their perception of their understanding of free appropriate public education ($N = 65, M = 3.32, SD = 0.75$). Statement 19 scored their perception of their understanding of maximizing potential ($N = 66, M = 2.29, SD = 0.91$). Statement 20 scored their perception of their understanding of free of charge ($N = 67, M = 4.45, SD = 0.56$). Statement 21 scored their perception of their understanding of related services ($N = 67, M = 4.13, SD = 0.80$). Statement 22 scored their perception of their understanding of participation in assessments ($N = 66, M = 3.62, SD = 1.11$)

Respondents reported their highest level of knowledge (with means of 4.45 or higher) in the areas of general education input into the IEP ($M = 4.48$) and that special education is provided for free to students who qualify ($M = 4.45$). Respondents reported their lowest level of knowledge (with means of 3.0 or below) in the areas of inclusion ($M = 2.79$) and maximizing the potential of students with disabilities ($M = 2.29$).

Research Question #3

Is there a significant difference between perceptions of Educational Leadership candidates from large school districts and small school districts?

The answers were divided into three sections. Respondents who indicated they worked in Omaha Public Schools, which is a large urban school district with a student population of over 50,000 were coded with 1. Respondents who indicated that they worked in other surrounding school districts with less than 25,000 students were coded

with 2. All other responses were coded 3. The mean and standard deviation for the urban school responses were ($M = 3.47$ and $SD = 1.06$). The mean and standard deviation for the suburban school responses were ($M = 3.19$ and $SD = 1.04$). The mean and standard deviation for the other responses were ($M = 3.21$ and $SD = 1.53$). There was no statistically significant difference between the participants depending upon the size of the school district ($F = .292, p = .748$). The mean and standard deviation for Means and standard deviations are displayed in Table 3. ANOVA results are displayed in Table 4.

Research Question #4

Is there a significant difference of perceptions based upon special education coursework?

The answers were divided in to three sections. Respondents who indicated they completed one course in special education were coded 1. Respondents who indicated they completed two courses in special education were coded 2. Respondents who indicated they completed three or more courses in special education were coded 3.

The mean and standard deviation for one course were ($M = 2.66$ and $SD = 1.14$). The mean and standard deviation two courses were ($M = 3.53$ and $SD = 0.92$). The mean and standard deviation for three or more courses were ($M = 4.19$ and $SD = .98$). A statistically significant differences was found between the groups ($F = 11.57, p = .00$).

Means and standard deviations are displayed in Table 5. ANOVA results are displayed in Table 6.

Research Question #5

Is there a significant difference of perceptions based upon years of experience?

The answers were divided in to four sections. Respondents who indicated they have been an educator for 1-5 years were coded 1. Respondents who indicated they have been an educator for 6-10 years were coded 2. Respondents who indicated they have been an educator for 11-15 years were coded 3. Respondents who indicated they have been an educator for 16+ years were coded 4.

The mean and standard deviation for 1-5 years were ($M = 3.7$ and $SD = 1.16$). The mean and standard deviation 6-10 years were ($M = 3.06$ and $SD = 1.30$). The mean and standard deviation 11-15 years were ($M = 3.35$ and $SD = 1.11$). The mean and standard deviation 16+ years were ($M = 3.10$ and $SD = 1.22$). There was no statistically significant difference between the participant's number of years as an educator ($F = .771$, $p = .515$). Means and standard deviations are displayed in Table 7. ANOVA results are displayed in Table 8.

Research Question #6

Is there a significant difference of perceptions based upon area of certification?

The answers were divided into six sections. Respondents who indicated their concentration of graduate work was in Educational Administration were coded 1. Respondents who indicated their concentration of graduate work was in Special Education were coded 2. Respondents who indicated their concentration of graduate work was in Curriculum and Instruction were coded 3. Respondents who indicated their concentration of graduate work was in Educational Administration and Special Education were coded 4. Respondents who indicated their concentration of graduate work was in Educational Administration and other were coded 5. Respondents who indicated their concentration of graduate work was other were coded 6.

The mean and standard deviation for a concentration of graduate work in Educational Administration were ($M = 3.15$ and $SD = 1.08$). The mean and standard deviation for a concentration of graduate work in Special Education were ($M = 5.00$ and $SD = 0.00$). The mean and standard deviation for a concentration of graduate work in Curriculum and Instruction were ($M = 2.78$ and $SD = 1.30$). The mean and standard deviation for a concentration of graduate work in Educational Administration and Special Education were ($M = 5.00$ and $SD = 0.00$). The mean and standard deviation for a concentration of graduate work in Educational Administration and other were ($M = 3.40$ and $SD = 1.08$). The mean and standard deviation for a concentration of graduate work in other were ($M = 2.5$ and $SD = 1.22$).

There was a statistically significant difference between the participants depending upon area of certification ($F = 4.120, p = .003$). Results for leaders with a concentration of special education ($M = 5.00, SD = 0.00$) and Educational Administration and Special education ($M = 5.00, SD = 0.00$) was significantly higher than those with a concentration of Curriculum and Instruction ($M = 2.78, SD = 1.30$) and those with a concentration in the other category ($M = 2.5, SD = 1.22$). Means and standard deviations are displayed in Table 9. ANOVA results are displayed in Table 10.

Research Question #7

Is there a significant difference of perceptions based upon the highest degree obtained by the candidate?

The answers were divided into four sections. Respondents who indicated they had a Bachelors degree were coded 1. Respondents who indicated they had a Masters Degree were coded 2. Respondents who indicated they had a Specialist Degree were

coded 3. Respondents who indicated they indicated something else unspecified were coded 4.

The mean and standard deviation for those with a Bachelors Degree were ($M = 3.78$ and $SD = 0.97$). The mean and standard deviation for those with a Masters Degree were ($M = 3.04$ and $SD = 1.19$). The mean and standard deviation for those with a Specialist Degree were ($M = 4.17$ and $SD = 1.17$). The mean and standard deviation the other category were ($M = 3.00$ and $SD = 0.0$).

There was no statistically significant difference between the participants depending upon the highest degree obtained ($F = .240$, $p = .076$). Means and standard deviations are displayed in Table 11. ANOVA results are displayed in Table 12.

Research Question #8

Is there a significant difference of perceptions based upon candidates who are currently principals from candidates who hold other educational leadership positions?

The answers were divided in to four sections. Respondents who indicated they currently hold the position of a teacher were coded 1. Respondents who indicated they currently hold the position of a principal were coded 2. Respondents who indicated they currently hold the position as central office staff member were coded 3. All other respondents who indicated other positions were coded 4.

The mean and standard deviation for teachers were ($M = 3.10$ and $SD = 1.18$). The mean and standard deviation for principals were ($M = 3.75$ and $SD = 0.46$). The mean and standard deviation for central office staff members were ($M = 4.50$ and $SD = 0.58$). The mean and standard deviation the other category were ($M = 3.35$ and $SD = 1.32$).

There was no statistically significant difference between the participants depending upon the highest degree obtained ($F = .2.17, p = .102$). Means and standard deviations are displayed in Table 12. ANOVA results are displayed in Table 13.

Table 1

Descriptive Statistics for Candidate's Knowledge of Special Education Policies and Procedures

	<i>N</i>	Minimum	Maximum	<i>M</i>	<i>SD</i>
Knowledge of Special Education Law	67	1.0	5.0	3.25	1.20

Table 2

Statistics on Knowledge Question

	<i>N</i>	<i>M</i>	<i>SD</i>
Comprehensive Evaluation	65	4.34	0.64
Parental Rights	67	4.34	0.83
Non-discriminatory Assessment	66	4.41	0.63
Zero rejection	67	3.94	1.01
Parents as team members	67	4.25	0.80
Services at private schools	63	4.06	0.93
Due process	65	3.40	0.88
Least restrictive environment	64	4.38	0.63
Least restrictive environment	67	4.28	0.67
Inclusion	66	2.79	1.14
Least restrictive environment	64	3.34	0.95
Manifestation determination	67	3.66	0.95
General Education input	66	4.48	0.68
Manifestation determination	67	3.57	1.17
Parental participation	67	3.78	0.85
Free appropriate public education	65	3.32	0.75
Maximize potential	66	2.29	0.91
Free of charge	67	4.45	0.56
Related services	67	4.13	0.80
Participation in assessments	66	3.62	1.11

Table 3

Descriptive Statistics for Candidate's School District Size

	<i>N</i>	<i>M</i>	<i>SD</i>
Urban	15	3.47	1.06
Suburban	27	3.19	1.04
Other	14	3.21	1.53
Total	56	3.27	1.17

Table 4

ANOVA for Special Education Knowledge and School District Size

	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Between Groups	2	.41	.292	.748
Within Groups	53	1.40		
Total	55			

Table 5

Descriptive Statistics for Candidate's Special Education Coursework

	<i>N</i>	<i>M</i>	<i>SD</i>
1 Courses	29	2.66	1.14
2 Courses	15	3.53	0.92
3 or more courses	16	4.19	0.98
Total	60	3.28	1.22

Table 6

ANOVA for Special Education Knowledge and Special Education Coursework

	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>	<i>d</i>
Between Groups	2	12.73	11.57	.00	
Within Groups	53	1.1			
Total	59				

Table 7

Descriptive Statistics for Candidate's Years of Experience

	<i>N</i>	<i>M</i>	<i>SD</i>
1-5 years	10	3.70	1.16
6-10 years	18	3.06	1.30
11-15 years	17	3.35	1.11
16+years	21	3.10	1.22
Total	66	3.24	1.20

Table 8

ANOVA for Special Education Knowledge and Years of Experience

	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Between Groups	3	1.13	0.77	.515
Within Groups	62	1.46		
Total	65			

Table 9

Descriptive Statistics for Candidate's Area of Certification

	<i>N</i>	<i>M</i>	<i>SD</i>
Ed. Admin	34	3.15	0.18
Special Education	3	5.00	0.00
Curriculum & Instruction	9	2.78	1.30
Ed. Admin and SPED	3	5.00	0.00
Ed. Admin and other	10	3.40	1.08
Other	6	2.50	1.22
Total	65	3.25	1.21

Table 10

ANOVA for Special Education Knowledge and Area of Certification

	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>	<i>d</i>
Between Groups	5	4.87	4.12	.003	
Within Groups	59	1.18			
Total	64				

Table 11

Descriptive Statistics for Candidate's Highest Degree Obtained

	<i>N</i>	<i>M</i>	<i>SD</i>
Bachelors	9	3.78	0.97
Masters	50	3.04	1.19
Specialist	6	4.17	1.17
Other	1	3.00	0.00
Total	66	3.24	1.20

Table 12

ANOVA for Special Education Knowledge and Highest Degree Obtained

	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Between Groups	3	3.27	2.4	.076
Within Groups	62	1.36		
Total	65			

Table 13

Descriptive Statistics for Candidate's Current Position in School System

	<i>N</i>	<i>M</i>	<i>SD</i>
Teacher	29	3.10	1.18
Principal	8	3.75	0.46
Central Office	4	4.50	0.58
Other	17	3.35	1.32
Total	58	3.36	1.17

Table 14

ANOVA for Special Education Knowledge and Current Position in School System

	<i>df</i>	<i>MS</i>	<i>F</i>	<i>p</i>
Between Groups	3	2.78	2.17	.102
Within Groups	54	1.23		
Total	57			

Chapter 5

Conclusions

Administrators are key leaders in implementing IDEA and the accompanying case law findings resulting from special education litigation. When thinking about the considerable amount of training and knowledge it takes to be well versed in the rules and regulations of special education, it is difficult to imagine how a principal of a school can take on this responsibility in light of an already demanding position. This quantitative study aimed to gain insight on the perceptions of candidates in the Educational Leadership program at the University of Nebraska Omaha regarding their knowledge and understanding of special education law, including the areas of Free Appropriate Public Education, Child Find, Least Restrictive Environment, Procedural Safe Guards, and Related Services. It further analyzed whether UNO Educational Leadership graduate students' opinions are related to school district size, professional experience, administrative experience, or area of certification.

The following conclusions were drawn from the study for each of the eight research questions.

Research Question #1

Research question #1 was used to analyze educational leaders overall perception on their knowledge of special education policies and procedures. There was no statistically significant difference between all of the respondents surveyed. Even though there was not a significant difference between the respondents surveyed, the mean was only slightly above average ($M = 3.25$). Yet, over half of the respondents ($N = 51$)

indicated in the open-ended part of the survey that they would like more information on special education law.

Research Question #2

Research question #2 was used to analyze how confidently educational leaders responded to 20 various statements on special education policies and procedures. Overall, there was no statistically significant difference on any of the items. It was interesting to note, however, that the lowest mean score was on question #19 regarding maximizing the potential of each student in special education ($M=2.29$). The second lowest mean score appeared on question #12 on the topic of inclusion being required by IDEA ($M= 2.79$).

It is not surprising that respondents had uncertainty in these two areas because this is where the law is rather vague and not clearly defined. There may be a need for further research to determine administrators' understanding of the requirements for inclusive practices within IDEA. It would be beneficial to investigate whether school administrators believe that school districts must always educate students with disabilities in the general education classroom and that it is the role of the school district to provide an education to students with disabilities that exceeds the FAPE standard.

If a school administrator has a misunderstanding of this concept, it may be difficult to create appropriate programming for students with disabilities. According to Crockett and Yell (2008), the Rowley court found that *appropriate* is based upon the child's individual needs and not the needs of the school district, yet the school district is not required to maximize the potential of the student with a disability (Yanok, 1986).

This definition of *appropriate* leaves some flexibility for determining the appropriateness of programming for each individual child, yet leaves the standard very vague.

Respondents reported their highest level of knowledge was in the areas of general education input into the IEP ($M = 4.48$). General education teachers are required members of the team at the IEP meeting. When discussing the least restrictive environment for a student, the discussion needs to start within the general education setting. It is important that educational leaders understand this requirement is important so the team is able to have meaningful discussions around the continuum of services for each child.

The next highest level of knowledge was that special education is provided for free to students who qualify ($M = 4.45$). It is not surprising that most respondents knew that special education is provided to all students who qualify free of charge. This has been a part of the law since the inception of P.L. 94-142 and respondents felt confident in knowing that the services school districts provide under IDEA are free.

Research Question #3

Research question #3 was used to analyze whether there is a difference in perception of knowledge of special education policies and procedures between educational leaders in larger school districts versus those in smaller school districts. There was no statistically significant difference between all of the respondents surveyed ($f = .29, p = .75$). There was no consistent answer amongst the respondents on this question. This question set out to explore 1) whether larger school districts relied on their special education administrative staff within the district, 2) if smaller school districts, that do not have a special education administrator have better trained principals since they are

the only administrators to deal with special education issues first hand, or 3) if there is no difference in perception. Regardless of the size of the school district, respondents from the various groups had differences in their perception of their knowledge of special education law.

Research Question #4

Research question #4 was used to analyze whether there is a difference in perception of knowledge of special education policies and procedures based upon the number of special education courses completed. Training specifically in the area of special education directly impacts the respondents' perceptions of their knowledge of special education policies and procedures. The mean and standard deviation for one course was ($M = 2.66$ and $SD = 1.14$). The mean and standard deviation for two courses were ($M = 3.53$ and $SD = 0.92$). The mean and standard deviation for three or more courses were ($M = 4.19$ and $SD = .98$). A statistically significant difference was found between the groups ($F = 11.57$, $p = .00$).

According to Davidson and Algozzine (2002), university faculties and local school districts should make training administrators in special education law a top priority. Yet, Jacobs, et al. (2004) found that most universities do not require special education coursework for initial administrative certification. The results from this survey support the recommendation that training in special education law becomes a priority for universities. Embedding ongoing special education legal issues training within the coursework at University of Nebraska Omaha, Educational Administration programs for educational leaders, can potentially increase leaders' understanding of and practices toward meeting the needs of all students in the school setting.

Research Question #5

Research question #5 was used to analyze whether there is a difference in perception of knowledge of special education policies and procedures based upon educational leaders years of experience. The mean and standard deviation for 1-5 years were ($M = 3.7$ and $SD = 1.16$). The mean and standard deviation 6-10 years were ($M = 3.06$ and $SD = 1.30$). The mean and standard deviation 11-15 years were ($M = 3.35$ and $SD = 1.11$). The mean and standard deviation 16+ years were ($M = 3.10$ and $SD = 1.22$). There was no statistically significant difference between the participant's number of years as an educator ($F = .771, p = .515$). There was no statically significant difference between all of the respondents surveyed.

The interesting part about this survey is that those with the fewest years of experience in education had the highest overall mean ($M = 3.7$). Eight of the 10 respondents in this category were teachers. With a recent shift to more inclusive practices, teachers may just be more comfortable with kids with disabilities in their classrooms right out of college. There may be a need for further research in the area early teachers and how they acquire their knowledge of special education law and put it into practice. One respondent, who had a Bachelor's Degree stated that training in special education law "has made me understand certain situations and I can apply it to every day (situations) and advocate for every student." Further, 6 of the 10 respondents indicated that their primary source for special education law came from a college course.

Research Question #6

Research question #6 was used to analyze whether there is a difference in perception of knowledge of special education policies and procedures based upon area of

concentration. Although the sample size was small, a statistically significant difference ($F = 4.120, p = .003$) was found between respondents with a concentration of coursework in Special Education ($N = 3, M = 5.00, SD = 0.00$) and Educational Administration and Special Education ($N = 3, M = 5.00, SD = 0.00$) was significantly higher than those with a concentration of Curriculum and Instruction ($N = 9, M = 2.78, SD = 1.30$) and those with a concentration in the other category ($N = 6, M = 2.5, SD = 1.22$). These findings align with the result found in question #4, which examined the difference in perception of knowledge of special education policies and procedures based upon the number of special education courses completed. Embedding ongoing special education legal issues training within the coursework at University of Nebraska Omaha, Educational Administration programs for educational leaders, can potentially increase leaders' understanding of and practices toward meeting the needs of all students in the school setting.

Research Question #7

Research question #7 was used to analyze whether there is a difference in perception of knowledge of special education policies and procedures based upon educational leaders highest degree obtained. The mean and standard deviation for those with a Bachelors Degree were ($M = 3.78$ and $SD = 0.97$). The mean and standard deviation for those with a Masters Degree were ($M = 3.04$ and $SD = 1.19$). The mean and standard deviation for those with a Specialist Degree were ($M = 4.17$ and $SD = 1.17$). The mean and standard deviation for the other category were ($M = 3.00$ and $SD = 0.0$). There was no statistically significant difference between all of the respondents surveyed. It seems logical that respondents with a Specialist would have a higher mean ($M = 4.17$) than those with a Bachelor's Degree ($M = 3.78$) or Master's Degree ($M = 3.04$) since they

have taken more classes and perhaps had more exposure to special education information within their coursework. It is unclear why the mean for respondents with a Master's Degree ($M = 3.04$) would be less than the mean for those with a Bachelor's Degree ($M = 3.78$).

Research Question #8

Research question #8 was used to analyze whether there is a difference in perception of knowledge of special education policies and procedures based upon educational leaders position in the school system. The mean and standard deviation for teachers were ($M = 3.10$ and $SD = 1.18$). The mean and standard deviation for principals were ($M = 3.75$ and $SD = 0.46$). The mean and standard deviation for central office staff members were ($M = 4.50$ and $SD = 0.58$). The mean and standard deviation for the other category were ($M = 3.35$ and $SD = 1.32$). There was no statistically significant difference between all of the respondents surveyed. The majority of the respondents were teachers ($N = 29$), however only four of the respondents had an degree/endorsement in special education, which could contribute to why the teacher respondents had the lowest mean ($M = 3.10$). Of the respondents who were Central Office staff ($N = 4$), half of them ($N = 2$) had three or more classes in special education and also had a special education degree/endorsement. The other Central Office staff respondents had at least one course in special education, which might help explain why the Central Office staff responses had a higher mean ($M = 4.50$).

Discussion

This research suggests some cautious conclusions that can be drawn from the responses of the individuals involved in the study and some suggestions for further

study. First, results of the study clearly indicate that instruction from college coursework in the area of special education had the greatest impact on the educational leaders' perceptions of knowledge of special education law. Participants who took more classes in special education were more confident with their overall understanding of special education law.

Second, questions regarding the participant's primary source for information on special education law was addressed in the survey. Respondents were allowed to mark as many sources that were applicable to them. The majority of respondents indicated that a college course was their primary source for information ($N = 33$). The next highest source was through district inservice ($N = 13$). Learning from other colleagues had the next highest response ($N = 12$). Workshops ($N = 10$), on the job experience ($N = 10$), and professional literature ($N = 3$) were also indicated as sources for information of special education law.

It appears that access to instruction through college coursework in the area of special education law is the way educational leaders would acquire knowledge in the area of special education law. Requiring courses targeting special education law, policies and procedures could possibly be the best way to reach a broad number of leaders, providing them with the foundational pieces of special education law as they move into administration. Respondents ($N = 33$) indicated that a college course was their primary source for information on special education law. One respondent indicated that through the college course she received the "necessary foundational knowledge" for her role as an administrator. Another participant stated that she learned about how "to assist families

and teachers in best practices and their rights,” through taking a course in special education.

One of the difficulties with teachers and administrators having only one college course as their primary source of special education law is that only a limited amount of knowledge is gained on a complex, highly regulated and litigious section of school law. Plus, in order to gain concentrated knowledge of Special Education policies and procedures, an administrator would need to enroll in a special education law course apart from a program of study in administration. Just the sheer time required in the schedule of an acting administrator makes this option challenging. Thus, providing an argument for requiring an additional special education course as a part of the administrator course of study seems appropriate to any discussion of program requirements for graduation.

It is also interesting to note that 51 of 67 respondents indicated that they desired further training in special education law. Some of the special education issues that they have encountered include making sure that Individual Education Plans are being followed, manifestation determinations, special education compliance, and discipline. This study suggests that administrator training in such topics as procedural safeguards for manifestation determinations; special education compliance; discipline; and overall policies and procedures aimed at the components of Special Education Law would raise the confidence levels of school administrators when handling the complex Special Education issues in the field.

Recommendations for Further Research

This study was limited to those individuals enrolled in Educational Leadership courses at the University of Nebraska-Omaha. A recommendation for further research

would be to conduct a statewide study with educational leaders across the state. By conducting a statewide survey, the study could look at a broader scope of educational leaders, which would not be limited to only those attending a university. Further, the study could explore how practicing educational leaders with less access to a university system obtain information on special education law. This study showed that participants who are currently attending the University of Nebraska Omaha primarily received their information from college coursework. Would this also be true for educational leaders who are unable to attend a university on-site or on-line?

Another recommendation for further research would be to explore why educational leadership training programs are not offering more content in the area of special education law. This study revealed that many respondents ($n = 51$) indicated that they would like further training on special education law. How can universities build Special Education policy and procedure into their training programs for educational leaders?

This study raised questions regarding Administrators' understanding of inclusion as it pertains to placement of students full-time in the general education classroom as opposed to specially designed instruction in Special Education classrooms. Since these scores were the lowest on the questions of maximizing the potential of each student in special education, and the topic of inclusion being required within IDEA; there may be a need for further research to determine administrators' understanding of the requirements for inclusive practices within IDEA. Examining whether school administrators believe that school districts must always educate students with disabilities in the general education classroom and that it is the role of the school district to provide an education to

students with disabilities that exceeds the FAPE standard could inform the types of training school administrators need in order to provide the required continuum of placement options for students who are verified and in need of specifically designed instruction.

Implications for Practice

It is important that educational leaders have a strong foundation in special education law so they know how to deal with issues as they arise. While a principal does not necessarily need to be a disability expert, a competent principal must possess a fundamental knowledge of special education and knowledge of current issues in special education to perform the essential special education leadership tasks (DiPaola & Walther-Thomas, 2003; Wakeman, et al., 2006). Further, supervision of instruction requires that a principal has enough knowledge of Special Education law to be able to promote sound procedural practices within the school so that Special Education legal challenges can be addressed within a procedurally sound environment.

This study clearly revealed that the perception of participants who had more coursework in special education had a better understanding of special education policies and procedures. University systems will want to consider increasing the amount of content around special education law in their training program so educational leaders will feel more confident supervising special education programs in their position of leadership within a school district. By adding coursework within a college program, educational leaders would receive a foundation of knowledge of the law to prepare them for situations that they may encounter while working with students with disabilities and their families.

At a local level, it is important that school districts identify ways to provide foundational information on critical issues in special education and special education law to their leaders. Basic information can be provided through inservice training, workshops, access to publications, and conferences. Based upon the responses of the survey, there were various critical special education issues noted that educational leaders face in their position. One respondent stated, “I think overall it is an understanding of what the do's and don'ts of SPED are. In my experience, administrators are not knowledgeable of what a day in the life of SPED is”. It appears as if administrators prefer first hand information on special education rather than solely relying on others in the district to have the answer.

Finally, a procedurally sound environment for special education leads to a higher confidence level in administrators who support the field of special education. No school wants to fall short of prevailing in a court case over procedural matters, that if fully understood ahead of time, could be avoided. Through up front training and preparation on the complexities of special education procedures and policy, administrators gain a confidence level that allows them to succeed.

The findings presented here and the body of knowledge on successful practices to support leaders in the implementation of procedurally sound Special Education programs in school districts prompts a closer look at early and thorough training provided through the Universities during the initial course of study in Educational Administration. Leadership for Special Education is a complex series of specific mandates for the protection of and programming for students with unique learning needs. This study represents a new challenge for University Educational Administration

preparation programs. No longer can we look toward a one, three hour, course of study as the answer to provide the necessary understanding of a complex federal law that affects between 10 and 15% of the high needs student population in the schools; to do so is to short change the preparation process of future leaders.

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Appendices

A Knowledge Survey of Special Education Law

Part 1

Please circle your response:

1. I believe I have sufficient knowledge of special education policies and procedures as mandated under the Individuals with Disabilities Education Act (IDEA).

Strongly Agree, Agree, Not sure, Disagree, Strongly Disagree

2. I believe my administrative training provided adequate preparation in special education policies and procedures for managing special education programs for exceptional children.

Strongly Agree, Agree, Not sure, Disagree, Strongly Disagree

Part 2

Please circle your response:

3. IDEA requires a comprehensive evaluation of a student's educational needs to be conducted by an assessment team prior to placing the student in special education.

Definitely True, True, Not sure, False, Definitely False

4. Prior to an initial comprehensive evaluation by an assessment team, parents must give their consent, be notified of their procedural rights, and be provided with an explanation of what has and will take place, including a description of each proposed evaluation activity.

Definitely True, True, Not sure, False, Definitely False

5. Non-discriminatory assessment is a requirement under IDEA's due process safeguards.

Definitely True, True, Not sure, False, Definitely False

6. Public schools must enroll every child, regardless of the nature or severity of the child's disabilities.

Definitely True, True, Not sure, False, Definitely False

7. The school district shall ensure that a parent/guardian of each child with a disability is a member of the group that makes decisions on the educational placement of their child.

Definitely True, True, Not sure, False, Definitely False

8. If a private school student qualifies for services under IDEA, the public school district is obligated to provide appropriate special education services.

Definitely True, True, Not sure, False, Definitely False

9. A “due process” hearing under IDEA is an administrative hearing.

Definitely True, True, Not sure, False, Definitely False

10. As part of the “least restrictive environment” clause, IDEA mandated that students with disabilities and students without disabilities be educated together unless the nature or severity of the disability is such that education in regular classrooms cannot be achieved satisfactorily.

Definitely True, True, Not sure, False, Definitely False

11. Unless an Individualized Educational Program (IEP) for a child with disabilities requires some other arrangement, the student is educated in the school he or she would attend if not disabled.

Definitely True, True, Not sure, False, Definitely False

12. “Inclusion” is required by IDEA.

Definitely True, True, Not sure, False, Definitely False

13. Following the “least restrictive environment” concept, an IEP team may move a student receiving special education services from a full time special class to a residential school.

Definitely True, True, Not sure, False, Definitely False

14. At the present time, a student receiving special education may be suspended up to 10 calendar days (cumulative) without the suspension being viewed as a “change of placement”, thus triggering the procedural safeguards pursuant to IDEA.

Definitely True, True, Not sure, False, Definitely False

15. General education teachers provide input on goals and objectives into the IEP for a student in special education.

Definitely True, True, Not sure, False, Definitely False

16. A student receiving special education may be expelled from attending school and receive no educational services during the expulsion, if the IEP Team determines that both of the following conditions are met:
- a. The conduct in question did not have a direct and substantial relationship to the student's disability.
 - b. The conduct in question was not the direct result of the school district's failure to implement the student's IEP.

Definitely True, True, Not sure, False, Definitely False

17. An IEP meeting may be held without the parents in attendance if the LEA is unable to convince the parents that they should attend and have documented their attempts to do so.

Definitely True, True, Not sure, False, Definitely False

18. FAPE applies only to students with a disability who are 6-18 years of age.

Definitely True, True, Not sure, False, Definitely False

19. The U.S. Supreme Court ruled that school districts are required, under IDEA, to guarantee that individualized instruction will maximize the potential of each student with special needs student, which is commensurate with the opportunities provided to students without disabilities.

Definitely True, True, Not sure, False, Definitely False

20. Children with disabilities must receive special education support free of charge as is provided to children without disabilities.

Definitely True, True, Not sure, False, Definitely False

21. The provision of special transportation services for students with disabilities has been viewed by the courts to be part of a free appropriate education.

Definitely True, True, Not sure, False, Definitely False

22. Under IDEA, students with significant disabilities must not participate in state and district-wide assessments.

Definitely True, True, Not sure, False, Definitely False

Part 3

Demographics Information:

23. Gender:
- Male
 - Female
24. Grade level of your school: Junior High/Middle School/High School/Other
- Elementary
 - Junior High/Middle School
 - High School
 - Other
25. What is the name of your school district or organization?
26. Current position in education:
- Principal
 - Assistant Principal
 - Teacher
 - Other _____
27. Total years as an educator:
- 0
 - 1-5
 - 6-10
 - 11-15
 - 16+
28. Highest degree obtained:
- Bachelors
 - Masters
 - Specialist
 - Doctorate
 - Other _____
29. Major areas of specialized study or area where you have the greatest concentration of graduate coursework:
- Special Education
 - Educational Administration & Supervision (Educational Leadership)
 - Curriculum and Instruction
 - Guidance and Counseling
 - Other _____

30. How many courses in special education have you taken at the college or university level?
- One
 - Two
 - Three or more
31. Do you have a degree/endorsement in special education?
- Yes
 - No
32. In which of these areas would you desire more training in special education? Check all that apply.
- Characteristics and needs
 - Techniques and strategies
 - Special Education Law
 - Discipline
 - Budgeting Funding
 - Other _____
33. From which institution(s) did you receive your degree/licensure in administration?
34. What is the primary source of your knowledge of special education law and practices?
- Workshops
 - Inservice
 - Professional Literature
 - Special Education Conference
 - College Course
 - Other _____

35. Of the total time working in a month, estimate the total minutes of time spent on the following special education duties:
- a. Participating in individual education planning (IEP) meetings
 - b. Filling out special education forms
 - c. Attending special education staff meetings inside/outside of local school District #10
 - d. Preparing and monitoring the special education budget
 - e. Interviewing prospective special education personnel for employment purposes
 - f. Reviewing special education purchase orders, conference and field trip request, etc.
 - g. Evaluating the special education staff
 - h. Arranging special education transportation
 - i. Attending to special education disciplinary issues
 - j. Providing support for special education teachers

Part 4

Please answer the following questions to the best of your ability.

36. On which topics in special education would you like to have more training?
37. In your current practice, have you encountered any issues with special education law? If so, please explain.
38. In your current practice, have you encountered any issues with the supervision of special education? If so, please explain.
39. How has your training in Special Education law helped you for educational leadership?
40. What are the critical issues in special education that you face as an educational leader?

Answer Key for A Knowledge Survey of Special Education Law

3. Definitely True
4. Definitely True
5. Definitely True
6. Definitely True
7. Definitely True
8. Definitely True
9. Definitely True
10. Definitely True
11. Definitely True
12. Definitely False
13. Definitely True
14. Definitely True
15. Definitely True
16. Definitely True
17. Definitely True
18. Definitely False
19. Definitely False
20. Definitely True
21. Definitely True
22. Definitely False

Cover Letter to Participants

September 2, 2015
UNMC IRB # 747-15-EX

Dear Educator:

My name is Kendra Schneider and I am a doctoral candidate at The University of Nebraska Omaha. The focus of my research is knowledge of special education law and its application of those in the Educational Leadership program at UNO. This letter is to request your assistance in gathering data for this research in order to gain insight in how confident candidates in the Educational Leader program at UNO feel about their knowledge in the area of special education law.

The enclosed questionnaire will take approximately 25 minutes to complete. Your participation is completely voluntary and may be discontinued at any time. All responses are confidential. Please complete the questionnaire and return it to your instructor. The information on the surveys will be reviewed and utilized only by me and will be destroyed after the study is completed.

The four-part instrument has been designed to determine the degree of knowledge regarding special education law, along with demographic information of the participants. Please respond to the questions to the best of your knowledge without looking up information on the topics.

This instrument has been designed so that you may express your degree of certainty, rather than forcing your response to be absolute “true” or “false.” For example in part 2 of the questionnaire, the answer of “definitely true” reflects that you are very confident of the answer on this topic, whereas the answer of “true” means you are fairly certain, but would need to look up the answer in order to be certain. The answer of “definitely false” reflects you are very confident of the answer, whereas the answer of “false” means you are fairly certain, but would need to look up the answer in order to be certain.

There are five open-ended questions at the end. Please answer these questions to the best of your ability in order to help give me a better understanding of your knowledge of special education law. Please respond to all of the questions directly on your questionnaire.

Thank you in advance for your participation in this research project. Your cooperation will be greatly valued. I hope that this study will be of positive value to the field of education.

Sincerely,

Kendra Schneider
Doctoral Candidate