

**A STUDY OF VIRGINIA ADMINISTRATORS with RESPONSIBILITY for DIVISION
SPECIAL EDUCATION SERVICES and KNOWLEDGE of SPECIAL EDUCATION
SCHOOL LAW**

Frances Winfrey Ivey

Dissertation submitted to the Faculty of the
Virginia Polytechnic Institute and State University
in partial fulfillment of the requirements for the degree of

Doctor of Philosophy
in
Educational Leadership and Policy Studies

David Alexander, Committee Chair

Teresa Caldwell

Walter Mallory

Richard Salmon

November 11, 2008

Blacksburg, Virginia

Key Words: Special Education, Special Education Law, Inclusion, Special Education Directors

ABSTRACT

A Study of Virginia Administrators with Responsibility for Division Special Education Services and Knowledge of Special Education School Law

Frances Winfrey Ivey

This study investigated the knowledge of special education directors or division designees in school divisions across the Commonwealth of Virginia. One-hundred-twenty-nine Virginia special education directors or division designees were sent an on-line assessment describing 22 hypothetical scenarios representing current legal issues in the area of special education law as prescribed by the *Individuals with Disabilities Education Improvement Act (IDEA)* and *No Child Left Behind (NCLB)*. The instrument used in this study was adapted from the Power (2007) study with a revision of response choices to provide more definitive results. A demographic questionnaire was adapted to determine individual and school division characteristics pertinent to the study. A total of 87 division special education administrators responded, a 67% response rate. After initial analysis, 84 assessments were usable.

The statistical package *JMP-Software for Univariate and Multivariate Statistics* (2005) was used to tabulate the responses and to examine the relationships between demographic variables and respondents' knowledge of special education law. Descriptive statistics were applied to identify deficiencies in the respondents' knowledge base. Results of this study yielded a mean total score of 80.3% on the online assessment. Respondents scored below the mean in the areas of free and appropriate education, related services, student discipline, and liability for reimbursement to parents. There was no statistically significant relationship between knowledge of special education law and any of the following demographic characteristics: size of the school division, previous special education teacher experience, number of years as a special education director, highest degree attained, percent of time devoted to special education responsibilities, and attendance at special education law workshops. Respondents who belonged to professional organizations scored significantly higher on the assessment than those who did not. The assessment also compared methods of remaining current with special education law and the respondents' knowledge of the law. The following methods yielded a statistically significant

relationship with knowledge of special education law: reading professional organization bulletins, attending professional development seminars, and using “other” means.

The results of this study will be used to recommend professional development on the interpretation and implementation of special education law at the school-division and college/university levels.

DEDICATION

With my love and gratitude to my family....

My parents, Rose and Frank Winfrey, for instilling in me the importance of education and always doing my best;

My husband, Charles, for your everlasting love, encouragement, and faith in me; and

My children, Kristyn and Chuckie, for your unbelievable support.

ACKNOWLEDGEMENTS

There are several people I wish to thank who helped me finish this dissertation. I would like to especially thank my committee chair, Dr. David Alexander, for the tremendous guidance he gave me in completing this study. I am privileged and honored to have studied under a true “Master” of school law. He challenged me to new heights as I completed this process and for that I am truly grateful. I would also like to recognize and thank my Northern Virginia committee members, Drs. Teresa Caldwell and Walt Mallory. Dr. Mallory spent hours assisting me with analyzing my data and formulating my results – always with flexibility and patience. Dr. Caldwell was there for me every step along the way – the classes, selecting a topic, prelim, prospectus, and my final defense. Thank you for the many, many hours you gave me to assist with interpretation of the laws and special education litigation.

There are many professional colleagues in Fairfax County Public Schools who have been a source of encouragement and assistance. Thanks to Jan Leslie and Audra Sydnor, who have supported me professionally as I completed the dissertation process. Also thanks to the entire Herndon High School staff, especially Matt O’Connor who made statistics seem a little easier and LuAnn Hilton, my administrative assistant, who insisted I spend a little time each day to work on my study. I also feel fortunate to have had encouragement and support from Peter Noonan and the entire Instructional Services Department. A special thank you also goes to Lillian Garrity for assistance with editing and proofing my document.

There are two members of my cohort who traveled this long road with me and were a tremendous source of strength and inspiration: Tony Leonard and Robin Mentzer. I can’t think of two individuals I would rather have traveled this journey. Thanks for leading the way.

CONTENTS

| | |
|---|-----|
| ABSTRACT | ii |
| DEDICATION..... | iv |
| ACKNOWLEDGEMENTS..... | v |
| CONTENTS | vii |
| LIST OF TABLES | ix |
| LIST OF FIGURES | xi |
| CHAPTER 1 STATEMENT OF THE PROBLEM..... | 1 |
| Background of the Problem..... | 1 |
| Need for the Study | 2 |
| Statement of the Problem | 2 |
| Purpose of the Study | 3 |
| Research Questions | 3 |
| Instrumentation | 4 |
| Study Participants | 4 |
| Data Analysis..... | 5 |
| Delimitations of the Study..... | 6 |
| Definition of Terms..... | 6 |
| CHAPTER 2 HISTORY OF SPECIAL EDUCATION PROGRAMS AND LAW | 9 |
| Literature Review..... | 9 |
| Special Education Litigation | 11 |
| Free Appropriate Public Education (FAPE)..... | 12 |
| Due Process | 14 |
| Individualized Education Plans | 14 |
| Least Restrictive Environment | 15 |

| | |
|---|----|
| Related Services..... | 17 |
| Discipline and the Stay-Put Provision | 18 |
| Liability for Reimbursement to Parents | 19 |
| No Child Left Behind and Individuals with Disabilities Education Act..... | 20 |
| Research Studies | 21 |
| Study I | 21 |
| Study II..... | 23 |
| Study III..... | 23 |
| Study IV | 24 |
| Study V..... | 25 |
| Synthesis of Studies | 26 |
| CHAPTER 3 METHODOLOGY | 27 |
| Purpose of the Study | 27 |
| Population Description..... | 28 |
| Instrumentation | 28 |
| Data Collection | 29 |
| Analysis of the Data..... | 30 |
| Research Question 1 | 30 |
| Research Question 2 | 30 |
| Research Question 3 | 31 |
| Summary | 32 |
| CHAPTER 4 FINDINGS AND RESULTS | 33 |
| Presentation of the Data | 33 |
| Research Methods..... | 33 |
| Characteristics of the Population | 34 |

| | |
|--|----|
| Data Analysis..... | 37 |
| Research Question One | 38 |
| Research Question Two | 47 |
| Research Question Three | 48 |
| CHAPTER 5 SUMMARY, DISCUSSION, AND RECOMMENDATIONS | 57 |
| Summary of Study | 57 |
| Summary and Discussion of Results..... | 59 |
| Limitations of the Study | 62 |
| Recommendations for Further Research | 62 |
| Recommendations for School Divisions | 63 |
| REFERENCES | 64 |
| APPENDIX A LIST OF VIRGINIA SCHOOL DIVISIONS..... | 68 |
| APPENDIX B INTRODUCTORY LETTER TO THE SPECIAL EDUCATION | |
| LAW SURVEY..... | 71 |
| APPENDIX C SURVEY..... | 72 |
| Hypothetical Scenarios Survey Questions | 72 |
| Demographic Survey Questions | 76 |

LIST OF TABLES

| | | |
|----------|---|----|
| Table 1 | Variables Addressed in Research Question 2 by Type and Analysis | 31 |
| Table 2 | Variables Addressed in Research Question 3 by Type and Analysis | 32 |
| Table 3 | Demographics of the Respondents | 34 |
| Table 4 | Division Student Membership for Respondents | 36 |
| Table 5 | Chi-Square Test of Association – Size of School Division and Time Spent on Special Education Job Responsibilities | 37 |
| Table 6 | Responses to Items Related to Free and Appropriate Education (FAPE) | 39 |
| Table 7 | Responses to Items Related to Due Process | 40 |
| Table 8 | Responses to Items Related to the Individualized Educational Plan (IEP) | 41 |
| Table 9 | Responses to Items Related to Least Restrictive Environment (LRE) | 42 |
| Table 10 | Responses to Items Related to Related Services | 43 |
| Table 11 | Responses to Items Related to Student Discipline | 44 |
| Table 12 | Responses to Items Related to Liability for Reimbursement | 45 |
| Table 13 | Descriptive Statistics for Respondents’ Sub-Scores and Total Scores | 46 |
| Table 14 | Results of ANOVA for Respondents’ Size of School Division and Directors’ Knowledge of Special Education Law | 47 |
| Table 15 | Group Means for Respondents’ Size of School Division and Directors’ Knowledge of Special Education Law | 48 |
| Table 16 | Results of ANOVA for Special Education Teacher Experience and Directors’ Knowledge of Special Education Law | 49 |
| Table 17 | Group Means for Special Education Teacher Experience and Directors’ Knowledge of Special Education Law | 49 |
| Table 18 | Results of ANOVA for Level of Education Attained and Directors’ Knowledge of Special Education Law | 50 |
| Table 19 | Group Means for Level of Education Attained and Directors’ Knowledge of Special Education Law | 50 |
| Table 20 | Results of ANOVA for Percentage of Time Spent on Special Education | 51 |

| | | |
|----------|---|----|
| | Job Responsibilities and Directors' Knowledge of Special Education Law | |
| Table 21 | Group Means for Percentage of Time Spent on Special Education Job Responsibilities and Directors' Knowledge of Special Education Law | 51 |
| Table 22 | Results of ANOVA for Membership to Professional Organizations and Directors' Knowledge of Special Education Law | 51 |
| Table 23 | Group Means for Membership to Professional Organizations and Directors' Knowledge of Special Education Law | 52 |
| Table 24 | Results of ANOVA for Attendance to Special Education Law Workshops and Directors' Knowledge of Special Education Law | 52 |
| Table 25 | Group Means for Attendance to Special Education Law Workshops and Directors' Knowledge of Special Education Law | 52 |
| Table 26 | Results of ANOVA for Professional Development Seminars and Directors' Knowledge of Special Education La | 53 |
| Table 27 | Group Means for Professional Development Seminars and Directors' Knowledge of Special Education Law | 53 |
| Table 28 | Results of ANOVA for School Division Staff Development and Directors' Knowledge of Special Education Law | 54 |
| Table 29 | Group Means for School District Staff Development and Directors' Knowledge of Special Education Law | 54 |
| Table 30 | Results of ANOVA for Professional Organization Bulletins and Updates and Directors' Knowledge of Special Education Law | 54 |
| Table 31 | Group Means for Professional Organization Bulletins and Updates and Division Special Education Administrators' Knowledge of Special Education Law | 55 |
| Table 32 | Results of ANOVA for Other Methods to Obtain Updates on Special Education Law and Updates and Directors' Knowledge of Special Education Law | 55 |
| Table 33 | Group Means for Other Methods to Obtain Updates on Special education Law and Directors' Knowledge of Special Education Law | 55 |

LIST OF FIGURES

| | | |
|----------|--|----|
| Figure 1 | Methods of Remaining Current with Special Education Law | 36 |
| Figure 2 | Mean Scores for Each Sub-Scale (Total Mean Score = 80.3) | 46 |

CHAPTER 1

STATEMENT OF THE PROBLEM

The director of special education or division designee has the enormous responsibility to ensure that qualified staff and appropriate services have been established to meet the needs of students with identified special education needs. School division services and programs must meet the mandates and requirements as outlined in the *Individuals with Disabilities Education Improvement Act (IDEA)* and *No Child Left Behind (NCLB)* especially in regards to free and appropriate education (FAPE), least restrictive environment (LRE) and academic accountability. In order to plan and implement effectively, the director of special education or division designee must be knowledgeable of current special education laws, statues, and regulations and litigation.

Background of the Problem

The need for research of school administrators' knowledge of special education law has expanded as the laws and regulations have changed. With the passage of P.L. 94-142 in 1975, research commenced to assess school personnel knowledge and ability to implement new special education school law. Cline (1981) and Olson (1982) determined that principals' knowledge of special education law needed improvement. Weinstein (1989) found that administrators were unsure or unaware of guidelines for student placement and exit from special education programs. A study by Hirth and Valesky (1989) found that principals knew more about procedural safeguards than the provision of education services and showed gaps in their knowledge of special education law. A recent study of Virginia principals' knowledge of special education law revealed two significant areas of weakness: free and appropriate public education and related services (Power, 2007). Power indicated a need for further research focusing on the special education directors' or division designees' knowledge of special education law.

According to Zirkel (2005), most litigation in special education is related to providing a FAPE for students with disabilities. In 2006, Zirkel indicated that the courts have differing interpretations in the following areas: a) the eligibility criteria for the emotionally disturbed (ED) special education classification; (b) FAPE; (c) LRE cases; (d) tuition reimbursement (e) compensatory education services remedies; and (f) Section 504 of the American Disabilities Act (ADA).

Zirkel (2006) also revealed new or expanded trends in special education litigation. These included: (a) extension of autism cases related to methodology and placement; (b) complexity in interpreting the obligation of local school divisions to students with disabilities voluntarily placed in private schools, and (c) an increasing number of student harassment cases. Zirkel added that the actual number of cases could be higher because divisions often settle disputes out of court to avoid litigation even when they have a fair chance of winning a court case.

Need for the Study

While education litigation, in general, declined in the 1980s and 1990s, special education litigation increased dramatically (Zirkel, 1997). Special education cases are typically complex and often combative (Cook, 2006). There have been many studies that have focused on the knowledge of special education law of school-based personnel. Few studies have focused exclusively on the knowledge held by special education director's or division designee's knowledge of special education law. Special education directors or division designees are required to translate the law and plan for compliance. They are ultimately responsible for the selection and delivery of special education services. They also must be able to assess the potential impact of significant litigation on the policies and practices within their school division (Prillaman & Richardson, 1985). This study addresses the question: What is the level of knowledge of special education law of directors of special education or division designees across the Commonwealth of Virginia?

Statement of the Problem

This study began with a review of the relevant federal and state legislation, special education regulations and litigation that special education central office administrators need to understand to conduct their professional responsibilities. Based on this review an instrument will be designed to measure the extent of the knowledge that selected Virginia special education central office personnel possess regarding special education law. Specifically, the instrument will focus on the seven areas of special education law identified for this study: (1) FAPE; (2) due process; (3) IEP; (4) LRE; (5) related services; (6) student discipline; and (7) liability for reimbursement to parents. Demographic data will be collected and analyzed to determine if they are significantly related to a director's or division designee's knowledge of special education law included: the size of the school division as measured by average daily membership, previous

special education teacher experience, number of years as a special education director or division designee, highest degree attained, percent of time devoted to special education responsibilities, membership in special education professional organizations, attendance at special education law workshops, and methods of remaining current with special education laws such as conferences and inservices.

Purpose of the Study

The purpose of this study is to assess the knowledge of special education directors or division designees across Virginia. This study proposes to identify:

1. Virginia special education directors' or division designees' level of knowledge of special education law;
2. The relationship between the characteristics of a school division (number of schools; general and special education enrollment) and the special education director's or division designee's knowledge of special education law; and
3. The relationship between the knowledge of special education law and the individual characteristics of the special education director or division designee (previous special education teacher experience, number of years as a special education director or division designee, highest degree attained, percent of time devoted to special education responsibilities, membership in special education professional organizations, attendance at special education law workshops, and methods of remaining current with special education laws).

Research Questions

The following research questions will be addressed:

Research Question 1: What is the level of knowledge of special law for division special education directors or division designees in Virginia?

Research Question 2: What is the relationship between the characteristics of the school division (number of schools, school enrollment, and special education enrollment) and the special education director's or division designee's knowledge of special education law?

Research Question 3: What is the relationship between special education directors' or division designees' knowledge of special education law and the following characteristics: (a)

previous special education teacher experience, (b) number of years as a special education director or division designee, (c) highest degree attained, (d) percent of time devoted to special education responsibilities, (e) membership in special education professional organizations, (f) attendance at special education law workshops, and (g) methods of remaining current with special education law?

Instrumentation

The assessment instrument used in this study was taken from the Power (2007) study, *A Study of Selected Virginia School Principals' Knowledge of Special Education Law*. It consisted of hypothetical scenarios based on the seven areas of special education law. With Power's permission, several minor changes were made to the assessment response options and the demographic questions to reflect the job responsibilities related to directors of special education or division designees rather than of principals. The new demographic questions included: (a) size of the school division; (b) previous special education teacher experience; (c) number of years as a special education director or division designee; (d) highest degree attained; (e) percent of time devoted to special education responsibilities; (f) membership to special education professional organizations; (g) attendance to special education law workshops; and (h) methods of remaining current with special education laws.

The revised survey was submitted to the following groups to check for clarity of the assessment items:

1. Students who attended the Virginia Tech Summer 2007 Orientation to Residency (OTR) Doctoral Cohort in Blacksburg, VA;
2. Students who enrolled in the Virginia Tech Fall 2007 ELPS School Law class, Northern Virginia, Falls Church, VA; and
3. The Coordinator for Monitoring and Compliance in Special Education for Fairfax, Virginia.

Study Participants

The names and email addresses of 129 special education directors or division designees were obtained from the *Virginia Department of Education Directory* (See Appendix A for the

names of the divisions). The assessment was conducted on-line using *SurveyMonkey*. The following procedures were used in an attempt to secure a high response rate:

1. All potential participants were invited via email to furnish the researcher their names and school division addresses. They were entered into a drawing to receive the latest edition of *Getting Comfortable with Special Education Law, 2nd edition*, by Dixie Snow Huefner. Five respondents were selected from the drawing.
2. The correct responses to the assessment were made available upon request at the end of the study.
3. Non-respondents received weekly follow up e-mails reminding them to access the on-line assessment.
4. A post card reminder was mailed to non-respondents two weeks prior to the end of the assessment period.

Completed assessments were collected from 87 respondents from the 129 counties in Virginia. Before running statistical analyses, data were checked for completeness. After initial analysis, 84 assessments were usable. The assessment contained two parts: one part requesting demographic information and the second part assessing knowledge of special education law. Several of the assessments contained incomplete demographic information. These assessments were included in this study. Therefore the number of responses on some demographic items was less than 84. If a respondent left an item blank in the second part of the assessment, knowledge of special education law, the item was scored as incorrect. Of the 87 surveys returned, three were excluded because they failed to answer a substantial number of the knowledge of special education law and demographic items.

Data Analysis

The statistical package *JMP-Software for Univariate and Multivariate Statistics* (2005) was used to tabulate the responses and to examine the relationships between demographic variables and respondents' knowledge of special education law. Descriptive statistics were applied to the entire assessment as well as the seven categories of special education law previously defined.

Delimitations of the Study

The delimitations of the study include:

1. This study is limited to special education directors or their designees in Virginia.
2. There is no assurance that the respondents did not receive assistance from other sources while taking the survey.
3. The content is limited to the following seven areas of special education law: (1) FAPE, (2) due process, (3) IEP, (4) LRE, (5) related services, (6) student discipline, and (7) liability for reimbursement of parents.

The study is presented in the following chapters:

- | | |
|-----------|---|
| Chapter 1 | Introduces the problem, discusses the background, need, purpose and definitions used in the study. |
| Chapter 2 | Describes the history of special education programs, law, research and literature associated with the topic. |
| Chapter 3 | Describes the research design of the study, the methodology utilized for collection of data and the statistical analysis used to explain the results. |
| Chapter 4 | Presents the findings of the research. |
| Chapter 5 | Presents conclusions and recommendations for further research. |

Definition of Terms

For the purpose of this study, the following special education acronyms, abbreviations, and terms will be used:

1. *Change in Placement*: For purposes of removal a child with a disability from the child's education placement. A change in placement occurs if (a) the removal is more than 10 consecutive school days or (b) the child is subjected to a series of removals that constitutes a pattern of exclusion (Wright & Wright, 2006).
2. *Child with a disability*: A child "(i) with mental retardation, hearing impairments, speech or language impairment, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or

- specific learning disabilities: and (ii) who, by reason thereof, needs special education and related services” [20 U.S.C.A. § 1401(3) (A) (i)].
3. *Due Process Complaint Notice*: Notice filed to request a due process hearing must include the following: specific information including the child’s name and address, name of the school the child attends, a description of the nature of the problem including related facts, and a proposed resolution of the problem (Wright & Wright, 2006).
 4. *Due Process Hearing/Impartial Due Process Hearing*: Procedure to resolve disputes between parents and schools; administrative hearing before an impartial hearing officer or administrative law judge (Wright & Wright, 2006).
 5. *Free Appropriate Public Education (FAPE)*: Special education and related services must: (a) be 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 school, or secondary school education in any state involved; and (d) conform to the individualized education program required under this law [20 U.S.C.A § 1401 (9)].
 6. *The Individuals with Disabilities Education Act of 2004 (IDEA)*: The federal special education law, codified at 20 U.S.C. § 1400 et seq.
 7. *Inclusion*: An effort to guarantee that students with disabilities go to school with their friends and neighbors, while they receive the “specially designed instruction and support”, they need to achieve high standards and succeed as learners (Wright & Wright, 2006).
 8. *Individualized Education Program (IEP)*: The IEP constitutes a written statement of each special education student’s present level of performance, including how the disability affects the student’s involvement and progress in the general curriculum, a statement of annual goals, and a statement of the special education and related services that will be provided to the student [20 U.S.C.A. § 1412(a) (5) (A)].
 9. *Least Restrictive (LRE)*: To the maximum extent appropriate, children with disabilities, including children in private or public institutions or other care facilities, are educated with children not disabled. The 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 a regular classroom with the use of supplementary aids and services cannot be satisfactorily achieved. [20 U.S.C.A. § 1412(a) (5) (A)].

10. *Manifestation Determination Review (MDR)*: If child with disability breaks a rule or code of conduct that applies to non-disabled children and if the school proposes to remove the child, the school must hold a hearing to determine if the child's behavior was caused by the disability (Wright & Wright 2006).
11. *Mainstreaming*: Attempts to move students from special education classrooms to regular education classrooms only in situations where they are able to meet standards of their typically developing peers without specially designed instruction or support (Wright & Wright 2006).
12. *Procedural Safeguards*: Requirement that schools provide full, easily understood explanation of procedural safeguards that describe parents' rights to an independent educational evaluation, to examine records, to request mediation and due process (Wright & Wright 2006)
13. *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 evaluative purposes only) as may be required to assist a handicapped child to benefit from special education (20 U.S.C. § 1401 (17)).

CHAPTER 2

HISTORY OF SPECIAL EDUCATION PROGRAMS AND LAW

Programs for children with disabilities were slow to develop in public schools. Until relatively recently, meager financial resources and public apathy combined to prevent significant efforts to extend an equal educational opportunity to persons with disabilities (Alexander, 2005). Many early special education programs were private and/or residential. High quality special education programs were rare and difficult to access. For most children with disabilities, special education programs were simply not available (Wright & Wright, 2007).

The U.S. Supreme Court Case, *Brown v Board of Education* (1954) was a catalyst for the extension of educational access to all children, including those with disabilities. The court wrote:

Today, education is perhaps the most important function of state and local compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is a doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right that must be made available to all on equal terms (*Brown v Board of Education*, 1954, pg. 7).

A review of special education history and law clearly demonstrates how the federal government, in conjunction with parent and advocacy groups, has influenced educational policy and services at the local and state level. In the 1950s and 1960s, individuals classified as handicapped often lived in state institutions for persons with mental retardation or mental illness. The handicapped were accommodated rather than assessed, educated and rehabilitated. Since *Brown v Board of Education* (1954), education law and policies have laid the foundation for implementing programs and services for special education individuals in states and localities across the country.

Literature Review

In the 1960's and 1970's parents of handicapped children, later renamed children with disabilities, began to pressure legislators to pass state laws which required local education agencies to offer special education services. The Individuals with Disabilities Act (IDEA), 1990, renamed "handicapped children" "children with disabilities."

Two landmark cases impacting federal legislation that supported improved programs and services for the handicapped were (*PARC*) *Pennsylvania Association for Retarded Children v. Commonwealth of PA*, 1971, and *Mills v. Board of Education of the District of Columbia*, 1972. *PARC* specified that all children between the ages of 6 and 21 with mental retardation must be provided a free public education. *Mills v. Board of Education of the District of Columbia* expanded *Pennsylvania Association for Children v. Commonwealth of PA (PARC)* to include all children with disabilities. The court adopted a comprehensive plan that included provisions for: (1) a free and appropriate education, (2) an individualized education plan (IEP), and (3) due process procedures (Alexander, 2005).

As a result of continued pressure from parents and advocacy groups, Congress determined in 1975 that millions of American children with disabilities were still not receiving an appropriate education. It established *Public Law 94 – 142: The Education for all Handicapped Children Act (EAHCA)*. The Act intended for all children with disabilities to "have a right to education, and to establish a process by which state and local educational agencies may be held accountable providing education services for all handicapped children" (EAHCA, 1975). An elaborate system of legal checks and balances called *procedural safeguards* were designed to protect the rights of children and their parents. *Public Law 94-142* provided six main components:

1. A free and appropriate education (FAPE)
2. An individualized education program (IEP)
3. Special education services
4. Related services
5. Due process procedures
6. Least restrictive environment (LRE) in which to learn.

Congress has amended the *Education for All Handicapped Children Act* many times. In 1983, the amendments clarified the term *special education* to designate services which "meet the unique educational needs of the handicapped child" (EAHCA, 1983). In 1986, amendments extended the age groups covered to include all preschool children with disabilities aged three to five years of age and deaf and blind children. In 1990, the statute was renamed the *Individuals with Disabilities Act (IDEA)*. It renamed "handicapped" children as "children with disabilities"

and expanded the definition for disabilities to include head trauma and autism. It also added provisions to prevent states from using the Eleventh Amendment as a shield against liability in actions on behalf of children with disabilities. In addition, the law mandated an IEP requirement for transition planning to meet the special needs of students who are sixteen years and older.

The Individuals with Disabilities Act (IDEA) was amended once again in 1997. The broader goals were to increase school readiness, improve competency in challenging subject matter, improve the safety of the learning environment, increase literacy, improve professional skills of the nation's teaching force, increase graduation rates, and promote partnerships with parents (Huefner, p. 24). IDEA, 1997: (1) added major new IEP requirements and discipline procedures; (2) modified eligibility and evaluation procedures; (3) provided additional avenues for parental participation; (4) required states to offer mediation prior to due process hearing; and (5) established limits on private school services and reimbursement for private placements (Huefner, p. 34).

The last amendment to IDEA occurred on December 3, 2004. The reauthorized statute was called *the* Individuals with Disabilities Education Improvement Act of 2004 and is known as IDEIA, 2004. In the statute, Congress described ongoing problems with the over-identification of minority children, with mislabeling, and with the high dropout rates (20 U.S.C. §1400).

The reauthorized law (IDEIA 2004) had two purposes. First, it mandated the provision of an education that meets a child's unique needs and prepares the child for further education, employment and independent living. Second, it protected the rights of both children with disabilities and their parents (Wright & Wright, 2007). IDEIA, 2004, updated and further outlined procedures for evaluations, eligibility, IEP teams, and due process. It also further defined special education and related services and disciplinary procedures for special education students.

Special Education Litigation

Conflicts between school divisions and parents of children of disabilities are "devoted almost entirely to judicial responses to conflicts between school districts and parents of children with disabilities seeking definition of the provisions of the federal disabilities legislation" (Alexander, 2005, p.494). These cases fall primarily into the following groups of statutory provisions: free appropriate public education; procedural safeguards; individualized education

program; least restrictive environment; separate school placement; related services; discipline and stay-put provision; attorney's fees; and tuition reimbursement (Alexander 2005).

This study focuses on seven areas of special education law identified in IDEA: (1) FAPE; (2) due process; (3) IEP; (4) LRE; (5) related services; (6) student discipline; and (7) liability for reimbursement of parents.

Free Appropriate Public Education (FAPE)

Under IDEA, FAPE is defined as “special education and related services” that (a) are provided at public expense, under public supervision and direction, and without charge, (b) meet standards of the state education agency, (c) include an appropriate education at the preschool, elementary and secondary school levels, and (d) are delivered in conformity with the child's IEP (20 U.S.C. § 1400). The Act does not define what constitutes an “appropriate” education and provides latitude to public schools to make this determination. Special education students' rights to FAPE were affirmed as early as 1982 in the Supreme Court decision in *Board of Education of Hendrick Hudson Central School District v. Rowley* (1982). After reviewing the Education of All Handicapped Children Act (now IDEA), the Court held:

the intent of the Act was more to open the door of public education to handicapped children on appropriate terms than to guarantee any particular level of education once inside... We conclude that the “basic floor of opportunity” provided by the act consists of access to specialized instruction and related services which are individually designed to provide educational benefit to the child (*Board of Education of Hendrick Hudson Central School District v. Rowley*, 1982).

The decision of Rowley clarified that children with disabilities were entitled to access an education that provided educational benefit. The court held that an appropriate education need not maximize the potential of students with disabilities in a way that is commensurate with the education opportunities provided to students without disabilities. (Huefner, 2006).

Numerous special education court cases have been heard across local school divisions within Virginia. The most notable have been cases involving compliance with FAPE requirements in the LRE, IEP placement and services, and tuition reimbursement. The case *A.K. v. Alexandria City School Board*, 2005 involves a high school student with disabilities whose parents placed him in private boarding school after rejecting the school division's proposal to

send him to a private day school. The parents claimed the school division failed to provide the student with a free appropriate public education, because it did not identify the specific private schools by name in the student's IEP. In denying the parents' claim, the hearing officer concluded that Alexandria City Public Schools had offered the student an appropriate and educationally-beneficial special education program in a private day school in his local community. The federal district court affirmed the hearing officer's decision that the IEP specifically set forth services to be provided to A.K. The court held that the private day placement was reasonably calculated to offer A.K. educational benefits and affirmed the hearing officer's conclusion that either of the two private day schools proposed by Alexandria City Public Schools could implement the provisions of the IEP.

In 2007, the U.S. Court of Appeals, Fourth Circuit (*A.K. v. Alexandria City School Board*) reversed the ruling, holding that IDEA requires school divisions to list in the IEP the specific school where the services will be provided. In 2008, *Alexandria City School Board v. A.K.*, the National School Boards Association filed an amicus brief asking the Supreme Court to overturn the Fourth Circuit's ruling, and stated that the ruling posed an unrealistic burden on school divisions already struggling to meet the demands of IDEA. The basis for the request was that private schools determine their own admissions policy and are under no obligation to accept students whether they are listed on an IEP or not. The motion was denied.

In another case, *J.P. v. County School Board of Hanover, VA (2006)*, the district court held J.P., an autistic student, did not make adequate progress under his IEP and that a private school placement for autistic children was an appropriate setting. The court ruled that the Hanover County Public Schools system must reimburse J.P.'s parents for the reasonable costs of educating J.P. in private school and must also pay the parent's attorney's fees. This decision was vacated and remanded with instructions by the United States Court of Appeals, Fourth Circuit in *J.P. v. County School Board of Hanover, VA, 2008*. The Court of Appeals concluded that:

The district court failed to give the required deference to the state hearing officer's decision, and therefore vacate the district courts order and remand with instructions that the district court reconsider the question of the appropriateness of the IEP proposed for J.P. We likewise vacate the district court's order awarding attorney's fees and costs, and we remand for reconsideration of the parents' entitlement, should they remain prevailing parties, to an attorney's fees (p.5).

Due Process

IDEA (2004) provides safeguards designed to protect the rights of children with disabilities and those of their parents. These safeguards include the right to participate in all meetings, to examine all educational records, and to obtain an Independent Education Evaluation (IEE) of the child. It also includes requirements for a two-year statute of limitations, appeals, discipline, and age of majority [20 U.S.C.A. § 1401(3) (A) (i)].

A 2003 case that challenged due process safeguards was *R.R. ex rel. R. v. Fairfax County Public Schools*. R.R. was an eight-year-old child who was diagnosed with autistic spectrum disorder. Following the parents' rejection of R.R.'s proposed IEP, the parents sued the school division seeking relief from the school board's denial of a due process hearing. The United States District Court granted judgment in favor of the parents. The school division appealed. The Court of Appeals reversed the decision stating that Fairfax County Public Schools was not required by either IDEA or its regulations to inform the parent of the state's two-year limitations period requesting a due process hearing. The court declared that the parent's IDEA claim accrued, for statute of limitations purposes, when he rejected the school division's proposed IEP as inadequate, or when he withdrew his child from public school education.

Technical issues often arise at due process hearings and in court. "These issues often focus on which party has the burden of proof and what the appellate standard of review is" (Huefner, 2006). The United States Supreme Court in *Schaffer v. Weast* (2005) held that the burden of proof in an administrative due process hearing rests with the party seeking relief. The Hearing Officer found the parents' evidence was more persuasive than the Montgomery County School Board's and ruled accordingly. The parents met their burden of proof regarding the inappropriateness of the IEP for their autistic son. The court reinforced the supports that IDEA provides to ensure that parents have access to an expert who can evaluate all the materials that the school must provide and who can give an independent opinion. "They are not left to challenge the government without a realistic opportunity to access the necessary evidence or without an expert with the firepower to match the opposition" (*Schaffer v. Weast*, 2005, p.5).

Individualized Education Plans

An IEP is written for each child with a disability and is developed, reviewed, and revised in an IEP meeting held annually or more frequently. IDEA (2004) clearly defines that the IEP

must include a statement of the child's present levels of academic achievement and functional performance. There must be a statement of measurable annual goals including academic and functional goals. If the child takes alternate assessments, they must be aligned to alternate achievement standards. The IEP must include a description of benchmarks or short term objectives. It must clearly define special education as well as related services and list any individual accommodations that are appropriate. Transition services must be discussed no later than the first IEP after the child turns 16 years of age. Beginning no later than one year before the child reaches the age of majority; the IEP must include a statement that informs the child's right to age of majority. After reviewing and writing all sections of the IEP, the IEP team must reach consensus determining the child's educational placement. The IEP team consists of the child's parent/guardian, general education teacher, special education teacher and the child.

In a complex IEP case, *M.S. v Fairfax County Public Schools, 2007*, the Simchick family sued Fairfax County Public Schools on a number of claims under IDEA. The family claimed that the IEPs for their mentally retarded son, M.S., offered by Fairfax County Public Schools (FCPS) during the 2002-2005 school years, failed to provide sufficient one-on-one instruction. As a result, their only alternative was to place M.S. in a special education private school. The Simchicks also alleged sixteen procedural violations. The courts concluded that the IEPs provided by the Fairfax County Public Schools were not appropriate under IDEA because they failed to provide M.S. with the intensive, one-to-one personal attention that his education required. Reimbursement for the private school tuition was denied because the facility in which M.S. was enrolled was not a school, did not incorporate fundamental elements that M.S. needed in his educational program, and was overly restrictive. The courts found the school division in noncompliance with one procedural requirement: FCPS failed to invite the facility representative to the IEP meeting (*M.S. v Fairfax County Public Schools, 2007*).

Least Restrictive Environment

The IDEA mandates the following in regard to LRE:

1. Children with disabilities must be provided a "free and appropriate public education" and education services must be "implemented in the least restrictive environment."

2. LRE legislation must be based on the notion that the general education environment is appropriate for educating all children, including those with disabilities or special needs, given that appropriate supports and accommodations are in place.
3. Special classes, separate schooling or other removal of eligible individuals from the general education environment must occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
4. To the maximum extent possible, children with disabilities (including those with autism spectrum disorders) and children without disabilities must be integrated in the same setting (IDEA 1997-20 U.S.C. 1412(a) (5) (B)).

In cases regarding least restrictive environment, the courts will generally defer to the school division. The courts use three interpretations when determining LRE cases: (1) the *Daniel R.R. test*, (2) the *Roncker v. Walter test*, and (3) a combined four-factor analysis used in the *Sacramento City School District v. Rachel, H.*, 1994 (Alexander, 2005).

The Third, Fifth, Tenth, and Eleventh Circuits employ the *Daniel R.R. test*, based on a case of that name. The questions are:

1. Can an appropriate education in the general education classroom with the use of supplementary aids and services be satisfactorily achieved?
2. If a student is placed in a more restrictive setting, is the student “integrated” to the “maximum extent appropriate” (*Daniel R.R. v. State Board of Education*, 1989)?

The Fourth, Sixth, and Eighth Circuits apply the *Roncker v. Walter test* which requires that the school show that a segregated facility would offer superior education services. It involves the following two-part test:

1. Can the educational services that make the segregated setting superior be feasibly provided in a non-segregated setting? (If so, segregated placement is inappropriate).
2. Is the student being mainstreamed to the maximum extent appropriate (*Roncker v. Walter*, 1983)?

The Ninth Circuit, in the case of *Sacramento City School District v Rachel H.*, 1994, combined elements of the *Daniel R.R.* and *Roncker* cases and defined a four-factor analysis

that considers: (1) the educational benefits of full time placement in a regular class; (2) the non-academic benefits of the placement; (3) the effect the student had on the teacher and other children in the class; and (4) the cost of mainstreaming the student with the disability (Alexander, 593).

In the Virginia decision *Hartmann v. Loudoun*, 1997, the United States Court of Appeals for the Fourth Circuit used the *Roncker v. Walter* test to review the United States District Court decision involving Mark. This eleven year old autistic child with significant deficiencies in communication skills, social interaction, and motor control was denied an education with non-handicapped children. The Hartmanns contended that the school division failed to educate Mark in a mainstream environment “to the maximum extent appropriate” as required by IDEA. The Court of Appeals reversed and remanded with instructions to dismiss the published opinion stating that “the handicapped child was a disruptive force in the non-segregated setting.” The court added that to demand more from the regular education personnel assigned to Mark’s classroom would essentially “require them to become special education teachers trained in the full panoply of disabilities that their students might have. Virginia law does not require this, nor does the IDEA” (*Hartmann v. Loudoun*, 1997, p.9).

Related Services

Related services are services that enable special-needs children to benefit from special education and must be made available to the parents (Alexander, 2005). These services include:

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 evaluative purposes only) as may be required to assist a handicapped child to benefit from special education (20 U.S.C. § 1401 (17)).

Two Supreme Court cases have helped to define health services as a related service. *Irving School District v. Tatro*, 1984, defined the question of when health services are necessary for FAPE. The court held that the minor respondent’s intermittent catheterization was a related service required by law. The catheterization procedure was considered a school health service

primarily because the service did not need to be performed by a licensed physician; the catheterization was consistent with the type of service provided by the school nurse. The key question when determining health services is whether the proposed service is necessary for a child to benefit from special education. If the service is deemed necessary, the division must provide it as part of FAPE. The only exception occurs when a physician must provide the service.

In *Cedar Rapids v. Garret F.*, 1999, the Supreme Court revisited the “Tatro” issue of related services. The question presented by the case was “Do schools that receive federal funding under IDEA have to pay for one-on-one nursing assistance for Garrett who was paralyzed from the neck down due to a motorcycle accident at the age of four years old. The court held that:

Under the statute, our precedent and the purposes of the IDEA, the district must fund such related services to help guarantee that students like Garret are integrated into public school...Congress intended to open the door of public education to all qualified children and required participating states to educate handicapped children with non-handicapped children whenever possible (*Cedar Rapids v. Garret F.*, 1999).

A recent case regarding related services filed in 2006 was *A.L. v. York County School Board*. A.L. was a 20-year-old Downs Syndrome student who required sign language to clarify his communication. The court found that the IEP written by the York County School District was inadequate under the IDEA because A.L. required direct occupational therapy services due to his inability to use his two hands simultaneously. This added service was necessary to provide A.L. with skills needed in both school and in the workplace.

Discipline and the Stay-Put Provision

One of the most challenging and contentious areas of special education school law involves matters of school discipline. Many parents question if expulsions and indefinite suspensions of children for conduct related to their disabilities deprive them of their right to a free and appropriate education. *Honig v. Doe* (1988) issued a stay-put provision prohibiting school authorities from unilaterally excluding students with disabilities for dangerous conduct growing out of disability. School divisions use the Manifestation Determination Review (MDR) to determine if the disability is related to or caused the disciplinary infraction. IDEA stipulates

that school personnel must address negative behavior by means of a functional behavioral intervention plan and by exploring strategies and support systems to address any behavior that may impede the child's learning.

In 2004, *Wilson v. Fairfax County Public Schools* ruled that a disciplinary transfer of a sixth grade special education student to a different elementary school was not a change in educational placement violating the stay-put provision of IDEA. The student was transferred to a similar special education program at a different school after it was determined that the student's attention deficit hyperactivity disorder (ADHD) did not factor into his misconduct, permitting the school to discipline him as it would any other student. The court defined the term "educational placement" as the overall educational environment rather than the precise location in which the disabled student is educated.

Liability for Reimbursement to Parents

"Local school divisions may be liable for reimbursement of parents for tuition associated with alternative placement in private schools" (Alexander, 2005, p.537). Justice Sandra Day O'Connor wrote in *Florence County School District IV v Shannon Carter* (1993) that if the public school fails to provide an appropriate education and the child receives an appropriate education in a private placement, the parents are entitled to be reimbursed for the child's education, even if the private school does not comply with state standards.

In the case of *Jennings v. Fairfax County Public Schools*, 2002, Kendall Jennings, a tenth grader, filed a state court action seeking reimbursement under IDEA for tuition and non-educational costs for her stay at a private psychiatric facility. Her parents sued the school division for failure to propose in writing a placement at a specific private day school and failure to include a representative of that school at her IEP meeting. The courts ruled in favor of the school board which stated that the school had adequately complied with IDEA. The court held that the parents were not entitled to reimbursement because a court can award reimbursement only if the school division has denied the student a "free and appropriate education" and the parents' chosen placement is otherwise appropriate. Fairfax County Public Schools proposed a "free and appropriate education" for Jennings.

In a more recent decision *County School Board of Henrico County, VA v. R.T.*, 2006, the court issued a pro-child decision on behalf of RT, a child with autism. The judge in the case ruled that Henrico County must pay thousands of dollars because R.T.'s IEP did not provide a free appropriate public education and was not reasonably equipped to provide him with educational benefit. Cases involving special education services can cost a school division thousands and thousands of dollars. Even when the school board wins a case, it has still spent large amounts of money for legal preparation (Zirkel, 1997).

No Child Left Behind and Individuals with Disabilities Education Act

When Congress reauthorized the *Individuals with Disabilities Education Act* (IDEA), it made changes to align IDEA 2004 with the No Child Left Behind Act of 2001. NCLB mandates that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on state academic assessments (NCLB, 2001). NCLB seeks to close the achievement gap between children from low socio-economic backgrounds, children with disabilities, racial minorities, and English language learners.

The NCLB provisions include: annual proficiency testing, research based reading programs, highly qualified teachers, parents' right to know the teachers' qualifications, supplemental educational services and public school choice, and parental involvement and empowerment. IDEA requires that special education students be taught by "highly qualified teachers" and that the schools notify parents regarding the teacher's qualifications. It states that "All children with disabilities are included in all general state and district-wide assessment program with appropriate accommodations where necessary and as indicated in their respective individualized education programs" (Wright & Wright 2007). As parents work with the school personnel to develop their child's individualized education plan (IEP) they must be familiar with the essential components of reading instruction and know the status of the school's AYP – Annual Yearly Progress. IDEA 2004 requires the child's IEP to include:

a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and district-wide assessments and if the IEP Team determines that the child shall take an alternate assessment on a particular State or district wide assessment of student achievement, a statement of why... the child cannot participate in the regular assessment; and why the particular alternate assessment selected is appropriate for the child (Wright & Wright ,2007, p.198).

Studies reviewing IDEA compliance and special education litigation have identified several key areas that influence the ability of special educators, particularly in rural areas, to provide a free and appropriate public education to all learners with disabilities. Tate (2000) identified several challenges rural school divisions face including funding compliance requirements, changes in the identification and evaluation of eligible students with disabilities and qualitative standards that determine the adequacy of programs and services. Personnel shortages especially with the new highly-qualified-teacher requirements are particularly challenging. “State policy controls the flow of at least 75% of available IDEA funds to the local schools, and frequently the challenges of ensuring appropriate special education and related services can be interpreted differently for urban to rural settings” (Scheffel, Rude & Bole, 2005, p.3).

With the numerous compliance requirements identified in IDEA and NCLB, division special education administrators face tremendous challenges. They must be knowledgeable in every component of the law in order to stay in compliance with all laws and limit litigation proceedings.

Research Studies

A search of the literature provided very few studies that measured division special education administrators’ knowledge of special education law. The following recent studies suggest that this is a required focus area.

Study 1

The Power study (2007) assessed Virginia principals’ knowledge of special education law. A random sample of 462 Virginia principals completed a survey of 24 hypothetical scenarios based on the following components of IDEA: (1) free and appropriate public education, (2) due process, (3) individualized education plans, (4) least restrictive environment, (5) related services, (6) student discipline and (7) liability for reimbursement of parents. The study included the following questions:

1. What is the relationship between grade level of schools and size of schools (ADA) as identified in the eight Virginia Superintendents’ Study Regions and the principals’ knowledge of special education law?

2. What is the relationship between principals' knowledge of special education law and the following characteristics: gender, age, years of experience as an administrator, and the number of courses taken in special education?
3. What is the relationship between principals' knowledge of special education law and the occurrence of litigation of special education safeguards?

A total of 236 principals responded to the survey resulting in a 51% response rate. Principals used SurveyMonkey to report demographic and professional information and to measure principals' knowledge of special education law. Principals rated 24 scenarios as "true or false" or "don't know."

Results of this study show that there is no significant difference between principals' test scores and each of the geographic variables. It concluded that Virginia principals' knowledge of special education law was not significantly related due to the grade level compositions, the size of the schools or the type of communities the principal served. In addition there was no significant difference between principals' gender, age, years of experience as a teacher, years experience as a principal, level of degree, and the number of courses taken in special education law. This study (Power, 2007), identified two significant areas of weakness: related services and free and appropriate education. The overall mean score of knowledge of school law was 64 %. This score suggests an insufficient knowledge of special education law to safeguard against errors in policy and the provision of special education services. Power raises an additional concern in that principals scored 53% or less in three areas of FAPE, 61% or less in two areas of IEP development, and 57% and below on three areas of related services. If principals are to implement the regulations and standards correctly, they must be knowledgeable and trained via university programs, staff development opportunities, and information distributed by the Virginia Department of Education. School divisions must ensure that their policies and programs meet the needs of all children with disabilities.

More definitive results would be available had the Power study eliminated "don't know" as a response option. Other limitations of the study resulted from the use of hypothetical scenarios and from the lack of other formats of testing such as true-false response categories. Additionally, the study did not include information about any other facets of school law.

Study II

Scheffel, Rude, and Bole (2005) conducted a qualitative case study of school personnel's understanding of special education law using data from several rural school divisions in Kansas. Data was triangulated and summarized into five key principles. The researchers interviewed three special education directors. In addition, they used other data sources including observations, formal record reviews, IEP meeting transcripts, and legal documents including due process transcripts. Principle 1 states that teachers must understand laws and regulations. Principle 2 illustrates that all members of the IEP team must be able to demonstrate expertise related to children who may evidence a range of disabilities. Principle 3, according to Scheffel, Rude, and Bole (2005), suggests that special education directors/or principals must be perceived by parents as fair-minded and genuinely invested in providing equal treatment and opportunity for all children. Principle 4 states that parents prefer an "outside" expert rather than a "district" expert who was created by attendance at conferences or trainings. Principle 5 states that parents want credible data describing their child's learning.

The implications and practices that were recommended in this study are potentially helpful not only to rural districts but to all school divisions. These practices are useful in developing proactive practices to reduce the potential for special education due process hearings and litigation. The researchers conclude that school divisions must be committed to maintaining knowledge of current laws and regulations and must be open to utilizing outside expertise if needed. School divisions must also maintain positive interactions with parents.

Study III

Bays (2001) studied the manner in which supervision of special education instruction occurs in rural public elementary schools. Nine elementary schools in three rural divisions of Virginia participated in the study. Interview data were collected from 35 participants, including special and general education teachers, principals, and directors of special education. A qualitative, grounded theoretical research design was used in this study. Analysis of data resulted in the formulation of a theory. Bays observed school based supervision and collected documents pertaining to the supervision process. This study revealed that supervision of rural elementary special education instruction occurs in a generic fashion that provides limited focus on the

improvement of instruction. Researchers also found supervisory responsibility to be dispersed among groups of professionals.

The implications of the (Bays, 2007) study are that school administrator preparation programs should broaden the opportunities for learning in areas that include characteristics of special needs children, impact of disability on learning and best instructional practices. Information regarding special education law is critical to understanding LRE, related services, accommodations, and the many other facets of a free and appropriate public education. Without this specialized training, administrators will be unable to provide appropriate instructional supervision, leadership, and services.

Notes from interviews and observations attached in the appendices of Bays, 2007, provided comprehensive details of the study. The author systematically revealed patterns and observations related to the supervision of special education instruction at the elementary level. This study should be repeated in other rural divisions across the nation and include supervision of special education at the middle and high school levels.

Study IV

Hirth and Valesky (1992) surveyed state directors of special education to determine the existing knowledge base of school administrators in special education and special education law. State directors of special education were sent a *Survey of the States: Special Education Law* to determine special education knowledge requirements for school administrators in their states. The survey instrument asked seven questions; three requested information on endorsements offered, knowledge requirements for special education law and a general knowledge of special education, and how that knowledge is acquired. Information was requested on the following endorsements: general administration; principal, instructional supervisor; superintendent; and special education administrator. State directors of special education were chosen as respondents because they are more knowledgeable about a state's administrative endorsement requirements. A total of 39% (20 of the 52) respondents indicated that for at least one endorsement type, knowledge of special education law is mandated. Very few states require administrators to complete a course devoted to special education law. Thirty-eight percent of all regular administrative endorsements required a general introductory special education course. For 45% of the regular administrative endorsements, no state requirement for general of special education

exists. Thirty-nine states responded that state-level in-service training is offered. The most common type is a yearly, multi-day workshop.

This study offered encouraging data regarding special education services:

1. Most states now offer special education administrator endorsements than in previous years.
2. Seventy-five percent of all states offer annual special education in-service training programs for administrators.
3. Almost all states have study councils or task forces that address special education concerns, and the majority of these include regulation education administrator
4. Few due process hearing decisions have been appealed to the courts.
5. The use of mediation prior to due process hearings has been adopted by most states.

Even as early as 1992, researchers concluded that all educational administrators should be special education administrators and receive training in matters related to special education including special education school law. Ideally, a course devoted exclusively to special education school law was recommended to be mandatory. Today, this is of particular importance as school divisions increase their practices of mainstreaming and inclusion. Universities must train all of their student teachers to work with all children. School divisions must provide updated training and review in all matters related to special education law and instruction.

Study V

Farley (2002) completed a study entitled *Barriers and Supports Affecting the Inclusion of Special Education Issues into the Pre-service Training of School Principals: Faculty Perceptions*. This qualitative study sought to better elucidate the opinions of university faculty in departments of educational leadership regarding the inclusion of special education issues in the pre-service training of school principals. The study attempted to describe the current status of pre-service administrative training. The results indicated that faculty members were often untrained, inexperienced, or disinterested in special education and may freely exclude special education topics from the courses they teach. Faculty often spoke of special education as a topic that is often and inappropriately viewed as someone else's concern. In addition, Farley found that

students enrolled in principal preparation programs were often inexperienced and disinterested in special education issues as well.

As Farley stated, “the combination of disinterested faculty and disinterested students noted in this study is quite serious, especially because an over whelming voice in the literature notes that special education knowledge is essential for a person’s survival in the principalship” (Farley, 202, p.71)

Synthesis of Studies

The research reviewed for this study demonstrates administrators’ lack of training, preparation and knowledge of special education law on several levels. In Virginia, principals were found to be limited in their understanding of free and appropriate public education (FAPE) and related services (Power, 2007). IDEA changes have made principals in rural districts more vulnerable to parent-initiated due process proceedings (Scheffel, Rude, & Bole, 2005). Studies show that very few states require training in special education law with special education in-service training offered once or twice a year (Hirth & Valesky, 1992). And university faculty members and students are often untrained and disinterested in special education (Farley, 2002).

To build on the existing research, this study will assess the special education director’s or division designee’s knowledge of special education law in an effort to provide information that will support more effective planning for staff development training and university principal preparation programs. Special education requires diligence to remain current with regulations and litigation. It is the role of special education directors or division designees to keep their school divisions in compliance in all areas of IDEA and their staff knowledgeable in all facets of special education instruction, supervision, and law. To do this, special education administrators must be knowledgeable of special education law.

CHAPTER 3

METHODOLOGY

Purpose of the Study

This study is designed to assess Virginia special education directors' or division designees' knowledge of special education law as it relates to the seven areas of special education law identified in IDEA: (1) FAPE; (2) due process; (3) IEP; (4) LRE; (5) related services; (6) student discipline; and (7) liability for reimbursement to parents. Demographic variables such as training and education, size of school division, special education membership, and methods to stay current with special education law were analyzed to determine if these variables are significantly related to a director's knowledge of special education law.

This study proposes to identify:

1. Virginia special education directors' or division designees' level of knowledge of special education law;
2. The relationship between the characteristics of a school division (number of schools; general and special education enrollment) and the special education director's or division designee's knowledge of special education law; and
3. The relationship between the knowledge of special education law and the individual characteristics of the special education director or division designee (previous special education teacher experience, number of years as a special education director or division designee, highest degree attained, percent of time devoted to special education responsibilities, membership in special education professional organizations, attendance at special education law workshops, methods of remaining current with special education laws).

This chapter includes information on research methodology, the population description and selection process, an explanation of the development of the instrument, methods for data collection, and methods for analysis. The study is based on a causal-comparative research design that attempts to determine the cause for existing differences in the status of individuals or groups. Such research is referred to as "ex post facto." The basic causal-comparative approach involves starting with the effect and seeking possible causes. The researcher attempts to determine what

difference between the groups has led to the observed difference on the independent variable. In causal research the groups are already formed and already different on the independent variable. The difference between groups (the independent variable) was not brought about by the researcher. Causal-comparative studies help to identify variables worthy of experimental investigation (Gay, 1992).

Population Description

All special education directors or designees throughout the Commonwealth of Virginia were mailed the assessment. The *Virginia Department of Education Directory* provided the names and email addresses of the 129 directors or division designees (Appendix A includes the list of school divisions). Each special education director or division designee provided demographic information that included: (a) size of the school division, (b) previous special education teacher experience, (c) number of years as a special education director or division designee, (d) highest degree attained, (e) percent of time devoted to special education responsibilities, (f) membership in special education professional organizations, (g) attendance at special education law workshops, and (h) methods of remaining current with special education laws.

Instrumentation

The assessment instrument was based on the Power (2007) study, *A Study of Selected Virginia School Principals' Knowledge of Special Education Law*. It consisted of hypothetical scenarios based on the seven areas of special education law. At the recommendation of Power, changes were made to the assessment response options. The *Don't Know* response choice was deleted to provide more definitive results. The *Yes/No* response choice was also changed to *True/False* for greater clarity. Additional changes were made to the demographic questions on the assessment to better reflect the job responsibilities related to special education directors rather than principals. The new demographic questions included: (a) size of the school division; (b) previous special education teacher experience; (c) number of years as a special education director or division designee; (d) highest degree attained; (e) percent of time devoted to special education responsibilities; (f) membership to special education professional organizations; (g) attendance to special education law workshops; and (h) methods of remaining current with

special education laws. A calculation of Cronbach's Alpha, an estimate of the internal consistency of the survey instrument, yielded a standardized alpha of .71.

The revised survey was submitted to the following groups for clarity of the assessment items:

1. Students who attended the Virginia Tech Summer 2007 Orientation to Residency (OTR) Doctoral Cohort in Blacksburg, VA;
2. Students who enrolled in the Virginia Tech Fall 2007 ELPS School Law class, Northern Virginia, Falls Church, VA; and
3. The Coordinator for Monitoring and Compliance in Special Education for Fairfax, Virginia.

Data Collection

Efforts were made to ensure a maximum response rate. Van Selm and Jankowski (2006) suggest researchers:

1. undertake multiple attempts to contact potential respondents (though, e.g., pre-notifications, reminders and replacement surveys, and thank you notes);
2. utilize a mixed-mode strategy, including both electronic and pen-and-pencil paper questions, in order to reach respondents without access to the Internet;
3. attempt to ensure that the survey topic is relevant to the target group;
4. use respondent incentives to stimulate questionnaire completion.

An on-line assessment instrument was developed and emailed to special education directors or division designees listed in the *Virginia Department of Education Directory*. A letter introducing the assessment and providing the web address on SurveyMonkey was emailed on May 18, 2008 (See Appendix B). The assessment was conducted on-line between May 18 and June 26, 2008.

The following procedures were used to secure a high response rate:

1. All potential participants were invited via email to furnish the researcher their name and school division address. They were entered into a drawing to receive the latest edition of *Getting Comfortable with Special Education Law, 2nd edition*, by Dixie

- Snow. Thirty-five respondents submitted their names and five were randomly selected.
2. The correct responses to the assessment were made available upon request at the end of the assessment.
 3. Non-respondents received weekly follow up e-mails reminding them to access the on-line assessment.
 4. A post card reminder was mailed to non-respondents two weeks prior to the end of the on-line assessment period.

Analysis of the Data

Data were analyzed using the statistical package, *JMP-Software for Univariate and Multivariate Statistics* (2005). Responses were tabulated and the relationship between demographic variables and respondents' knowledge of special education law was examined. Each of the hypothetical scenarios was analyzed to determine the areas of weakness in the special education directors' or designees' knowledge of the seven areas identified in this study.

Each of the following questions was analyzed as follows:

Research Question 1

What is the level of knowledge of special law for special education directors or division designees in the Commonwealth of Virginia?

A score of one point was given for each correct answer on the hypothetical scenario survey. Descriptive statistics and item frequencies were used to summarize the data.

Research Question 2

What is the relationship between the characteristics of the school division (number of schools, school enrollment, and special education enrollment) and the special education director's or division designee's knowledge of special education law?

A one-way ANOVA was performed to determine the relationship between the special education directors' or division designees' knowledge of special education law as measured by the instrument and the number of schools in the school division as divided into five categories. Pearson correlations were performed to determine the relationship between the special education directors' or division designees' knowledge of special education law and the size of the general

and special education student enrollment. Table 1 shows the variables in research question 2 by type and analysis.

Table 1

Variables Addressed in Research Question 2 by Type and Analysis

| Independent Variable | Type | Dependent Variable | Type | Analysis |
|---------------------------------|-------------|--------------------------------|-------------|-------------------------|
| Knowledge (Score on Instrument) | Interval | Number of Schools – Categories | Nominal | One-Way ANOVA |
| Knowledge (Score on Instrument) | Interval | General Education Enrollment | Ratio | Pearson Correlation (r) |
| Knowledge (Score on Instrument) | Interval | Special Education Enrollment | Ratio | Pearson Correlation (r) |

Research Question 3

What is the relationship between special education directors' or division designees' knowledge of special education law and the following characteristics: (a) previous special education teacher experience, (b) number of years as a special education director, (c) highest degree attained, (d) percent of time devoted to special education responsibilities, (e) membership in special education professional organizations, (f) attendance at special education law workshops, and (g) methods of remaining current with special education law?

One-way ANOVAs were conducted to determine the relationship between the special education directors' or division designees' knowledge of special education law (as measured by the instrument) and the various special education director or designee characteristics: previous experience as a special education teacher; level of education attained; percentage of time spent on special education job responsibilities; attendance to law workshops and methods of remaining current with special education laws and updates. A Pearson correlation was used to determine the relationship between the special education directors' or division designees' knowledge of special education law and the number of years experience as a special education director or designee.

Table 2 shows the variables addressed in research question 3 by type and analysis.

Table 2

Variables Addressed in Research Question 3 by Type and Analysis

| Independent Variable | Type | Dependent Variable | Type | Analysis |
|---------------------------------|-------------|---|-------------|-------------------------|
| Knowledge (Score on Instrument) | Interval | Previous Special Education Teacher | Nominal | One-Way ANOVA |
| Knowledge (Score on Instrument) | Interval | Number of Years as a Division Special Education Administrator | Ratio | Pearson Correlation (r) |
| Knowledge (Score on Instrument) | Interval | Highest Degree Attained | Nominal | One-Way ANOVA |
| Knowledge (Score on Instrument) | Interval | Percent of Time Devoted to Special Education Responsibilities | Nominal | One-Way ANOVA |
| Knowledge (Score on Instrument) | Interval | Membership in Special Education Professional Organizations | Nominal | One-Way ANOVA |
| Knowledge (Score on Instrument) | Interval | Attendance at Special Education Law Workshops | Nominal | One-Way ANOVA |
| Knowledge (Score on Instrument) | Interval | Methods of Remaining Current with Special Education Law | Nominal | One-Way ANOVA |

Summary

This study measured the knowledge that Virginia special education directors or division designees have of special education law as it relates to the seven areas of special education law identified in IDEA. This causal-comparative research study included data from 84 special education directors or designees in school divisions throughout Virginia. An online assessment survey that included 22 hypothetical scenarios representing current legal issues in the area of special education law as prescribed by IDEA and NCLB was adapted from the Power (2007) study. A demographic questionnaire was adapted to determine individual and school division characteristics pertinent to the study. The statistical package *JMP-Software for Univariate and Multivariate Statistics* (2005) was used to interpret analysis of variance for survey data and to examine the relationship between the variables.

CHAPTER 4

FINDINGS AND RESULTS

Presentation of the Data

This study was designed to measure the knowledge that Virginia special education directors or division designees have of special education law as it relates to the seven areas of special education law identified in IDEA: (1) FAPE; (2) due process; (3) IEP; (4) LRE; (5) related services; (6) student discipline; and (7) liability for reimbursement of parents. An online assessment that included 22 hypothetical scenarios representing current legal issues in the area of special education law as prescribed by IDEA and NCLB was adapted from the Power (2007) study. A demographic questionnaire was adapted to determine individual and school division characteristics pertinent to this study. The statistical package *Software for Univariate and Multivariate Statistics* (2005) was used to analyze the data and to examine the relationship between the variables.

Research Methods

An on-line assessment instrument of 22 hypothetical scenarios was taken from the Power (2007) Study, *A Study of Selected Virginia School Principals' Knowledge of Special Education Law*. At the recommendation of Power, changes were made to the survey response choices to provide more definitive results. This revised assessment was reviewed by two cohort groups comprised of education administrator graduate students in Educational Leadership and Policy Studies from the Virginia Polytechnic Institute and State University and a Coordinator for Monitoring and Compliance in special education from a major school division in the Commonwealth of Virginia. A letter explaining the assessment and providing the web address to access the on-line assessment was emailed to the 129 Virginia special education directors or division designees on May 18, 2008 (See Appendix B). The survey was conducted between May 18, 2008 and June 26, 2008. Extensive efforts were made to secure a high response rate, including: (1) an invitation was sent to all potential participants to enter a drawing to receive the latest edition of *Getting Comfortable with Special Education Law, 2nd edition*, by Dixie Snow Huefner; (2) the correct responses to the assessment were made available upon request at the end of the study; (3) weekly follow up e-mail reminders were sent to all non-respondents with an

attached link to the on-line assessment; (4) a postcard reminder was emailed to non-respondents two weeks prior to the end of the assessment period.

Characteristics of the Population

One-hundred-twenty-nine directors or division designees in Virginia were contacted. Eighty-seven completed the assessment yielding a 67% return rate. Before running statistical analyses, data were checked for completeness. After initial analysis, 84 assessments were usable. The assessment contained two parts: one requesting demographic information and the other assessing knowledge of special education law. Several of the assessments contained incomplete demographic information. However, these assessments were used in this study. Therefore the number of responses on some demographic items was less than 84. If a respondent left an item blank in the second part of the assessment, knowledge of special education law, the item was scored as incorrect. Of the 87 surveys returned, three were excluded because they failed to answer a substantial number of the knowledge of special education law and demographic items. Survey data were imported into *JMP-Software for Univariate and Multivariate Statistics* (2005). Responses were tabulated and the relationships between demographic variables and respondents knowledge of special education law were examined. Demographic information of the respondents is displayed in Table 3.

Table 3

Demographics of the Respondents

| Number of Schools in Respondents' Divisions | n | % |
|--|----------|----------|
| 1-5 Schools | 23 | 29.1 |
| 6-15 Schools | 35 | 44.3 |
| 16-25 Schools | 11 | 13.9 |
| 26-49 Schools | 4 | 5.1 |
| 50+ Schools | 6 | 7.6 |
| Total | 79 | 100.0 |
| Highest Degree Earned | n | % |
| Masters | 17 | 22.7 |
| Masters plus 30 | 25 | 33.3 |
| Education Specialist | 19 | 25.3 |

| | | |
|--|----------|----------|
| Doctorate | 14 | 18.7 |
| Total | 75 | 100.0 |
| <hr/> | | |
| Percentage of Time Devoted to Special Education | n | % |
| <hr/> | | |
| Less than 25% | 1 | 1.3 |
| Less than 50% | 9 | 11.3 |
| More than 75% | 30 | 37.5 |
| 100% | 40 | 50.0 |
| Total | 80 | 100.1 |
| <hr/> | | |

Based on the number of respondents, almost half (44%) were employed in school divisions with 6-15 schools. Less than one-third (29%) came from school divisions with fewer than five schools. The remaining 27% had sixteen or more schools in their school division. It should be noted that the four categories for highest degree earned were fairly evenly distributed. Over half of the respondents held Masters Degrees or Masters plus 30 hours. One quarter (25%) held Education Specialist degrees and 14 directors (19%) held a Doctorate degree. Eighty-seven percent (87%) of the respondents reported that they devote at least 75% or more of their time to special education job responsibilities. Only one special education administrator or division designee reported spending less than 25% and 11% indicated that they spend less than 50% of their day on special education responsibilities. It should be noted that there was an error made in the design of this question. The error consisted of improperly labeling one of the categories. The 50-75% category was not represented.

The average division student membership for respondents was 8,865 students with an average of 1,303 identified as special education students. Table 4 displays division student membership. It should be noted that the median for division membership was 3,430 students indicating a positively skewed distribution for smaller school divisions. This distribution is reflective of the composition of Virginia school divisions.

Table 4

Division Student Membership for Respondents

| Student Membership | Mean | Median | Standard Deviation |
|---------------------------|-------------|---------------|---------------------------|
| Total | 8,865.34 | 3,430.00 | 22,007.88 |
| Special Education | 1,303.38 | 514.00 | 3,104.69 |

Eighty-one percent (81%) of the directors or division designees who responded to the demographic questions belonged to special education professional organizations and eighty-five percent (85%) of those who responded have attended special education law workshops. Figure 1 summarizes the methods that special education directors or division designees identified to stay current with special education laws.

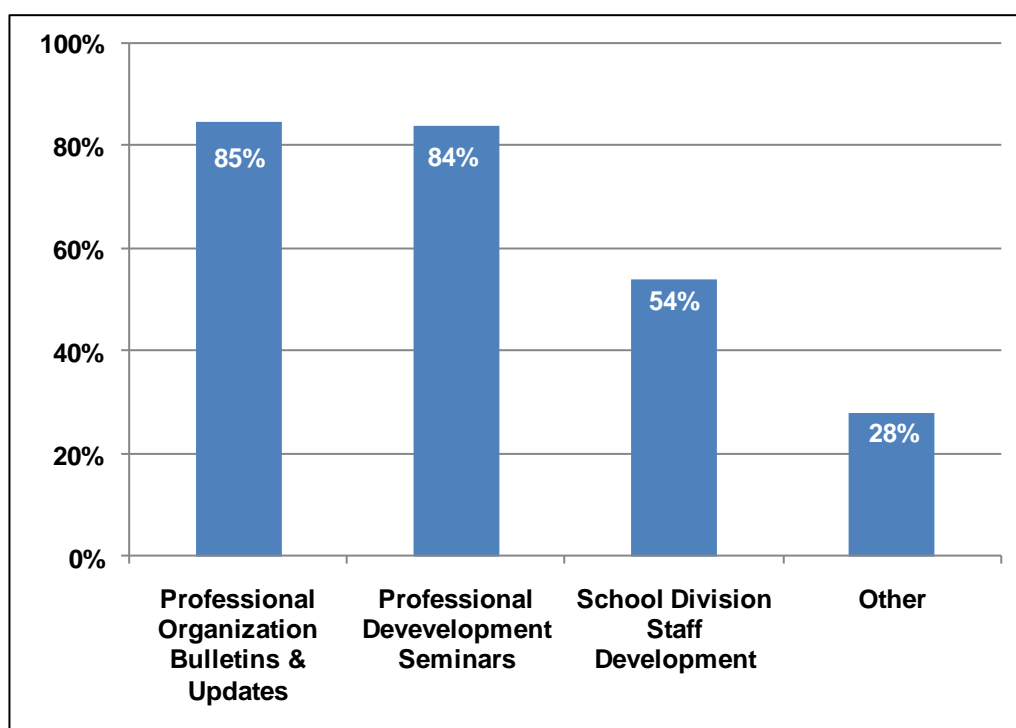


Figure 1. Methods of Remaining Current with Special Education Law

Eighty-five percent (85%) of directors or division designees reported remaining current with special education laws by reading professional organization bulletins and updates and by attending professional development seminars (84%). Over half (54%) reported that they remain

current by attending school division staff development. About one quarter (28%) remained current by some “other” means.

Additional analysis revealed that there was a significant relationship between the percentage of time devoted to special education job responsibilities and the number of schools in the school division ($X^2 = 12.84$, $p = .005$). Cross tabulation categories were collapsed to minimize the effect of small cell sizes on the Chi-Square analysis. Virginia special education directors or division designees from larger school divisions are more likely to devote 100% of their time to special education responsibilities than directors or division designees of smaller school divisions. See Table 5.

Table 5

Chi-Square Test of Association – Relationship of School Division and Time Spent on Special Education Job Responsibilities

| Time Spent on Special Education | Size of School Division | | | | Total |
|--|--------------------------------|-------------|----------------|----------------|--------------|
| | 1-5 | 6-15 | 16 – 25 | > 25 | |
| Less than 100% | 15 | 19 | 2 | 1 | 37 |
| Equal to 100 % | 8 | 14 | 8 | 9 | 39 |
| Total | 23 | 33 | 10 | 10 | 76 |

$X^2 = 12.84$, $p = .005$

Data Analysis

The remainder of this chapter is organized according to the three research questions posed in Chapter 1:

Research Question 1: What is the level of knowledge of special law for special education directors or division designees in the Commonwealth of Virginia?

Research Question 2: What is the relationship between the characteristics of the school division (number of schools, school enrollment, and special education enrollment) and the special education director’s or division designee’s knowledge of special education law?

Research Question 3: What is the relationship between special education directors' or division designees' knowledge of special education law and the following characteristics: (a) previous special education teacher experience, (b) number of years as a special education director or division designee, (c) highest degree attained, (d) percent of time devoted to special education responsibilities, (e) membership in special education professional organizations, (f) attendance at special education law workshops, and (g) methods of remaining current with special education law?

Research Question One

What is the level of knowledge of special education law for special education directors or division designees in the Commonwealth of Virginia?

Tables 4 – 11 provide specific item analysis of the responses to the hypothetical scenarios about special education law. A score of one point was given for each correct answer on the assessment. If a respondent did not answer the question the response was incorrect. Descriptive statistics and item frequencies were used to summarize the data. The tables report the number of true and false responses for each question and the percentage. A complete text of the survey is available in Appendix C. The correct response for each question is indicated with a double asterisk in the item analysis tables. (**).

FAPE was an area of weakness for directors or division designees who responded to the assessment, especially in the areas of parent request for independent evaluation and special education services for students who transfer intrastate and interstate. Thirty percent (30%) of the directors or division designees missed question 5. The question asked if a student who is eligible for special education services in one state is automatically eligible in another state. The answer is false. Over half (54%) missed question 6 which focused on the parent request for an independent evaluation because they disagreed with the child's eligibility. Table 6 summarizes responses to items related to FAPE.

Table 6

Responses to Items Related to Free and Appropriate Education (FAPE)

| Item* | True | | False | |
|--|------|--------|-------|--------|
| | n | % | n | % |
| Question 3 Services for students with serious health impairment/Principal refuses to enroll an MR student who could have AIDS unless social services informs the school as to the status of whether the child has AIDS. | 5 | 6.0 | 79** | 94.0** |
| Question 4 Timeline for the referral process/Parent requested a formal special education evaluation for his child and was informed by the school that the screening could not be initiated until the start of the new school year. | 3 | 3.6 | 81** | 96.4** |
| Question 5 Special education services for students who transfer from one state to another/A student who was eligible for special education in one state is automatically eligible in another state. | 26 | 31.0 | 58** | 69.0** |
| Question 6 Parent request for independent evaluation/Parent who disagreed with their child's need for special education services wanted an independent evaluation at public expense. The school officials had the right to refuse to pay for an independent evaluation and wanting to begin due process procedures. | 39** | 46.0** | 45 | 54.0 |
| Question 7 Eligibility criteria and the IEP process/ A child recently evaluated for emotional problems continued to experience difficulties during the evaluation process. Parents wanted special education services to convene immediately before the eligibility meeting was held. | 11 | 13.1 | 73** | 86.9** |
| Total Mean Correct Responses for FAPE = 3.93 (78.6) | | | | |

*Complete text of assessment is available in Appendix C **Correct responses

Directors or division designees demonstrated a high level of understanding of due process procedures especially regarding the need to provide language translations for the notice of procedural safeguards. One-quarter (25%) of the directors or division designees missed question

9 regarding long-term suspension due to serious disciplinary matters and due process. In the scenario a student with a disability was found in possession of a gun on school property. School officials suspended the student for 10 days followed by a 45–school-day interim alternative placement. The student’s parents claimed that as a student with disabilities their son’s rights had been violated. The question asked if the school division violated procedural safeguards for a special education student. The correct answer is false – the school division did not violate procedural safeguards for the special education student. Table 7 summarizes responses related to due process.

Table 7

Responses to Items Related to Due Process

| Item* | True | | False | |
|---|------|--------|-------|--------|
| | n | % | n | % |
| Question 8 Language translations for Procedural Safeguards Notice/Spanish speaking parents were given a copy of the Procedural Safeguards Notice that was written in English. | 78** | 92.9** | 6 | 7.1 |
| Question 9 Procedural safeguards and long term suspension due to serious disciplinary matters/ A special education student was found in possession of a gun on school grounds. School officials suspended the student for ten days followed by a forty-five day interim alternative placement. The parents claimed his rights had been violated as a student with disabilities because the school division violated procedural safeguards for a special education student. | 21 | 25.0 | 63** | 75.0** |

Total Mean Correct Responses for Due Process = 1.68 (84%)

*Complete text of assessment is available in Appendix C **Correct responses

Virginia special education directors or division designees demonstrated a high level of understanding for items related to the IEP process that included: general education teacher participation in the IEP meeting, placement of a student in special education prior to the IEP in emergency situations, and prior written notice and documentation of parent concerns. Over one-quarter (28.6%) of the directors or designees missed question 10 which provided the scenario of

a student being placed in special education program pursuant to an IEP, which was agreed upon by the parents. Although invited to the triennial evaluation, the parents refused to attend. The question asked if the school division was correct to discontinue special education services after the eligibility committee, without the parents, determined that the student was no longer eligible. The correct answer is false. Table 8 summarizes responses related to IEPs.

Table 8

Responses to Items Related to the Individualized Educational Plan (IEP)

| Item* | True | | False | |
|--|------|---------|-------|--------|
| | n | % | n | % |
| Question 10 Parent attendance to Eligibility Meeting/ A school division was correct in discontinuing special education services when the eligibility committee determined that the student was no longer eligible even though his parents were not in attendance. | 24 | 28.6 | 60** | 71.4** |
| Question 11 General Education teacher on the IEP committee/ At an initial IEP meeting for a student with learning disabilities, no regular education teacher was present. | 84** | 100.0** | 0 | 0.0 |
| Question 12 Placement of student in special education class prior to the IEP/ Prior to an IEP meeting, a school division placed a student in a special education class before the IEP meeting was convened and the IEP written. This action was in violation of IDEA. | 75** | 89.3** | 9 | 10.7 |
| Question 13 prior written notice and documentation of parent concerns/ Parents voice concerns about the placement option for their child at the IEP meeting but no changes were noted in the final draft of the IEP. Prior written notice was provided to the parent. The parent's rights were violated under IDEA. | 14 | 16.7 | 70** | 83.3** |
| Total Mean Correct Responses for IEP = 3.39 (85.4%) | | | | |

*Complete text of assessment is available in Appendix C **Correct responses

Directors or division designees demonstrated a high level of understanding that the law requires schools to educate, to the maximum extent possible, children with disabilities along with children who are not disabled. Eleven directors or division designees missed question 1 which provided the scenario of a special education high school student who met his/her IEP goals but not the requirements for graduation. The question asked if the principal was correct in informing the parents that the standard for graduation and termination of services was based on IEP completion. The answer is false. Table 9 summarizes responses related to least restrictive environment.

Table 9

Responses to Items Related to Least Restrictive Environment (LRE)

| Item* | True | | False | |
|--|------|--------|-------|--------|
| | n | % | n | % |
| Question 1 Graduation and termination from special education services/ The principal was correct in informing parents that the standard for graduation and termination of services was based on IEP completion. | 11 | 13.1 | 73** | 86.9** |
| Question 2 Steady academic progress in the least restrictive environment/An MR student was placed in a regular education classroom with a half day aide. She maintained steady academic progress even though she was half a year behind her classmates. School officials felt she needed to be in a more restrictive environment. School officials have a sound reason for a change in placement. | 6 | 7.1 | 78** | 92.9** |
| Question 14 Student with severe impairments and appropriate educational placement/ Parents of a child with severe disabilities insist that their child be totally mainstreamed in regular education classes. The principal responded by informing the parents that the school could not recommend such a placement due to the severity of the impairments and maintained that the current placement was the most appropriate placement. | 77** | 91.7** | 7 | 8.3 |
| Total Mean Correct Responses for LRE = 2.71 (90.5%) | | | | |

*Complete text of assessment is available in Appendix C **Correct responses

Over half of the directors or division designees who responded to the assessment missed question 15. This question asked if under IDEA, the alteration in the delivery of related services, such as transportation, was considered a change in placement. IDEA, 2004 clearly states that if transportation services are altered it is considered a change in placement. Fifty-three percent (53.6%) answered this question false. Table 10 summarizes responses related to related services.

Table 10

Responses to Items Related to Related Services

| Item* | True | | False | |
|---|------|--------|-------|--------|
| | n | % | n | % |
| Question 15 Transportation as a related service/ Under IDEA, the alteration in the delivery of related services, such as transportation is considered a change in placement. | 39** | 46.4** | 45 | 53.6 |
| Question 16 Payment for hospital educational services/ A special education high school student was placed in a hospital setting to address his substance abuse. The school division was billed for the hospital as well as education expenses. The school division was responsible for all of the costs. | 7 | 8.3 | 77** | 91.7** |
| Question 17 Full time nursing services in the school setting/ A student involved in a serious car accident returned to school as a quadriplegic. The school division was required to pay for his full time nursing services during the course of the day in order for him to attend school. | 71** | 84.6** | 13 | 15.4 |
| Question 18 Services for extracurricular activities/ A deaf student signed up to participate in an extracurricular activity. The school division may be responsible for providing an interpreter for this student to be able to participate in extracurricular activity. | 77** | 91.7** | 7 | 8.3 |
| Total mean correct responses for Related Services = 3.14 (78.6)% | | | | |

*Complete text of assessment is available in Appendix C **Correct responses

Some directors or division designees demonstrated a relative lack of knowledge of student discipline particularly regarding whether ten day suspensions are considered a change in placement and regarding parental appeals to the manifestation determination review. School officials have the authority to order a change in placement to an appropriate interim alternative education setting for a period up to 45 school days when they can demonstrate that a student in his/her current placement is likely to cause injury to the student or to others. Thirty-eight percent (38%) of the directors or division designees missed question 20 which asked about parents' right to appeal the results of a manifestation determination review (MDR). Table 11 displays responses to items related to student discipline.

Table 11

Responses to Items Related to Student Discipline

| Item* | True | | False | |
|--|------|--------|-------|--------|
| | n | % | n | % |
| Question 19 Ten day suspension and change in placement/ Parents claim that the school division authorized a change in placement without their permission because their child with disabilities was suspended for 10 days. The 10 day suspension was considered a change in placement. | 15 | 17.9 | 69** | 82.1** |
| Question 20 Parent appeal to MDR/ A parent appealed the results of a MDR and demanded that school officials postpone any long term suspension or expulsion until an expedited hearing could be held. This parent had the right to make these demands. | 52** | 62.0** | 32 | 38.0 |
| Question 21 Change in current placement because of likelihood of injury/ Hearing officers have the authority to order a change in placement to an appropriate interim alternative educational setting for a period of up to 45 school days when they can demonstrate that a student in his/her current placement is likely to result in injury to the student or to others. | 63** | 75.0** | 21 | 25.0 |
| Total mean correct responses for Student Discipline = 2.19 (73%) | | | | |

*Complete text of assessment is available in Appendix; **Correct responses

Thirty-eight percent (38%) of the directors or division designees did not understand that school principals can permit the on-site delivery of special education services to students with disabilities whose parents have voluntarily enrolled them in private schools, including religious elementary and secondary schools. The responses related to liability are displayed in Table 12.

Table 12
Responses to Items Related to Liability for Reimbursement

| Item* | True | | False | |
|---|------|--------|-------|------|
| | n | % | n | % |
| Question 22 Special education services in private schools/ School principals can permit the on-site delivery of special education services to students with disabilities whose parents have voluntarily enrolled them in private schools, including religious elementary and secondary schools. | 52** | 62.0** | 32 | 38.0 |

*Complete text of assessment is available in Appendix; **Correct responses

Directors or division designees demonstrated the greatest knowledge in the areas of LRE (90.5% correct) followed by IEPs (84.8% correct) and due process (84.0% correct). Areas of relative weakness include knowledge of FAPE (78.6% correct), related services (78.6% correct), special education procedures related to student discipline (73.0% correct), and (62.0% correct). The range of scores was from 62.0% to 90.5% correct. Additionally, subscale scores varied from 0% to 100% correct. Table 13 provides a summary of respondents' sub-scale scores and total scores. Figure 2 displays those sub-scale scores that were above the total mean score of 80.3 percent and those that were below the total mean score.

Table 13
Descriptive Statistics for Respondents' Sub-Scores and Total Scores

| Sub-Scale | % Correct | | | Sub Score | |
|---|-------------|-------------|--------------|--------------|-------------|
| | Min. | Mean | Max. | Mean | SD |
| Free and Appropriate Education (FAPE) (5 items) | 20.0 | 78.6 | 100.0 | 3.92 | .76 |
| Due Process (2 Items) | 0.0 | 84.0 | 100.0 | 1.68 | .54 |
| Individualized Education Plans IEP (4 Items) | 0.0 | 84.8 | 100.0 | 3.39 | .89 |
| Least Restrictive Environment (LRE) (3 items) | 33.0 | 90.5 | 100.0 | 2.71 | .55 |
| Related Services (4 items) | 0.0 | 78.6 | 100.0 | 3.14 | .84 |
| Student Discipline (3 items) | 0.0 | 73.0 | 100.0 | 2.19 | .80 |
| Liability for Reimbursement (1 item) | 0.0 | 62.0 | 100.0 | 0.62 | .49 |
| Total Score (22 Items) | 13.2 | 80.3 | 100.0 | 17.65 | 2.67 |

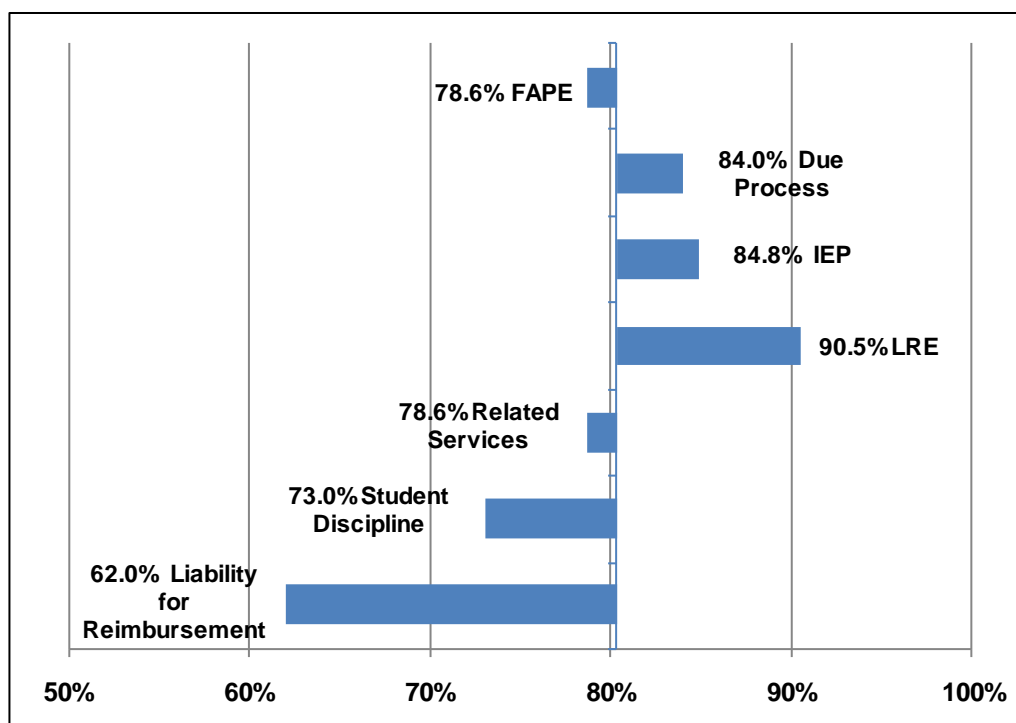


Figure 2. Mean Scores for Each Sub-Scale (Total Mean Score = 80.3)

Research Question Two

What is the relationship between the characteristics of the school division (number of schools, school enrollment, and special education enrollment) and the special education directors' or division designees' knowledge of special education law?

A one-way ANOVA was conducted to determine the relationship between the directors' or division designees' knowledge of special education law as measured by the assessment instrument and the number of schools in the school division as divided into 5 categories. Pearson correlations were used to determine the relationship between the directors' or division designees' knowledge of special education law and the size of the general and special education student enrollment.

There was no statistically significant relationship between the size of the school division and the directors' or division designees' knowledge of special education law ($F = .88$, $p = .48$). However, special education directors or division designees from school divisions which range from sixteen to forty-nine schools scored the highest on the assessment. Special education directors or designees from schools with more than fifty schools received a total mean score that was two points lower than directors from smaller divisions (1-5 schools and 6-15 schools). Additionally, correlations yielded no significant relationship between the special education directors' or division designees' knowledge of special education law and total student membership ($r = .04$, $p = .37$) nor special education membership ($r = .04$, $p = .36$).

Table 14 includes the results of comparing the relationship of respondents' size of school division and special education directors' and division designees' knowledge of special education law. Table 15 summarizes the results of those analyses.

Table 14

Results of ANOVA for Respondents' Size of School Division and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| No Schools | 4 | 25.26 | 6.31 | 0.88 | 0.48 |
| Error | 74 | 532.08 | 7.19 | | |
| Total | 78 | 557.34 | | | |

Table 15

Group Means for Respondents' Size of School Division and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| 1-5 | 23 | 17.9 |
| 6-15 | 35 | 17.9 |
| 16-25 | 11 | 18.0 |
| 26-49 | 4 | 18.3 |
| 50+ | 6 | 15.8 |

Research Question Three

What is the relationship between special education directors' or division designees' knowledge of special education law and the following characteristics: (a) previous special education teacher experience, (b) number of years as a special education director, (c) highest degree attained, (d) percent of time devoted to special education responsibilities, (e) membership in special education professional organizations, (f) attendance at special education law workshops, and (g) methods of remaining current with special education law?

There was no statistically significant relationship between previous special education teacher experience and the directors' or division designees' knowledge of special education law. However, directors or division designees with no special education teacher experience scored slightly higher than the directors or division designees with special education teacher experience on the hypothetical assessment. Table 16 compares the relationship between special education teacher experience and the directors' or division designees' knowledge of special education law and Table 17 summarizes group means.

Table 16

Results of ANOVA for Special Education Teacher Experience and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Special Education Teacher | 1 | 1.01 | 1.01 | 0.24 | 0.13 |
| Error | 78 | 335.87 | 4.30 | | |
| Total | 79 | 336.89 | | | |

Table 17

Group Means for Special Education Teacher Experience and Division Special Education Administrators' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| Yes | 64 | 17.9 |
| No | 16 | 18.2 |

A Pearson correlation yielded no statistically significant relationship ($r = .15$ $p = 0.11$) between the number of years experience as a special education director and the directors or division designees' knowledge of special education law.

The directors' or division designees' knowledge of special education law did not differ in relationship to level of education attained ($F = .18$, $p = .91$). The average mean score for directors or division designees with Education Specialist degrees was slightly lower than those who held Masters (or Masters + 30) degrees. The researcher did not ask the special education directors or division designees to indicate the area of specialty for their advanced degrees. Tables 18 and 19 display the directors' or division designees' knowledge of special education law by level of education attained.

Table 18

Results of ANOVA for Level of Education Attained and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Education | 3 | 2.39 | 0.80 | 0.18 | 0.91 |
| Error | 70 | 308.28 | 4.40 | | |
| Total | 73 | 310.66 | | | |

Table 19

Group Means for Level of Education Attained and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|----------------|---------------|-------------|
| Masters | 17 | 18.1 |
| Masters + 30 | 24 | 18.0 |
| Ed. Specialist | 19 | 17.9 |
| Doctorate | 14 | 18.4 |

There was no statistically significant relationship between directors' or division designees' knowledge of special education law and time spent on special education job responsibilities ($F = .38$, $p = .76$). Directors or division designees who reported spending more than 75% of their time on special education responsibilities scored the lowest on the survey. Table 20 summarizes the relationship between percentage of time spent on job responsibilities and directors' or division designees' knowledge of special education law and Table 21 displays group means for this variable.

Table 20

Results of ANOVA for Percentage of Time Spent on Special Education Job Responsibilities and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Time | 3 | 4.90 | 1.63 | 0.38 | 0.76 |
| Error | 74 | 316.00 | 4.27 | | |
| Total | 77 | 320,99 | | | |

Table 21

Group Means for Percentage of Time Spent on Special Education Job Responsibilities and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|----------------------------|---------------|-------------|
| Less than 25% ^s | 1 | 19.0 |
| Less than 50% | 9 | 18.3 |
| Less than 75% | 28 | 17.8 |
| 100% | 40 | 18.1 |

There was a statistically significant relationship between directors' or division designees' knowledge of special education law and membership to Professional Organizations as summarized in Table 22 ($F = 4.60$, $p = .04$). Table 23 summarizes group means.

Table 22

Results of ANOVA for Membership to Professional Organizations and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Professional Organization | 1 | 18.10 | 18.10 | 4.60 | 0.04 |
| Error | 76 | 298.88 | 3.93 | | |
| Total | 77 | 316,99 | | | |

Table 23

Group Means for Membership to Professional Organizations and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| Yes | 63 | 18.2 |
| No | 14 | 17.0 |

There was no statistically significant relationship between special education directors' or division designees' knowledge of special education law and their attendance at special education law workshops ($F = 1.58$, $p = .21$). Table 24 displays the results when comparing attendance at special education law workshops and special education directors' or division designees' knowledge of special education law. Table 25 summarizes group means.

Table 24

Results of ANOVA for Attendance to Special Education Law Workshops and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Law Workshop | 1 | 6.54 | 6.55 | 1.58 | 0.21 |
| Error | 76 | 314.44 | 4.14 | | |
| Total | 77 | 320.99 | | | |

Table 25

Group Means for Attendance to Special Education Law Workshops and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| Yes | 66 | 18.1 |
| No | 12 | 17.3 |

Analyses using one way ANOVA revealed that directors or division designees who participate in professional development seminars ($F = 12.76, p = .00$), read professional organization bulletins and updates ($F = 10.09, p = .00$) and use “other” means ($F = 4.52, p = .04$) scored significantly higher than directors or division designees who do not. There was no relationship between school division staff development and directors’ or designees’ knowledge of special education law ($F = .00, p = .98$). Tables 26-33 display the results when comparing various methods of remaining current with special education law and directors’ or division designees’ knowledge of special education law.

Table 26

Results of ANOVA for Professional Development Seminars and Directors’ Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|-----------------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Professional Development Seminars | 1 | 78.87 | 78.87 | 12.76 | 0.0006 |
| Error | 82 | 511.80 | 6.24 | | |
| Total | 83 | 590.67 | | | |

Table 27

Group Means for Professional Development Seminars and Directors’ Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| No | 14 | 15.5 |
| Yes | 70 | 18.1 |

Table 28

Results of ANOVA for School Division Staff Development and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|-----------------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| School Division Staff Development | 1 | 0.0053 | 0.00534 | 0.0007 | 0.98 |
| Error | 82 | 590.66 | 7.20319 | | |
| Total | 83 | 590.67 | | | |

Table 29

Group Means for School District Staff Development and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| No | 38 | 17.7 |
| Yes | 46 | 17.7 |

Table 30

Results of ANOVA for Professional Organization Bulletins and Updates and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---|-------------|-----------------------|--------------------|----------------|-------------|
| Professional Organization Bulletins and Updates | 1 | 64.72 | 64.7165 | 10.09 | 0.0021 |
| Error | 82 | 525.95 | 6,4140 | | |
| Total | 83 | 590.67 | | | |

Table 31

Group Means for Professional Organization Bulletins and Updates and Division Special Education Administrators' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| No | 13 | 15.6 |
| Yes | 71 | 18.0 |

Table 32

Results of ANOVA for Other Methods to Obtain Updates on Special Education Law and Updates and Directors' Knowledge of Special Education Law

| Source of Variance | d.f. | Sum of Squares | Mean Square | F ratio | p(F) |
|---------------------------|-------------|-----------------------|--------------------|----------------|-------------|
| Other | 1 | 30.86 | 30.8583 | 4.52 | 0.04 |
| Error | 82 | 559.81 | 6.8269 | | |
| Total | 83 | 590.67 | | | |

Table 33

Group Means for Other Methods to Obtain Updates on Special education Law and Directors' Knowledge of Special Education Law

| Group | Number | Mean |
|--------------|---------------|-------------|
| No | 60 | 17.3 |
| Yes | 24 | 18.6 |

In summary, Virginia directors of special education or division designees attained a total mean score of 80.3% on the survey instrument. The range of scores was from 62.0% to 90.5% correct. Directors or division designees were most knowledgeable in the areas of least restrictive environment (90.5% correct), individualized educational plans (84.8% correct), and due process (84.0% correct). Areas of relative weakness included: free and appropriate education (78.6% correct), related services (78.6 correct), student discipline (73.0% correct), and liability for

reimbursement to parents (62.0% correct). The demographics of the school division had no statistically significant relationship to the directors' or division designees' knowledge of special education law. Likewise, the directors' or division designees' previous special education experience; number of years as a special education director or division designee; highest degree attained; percent of time devoted to special education responsibilities; and attendance to special education law workshops had no statistically significant relationship to the directors' or division designees' knowledge of special education law. Directors or division designees who belonged to professional organizations scored significantly higher on the survey than those who did not. In addition, directors or division designees identified three methods of remaining current with special education law that were statistically significant to their knowledge of the law. There were professional development seminars, professional organization bulletins and updates, and by "other" means. The researcher did not ask respondents to define "other" methods. School division staff development did not show a significant relationship to directors or division designees' knowledge of special education law.

CHAPTER 5

SUMMARY, DISCUSSION, AND RECOMMENDATIONS

This chapter is divided into three sections. The first section summarizes the study and includes the purpose and methodology that have already been presented. The second section provides findings and a discussion of the results for each research question. The final section includes recommendations for further research and school division action on the topic of Virginia division special education administrators' knowledge of special education school law.

Summary of Study

The need for research of school administrators' knowledge of special education law has expanded as laws and regulations have changed. Few studies have focused exclusively on special education directors' or division designees' knowledge of special education law. A recent study of the knowledge of special education law of principals in Virginia revealed two significant areas of weakness: free and appropriate public education (FAPE) and related services (Power, 2007). It was Power's recommendation that further research focus on directors' or division designees' knowledge of special education law. The special education director or division designee has the enormous responsibility to ensure that qualified staff and appropriate services are in place to meet the needs of students identified with special education needs. Special education directors or division designees are required to translate the law and plan for compliance. They must be skilled in interpreting the potential impact of significant court cases on policy and practice within their school division.

The purpose of this study was to assess the knowledge of special education directors or division designees across Virginia. This study included the following research questions:

Research Question 1: What is the level of knowledge of special law for division special education directors or division designees in Virginia?

Research Question 2: What is the relationship between the characteristics of the school division (number of schools, school enrollment, and special education enrollment) and the special education director's or division designee's knowledge of special education law?

Research Question 3: What is the relationship between special education directors' or division designees' knowledge of special education law and the following characteristics: (a)

previous special education teacher experience, (b) number of years as a special education director or division designee, (c) highest degree attained, (d) percent of time devoted to special education responsibilities, (e) membership in special education professional organizations, (f) attendance at special education law workshops, and (g) methods of remaining current with special education law?

The on-line assessment used in this study was adapted from Power's work, *A Study of Selected Virginia School Principals' Knowledge of Special Education Law* (2007). It consists of hypothetical scenarios based on the following components of IDEA: (1) FAPE, (2) due process, (3) IEP, (4) LRE, (5) related services, (6) student discipline and (7) liability for reimbursement of parents. At Power's recommendation, changes were made to the assessment response choices in order to provide more definitive results. A demographic questionnaire was adapted to determine individual and school division characteristics pertinent to the study.

The adapted assessment was reviewed by two cohort groups of education administrator graduate students in the Educational Leadership and Policy Studies of the Virginia Polytechnic Institute and State University and a Coordinator for Monitoring and Compliance in special education from a major school division in the Commonwealth of Virginia.

The assessment was emailed to one-hundred-twenty-nine Virginia special education directors or division designees identified on the Virginia Department of Education website using SurveyMonkey. The assessment was conducted over a 40 day period. Extensive efforts were made to secure a high response rate. These include: (1) all respondents received an invitation to participate in a drawing. The winner received the latest edition of *Getting Comfortable with Special Education Law, 2nd edition*, by Dixie Snow Huefner; (2) the correct responses to the assessment were made available upon request at the end of the survey; (3) weekly follow up e-mail reminders were sent to all non-respondents with an attached link to the on-line assessment; (4) a postcard reminder was emailed to non-respondents two weeks prior to the end of the assessment period.

Eighty-seven directors or division designees completed the assessment, a 67% return rate. Before running statistical analyses, data were assessed for completeness. After initial analysis, 84 assessments were usable. Responses were tabulated and the relationships between demographic variables and respondents' knowledge of special education law were examined using the statistical package *SAS-JMP* to perform the analysis of variance.

Summary and Discussion of Results

The demographic data of the responding special education directors or division designees indicated that 78% of the respondents were employed in school divisions with less than 15 schools. The median for division membership was 3,430 students. Over half of the special education directors or division designees held a Masters Degree or a Masters plus 30 hours. The remainder was evenly divided between Education Specialist and Doctorate degrees. The majority (87%) of the special education directors or division designees reported that they devote at least 75% or more of their time to special education job responsibilities. A significant proportion of special education directors or division designees from larger school divisions were more likely to devote 100% of their time to special education responsibilities than directors or division designees from smaller divisions.

Findings for each research question are presented below:

Research Question 1: What is the level of knowledge of special education law for special education directors or division designees in Virginia?

Respondents were awarded one point for each correct answer which was added and then divided by the twenty-two hypothetical scenarios to create a percentage score. On average, respondents answered 80.3% of the 22 items correctly. The range of scores was from 62.0% to 90.5% correct. Additionally, subscale scores varied from 0% to 100% correct. These results suggest that some special education directors or division designees in Virginia lack sufficient knowledge of special education law to safeguard against errors in policy and special education services. Directors or division designees were most knowledgeable in the areas of least restrictive environment, IEP, and due process. Areas where additional training appears to be warranted are FAPE, related services, student discipline, and liability for reimbursement of parents.

An item analysis highlighted specific areas of weakness. Directors or division designees were least knowledgeable about the following scenarios:

1. FAPE

Question 5 – Special education services for a student who transfers intrastate and interstate (69% correct).

Question 6 – Parent request for an independent evaluation because of disagreement with the eligibility decision (46% correct).

2. Related Services

Question 15 – Transportation being considered a change in placement (46% correct).

3. Student Discipline

Question 20 – Parental appeal to the Manifestation Determination Review MDR (62% correct).

4. Liability for Reimbursement

Question 22 – Payment for special education services in private schools (62%).

The results of this study indicate that many special education directors or division designees lack knowledge of special education law in several key areas of IDEA. Similar to the Power study (2007) which assessed Virginia principals' knowledge of special education law, directors or division designees in Virginia demonstrated relative weakness in the areas of FAPE and related services. In addition, directors or division designees scored lower in the areas of student discipline and liability for reimbursement of parents.

If school divisions are concerned about the competence of their directors or division designees they should plan additional professional development and training to safeguard against errors in policy and special education services. These results reinforce Hirth and Valesky's (1992) findings that all educational administrators receive annual or semi-annual training in matters related to special education, including special education law. The training must be current and updated regularly as laws and requirements change.

Research Question 2: What is the relationship between the characteristics of the school division (number of schools; general and special education enrollment) and the special education directors' or division designees' knowledge of special education law?

In the Power study (2007) of principals' knowledge of special education law and in the current study of special education directors' or division designees' knowledge of special education law, the researcher assessed whether there was a relationship between the characteristics of the school division and knowledge of special education law. There was no significant difference between directors' or division designees' knowledge of special education law and school division characteristics specifically, general and special education enrollment.

Virginia special education directors' or division designees' knowledge of special education law was not significantly related to the characteristics of the school division (number of schools; general and special education enrollment). Similarly, Power (2007) found no significant difference in principals' knowledge of special education law when grouped by school division characteristics.

Research Question 3: What is the relationship between directors' or division designees' knowledge of special education law and the following characteristics: previous experience as a special education teacher, number of years as a special education director or division designee, highest degree attained, percentage of time devoted to special education responsibilities, membership in special education professional organizations, attendance at special education law workshops, and methods of remaining current with special education?

After further consideration of characteristics related to directors' or division designees' knowledge of special education law, this study concluded that previous special education experience, number of years as a special education director or division designee, highest degree attained, percentage of time devoted to special education responsibilities, and attendance to special education law workshops were not significantly related to the respondents' knowledge of special education law. However, membership in professional organizations was significantly related to the directors' or division designees' knowledge of special education law. In addition, Virginia special education directors or division designees identified three methods of remaining current with special education law that were significantly related to their knowledge of the law: professional development seminars, professional organization bulletins and updates and by "other" means. The researcher did not ask respondents to define "other" methods. School division staff development did not show a significant relationship to directors or division designees' knowledge of special education law. This may occur because the directors or division designees often plans and/or conducts division in-services.

These results highlight the important role that membership in professional organizations and attendance at professional development seminars plays in assisting special education directors or division designees in remaining current with special education laws. Professional organizations, such as the Council for Exceptional Children (CEC) and the Council of Administrators of Special Education (CASE) publish bulletins and updates that often highlight

the most recent updates in special education law. Special education directors or division designees should be provided opportunities and resources to remain current with the latest regulations and litigation information.

The results of this study highlight the need for specialized training in the area of special education law in order for division special education directors or division designees to provide appropriate instructional supervision, leadership, and services. Scheffel, Rude, and Bole (2005) concluded that school divisions must be committed to maintaining knowledge of current laws and regulations and must be open to utilizing outside expertise if needed. Additional training in areas such as FAPE, related services, student discipline, and liability for reimbursement of parents must become a reality to ensure that students are receiving appropriate services. School divisions must ensure that their policies and programs meet the needs of all children with disabilities. University and college programs must be comprehensive and include required coursework on special education law for all education majors and provide updated training opportunities (Farley, 2002).

Limitations of the Study

The following limitations exist for this study. First, the response rate for surveys was low. Second, the reliability of the instrument has not been established and therefore represents a limitation to the conclusions of the study.

Recommendations for Further Research

Suggestions for further research in special education law include the following:

1. This study should be conducted in other states for comparative analysis.
2. Further research is needed to determine the most effective delivery model for updating personnel on special education laws and regulations.
3. A study is needed to determine special education law course offerings at major universities in the Commonwealth of Virginia and in other states across the country.
4. A study is needed to examine special education course content related to law at major colleges and universities in the Commonwealth of Virginia.
5. Further research is needed to investigate legal issues and knowledge of student discipline as it relates to special education students.

6. A study should be conducted to determine the level of knowledge of assistant principals in Virginia regarding special education law.
7. The assessment instrument should be revised to include several questions regarding the same area of the law. This assessment should include multiple response methods. The length of the instrument should also be expanded.

Recommendations for School Divisions

The following recommendations are targeted to school divisions:

1. School divisions should require all special education directors or division designees take a special education law course if it was not part of their certification training.
2. School divisions should provide special education law in-service training opportunities at least annually or more frequently, as needed.
3. School divisions should encourage membership to leading special education professional organizations such as CEC and CASE
4. School divisions should encourage their special education directors or division designees to access links to electronic resources such as *Legal Clips* from the American School Board Association.
5. School divisions should combine resources and personnel among school divisions to contract with local colleges and universities to provide special education law courses and workshops.
6. School divisions should design professional development around the areas of need identified in this study.
7. School divisions should provide subscriptions to professional journals which focus on special education topics.

In addition to instituting these specific recommendations, school divisions, universities, and the Virginia Department of Education must work collaboratively to assist special education directors or division designees in accessing information and remaining apprised of evolving special education law. It is suggested that each of these institutions identify the areas of weakness outlined in this study to plan appropriate in-services and training for all school administrators in Virginia.

REFERENCES

- A.K. v. Alexandria City School Board 409 F. Supp. 2d 689 (E.D. Va, 2005), aff'd, 484 F.3d 672 (4th Cir. 2007).
- Alexandria City School Board v. A.K. ex rel. J.K. 128 S. Ct. 1123 (2008).
- A.L. v. York County School Board 194 Fed. Appx. 173 (2006).
- Alexander, Kern & M. David (2005). *American Public School Law*. United States of America: West Thomson Learning.
- Bays, Debora A. Supervision of special education instruction in rural public school districts: a grounded theory. Retrieved May 8, 2007 from <http://vt.edu>.
- Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1972).
- Brown v. Board of Education, 347 U.S. 483, 394 (1954).
- Cedar Rapids Community School District v. Garrett F. 526 U.S. 66, 119 S.Ct. 992, 143 L. Ed. 2d 154 (1999).
- Cline, R. (1981). Principals' attitudes and knowledge about handicapped children. *Exceptional Children*, 48, 172-176.
- Cook, Glenn. (2006). The Supreme Court hands schools a special education win. *American School Board Journal*, January 2006.
- County School Board of Henrico County School Board, Virginia v. RT, 433 F.Supp. 2d 692, 210 Ed. Law Rep. 1011, E.D. VA, (2006).
- Daniel R.R. v. State Board of Education, 874 F.2d 1036, 53 Ed. Law Rep. 824, (5th Circuit), (1989).
- Education for All Handicapped Children Act, 20 U.S.C.A. §1400(b).
- Farley, Gerald O'Leary (2002). Barriers and supports affecting the inclusion of special education issues into pre-service training of school principals: faculty perceptions. (Doctoral dissertation, East Tennessee State University, 2002).

- Florence County School District v. Carter, 510 U.S. 7, 114 S.Ct. 361, 126 L.Ed. 2d 284 (1993).
- Gay, L.R. *Educational Research Competencies for Analysis and Application*. New York: Macmillan Publishing Company, 1992.
- Hartmann v. Loudoun County Board of Education, 118 F.ed 996, 120 Ed. Law Rep. 61, 23 A.D.D. 105, (4th Circuit), (1997).
- Hirth, M.A., & Valesky, T. (1989). Principals' knowledge of special education law. *National Forum of Educational Administration and Supervision Journal*, 6(3). 130-141).
- Hirth, M.A., & Valesky, T. (1992). Special education knowledge requirements of School Administrators. *Exceptional Children*, 58(4), 399-406.
- Honig v. Doe, 484 U.S. 305, 108 S.Ct. 592, 98 L.Ed. 2d 686 (1988).
- Huefner, D.S. (2006). *Getting comfortable with special education law (2nd ed)*. Norwood, Mass: Christopher Gordon Publishers, Inc.
- Individuals with Disabilities Education Act of 1990 (Public Law No. 101-476).
- Individuals with Disabilities Education Act of 1997 (Public Law No. 105-17). 20 U.S.C. Sec. 1400 et seq.
- Irving Independent School District v. Tatro, 468 U.S. 883, 104 S.Ct.3371, 82 L.Ed. 2d 664 (1984).
- Jennings v. Fairfax County Public Schools, 39 Fed. Appx. 921, Ed. Law Rep. 688, (2002).
- J.P. v. County School Board of Hanover, 447 F. Supp.2d 553, 213 Ed. Law Rep. 452, (2006)
- J.P. v. County School Board of Hanover, 516 F.3d 254, 229 Ed. Law Rep. 391, (2008)
- Mills v. Board of Education of District of Columbia, 348 F. Supp. 866 (D.DC 1972).
- M.S. v. Fairfax County Public Schools, No. 1378545 (E.D.VA, May 8, 2007).
- No Child Left Behind Act of 2001 (Pub. L. No. 107-110). Reauthorization of Elementary and Secondary Act (ESEA). (3rd Circuit) (1993)

- Olson J. (1982). Public secondary principal's knowledge of an attitude toward P.L. 94-192 and their relationship to the provision of special education services at the building level. *Dissertation Abstracts International*, 43,3773A.
- Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (1971).
- Power, Donna M. A study of selected Virginia school principals' knowledge of special education law. Retrieved May10, 2007 from <http://vt.edu>.
- Prillarman, D. & Richardson, R. (1985). State certification-endorsement requirements for special education administrators. *The Journal of Special Education*, 19(2), 231-236.
- Roncker v. Walter, 700 F.2D 1058 (6th Circuit) (1983).
- R.R. v. Fairfax County Public Schools, 338 F. 3rd 325 (C.A. 4(VA) 2003).
- Sacramento City Unified School District Board of Education v. Rachel, 14 F.3d 1398, 89 Ed. Law Rep. 57, 4 A.D.D. 75, (9th Circuit) (1994).
- Schaffer v. Weast, Supt. Montgomery County Public Schools, 126 S. Ct. 528 (2005).
- Scheffel, D.L., Rude, H.A. & Bole, P.T. Avoiding special education litigation in rural school districts. *Rural Special Education Quarterly*, 24(4), 2005.
- Tate, J.O. (2000). Court decisions and IDEA 1997 compliance issues that affect special education programs in rural schools. *Rural Special Education Quarterly*, 19(1), 14-15.
- Van Selm, Martine & Jankowski, Nicholas W.(2006). Conducting Online Surveys, Quality and Quality 40:435-456.
- Weinstein, D.F. 1989). The school administrator and special education programs: Quality control of placement and instruction. *ERS Spectrum*. 1(3), 35-40.
- Wilson v. Fairfax County School Board, 372 F.3d 674, 189 Ed. Law Rep. 14 (2004).
- Wright, Peter W.D. & Wright, Pamela Darr (2007). *Special Education Law*, 2nd Edition, Wrightslaw: Harbor House Law Press, Inc.
- Zirkel, P. A. (1997). *The explosion in education litigation: An update*. 114 *Education Law Reporter*, (West) 341-351.

Zirkel, P.A. (2005). *The over-legalization of special education*. 195 Ed. Law Reporter, 35.
(West) Pages 1-4.

Zirkel, P.A. (2006). *Special education law update*, 206 Ed. Law Reporter, 501. (West) 1-12).

APPENDIX A
LIST OF VIRGINIA SCHOOL DIVISIONS*

| Region 1 | Region 2 | Region 3 |
|-----------------------|-----------------------------------|-----------------------|
| Charles City County | Accomack County | Caroline County |
| Chesterfield County | Chesapeake City | Colonial Beach |
| Colonial Heights City | Franklin City | Essex County |
| Dinwiddie County | Hampton City | Fredericksburg City |
| Goochland County | Isle of Wight County | Gloucester |
| Hanover County | Newport News City | King & Queen County |
| Henrico County | Norfolk City | King William County |
| Hopewell City | Northampton County | Lancaster County |
| New Kent County | Poquoson City | Middlesex County |
| Petersburg City | Portsmouth City | Northumberland County |
| Powhatan County | Southampton County | Richmond County |
| Prince George County | Suffolk City | Spotsylvania County |
| Richmond City | Virginia Beach City | Stafford County |
| Surry County | Williamsburg-James City County | West Point |
| Sussex County | York County | Westmoreland County |

* List obtained from Virginia Department of Education (VDOE) website.

| Region 4 | Region 5 | Region 6 |
|--------------------------|----------------------|---------------------|
| Alexandria City | Albemarle County | Alleghany County |
| Arlington County | Amherst County | Botetourt County |
| Clarke County | Augusta County | Covington City |
| Culpepper County | Bath County | Craig County |
| Fairfax City | Bedford County | Floyd County |
| Fairfax County | Buena Vista City | Franklin County |
| Falls Church City | Campbell County | Campbell County |
| Fauquier County | Charlottesville City | Martinsville City |
| Frederick County | Fluvanna County | Montgomery County |
| Loudoun County | Greene County | Patrick County |
| Madison County | Harrisonburg City | Pittsylvania County |
| Manassas City | Highland County | Roanoke City |
| Orange County | Lexington City | Roanoke County |
| Page County | Louisa County | Salem City |
| Prince William County | Lynchburg City | |
| Rappahannock County | Nelson County | |
| Shenandoah County | Rockbridge County | |
| Warren County | Rockingham County | |
| Winchester City | Staunton City | |
| | Waynesboro City | |

| Region 7 | Region 8 |
|-------------------|----------------------|
| Bland County | Amelia County |
| Bristol City | Appomattox County |
| Buchanan County | Brunswick County |
| Carroll County | Charlotte County |
| Galax City | Cumberland County |
| Giles County | Greensville County |
| Grayson County | Halifax County |
| Lee County | Lunenburg County |
| Norton City | Mecklenburg County |
| Pulaski County | Nottoway County |
| Radford City | Prince Edward County |
| Russell County | |
| Smyth County | |
| Tazewell County | |
| Washington County | |
| Wise County | |
| County Wythe | |

APPENDIX B
INTRODUCTORY LETTER TO THE SPECIAL EDUCATION LAW SURVEY

Sent via email on May 18, 2008

Dear Special Education Director or Division Designee:

I am a doctoral candidate at Virginia Polytechnic Institute and State University and need your input on my survey that addresses division special education directors' or division designees' knowledge of special education law.

The survey is a 22 question web-based survey of hypothetical scenarios representing special education issues that school divisions frequently experience. You are asked to respond whether the school districts' action was correct or incorrect in accordance with IDEA and NCLB laws. There are also demographic questions which are pertinent to my study. Please complete the survey before May 31, 2008. If you would like a copy of the correct responses please send your request in an email to me and I will send the correct responses to you. The study will take approximately 15 minutes to complete.

Your assistance in conducting this study is needed. Names will not be recorded on the survey nor will school divisions be identified. All information will be held in the strictest of confidence. Your responses will assist in providing helpful information to university programs, in planning staff development programs, and in avoiding unnecessary litigation.

You can access my study by going to:

http://www.surveymonkey.com/s.aspx?sm=6kM7d3oK41PoqY50JGr7sw_3d_3d

After completion of the survey, you are invited to email me (see email address below) indicating your completion of the survey. All participants who complete the survey and send me a separate email with their name and school division address will be entered into a drawing to receive the latest edition of *Getting Comfortable with Special Education Law, 2nd edition*, by Dixie Snow. There will be five recipients of this very important resource.

If you have any questions please feel free to call me at 703 220 2615 or e-mail me at <http://www.frances.ivey@fcps.edu>.

Please accept my sincere appreciation in advance for your assistance with this important research project.

Sincerely,

Frances Ivey
Doctoral Candidate

APPENDIX C

SURVEY

Hypothetical Scenarios Survey Questions

This survey is a 22 question web-based survey of hypothetical scenarios representing special education issues that school divisions frequently experience. You are asked to respond whether the school districts' action was correct or incorrect in accordance with IDEA and NCLB laws. Also included are demographic questions which are pertinent to my study. Please complete the survey before May 30, 2008. The survey will take approximately 15 minutes to complete. Names will not be recorded on the survey nor will school divisions be identified. All information will be held in the strictest of confidence. Your responses will assist in providing helpful information to university programs, in planning staff development programs, and in avoiding unnecessary litigation. Thank you again for your participation.

1. After completing four years of study in a special education high school program, a special education student was recommended for graduation and termination from special education. The student had met special education requirements as listed on the IEP while not completing all requirements for graduation. The parents met with the principal and said they didn't think their child was ready to graduate. The principal was correct in informing the parents that the standard for graduation and termination of services was based on IEP completion.

True _____ False _____

2. A special education student with a MR disability was placed in a regular education classroom with a half day aide. She maintained steady academic progress even though she was half a year behind her classmates. School officials felt she needed to be in a more restrictive environment. School officials have a sound reason for a change in placement.

True _____ False _____

3. A foster parent enrolls a preschool child with mental retardation in the local school. The principal is alerted that the child could have AIDS, as her parents were drug addicts. In an effort to protect the teachers and the other students, the principal refuses to enroll the child unless social services informs the school as to the status of whether the child has AIDS or not. The principal was correct in the decision not to enroll the child.

True _____ False _____

4. A parent transferred a second grader into a new school division at the end of May. His child had a history of learning difficulties and the parent requested a formal evaluation for his child to be assessed for special education services. The principal informed the parent that screening could not be initiated until the start of the new school year. The principal followed appropriate regulatory guidelines.

True _____ False _____

5. IDEA 2004 made a distinction between students who transfer within a state and those who transfer from another state. A student who was eligible for special education services in one state is automatically eligible in another state.

True _____ False _____

6. At an eligibility conference to present the results of a student evaluation, the parents of the student disagreed that their child needed special education services. They informed the school district that they wanted an independent evaluation at public expense. The school officials refused to pay for the independent evaluation. The school officials had the right to refuse to pay for an independent evaluation and wanting to begin due process procedures.

True _____ False _____

7. A student who had just completed testing for emotional problems was waiting for his/her eligibility meeting to be scheduled. The parents, who had requested testing, recognized the need for special education services for their child. The child continued to experience elevated disciplinary outbursts in class and the parents demanded that special education services convene immediately. The school district was correct in authorizing special education services before the eligibility meeting has been held.

True _____ False _____

8. Spanish speaking parents attended an eligibility meeting for their son for special education services. They were given a copy of the Procedural Safeguards Notice that was written in English. The parents did not speak English. The school was in violation of the IDEA for not sending the Procedural Safeguards Notice in Spanish.

True _____ False _____

9. A student with a disability was found in possession of a gun on school property. School officials suspended the student for 10 days followed by a forty-five school day interim alternative placement. The parents claimed his rights had been violated as a student with disabilities. The school district violated procedural safeguards for a special education student.

True _____ False _____

10. A student was placed in a special education program pursuant to an IEP which was agreed to by the parents. The parents were invited to attend the meeting to determine eligibility as part of the triennial evaluation. The parents refused to attend. The school division was correct in

discontinuing special education services when the eligibility committee determined that the student was no longer eligible even though his parents were not in attendance.

True _____ False _____

11. At an initial IEP meeting for a student with learning disabilities, no regular education teacher was present although there were five other special education teachers present. The student was scheduled to spend a small amount of time in the regular classroom. The school district is in violation of IDEA by not having the regular education teacher present at the IEP meeting.

True _____ False _____

12. Prior to an IEP meeting, a school district placed a student in a special education class before the IEP meeting was convened and the IEP written. This action was in violation of IDEA.

True _____ False _____

13. Members of an IEP team came to the IEP meeting and discussed with the parents details of a placement option for their child. The parents voiced concerns about the placement but no changes were noted in the final draft of the IEP. Prior written notice was provided to the parent. The parent's rights were violated under IDEA

True _____ False _____

14. Parents have a child with severe disabilities, who is also blind, deaf and significantly cognitively impaired. The child is currently placed in the Severe Disabilities program. During the annual IEP meeting, the parents insist that their child receive all special education services in regular education classes, which they consider the least restrictive environment. The principal responded by informing the parents that the school could not recommend such a placement due to the severity of the impairments and maintained that the student's current placement was the most appropriate educational placement. After consideration, the school members of the IEP team had the right to take this position.

True _____ False _____

15. Under the IDEA, the alteration in the delivery of related services, such as transportation, is considered a change in placement.

True _____ False _____

16. A special education high school student was placed in a hospital setting to address his

substance abuse. The school district was billed for the hospital as well as educational expenses. The school district was responsible for all of the costs.

True _____ False _____

17. A student involved in a serious car accident returned to school in a fragile health state and as a quadriplegic. He required full time one on one nursing services during the course of the day in order to attend school. The school district claimed that they could not afford the expense of a full time nurse. The school district was required to pay for the full time nursing services.

True _____ False _____

18. A student who is deaf signed up to participate in an extracurricular activity. The school district may be responsible for providing an interpreter for this student to be able to participate in an extracurricular activity.

True _____ False _____

19. Parents claimed that the school district authorized a change in placement without their permission because their child with disabilities was suspended for 10 days. The 10 day suspension was considered a change in placement.

True _____ False _____

20. A parent appealed the results of a manifestation determination and demanded that school officials postpone any long term suspension or expulsion until an expedited hearing could be held. This parent had a right to make these demands.

True _____ False _____

21. Hearing officers have the authority to order a change in placement to an appropriate interim alternative educational setting for a period of up to 45 school days. School officials have the same authority when they can demonstrate that a student in his/her current placement is likely to result in injury to the student or to others.

True _____ False _____

22. School principals can permit the on-site delivery of special education services to students with disabilities whose parents have voluntarily enrolled them in private schools, including religious elementary and secondary schools.

True _____ False _____

Demographic Survey Questions

Please answer the following questions about your school and yourself to help interpret the results:

1. How many schools are in your school division?
 1. 1 - 5
 2. 6 – 15
 3. 16 – 25
 4. 26 – 49
 5. 50 +

2. What is your division student membership? _____

3. How many special education students are in your school division? _____

4. Have you ever been a special education teacher? Yes____ No _____

5. How many years have you been a special education director? _____

6. Indicate the highest degree you have attained?
 - a. Master's
 - b. Master's + 30 Semester Hours
 - c. Educational Specialist
 - d. Doctorate
 - e. Other (Specify) _____

7. Indicate the percentage of time during your workday that is devoted to special education responsibilities:
 - a. Less than 25%
 - b. Less than 50 %
 - c. More than 75%
 - d. 100%

8. Do you belong to any Special Education Professional Organizations?
Yes____ No _____

9. Have you attended any special education law workshops in the last year?
Yes _____ No _____

10. How do you stay current with special education laws? Check all that apply:
 - a. Professional Organization Bulletins and Updates
 - b. School District Staff development
 - c. Professional Development seminars
 - d. Other