

AN EXPLORATORY STUDY OF THE PRESENTATION OF SPECIAL EDUCATION
LAW IN ADMINISTRATIVE PREPARATION PROGRAMS
FOR ASPIRING ADMINISTRATORS

by

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A DISSERTATION

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ABSTRACT

Administrators must have a strong command of education and special education law. Case law rulings, additions to procedural safeguards, and legislation in the area of special education are demonstrative of the need for additional training in the area of law for preservice administrators to increase their competency level. Valesky and Hirth (1992) examined training received by administrators in administrative preparation programs and the number of due processes and complaints received at the State Department of Education level for each state. This study uses the results of the seventeen-year old study as a baseline of information to review the impact of IDEA 1997, NCLB 2001, and the reauthorization of the IDEIA 2004 on licensure requirements, numbers of complaints, appeals, and due process hearings.

This study found no significant differences between clock hours of special education law presented in administrator preparation programs and complaints, due process hearings requests, and fully adjudicated hearings. The overall presence of special education law has increased tremendously since Valesky and Hirth (1992) investigated the topic prior to IDEA 1997.

Descriptive conclusions were based on the continued abundance of complaints, due process hearing requests, and fully adjudicated hearings. After almost twenty years of reform efforts, a large percentage of university administrator preparation programs are not increasing the time focused on special education law; special education litigation continues to be faced by many school districts across the United States.

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CHAPTER 1

INTRODUCTION

Societal changes in America have affected the evolution of the role and responsibilities of the school administrator. Federal mandates and special education policy, in particular, create questions about administrative preparation program effectiveness. In order for school administrators to remain abreast of policy and procedure in such a volatile and legalized service delivery, school administrators need to complete initial preparation well grounded in state and federal regulations.

The earliest administrators presided over one room school houses where curriculum and societal issues were homogenous. Population changes have introduced new demands such as changes in curriculum, special education, busing, bilingual services, funding, personnel, and other issues unique from the once simple homogenous setting (Hoyle, 1985).

Administrative preparation programs have attempted to change with the progression of new demands challenging administrators. Demands on administrators in the area of special education are increasing daily. Decisions are being made by school administrators about special education services, student and parent rights, individual education programs, least restrictive environment, discipline, and behavior assessment and intervention plans without adequate training (Hirth & Valesky, 1998). Administrator preparation addresses legal aspects of educational programming and supervision of instruction; however, focused instruction appears to be overdue in many programs. Courses and preparation addressing discipline, behavior and intervention planning, parental collaboration, and service tied to students with exceptional needs

warrants the prioritizing of administrator preparation programs in a manner that did not exist twenty-five years ago. Administration preparation programs appear in need of change.

Since the 1950s, decisions of the judicial and Congressional systems have imposed education reform externally to the field of education administration. As a result, administrators and classroom educators believe that principals are not being adequately prepared to handle special education issues as a consequence of their administrative preparation programs (Stiles & Pettibone, 1980).

For over fifty years, Public Law 94-142 has been part of a basic instructional unit in administration preparation programs for aspiring administrators. Local school administrators must be aware of not only the components of the Constitution and the procedural safeguards put into place for exceptional children, but also be aware of changes in interpretation determined by federal entities (Weber, Mawdsley, & Redfield, 2004). Administrators continually report a lack of competency in the area of special education (Smith & Colon, 1998). Without a sound knowledge base of the procedural safeguards, administrators cannot guarantee that a special educator is meeting the educational needs of a student with disabilities and insure that all rights are protected (Elliot & Riddle, 1992). Valesky and Hirth (1992) indicate that administrative preparation programs in colleges and universities are not adequately preparing aspiring administrators to meet the challenges of indemnifying the rights of students with disabilities in the school setting.

Currently, local school administrators face seemingly daily change in special education policies and procedures. Federal guidelines have addressed the changes with reauthorization of the Individuals with Disabilities Education Improvement Act 2004 (IDEIA). IDEIA 2004 has worked to address the extremely litigious atmosphere of special education prevailing in the

twenty-first century. Unfortunately, the components of the No Child Left Behind Act 2001 (NCLB) and IDEIA 2004 lack unity and harmony with one another; yet, their authors purport the same goals. Inconsistencies between NCLB and IDEIA burden the judicial system to interpret the intent of the legislation. As a third party with interests in support of IDEIA, lobbyists have worked to create a web that joined the foundational case law of the *Board of Education v. Rowley* (1982) with the Individuals with Disabilities Education Act 1997 (IDEA), and NCLB legislation to address the provision of access to the general curriculum for special education students (Norlin & Gorn, 2006).

Prerequisites for access to the general curriculum stipulate the provision of free and appropriate education (FAPE), appropriate least restrictive environment (LRE or continuum of service), and discipline for special education students. The overwhelming debatable atmosphere in the areas of FAPE, LRE, and discipline become daily procedural challenges in the provision of access for local school administrators (Norlin & Gorn, 2006). Local school administrators are charged with proper interpretation of special education law while assuming an active leadership role in providing a full continuum of services to students with disabilities. Educational programming has its organizational basis in laws and regulations; laws and regulations guide the existence of funding for the full continuum of services. The full continuum of services is only complete when the full cycle of interpreting the provisions of the law and the responsibility is assumed by the administrator regarding currency with the law. In these challenges, education attorneys and local school administrators meet face to face. When interpretation and responsibility of the law is not assumed by the administrator in regards to a student with disabilities, the repercussions from an extensive lawsuit can be a burden for a school district (Yell, 1998).

There are seemingly constant changes in special education law and policy that affect administrators and training needs for administrators; deficiency in the knowledge of school law for a practitioner in education may result in litigious consequences (Doverspike & Cone, 1992). Each administrator should have appropriate conceptual understanding of current interpretations of the Constitution, federal law, and case law with specific emphasis on special needs program outcomes (Norlin & Gorn, 2006; Yell, 1998).

The attitude that a principal has toward the added responsibility of special education is directly related to the amount of special education knowledge a principal has (Elliott & Riddle, 1992; Hirth & Valesky, 1989; Monteith, 1998). In an examination of state licensures in 1992, it was determined that only 33% of the regular education administration endorsements required knowledge of special education law. No state requirements existed for a general knowledge of special education in 45% of regular education administration guidelines (Valesky & Hirth, 1992).

The Council of Chief State School Officers (1996) is an organization which represents the elementary and secondary education officials in the states, the District of Columbia, the Department of Defense Education Activity, and five of the extra state jurisdictions. Under its direction, the Interstate School Leaders Licensure Consortium (ISLLC) crafted the following standards for administrators to promote the success of students by:

1. Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;
2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

3. Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;
4. Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;
5. Acting with integrity, fairness, and in an ethical manner; and,
6. Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

Standards number five and six strongly support and recognize the need for a solid knowledge base of ethics and law in order to perform in the position of administrator (ISLLC, 1996). Without close adherence to standards five and six, licensure commissions leave administrative preparation programs without skeletal guidelines for ethic and law content for programming.

Overview of the Study

Significant literature, case law, and legislation address the procedural safeguards of special education students. Case law works to guide practices in special education. An administrator must possess a working knowledge of special education law to implement procedural safeguards in the school setting. Litigious situations will be encountered if a high quality special education program is not in place. Curriculum, behavioral, and social needs of students with disabilities must be met in a quality special education program (Stoler, 1992).

Of great concern is the frequency of due process hearings required to interpret the meaning of the law. The local school administrator is very often required to attest to the provisions the school has made in the case of a complaint (Norlin & Gorn, 2006). In order to effectively implement the procedural safeguards, local school administrators must have

knowledge of instructional and programming needs of students with disabilities. Research reveals that the local school administrators delegate this responsibility to administrative designees if possible (Smith & Colon, 1998). There is little tolerance for lack of provision of procedural safeguards. Administrator designees are often less informed of the content of procedural safeguards than the local school administrator (Goor, Schwenn, & Boyer, 1997); more complaints, due processes, and subsequent appeals are subject to result from the finite knowledge of the federal guidelines. Limited knowledge allows for which implementation of a poor decision-making process. Poor decisions in the area of procedural safeguards place the administrator at a continuous risk of expensive legal action (Smith & Colon, 1998). Pilcher and Poland (1992) cited that administrators reported knowledge of the difference of discipline procedures for students with disabilities; however, they had little familiarity of applicable court decisions and identified a need for proper training in special education law.

A national study completed by Valesky and Hirth in 1992 surveyed state directors of special education for responses to questions. The questions requested information regarding endorsements offered to administrators, required knowledge level of special education and special education law, and how the knowledge was acquired. In addition, questions were asked regarding mediation as a method of conflict resolution, the availability of state-level inservice training in special education law, and the number of due process hearings conducted during the school year and the number of hearings actually appealed at the court level.

Significance of the Study

Leading up to the reauthorization of IDEA, the National Council on Disability made recommendations that included an evaluation of the U.S. Department of Education and increased dependence on litigation in order to place sanctions on administrators and realize compliance

(NCD, 2000). Special education is perhaps the most litigious sector of education. Federal legislation and court interpretation of legislation should be two very important components of university administrative leadership programs. Further compounding the importance of knowledge of legal issues and special education administration, IDEIA continues to refine the procedural safeguards put into place to insure special education students a full continuum of services while having full access to the general education curriculum (Weber, Mawdsley, & Redfield, 2004).

Results of this investigation may be used to recommend restructuring administrative training programs at the university level in an effort to better prepare administrative personnel for the litigious possibilities of special education. A more comprehensive knowledge of practice of legal foundations relative to administration of special education will also provide the proactive ingredient of improved services. In addition, the results might be used to propose certification requirements in the area of law courses to the State Departments of Education.

Purpose of Study

This study has the following purpose:

To determine if there a relationship between the numbers of complaints, due process hearing requests, and fully adjudicated hearings received by state departments of education compared to the number of clock hours presented to aspiring administrator receives in each respective state's administrative preparation programs.

Research Questions

This study will address the following research questions:

1. Among State Departments of Education in the United States, is there a significant difference between the complaints at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?
2. Among State Departments of Education in the United States, is there significant difference between the due process hearing requests filed at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?
3. Among State Departments of Education in the United States, is there significant difference between the fully adjudicated hearings held as a result of due process hearing requests at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?

Statement of the Problem

The significant number of case law rulings, additions to procedural safeguards, and legislation in the area of special education are demonstrative of the need for additional training in the area of law for preservice administrators. In 1992, Valesky and Hirth examined training received by administrators in administrative preparation programs and the number of due processes and complaints received at the state department of education level for each state. This

exploratory study is a partial replication of Valesky and Hirth (1992) to examine the changes in administrative preparation program changes since the implementation of the IDEA 1997, the introduction and implementation of the NCLB 2001, and the reauthorization of the IDEIA 2004.

Limitations of the Study

This researcher recognized the following factors as having possible effect on the results of this study:

1. This study is limited to State Departments of Education, university preparation programs, and government reported data from the 2006 school year.
2. This study does not include data regarding professional development provided by the State Departments of Education in the area of special education law.
3. This study was derived from a small number of universities from which data were retrieved or provided.

Assumptions

1. Programs of study will be readily available to determine if the law knowledge base in administrative preparation programs is unique from or embedded into a separate education law course.
2. Data were accurately reported from university administration preparation programs.

Definitions of Terms

Amendments to IDEA 1997—Amendments to the Individuals with Disabilities Education Act.

Adjudicated due process hearings—Due process hearings that have been through full adjudication (State Summary Performance Report, Indicator 17.)

Behavior Intervention Plan—A plan devised to address misconduct of a student that is clear and states comprehensively the positive and negative consequences for misbehavior.

Clock Hours—the instructional time delivery or offering of special education knowledge and skill in an university education law course.

Continuum of Services—[Least Restrictive Environment] This term is required by IDEA and states that all students should receive educational opportunities in the regular classroom environment to the maximum extent appropriate in an environment with the least amount of segregation from nondisabled peers.

Complaints—Allegations formally filed with the State Department of Education regarding a student with special needs (State Summary Performance Report, Indicator 16.)

Disciplinary Referrals—Records of discipline issues in the school setting.

Due Process Hearing—A course of legal proceedings in accordance with principles of law designed to protect individual rights (Essex, 1999). This information is recorded in the annual State Summary Performance Report, Indicator 17.

Education Attorney—The attorney maintained by the school district for legal representation.

Education for All Handicapped Children Act, 1975 (EHA)—Public Law 94-142

Free and Appropriate Public Education—(FAPE) Special education and related services that are provided at public expense.

Functional Behavior Assessment—a process that seeks to identify a reason for the function of a student's problem behavior.

IDEA—Individuals with Disabilities Education Act, 1997.

IDEIA—Individuals with Disabilities Education Improvement Act, 2004.

IEP [Individual Education Program]—a plan devised for the education of a student identified as meeting State Department of Education criteria for special education and related services.

Local School Administrators—The principal or assistant principal who supervises at the local school level. The term is interchangeable with “principal” and “building administrator.”

LRE-Least Restrictive Environment [Continuum of Services]—The least restrictive environment that allows the student with disabilities maximum access to the general curriculum.

Manifestation Determination—An evaluation process of the relationship between a student’s disability and the act of misbehavior.

No Child Left Behind Act, 2001—Legislation aimed at raising the standards for which all children, teachers, school districts, and states are held accountable.

Special Education Students—Students identified as students with disabilities using Alabama State Department of Education guidelines for identification.

CHAPTER 2

REVIEW OF LITERATURE

The history of administrative preparation programs is comparatively short to other graduate programs. The University of Michigan offered the first school management course in 1881; however, the first formal university administrative preparation programs were not offered until 20 years later (Culbertson, 1988). By 1950, about 125 universities offered administration preparation programs (Silver, 1982). By the 1970s, the number of administrative preparation programs had soared to three times that number due to the baby boomer generation (Peterson & Finn, 1985). The development of administrative preparation programs has followed the development of the role of principal in the public school setting.

Development of the Role of Principal

In the 19th century, principals were in charge of homogenous, rural schools. The environmental and cultural atmospheres were addressed in a simple, uncomplicated need for basic learning. Today, principals address instructional, personnel, transportation, discipline, school improvement, standardized testing, and bilingual issues. These and many other issues complicate the former simplistic responsibility roles of the early professionals in the same role two hundred years ago (Hoyle, 1985), not to mention 30 years ago.

During the colonization of the United States, schools were operated by teachers who took directions from clergy. In the late 1830s, the position of superintendent was created in New York

and Missouri. During the same time frame, the position of principal was created in Ohio and Michigan. Public education in the South was still in the conception stage. After the Civil War, urbanization was encouraged by the expansion of the West due to increased immigration (Hoyle, 1981; Murray & Murray, 1999). As a result, large numbers of schools were built due to societal growth.

The Evolution of Administrative Preparation Programs

The works of Frederick Taylor in scientific management systems during the early 1900s influenced the training of principals. Administrative preparation programs began preparing principals to follow ideas such as time-based management practices and other scientific management systems. Principals were characterized as “Education Capitalists” due to the efforts put forth to produce students as an educated product of an assembly-line to the work force. By the end of 1912, principals not versed in scientific management techniques were not in high demand for hire. Time-based management practices did not allow for differences in students. Production of an educated work force was the goal of administrators (Callahan, 1962).

Identifying administrators as business managers was the next phase in the evolution of administrative preparation. This phase in training of principals provided a transition from the scientific management theory to presenting principals as an executive. During this time frame that graduate schools began to offer the first degrees in public administration (Moore, 1964). By 1929, many states were requiring formal coursework for administrators. Leaders in principal preparation were pragmatic and direct in their thoughts about principal preparation (Murphy, 1993).

As the roles and responsibilities of principals changed, there came a need for administrative programs at the turn of the 20th century. Until that point in time, only public

school teacher training was available. By 1930, only a few graduate level principal training programs existed. Formalized, efficacious training programs for principals became necessary for successful school leadership (Maher, 1988). With the evolution of the roles of a principal came the evolution of administrative preparation programs (Parks, 1991).

The social, economic, and political atmospheres of the United States changed after the end of World War II. The societal issues that resulted from the complicating changes made by the war redirected thoughts of study regarding principal training toward managerial topics such as budgeting and plant and facilities concerns. University faculties responsible for training of principals were typically former superintendents. The information was prescriptive in nature. This movement was characterized by prescriptive answers to typical administrative concerns in the school setting and was delivered to principals in the same manner of legal and medical professions (Murphy, 1993).

The social changes of the 1960s and 1970s brought challenges to all levels of education. University programs had to address the increase in population that was the result of the baby boomer generation. Principals were faced with the need for successful schools with qualified leaders for large numbers of students (Murphy, 1993). Initially, administrative programs had been geared toward training for superintendents. As the population demanded qualified instructional leaders, university administrative preparation programs refocused objectives to meet the needs of principals and assistant principals (Culbertson, 1988). Training for principals and assistant principals during the 1950s through the 1980s focused primarily on the behavioral sciences. Administrative preparation programs during this time frame addressed the needs of school districts and principals in regards to the growing number of students in public schools during that era (Murphy, 1993).

Structures of Administrative Preparation Programs

Current administrative preparation programs for principals have defined structures. Cohort groups are the most prevalent structure for administrative preparation programs. Cohorts provide a student and faculty support system in which there is opportunity for community building for collaborative learning leading to collaborative leadership. Through the community group efforts, collaborative leadership can be examined and defined for each candidate for the administrative preparation program. The candidates are exposed to interactions to enhance the development of leadership skills (Jackson & Kelley, 2002). A team approach to university instruction in administrative preparation programs is another more recent approach to training for principals. The goal of this type of training program is that if the students in the administrative preparation programs witness the team approach to collaborative instruction, then collaborative leadership will evolve as a trait and value obtained and imitated from the program (Shakeshaft, 1993).

Curriculum Content of Administrative Preparation Programs

The content of the curriculum of the administrative preparation programs has remained relatively stable for several decades (Murphy & Louis, 1999). There has been a change in the curriculum from a positivist to constructivist paradigm. The positivist paradigm can be described as a management system whereas the administrator seeks to measure and identify the effectiveness of the educational atmosphere. The positivist paradigm views the supervision as a moral act (Murphy & Louis, 1999; Sergiovanni & Starratt, 1993). In the constructivist paradigm, cohorts are empowered by professors to create knowledge instead of being passive consumers.

Administrative preparation programs have undergone revisions and attempted to replace disconnected coursework with aligned, consistent curriculum that has been methodically mapped out by professionals in the field of educational administration and leadership. An emphasis has been noted in the area of ethics. The redesigned programs have given more distinction to coursework in administrative preparation programs in the areas of creating and learning knowledge as opposed to only consuming knowledge (Murphy & Louis, 1999).

Since the 1950s, decisions of the judicial and Congressional systems have brought education reform externally to the field of education administration. As a result, many educators believe that principals are not being adequately prepared to handle special education issues by administrative preparation programs (Stiles & Pettibone, 1980).

The University Council of Educational Administration (UCEA) sponsors the National Commission on Excellence in Educational Administration (NCEEA). In 1987, the NCEEA published a report which brought to the forefront the deficiencies in the administrative preparation programs in American universities. The report revealed a lack of (1) definition of good education leadership; (2) leader recruitment programs; (3) collaboration between districts and universities; (4) minorities and women in the field of education administration; (5) professional development opportunities for school administrators; (6) quality candidates for administrative preparation programs; (7) administrative preparation programs relative to job demand; (8) sequence, up-to-date content, and clinical experience; (9) licensure systems; and, (10) national sense of cooperation in preparation of school leaders (Council of Chief State Officers, 1996). Other researchers expressed similar responses regarding administrative preparation programs (Jackson & Kelley, 2002; Murphy & Forsythe, 1999; Muse & Thomas,

1991; Peterson & Finn, 1985). Without these components in administrative preparation programs, school administrators were not being trained in the diversities of students.

The knowledge base for administrative preparation programs has been examined several times since the 1980s to attempt to address the delineation of standards for those programs (Donmoyer, 1999). One such attempt was made by the UCEA in the mid-1990s. The UCEA sought scholars from across the country to define a knowledge base for education administration. The Interstate School Leaders Licensure Consortium (ISLLC) was created in the late 1990s with a purpose to provide concise standards for preparation, professional development, and licensure of principals (Council of Chief State Officers, 1996). The standards developed required that school leaders who complete administrative preparation programs have the knowledge and the ability to encourage the achievement of all students by (1) facilitating the development, articulation, implementation, and stewardship of a school or district vision of learning supported by the school community; (2) promoting a positive school culture, providing an effective instructional program, applying best practices to student learning, and designing comprehensive professional growth plans for staff; (3) managing the organization, operations, and resources in a way that promotes a safe, efficient, and effective learning environment; (4) collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources; (5) acting with integrity, fairly, and in an ethical manner; (6) understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context; and, (7) internship. (Jackson & Kelley, 2002, pp. 197-210)

The roles and responsibilities of the position of principal have changed since the colonization of the United States of America. A principal is called upon to do much more than supervise a school. With the standards produced by the ISLLC in 1996, IDEA 1997, the

guidelines put in place by the NCLB 2001, and the subsequent guidelines put into place by IDEIA 2004, principals may be required to redesign the academic programs within the four walls of their local schools. This redesign of academic programs offers the students with disabilities needed diversity in instruction.

Knowledge of Special Education Role and Responsibilities of Principals

A principal in a public school must be able to demonstrate capability to handle daily multifaceted business skills not often addressed in administrative preparation programs (Lashway & Anderson, 1997). In addition, the attitude a principal has toward the added responsibility of special education is directly related to the amount of special education knowledge a principal has (Elliot & Riddle, 1992; Hirth & Valesky, 1989; Monteith, 1998). In an examination of state licensures in 1992, it was determined that only 33% of the regular education administration endorsements required knowledge of special education law and no state requirements existed for a general knowledge of special education in 45% of regular education administration guidelines (Valesky & Hirth, 1992).

The knowledge base of special education, its practices, law, and subsequent complaints and due processes are some of the biggest obstacles between a successful full continuum of services and the total school program. Special educators have expressed limited confidence in principals' capability to evaluate special education personnel and job effectiveness. Due to legal and technical concerns surrounding Individualized Education Plans (IEPs) and other special education processes to which special educators must respond, a principal with limited understanding of the law, processes, and guidelines cannot be responsible nor need better knowledge and understanding of required evaluations of those personnel (Arick & Krug, 1993).

Monteith (1998) reported that most principals do not receive the necessary background information to adequately address the instructional and program needs of special needs students. Aspen (1992) stated that 40% of principals reported through a survey that they had never taken any coursework in special education; however, in the course of a day's responsibilities, seventy-five percent of principals have responsibilities to supervise and evaluate special education personnel in the school. In addition, eighty-five percent of the principals surveyed felt that formal training in special education was needed for success in the position.

Monteith (1998), in a similar survey, reported that seventy-five percent of the principals surveyed reported no formal training in special education; however, ninety percent of the principals surveyed indicated that there is a need for formal training in the area of special education.

Knowledge of Legal Mandates

Law, court litigation, policies, and regulations which govern special education have increased the principal's responsibilities in the delivery of special education programming more than in any other area of education. As these external influences increase, principals must understand special education mandates which are often connected very closely with funding for continuation of programs (Yell, 1998). There are growing needs in the management of special education programming for principals. As stated in the ISLLC (Council of Chief State Officers, 1996), the principal must answer to social, political, and economic demands of education. In addition, the principal is held accountable for responsiveness to the law (Jackson & Kelley, 2002; Passe, 1988).

Researchers have reviewed and studied the need for principals to have knowledge of legislation. Harlin-Fischer (1998) recognized ten basic competencies for local school

administrators to be effective when implementing a full continuum of services for students with disabilities:

1. procedural guidelines for all parties involved;
2. impartial due process procedures (eligibility and placement);
3. rules for assessment and evaluation;
4. ethics regarding confidential information;
5. functional behavior assessment and behavior intervention plans;
6. positive and negative effects of attitudes of teachers;
7. positive effects of modeling appropriate behavior for students with disabilities;
8. preserving a commitment for the highest educational goals and quality of life for students with disabilities;
9. collaboration among all stakeholders; and,
10. a full continuum of services for all students with disabilities.

The respondents in the survey noted that principals needed a knowledge base of the procedural safeguards provided to the parents of students with disabilities. (pp. 42-50)

Five major knowledge areas were identified in a study completed by Patterson, Marshall, and Bowling (2000) as content in administrative preparation programs:

1. basic special education continuum of services, laws and regulations, court cases, funding;
2. district policies and implications for the local school;
3. district norms regarding policy;
4. professional development in special education;
5. professional development in leadership philosophy and strategies.

A review of the research in the knowledge and skills perceived indispensable for local school administrators remains necessary to execute a full continuum of special education services within a school setting. Research has established that the success of a student with disabilities depends on the attitude and knowledge base of the instructional leader. Administrator preparation programs require continued introspection and redesign in the area of special education law to allow local schools to produce successful students with disabilities.

Special Education Mandates

There are two distinct delivery systems in education. There is one for regular education students and another for special education students (Yell, 1998). There are mandates that address free and appropriate education (FAPE), behavior and discipline; IEPs, least restrictive environment (LRE), and practice and procedure for special education students that are necessary components of the knowledge base of principals.

Racial segregation and other practices that excluded students from equal education opportunities were first addressed by the historical *Brown v. Board of Education* (347 U.S. 483, 1954). The Supreme Court held that separate but equal was inherently not equal. A subsequent ruling in the following year stated that desegregation should be accomplished with “all deliberate speed” (Weber, Mawdsley, & Redfield, 2004).

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic 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 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 which must be made available to all on equal terms. (*Brown*, 347 U.S. at 495).

Brown, even though the forum was a racial issue, was an inspiration to parents of students with disabilities to file lawsuits ending the exclusion of students with disabilities from public school classrooms. The *Pennsylvania Association of Retarded Citizens v. Pennsylvania*, (343 F. Supp. 279, 1972) and *Mills v. Board of Education of the District of Columbia*, (348 F. Supp. 866, 1972) cases provided further legal base for entry of federal legislation into the provision of services and protection of civil rights of disabled students. The Education for All Handicapped Children Act (EAHCA, EHA), ratified as Public Law 94-142, contained the foundation language of both cases in which students with disabilities were protected from exclusion from public education through the mode of due process (Weber, Mawdsley, & Redfield, 2004).

The EHA impacted schools by requiring services through the least restrictive environment and structure by the IEP for students with disabilities. Definition of such plans and actions were not included and continue to rely on courts and hearings for clarification thirty years later. Free and appropriate public education guaranteed that students, who had previously been denied access to public school programs, the promise of an equal education opportunity positioned in federal legislation. Professionals and Congress understand the concept of free education, but question continues to surround the concept of appropriate (Norlin & Gorn, 2006; Weber, Mawdsley, & Redfield, 2004).

In 1997, the IDEA impacted American special education through provision of: education for all students ages three to twenty-one, least restrictive and appropriate placement, education that is individualized and appropriate, and free education and related services. IDEA 1997 presented parents with safeguards that assured procedural and substantive protection (Rothstein, 2000). Finally, the framework of IDEA 1997 changed the financial structure of schools; the level to which schools implemented IDEA 1997 was directly connected to the school's funding provisions (Rothstein, 2000; Weber et al., 2004).

The Individuals with Disabilities Education Act of 1997 (IDEA) became legislation that combined together special education case law and legislation to that point in time to one package. The IDEA 1997 insured that Public Law 94-142, the former Elementary and Secondary Education Act of 1965 (ESEA), was reauthorized and readdressed to meet the appropriate educational demands of all special needs children and youth. IDEA 1997 comprehensively addressed eligibility, free and appropriate education, legal procedures, discipline, private school concerns, independent evaluations, records, and parent rights regarding consent and notice (Weber, Mawdsley, & Redfield, 2004).

The combination of IDEA 1997 with more and more case law created a need to revise legislation dealing with legal issues surrounding education. The IDEIA 2004 addressed issues generated by a mixture of old legislation, case law, and the NCLB 2001 (Norlin & Gorn, 2006).

Educational Progress for All Students

The NCLB 2001 was introduced by President George W. Bush with the intent of moving the standards of performance for the students in America to a higher level. This legislation seeks to move students from a substandard or mediocre performance to grade level standards. Standards were created by NCLB 2001 for student performance, school performance, teacher

quality, professional development, and federal funding for schools. The NCLB 2001 guidelines mandate levels of performance described as adequate yearly progress of schools. The levels of annual yearly progress (AYP) are measured through the individual student standardized test scores in the core academic areas. Proficiency statements are made regarding each student on standards addressed in the standardized tests. An additional factor in determining the level of progress is participation of students during the testing process. NCLB 2001 states a required level of 95% participation in the testing process for the entire student population of a school and consequently, the school system. If a school does not demonstrate 95% participation or greater for students administered standardized testing, the school is considered not to have accomplished that portion of AYP (Weber, Mawdsley, & Redfield, 2004).

The key to all students working toward proficiency standards is the mandate in NCLB 2001 that all students should have access to the general curriculum. Accessing the curriculum presents difficulties for administrators as evidenced by the case law that works to solve the concerns in conjunction with the court's interpretation of legislation. Issues include, but are not limited to: free and appropriate education (FAPE), behavior and discipline, IEPs, least restrictive environment (LRE), and practice and procedure. The court system has worked to interpret the legislation put into place to address these critical issues (Norlin & Gorn, 2006).

Free and Appropriate Public Education

Historically, *Board of Education v. Rowley* (458 U.S. 176, 1982) has become the standard by which cases involving special education issues are resolved. The case was brought to the courts by parents of a young deaf student in the first grade. A federal district court held that the student did not receive a free and appropriate education due to a discrepancy between the student's potential and achievement. A number of guidelines were derived from *Rowley*.

Instruction and services must meet the State's curriculum standards and approximate the grade levels used for general education students; instruction and services must address the IEP goals and objectives. Access to the general curriculum must be guaranteed; the IEP must follow the guidelines of IDEA 1997 and be calculated to enable the disabled student to make reasonable progress (Rothstein, 2000; Weber, Mawdsley, & Redfield, 2004).

The decision in the case also held that free, appropriate public education (FAPE) was evidenced by provision of specially designed instruction with adequate support services to allow the student to benefit from instruction. The hearing impaired student in this case was progressing through instruction without an interpreter. The school ignored evidence that an interpreter would have solved the difference between her level of achievement and her potential. *Rowley* became the foundation for FAPE that required states to provide access of the curriculum to students with disabilities; the decision did not require the production of outcomes. Case law such as the *Board of Education v. Rowley* (458 U.S. 176, 1982) has joined with the IDEA 1997 and the IDEIA 2004 to address the provision of access to the general curriculum to all children (Norlin & Gorn, 2006). The codification of the current IDEIA 2004 reflects the influence of case law across the judicial circuit system and the United States Supreme Court (Norlin & Gorn, 2006).

Behavior and Discipline

Under IDEIA (2004), disabled students are subject to the same disciplinary policies as nondisabled peers if the behavior is determined not to be a manifestation of the student's exceptionality. If the student's behavior is determined not to be a manifestation of his exceptionality, a functional behavior assessment should be developed and a behavior plan put into place prior to the discussion of the IEP team regarding a change of placement. The

manifestation process and understanding the potential results of the determination must be fully understood by a local school administrator (Norlin & Gorn, 2006).

Functional Behavior Assessment (FBA) is mandated by IDEIA (2004). The FBA is an assessment of a student's behavior. It is considered best practice to complete a functional behavior assessment when a student exhibits a pattern of behavior(s) of concern. The student's IEP team should complete the FBA in order to determine if the behaviors of the student are a direct manifestation of the student's exceptionality. The FBA should be completed in conjunction with the Manifestation Determination hearing. By doing so, the IEP team makes a decision as to whether or not the behavior of the student was a manifestation of his or her exceptionality. Additionally, both the Manifestation Determination and the FBA must be completed prior to removal from the educational setting for more than ten days (Norlin & Gorn, 2006).

Case law and best practice have been very clear to suggest that a Behavior Intervention Plan (BIP) should be in place and contain documented evidence that the plan has been revised when steps taken to change the inappropriate behavior of a child were not successful. Removal from the school setting for a time frame greater than ten days constitutes a change of placement and must be addressed by an IEP team. Typically, removal from the school setting for more than ten days is for behavioral and/or disciplinary reasons. The IDEIA 2004 is clear about the exception given to an IEP team that deems a more restrictive environment is necessary for a student must be preceded by agreement from the parent or guardian (Norlin & Gorn, 2006). The relationship the administrator has with the parents and his or her understanding of the needs of the student with disabilities can affect the outcome of the meeting held to determine a need for a change of placement.

In *Farrin v. Maine School Administrative District No. 59* (165 F. Supp. 2d 37, 2001), an eighth grade student with a specific learning disability was found in possession and involved in the sale of marijuana. The student was immediately suspended for 10 days. The school district made attempts to stay within timelines regarding IEP and manifestation meetings. An interim alternative education setting was provided by the local school agency. The nondisabled peers involved were expelled. The Court concluded that a student placed in an interim setting does not have to have access to all aspects of the general curriculum as long as he was able to make progress. The delay in services caused by the school's attempts to set up meetings had no effect on the participation of neither the entities involved nor the child's IEP. IDEIA 2004 reiterated and supported this ruling with changes in the procedural safeguards that state that a student with disabilities can be removed for forty-five days if the offense is that drugs or weapon(s) are taken to school (*Farrin v. Maine*, 165 F. Supp 2d 37, 2001).

In *Honig v. Doe* (484 U.S. 305, 1988), the Supreme Court ruled that indefinite suspensions constitute a change of placement. The case involved students who were emotionally disturbed. The students were suspended for destruction of school property, assaulting and making sexual comments to other students, and other acts of misbehavior. In accordance with California state law at the time, the students were suspended indefinitely pending a disciplinary hearing. A suit was filed on behalf of the students charging that the actions of the school district were a violation of the EHA "stay put" provision. In the final ruling, the Court stated that in the event that the behavior of a disabled student endangers other students, school officials are charged with the protection of all students and may seek a change in placement or interim placement. If necessary, the school officials may seek assistance from the courts to rule on a

change of placement for students whose parents refuse interim/change in placement (*Honig v. Doe*, 484 U.S. 305, 1988).

The student involved in *Community Consolidated School District No. 93 v. John F.* (No. 00CV1347, N.D. III, 2000) devised a program called “101 Ways to Destroy the School.” The student was removed from the school setting for 45 days. No drugs or actual weapons were involved in the student’s offense. The student was removed from the school setting for 45 days. The court ruled that interim placement must be preceded by manifestation determination and the IEP team decision for alternate placement must be made following the manifestation determination (Norlin & Gorn, 2006).

Least Restrictive Environment

Addressing a full continuum of services to address the least restrictive environment is another area addressed by legislation and case law. Access to the general curriculum was interpreted earlier to access to the general education learning environment. As it becomes redefined, access is being delineated to mean the actual curriculum. In more recent years, it has become important for administrators and teachers to address the amount of time the student with disabilities is removed from access to the general curriculum (IDEIA, 2004).

The resulting ruling of *Board of Education, Sacramento City Unified School District Board of Education v. Holland* (14 F. 3d 1398, 1994) indicated that the student must be placed in full-time regular classes with support services. The 9th Circuit identified four factors that were similar to an earlier standard set in *Oberti v. Board of Education of Borough of Clementon School District* (995 F.2d 1204, 1993). The court concluded that (1) educational benefits are available in the regular classroom using supplemental aids and services that are comparable to the special education classroom, (2) the non-academic benefits of

interaction with children who are not disabled, (3) the effect of the presence of a student with disabilities in the classroom on the teacher and the other students, and (4) the cost of placing students with disabilities in the general education setting. It was proposed and supported that a student could meet IEP objectives and display increased motivation to learn when placed in the least restrictive environment. Non-academic benefits from language and behavior models, improved self-confidence, excitement about school, and the development of interpersonal relationships were noted to document positive affect at a level of full-time inclusion (Norlin, 2006). The provision of a full continuum of services for students with disabilities can mean the redesign of school programs by local school administrators (Jackson & Kelley, 2002).

Providing a full continuum of services and access to the general education curriculum becomes complicated when addressing the sufficient effort made by school districts to satisfactorily accommodate a student by modifying the environment and supplementary aids and services and the extent to which the general educator is diverted from the other students in the classroom as seen in *Daniel R.R. v. State Board of Education* (Norlin & Gorn, 2006).

School districts are faced with addressing local personnel issues in which IDEA 1997 established that local neighborhood schools become the schools of preference in order to provide the most appropriate full continuum of services. There must be concerted effort to avoid segregation of students in any level of the continuum (*Murray v. Montrose County School District RE-IJ*, 22 IDELR 558, 1995). School administrators must insure that every attempt is made to staff the local school with staff and services to meet the needs of students with disabilities within the school zone.

Individualized Education Programs

Following procedural guidelines in individualized education plans has become an area in which courts address district compliance. In *Houston Independent School District v. Bobby R.* (31 IDELR 185, 2000), parents of a student diagnosed with dyslexia and Attention Deficit Disorder alleged that the district failed to provide services and modifications in the student's IEP. In this case, the fifth court ruled in favor of the district deciding that there was no substantive harm and that there was more than trivial educational benefit derived through the district's proposed IEP. The ruling stated that if the components of the program designed for the student is followed, educational benefit is received. Procedurally, the local school administrator and the IEP team are charged with the implementation of the IEP. Qualified staff and services must be resources provided by administrative staff in order to adequately implement the IEP.

Predetermination of a student's program and services deny FAPE as determined by the ruling from *Deal ex rel. Deal v. Hamilton County Board of Education* (42 IDELR 109, 2004). Substantive harm occurs if the right of the parent of a special needs student is not allowed full opportunity to participate in the IEP process. The 6th Circuit court determined that the district's predetermination of the type of program to be used with a child with autism caused the IEP meeting to be merely a procedural step. In addition, the court addressed the need for appropriate membership on an IEP team. In this case, there was no general educator included on the team. The court stated that the student's plan would have benefited from the additional input from a professional in the area of general education. With adequate knowledge of the requirements of IDEA 1997 and IDEIA 2004, administrative staff could have avoided the procedural mishap and assured the participation of the parent and general education professional.

In *N.I. by Ms. C v. Knox County Schools* (38 IDELR 62, 2003), the 6th Circuit court ruled that pre-conferences among district personnel did not deprive the parents from the ability to participate in planning their child's IEP. The school psychologist, a social worker, and a private psychiatrist and psychologist met to review the evaluations for the student. The conclusion of the team was that the child had Attention Deficit/Hyperactivity Disorder (ADHD); however, the team concluded that the disability did not cause the behavior problems being exhibited. Parents alleged that harm resulted from the discussion among the professionals. The court ruled in favor of the district. Pre-conferences among district personnel allow for review of the potential staff and services needed to provide the student with disabilities the greatest access to the general curriculum.

In *Knable by Knable v. Bexley City School District* (34 IDELR 57, 2001), the 6th Circuit court ruled in favor of the parent and awarded reimbursement to the family for residential treatment charges of a student whose disability was ADHD. The court recognized that a procedural error, such as not being timely, denies FAPE for special needs students. In the *Knable* case, it was noted by the court that if reimbursement had not been requested, the number of procedural errors in the student's case more than indicated a denial of FAPE to the student. Administrators are directly affected by this and other rulings where there is a failure to timely convene IEP meetings.

Practice and Procedure

Practice and procedural errors can be detrimental to a student's provision of FAPE. In *Schaffer v. Weast* (44 IDELR 150, U.S. 2005), the Supreme Court ruled that the party challenging the inadequacy of IEP bears responsibility of providing the burden of proof for the complaint. IDEA 1997 makes no statement regarding the burden of proof in a legal challenge.

The Court relied on the “default rule” that the party who brings a challenge also bears the burden to prove the challenge. Administrators, school staff, and central office administrators must rely on proper documentation maintained to respond to challenges regarding allegations regarding the implementation of services in an IEP.

A final example of practice and procedural errors is the failure to furnish parents with copy of evaluation reports is a serious procedural violation and sets the stage to deny FAPE. In *Amanda J. v. Clark County School District, et al.* (267F3d 877, 2001), the 9th Circuit court ruled in favor of the parent when the parents did not receive a copy of evaluation reports which alluded to severe autism and a need for additional psychiatric testing. The court reiterated the Congressional mandate for parents to have full access to records and the opportunity for full parental involvement. The courts addressed reimbursement for the parents’ unilateral placement at a non-approved private school. The ruling concluded by addressing that the full implementation of the IEP in a non-approved private school would affect the standards by which IDEA 1997 holds local school districts. Access to records is a major provision in the procedural safeguards provided to students with disabilities. The denial of access of records to the parents of students with disabilities is a procedural error that can be avoided with a basic understanding of the procedural safeguards.

Summary

Administrative preparation programs were introduced into the field of education to address the growing need for public education in the 20th century. With the growth of the nation, came the growing need for education and educational programs at all levels. Also, this additional growth resulted in additional legislation. Legislative acts and mandates addressed special education needs in the public school arena while the administrative preparation programs did not

redefine internal curriculum components to address the knowledge and skills needed by principals (Murphy & Louis, 1999).

Administrators face a changing capacity matrix in which leadership is constantly being reshaped and redefined. Combined with the demands of professional development, teacher leadership, involvement, collaboration, and collective responsibility, the use of data to assist in informed decisions for increased student achievement, and professional networking is the need to be aware of the legal framework that guides the operation of the school (Lambert, 2003). Research indicates inadequate preparation in administration preparation programs to meet these demands to address needs of all students. As universities are challenged to readdress the structure of administrator preparation programs based on the challenging change in administrator responsibilities, the change in programs will give practicing administrators opportunities for increased student achievement and a better understanding of the roles of a leader in the school setting (Norlin & Gorn, 2006).

The need for sound theory and the use of practical data are vital to leadership programs. There are demonstrated needs of administrators for increased coursework and practical experience with special education students in order to become successful, grounded leaders. Lovitt (1993) suggested that using the conceptual foundation of special education training as the foundation for the training process for prospective leaders in schools. Special education case law and legislation affects the most prepared school leader each day (Norlin & Gorn, 2006).

Free and appropriate education (FAPE), behavior and discipline, IEPs, LRE, and practice and procedure are areas in which the court system has worked to interpret the legislation put into place to address these critical issues. Legislation attempts to state the framework for entitlement of educational content for students (Norlin & Gorn, 2006). It is knowledge of these

critical issues that must be presented to aspiring local school administrator preparation programs. The provision of FAPE involves a knowledge base of special education guidelines provided by IDEIA 2004 and case law. Administrators cannot provide the necessary continuum of services with this knowledge base.

The litigious environment in school law stemming from disparities in administration of programs and expenditure of special services by school systems between parents and the education agency regularly resolved in courts or an individual hearing orchestrated by attorneys. In turn, Congress has attempted to address case law with legislation and to codify court rulings into statute. Universities have the responsibility to provide principals with adequate training in administrative preparation programs in the area of special education law. The success of the public school system will ultimately rest on the program components of administrative preparation programs (Maher, 1988). Special education law cannot be omitted from administrative preparation programs if universities are to produce highly effective leaders. A principal is accountable on a daily basis for the management and provision of special education services outlined in IDEA 1997 and IDEIA 2004. Nothing less than adequate knowledge of special education law, practice, and policies is a requisite for all successful principals.

CHAPTER 3

METHODOLOGY

The purpose of this chapter is designed to report the plan of the study. The chapter is divided into three sections: study population, description of the methodology of the collection of data, and a summary of the chapter.

Study Population

Valesky and Hirth (1992) provided a general framework for this research. This study is a follow-up to data collected by Valesky and Hirth. The original data collected by Valesky and Hirth included fifty-seven state department of education responses, with responses from each state and the seven territories belonging to the United States. The data for this study addressed the information from the state departments of education and universities from the fifty United States. In addition, the data for this study were collected from the two most productive administrative preparation programs within the fifty states.

The population of this study consists of state departments of education in the fifty United States and two largest producing administrative preparation programs within each of the respective fifty states. In addition, extant data which provided the total number of students with disabilities in each state for 2006 was used in this study.

Valesky and Hirth (1992) surveyed approximately 525 administrative preparation programs located in universities in the United States at that time. Valesky and Hirth requested information not collected by this study. Valesky and Hirth collected data that reflected administrator preparation program special education law content, mediation data, professional

development, and complaint and due process hearing data. Mediation data are available; however, it is now mandated as a part of compliance with IDEA 1997 and IDEIA 2004 and must be available to be utilized in the resolution process. This study did not record data for a practice that is now mandated. In addition, Valesky and Hirth collected data regarding professional development provided by state departments of education in special education law. Data were collected by this study to address only the special education law information provided by administration preparations programs.

The current study used state department data to identify two programs from each state that generate the largest number of administrators annually. The state departments of education were contacted by phone to obtain the name of the university programs in the respective state that presented the largest number of candidates for administrator licensure. Phone calls and electronic mail were used as follow-up methods to obtain the information needed.

In states where the state department of education licensure departments that did not respond to requests for names of university programs or could not do so due to the lack of recorded data, two web sites, Grad Review.Com and Grad. Com, which are designed to compare university programs, were used to determine the largest number of participants in educational leadership programs.

The study collected information identifying the number of clock hours spent by general administrators being instructed in the area of special education law. The clock hours were determined based on responses from the chairperson and/or coordinator of the administrator preparation program or the actual school law instructor. Additional data collected from the chairperson, school law instructor, or administrative assistant in university administrator

preparation programs were the numbers of completers/graduates from the respective programs for the 2004, 2005, and 2006 school terms.

Web-based extant data were collected for each state from the NCLB 2001 required annual State Summary of Performance. The State Summary of Performance is a required component of a state's compliance with NCLB 2001. Indicators sixteen and seventeen in each State Summary of Performance report were reviewed; these indicators present an annual representation of complaints, mediations, due process hearing requests, and fully adjudicated hearings. Information regarding mediations was not collected due to the change in federal regulations. With the implementation of the regulations of IDEA 1997, mediations are required as venue to attempt to settle disputes; during the time frame of data collection by Valesky and Hirth in 1992; procedural safeguards did not guarantee the provision of mediation as a step to resolution of conflict.

Extant data were collected from the Office of Special Education Programs web site in order to retrieve the total number of students with disabilities based on the child count for each state in 2006. The total population provided a method to assign an index as a relationship between the total population of students with disabilities and the number of complaints, due process hearing requests, and fully adjudicated hearings.

Data were collected to determine if correlations exist between the clock hours of training in the area of special education law received by aspiring administrators and the legal complaints, due process hearing requests, and fully adjudicated hearing faced by school districts. Data collected represented a numerical response from the department chair of the educational leadership program at universities contacted or the instructor of the education law course to reflect the approximate number of clock hours dedicated to the instruction of special education

law. An average semester course has 45 hours of instruction; the numerical response represented the number of hours spent on the topic of special education law as an embedded area of instruction in the coursework (see Appendix A for the average number of semester hours spent on the delivery of special education law).

Methodology for Collection of Data

The initial contact for the study began with phone contact to the administrator of the licensure department at the state department of education level to determine the names of the two universities in each state that present the largest number of candidates for administrator licensure. Follow-up calls were made to each state department of education. After two phone calls to communicate with the licensure department administrator to request the names of the universities, a follow-up email was sent. For states where no response was given, teacher colleges and universities were reviewed on two graduate school referral web sites to determine the sites with the largest numbers of graduates and a developed, graduate level educational leadership program.

NCLB 2001 requires states to publish a State Summary Performance Report. The first such report was for the 2004-2005 school term. Many states have published that information on the state's website. Extant data for the year 2006 were requested from the most appropriate personnel at the state department of education level if the State Summary Performance Report was not posted on the state department's web site. Follow-up phone calls and emails were made to ensure complete data collection and to clarify any questions concerning responses. The State Summary Performance Report for 2006 was not available on-line for two states; contact was made with the legal or special education departments at the state department level to obtain the

data. The State Summary Performance Report includes tabled information broken into tables. Data collected were complaints, due process hearings, and fully adjudicated hearings.

Contact was made electronically with the chairperson or coordinator of the educational leadership department at ninety-seven universities. A minimum of three attempts were made to the chairperson and/or coordinator of the educational leadership department or the instructor of the education law course at each university. The University of Alaska at Anchorage, the University of Texas at Austin, and Northeastern in Connecticut were the universities reported as producing the largest numbers of candidates for administrator licensure in their respective state.

Of the twenty-two responding university programs, eight reported a unique, stand alone course in special education law for aspiring general education administrators. The remaining seventeen programs reported special education law knowledge and skill embedded in a required education law course for aspiring general education administrators. Course syllabi and/or graduate catalogs for the remaining university programs were examined electronically to determine the presence of embedded coursework in education law or a unique, stand alone special education law course.

Statistical Analysis of Data

An analysis of variance (ANOVA) within a simple linear regression was computed to answer the three research question for this study. An ANOVA is a statistical test of the difference of means for two or more groups (Knoke & Bohrnstedt, 1994). The number of clock hours of instruction in special education law was assigned as the continuous dependent variable. The number of complaints, due process hearing requests, and fully adjudicated hearings were assigned as independent variables. Due to the limited number of responses, a simple linear

regression was computed to demonstrate the presence or absence of a relationship between the continuous dependent variable and the three independent variables.

Descriptive Analysis of Data

Descriptive summary procedures were reported due to the absence of statistical significance. Findings from indicators sixteen and seventeen from the State Summary Performance Reports from the state departments of education led to conclusions and recommendations for further study.

Summary

The numbers of complaints, due process hearing requests, and fully adjudicated hearings were collected and recorded for each state department of education as raw, numerical data. Additionally, the number of clock hours of instruction in skill and knowledge in special education law was recorded from educational leadership programs. The data was used to compute simple linear regressions and determine any significance between the continuous dependent variable, clock hours of instruction in university education law courses in the area of special education law, and the independent variables of complaints, due process hearing requests, and fully adjudicated hearings.

Information generated from the current study indicated that more universities provided aspiring administrators with knowledge and skill of special education law in 2006 than in 1992 (Valesky & Hirth, 1992). The results confirmed the research and overall findings of Valesky and Hirth (1992). Information gained from the current study reveals no statistical significance between the number of clock hours an administrator receives in special education law and state department complaints, due process hearing requests, and fully adjudicated hearings.

CHAPTER 4

FINDINGS

Administrators must have a strong command of special education and special education law. Case law rulings, additions to procedural safeguards, and legislation in the area of special education are demonstrative of the need for additional training in the area of law for preservice administrators to increase their competency level. Since the 1950s, case law and Congressional systems have brought reform externally to the field of education administration. As a result, many educators believe that principals are not being adequately prepared to handle special education issues by administrative preparation programs (Stiles & Pettibone, 1980).

In 1992, Valesky and Hirth reported that training received by administrators in administrative preparation programs as well as the number of due processes and complaints received at the state department of education level for each state may be questionable. Jackson and Kelley (2002) found that “understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context” is a necessary component of administration preparation programs (p. 192.) Local school administrators require a strong control of the legal changes occurring in the field of special education.

This study used the results of the fifteen-year old study (Valesky & Hirth, 1992) as a baseline of information to review the effects created by IDEA 1997. The comparison was also applied to the introduction and implementation of the NCLB 2001 and the reauthorization of the IDEIA 2004 on licensure requirements, numbers of complaints, due process hearing requests, and fully adjudicated hearings.

Program data for this study were collected for 2006. By collecting extant data, the intent was to examine the implications of the reauthorization of IDEA 2004, the affect of the components of NCLB 2001, and effects of IDEIA 2004 on practices in university administrator preparation programs. These practices affect local districts in the form of redesign of education policies and procedure based on the knowledge base and skill obtained by administrators in preservice training.

Data were collected to determine if correlations exist between the clock hours of training received by aspiring administrators in the area of special education law in university administrative preparation programs in the United States and the legal complaints, due process hearing requests, and fully adjudicated hearings faced by school districts. Data collected were narrowed to address correlations based on special education law knowledge and skill embedded in university school law courses.

Statistical Analysis

The total population of students with disabilities for each state was collected from an educational data web site created by the Office of Special Education Programs. Indices were calculated as a ratio between the total number of complaints, due process hearing requests, and fully adjudicated hearings, respectively.

An analysis of variance (ANOVA) was computed to answer the three research questions for this study. An ANOVA is a statistical test of the difference of means for two or more groups (Knoke & Bohrnstedt, 1994). The number of clock hours of instruction in special education law was assigned as the continuous dependent variable. The number of complaints, due process hearing requests, and fully adjudicated hearings were assigned as independent variables.

Twenty-two universities reported complete information regarding clock hours of special education law delivered to aspiring administrators. Two university programs required both an education law course with embedded special education law knowledge and skill and a unique, stand alone course in special education law. Eight universities reported a unique, stand alone course in special education law; the number was not sufficient to consider statistically for significance.

Question 1: Among State Departments of Education in the United States, is there a relationship between the complaints at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?

A simple linear regression was computed to determine if there was a relationship between the continuous dependent variable, clock hours of instruction in the knowledge and skill of special education law, and the number of complaints for each state. Of the seventeen universities providing embedded coursework information, fifteen were used to determine statistical significance.

In an ANOVA, the R Square result presents a numerical representation between zero and one. The numerical result that is close to zero indicates that there is no significance between the continuous dependent variable and the independent variables. Data in Tables 1 and 2 indicate that with an R Square of 0.006 and significance of 0.784 there is no relationship between the continuous dependent variable, clock hours of instruction at the university level, and each independent variable, or number of complaints received about special education at the state departments of education.

Table 1 *R Square-Clock Hours of Instruction to Total Number of Complaints*

R	R Square	Adjusted R Square	Std. Error of the Estimate
.077	.006	-0.70	.0011524843

Table 2 *Regression-Clock Hours of Instruction to Number of Complaints*

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	.000	1	.000	.078	.784
Residual	.000	13	.000		
Total	.000	14	.123		

Question 2: Among State Departments of Education in the United States, is there significant difference between the due process hearing requests filed at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?

A simple linear regression was computed to determine if there was a relationship between the continuous dependent variable, clock hours of instruction and each independent variable. Of

the seventeen universities providing embedded coursework information, fifteen were used to determine statistical significance.

Data in Tables 3 and 4 indicate that with an R Square of 0.006 and significance level of .806 there is no relationship between the continuous dependent variable, clock hours of instruction in the knowledge and skill of special education law, and the independent variable of due process hearing requests.

Table 3 *R Square-Clock Hours of Instruction to Total Number of Due Process Hearing Requests*

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.229	.052	-0.21	.0034486577

Table 4 *Regression- Clock Hours of Instruction to Number of Due Process Hearing Requests*

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	.000	1	.000	.718	.412
Residual	.000	13	.000		
Total	.000	14			

Question 3: Among State Departments of Education in the United States, is there significant difference between the fully adjudicated hearings held as a result of due process hearing requests at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?

A simple linear regression was computed. Of the universities providing embedded coursework information, fifteen were used to determine statistical significance. Data in Tables 5 and 6 indicate that with an R Square of 0.022 and significance level of 0.627 there is no relationship between the continuous dependent variable, clock hours of instruction in the knowledge and skill of special education law, and the independent variable of fully adjudicated hearings in each state.

A linear regression was computed using all data collected. No outliers were removed. The resulting ANOVA presented an R Square of 0.111 with the significance level of 0.140.

Table 5 *R Square-Clock Hours of Instruction to Total Number of Fully Adjudicated Hearings*

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.076	.006	-0.85	.0013136477

Table 6 *Regression- Clock Hours of Instruction to Number of Fully Adjudicated Hearings*

Model	Sum of Squares	df	Mean Square	F	Sig.
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Regression	.000	1	.000	.063	.806
Residual	.000	11	.000		
Total	.000	12			

Descriptive Analysis

This exploratory study is small; however, the descriptive analysis indicates practical importance. Sixty-two percent of the state departments of education may need to consider the implications of continued adjudicated hearings in special education cases in school systems across the United States. Statistical analysis did not provide the insight to the practical knowledge gained from the raw data collected from the State Summary Performance Reports (Appendix A).

CHAPTER 5

DISCUSSION

Public Law 94-142 has become an instructional unit in administration preparation programs for aspiring administrators. The components of the Constitution and the procedural safeguards put into place for exceptional children, and changes in interpretation determined by federal entities have been identified to be necessary components in preparation of local school administrators (Weber, Mawdsley, & Redfield, 2004). This chapter provides a summary of the study. The study was designed to investigate administrative preparation programs to determine if the amount of special law presented in coursework in administrator preparation programs has a relationship to the complaints, due process hearings, and fully adjudicated hearings filed at the state department of education level. The chapter is organized into seven sections: (1) purpose, (2) procedures, (3) descriptive data, (4) summary of findings, (5) conclusions, (6) discussion and implications, and (7) recommendations for further research.

This exploratory study was designed to investigate administrative preparation programs to determine if the amount of special education law presented in coursework in administrator preparation programs has a relationship to the complaints, due process hearings, and fully adjudicated hearings filed at the state department of education level. The research questions that guided this study were as follows:

1. Among State Departments of Education in the United States, is there a relationship between the numbers of complaints at the state level to the clock

hours of special education law coursework obtained by administrators in administrator preparation programs?

2. Among State Departments of Education in the United States, is there a relationship between the numbers of due process hearing requests filed at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?

3. Among State Departments of Education in the United States, is there a relationship between the numbers of fully adjudicated hearings held as a result of due process hearing requests at the state level to the clock hours of special education law coursework obtained by administrators in administrator preparation programs?

Purpose

This study was designed to determine to what ratio special education law is a component of education law courses in administration preparation programs in universities across the United States. Further data were collected to establish if the amount of instruction in special education law had subsequent significance to complaints, due process hearing requests, and fully adjudicated hearings filed against each state department of education.

Procedures

An investigation was conducted using extant data accessed from the web sites of state departments of education, universities across the United States, and the Office of Special Programs (OSEP). Initial efforts included electronic mail and phone calls to state departments of education and educational leadership program chairpersons. Follow-up electronic mail and/or phone calls were made to collect data.

Extant data collected from ninety-seven administrator preparation programs recognized as producing a large number of candidates for administrator license annually include (1) classification of the presentation of special education program into unique or embedded, (2) the number of clock hours spent in providing knowledge and skill in special education law, and (3) the number of graduates for 2004, 2005, and 2006. Data obtained electronically include (1) State Summary Performance Report for each state, (2) the total number of students with disabilities within each state for the years 2004, 2005, and 2006, and (3) a review of course descriptions for the school law required for each of the ninety-seven administrative preparation programs.

Descriptive Data

An ANOVA was used to answer three research questions. An alpha level of 0.05 was set as the criteria for determining significance. A linear regression was computed to determine the R Square value for each comparison made. For all three research questions, there was no relationship between the continuous dependent variable of clock hours of instruction in special education law and the three independent variables of complaints, due process hearing requests, and fully adjudicated hearings at the state department of education level in each state.

Summary of Findings

The analysis of the data collected revealed that seventeen programs provided instruction in special education law as an embedded component of the required school law course. Of the universities, eight programs require a special education law course that is a unique, stand alone course. The remaining states have special education law courses that are an elective in administrative preparation programs.

Based on the data collected from university administration programs and each State Summary Performance 2006 report, there is not a significance between clock hours of instruction

in special education and the complaints, due process hearing requests, and fully adjudicated hearings filed with each state department of education.

Conclusions

The data collected indicated no significance between the number of clock hours an aspiring administrator spends being instructed in special education law and subsequent legal issues faced by the state department of education. This study acknowledges that the principal is the manager and instructional leader of special education services in the school setting. In order for the local school administrator to ensure a free, appropriate education to students with disabilities, knowledge of the boundaries and limitations placed on the school setting by special education procedural safeguards is the key to avoiding complaints, due process hearing requests, and fully adjudicated hearings. In one of the universities polled from a total of ninety-seven, special education law is only an elective component of the educational leadership department. Universities have accepted the challenge of providing administrators with a minimal introduction to special education law concepts. Eight percent of the universities present special education law through a unique, stand alone course. In 1992, Valesky and Hirth found that twenty states required only knowledge of special education law of aspiring administrators. Based on the ninety syllabi reviewed of educational leadership programs in the fifty states, forty-eight states now have prominent administrator preparation programs with a special education law component presented at minimum in an embedded format in a required education law course.

Discussion and Implications

Administrators enter a school building as not only an instructional leader, but a manager of time, effort, personnel, and special education. In 1992, only seven percent of surveyed administration preparation programs required knowledge of special education law (Valesky &

Hirth, 1992). Only one percent of the university programs reviewed in the current study gave the aspiring administration an option to have the special education law course as a part of the program of study. The increasing demands on local school administrator must be reflected in the educational leadership program of study to address the increasingly litigious atmosphere of special education. Valesky and Hirth (1992) found that fifty-three percent of states did not have appeals or fully adjudicated hearings. The current study found that in 2006 the impressive record of 1992 had dropped to only ten percent of the fifty states. An additional twenty-eight percent reported one to ten adjudicated hearings. Table 7 provides an indication that the remaining sixty-two percent of the state departments of education may need to consider the implications of minimal instruction in special education law in educational leadership programs.

Table 7 *Adjudicated Hearings Reported in State Summary of Performance Reports-2006*

Frequency	Zero Adjudicated Hearings	1-10 Adjudicated Hearings	11-50 Adjudicated Hearings	51-99 Adjudicated Hearings	>100, but <999 Adjudicated Hearings	>1000 Adjudicated Hearings	
		6	27	11	4	1	1

Administrators must have a broader repertoire of skills in the area of special education than when Public Law 94-142 was introduced. Knowledge of the law is required to provide the prescribed services needed for students with disabilities; adequate training reduces the possible lawsuits which can financially challenge a school and its district. This study found that it is difficult to correlate the number of complaints, due process hearing requests, and fully

adjudicated hearings to the number of clock hours of special education law in an educational leadership program. It is important to note that in states where there are more than fifty fully adjudicated hearings, the presentation of special education law is limited to an average of twenty-three of the thirty-three to thirty-six semester hours required in programs of study.

The correlation of clock hours of presentation of special education law to complaints, due process hearing, and fully adjudicated hearings may not be revealed statistically. Pragmatically, the correlation becomes relevant in the time and finances that are required in daily application of special education services and procedural safeguards. It is speculated that no given amount of time spent in administrative preparation programs on special education law can eliminate lawsuits or fully enhance the education of students with disabilities. Prioritizing the knowledge of discipline, behavior and intervention planning, parental collaboration, and service tied to students with exceptional needs by entire administrator preparation programs of study warrant the attention of chairpersons of educational leadership departments in many universities.

The role of the local school administrator continues to change. External factors such as special education federal law, case law, and settlement agreements affect the total programming of the local school. The administrator must accept responsibility to provide educational services in the delivery of educational services to the full spectrum of abilities in the school program. Clock hours in instruction of special education law do not correlation with additional responsibilities, daily time demands, cost of special services, and attorney fees. It is imperative that all administrators receive the instruction that will deter and eliminate the practical correlation that currently exists.

Recommendations for Further Research

Special education law is presented as a unique, stand alone course in eight of the university programs reviewed. In seven out of the eight universities, the state department of education in the respective state participated in less than five fully adjudicated hearings. Further research is recommended to determine the curriculum and the presentation method of special education law to determine possible models for other university programs across the United States.

Educational leadership departments involved in the current study generally reported that education law, and subsequently special education law, is taught in programs of study by a professor versed in law. No instances of an instructor from the special education department in the university were reported as the individual delivering textbook or pragmatic information regarding special education law. Further research is recommended to determine if states reporting fewer numbers of complaints, due process hearing requests, and fully adjudicated hearings have administrators who have received special education law instruction from a special education professional.

More research is needed to examine the role of the principal and improve preparation programs. Ground-breaking restructuring of preparation programs must occur to address and emphasize knowledge of diversity of the student population and stakeholders. Administrators must work to provide appropriate educational opportunities for all students when legislative mandates complicate the goal of guaranteeing better educational outcomes for all students. External legislation designed to ensure that no child is left behind in school improvement must be viewed as a tool to address principals' roles and responsibilities to marshal human and material resources. Aspiring administrators must be

provided with knowledge in educational leadership programs of study to capitalize on the available possibilities for students with disabilities. State departments of education and administrator preparation programs must continue to refine courses of study using the ISLLC standards as a catalyst for continuous improvement in the area of special education law. During the course of refinement of administrator preparation programs, school districts across the nation will continually be affected by new, external legislation and case law rulings.

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APPENDIX A
SUMMARY OF RAW DATA

Raw Data

University	State	Emb.	Unique	Clock Hrs.	2004	2005	2006	Com-plaints	Hear-ings	Appeals	SPE Pop. 2006
Univ. of AL	AL	X		4	101	96	42	37	106	4	80,987
Jacksonville St. Univ.	AL	X		3	NR	NR	NR	37	106	4	80,987
Univ. of Anchorage	AK	X		11	27	44	43	9	27	6	17,773
Arizona State University	AZ	X		NR	NR	NR	NR	128	51	7	112,785
North Arizona University	AZ	X		5	NR	NR	NR	128	51	7	112,785
Univ. of Central Arkansas	AR	X		NR	NR	NR	NR	33	20	4	56,444
Univ. of Ark. At L. Rock	AR	X		NR	NR	NR	NR	33	20	4	56,444
University of CA-Los Angeles	CA	X		NR	NR	NR	NR	1074	3796	119	605,685
California State University	CA	X		NR	NR	NR	NR	1074	3796	119	605,685
Univ. of N. Colorado	CO	X		10	NR	NR	NR	20	19	3	72,620
Denver Metropolitan Univ.	CO	X		NR	NR	NR	NR	20	19	3	72,620
Univ. of Connecticut	CT	X		NR	NR	NR	NR	137	208	19	62,294
Univ. of Delaware	DE	X		NR	NR	NR	NR	15	12	3	17,153
Deleware St. University	DE	X		NR	NR	NR	NR	15	12	3	17,153
Univ. of FL, Gainesville	FL	X		NR	NR	NR	NR	83	186	28	364,645
Univ. of South FL	FL	X		4	81	81	81 %	83	186	28	364,645
Univ. of Georgia	GA	X		NR	NR	NR	NR	51	86	8	176,400
Georgia Southern Univ.	GA	X		7	NR	NR	NR	51	86	8	176,400
University of Hawaii-Manoa	HI	X		7.5	34	32	38	10	250	39	18,640
Univ. of Idaho	ID	X		NR	NR	NR	NR	30	4	1	24,550
Idaho State University	ID	X		NR	NR	NR	NR	30	4	1	24,550
Un. Of IL-Champagne	IL	X		3	24	27	28	115	375	80	289,402
Univ. of S.IL	IL		X	45	100 +	100 +	100 +	115	375	80	289,402
Indiana Univ. Bloomington/-Indiana.	IN	X		8	41	42	55	118	88	13	159,679
Indiana State University	IN	X		6	34	35	32	118	88	13	159,679
Univ. of N. Iowa	IA	X	X	6/45	20	22	26	7	15	0	65,195

University	State	Emb.	Unique	Clock Hrs.	2004	2005	2006	Com-plaints	Hear-ings	Appeals	SPE Pop. 2006
Iowa State University	IA	X		NR	NR	NR	NR	7	15	0	65,195
University of Kansas	KS	X		NR	NR	NR	NR	48	19	1	56,307
Emporia State Univ.	KS	X		NR	NR	NR	NR	48	19	1	56,307
Eastern Kentucky Univ.	KY	X		3	NR	NR	NR	26	19	1	88,347
Western Kentucky Univ.	KY		X	45	NR	NR	NR	26	19	1	88,347
Univ. of Louisiana@ Mon.roe	LA	X		NR	NR	NR	NR	46	70	15	78,919
Louisiana State Univ.	LA	X		NR	NR	NR	NR	46	70	15	78,919
Univ. of Maine	ME	X		6	150	150	150	49	56	4	31,419
Univ. of Southern Maine	ME	X		5	30	30	30	49	56	4	31,419
Univ. of MD, College Pk	MD	X		NR	NR	NR	NR	162	429	79	95,149
Johns Hopkins Univ.	MD	X		NR	NR	NR	NR	162	429	79	95,149
Boston College	MA	X		6	NR	NR	NR	383	592	26	150,146
Univ. of Mass-Amherst	MA	X		NR	NR	NR	NR	383	592	26	150,146
Central Michigan	MI	X		NR	NR	NR	NR	229	116	9	217,673
Wayne State University	MI	X		8	NR	NR	NR	229	116	9	217,673
Univ. of Minn. - Twin Cities	MN	X		NR	NR	NR	NR	1	0	0	103,935
Hamline No Program	MN	X		NR	NR	NR	NR	1	0	0	103,935
Univ. of S. Miss.	MS	X		NR	NR	NR	NR	13	15	3	59,160
Miss. State Univ.	MS	X		NR	NR	NR	NR	13	15	3	59,160
SW MO State University	MO	X		NR	NR	NR	NR	19	1	0	125,991
Univ. of MO, Columbia	MO	X		NR	NR	NR	NR	19	1	0	125,991
Montana State University	MT	X		NR	NR	NR	NR	4	6	0	16,616
University of Montana	MT	X		NR	NR	NR	NR	4	6	0	16,616
Univ. of NE, Lincoln	NE	X		NR	NR	NR	NR	13	1	1	39,947
Kearney State Univ.	NE	X		3	37	31	39	13	1	1	39,947
Univ. of NV, Las Vegas	NV	X		6	52	56	78	21	52	4	42,561
Univ. of NV, Reno	NV		X	45	NR	NR	NR	21	52	4	42,561

University	State	Emb.	Unique	Clock Hrs.	2004	2005	2006	Com-plaints	Hear-ings	Appeals	SPE Pop. 2006
New England College	NH	X		12	new	new	new	101	94	19	28,494
Univ. of N. Hampshire	NH	X		2.5	54	53	53	101	94	19	28,494
The College of NJ-Trenton	NJ	X		NR	NR	NR	NR	306	848	86	230,327
Rowan State	NJ	X		NR	NR	NR	NR	306	848	86	230,327
New Mexico State Univ.-Main	NM	X		NR	46	84	35	43	39	10	41,617
University of New Mexico	NM	X		NR	NR	NR	NR	43	39	10	41,617
Syracuse University	NY	X		5	11	5	16	326	5415	1054	391,773
Columbia University	NY	X		8	14	94	105	326	5415	1054	391,773
UNC-Charlotte	NC	X		NR	NR	NR	NR	63	56	3	172,282
UNC-Greensboro	NC	X		10	50	55	45	63	56	3	172,282
North Dakota State University	ND	X		NR	NR	NR	NR	8	2	2	12,258
University of North Dakota	ND	X		NR	NR	NR	NR	8	2	2	12,258
Kent State University	OH		X	45	NR	NR	NR	148	81	25	
Bolling Green	OH	X						148	81	25	
Central Oklahoma	OK	X						85	30	1	88,235
Northeastern	OK	X		25	24	28	77	85	30	1	88,235
Portland State University	OR	X						27	17	0	69,521
Lewis & Clark College	OR	X						27	17	0	69,521
Slippery Rock	PA		X	30	15	15	15	335	739	81	265,199
Penn State University	PA	X		NR	NR	NR	NR	335	739	81	265,199
Johnson & Wales College	RI	X		NR	NR	NR	NR	96	34	1	9,481
Providence College	RI	X		NR	NR	NR	NR	96	34	1	9,481
University of S. Carolina	SC	X		NR	NR	NR	NR	80	27	6	55,256
Clemson	SC	X		NR	NR	NR	NR	80	27	6	55,256
South Dakota State University	SD			NR	NR	NR	NR	4	4	0	15,028
University of South Dakota	SD		X	48	61	62	57	4	4	0	15,028
University of Tennessee	TN	X	NR		10	7	4	120	70	10	108,296

University	State	Emb.	Unique X- elect	Clock Hrs.	2004	2005	2006	Com- plaints	Hear- ings	Appeals	SPE Pop. 2006
Univ. of Memphis	TN				20	20	20	120	70	10	108,296
University of Texas	TX	X		NR	NR	NR	NR	450	329	45	454,951
University of Utah	UT	X		NR	NR	NR	NR	9	7	1	53,569
Utah State	UT	X	X	60	44	40	50	9	7	1	53,569
Univ. of Richmond	VA	X		NR	NR	NR	NR	167	107	28	154,617
George Mason	VA	X		NR	NR	NR	NR	167	107	28	154,617
University of Vermont	VT	X		NR	NR	NR	NR	29	38	6	4,989
Castleton College	VT	X		NR	NR	NR	NR	29	38	6	4,989
Central Washington	WA	X		NR	NR	NR	NR	59	165	28	109,805
Univ. of Washington	WA	X		NR	NR	NR	NR	59	165	28	109,805
W. Virginia Univ., Morgantown	WV	X		NR	NR	NR	NR	48	14	1	43,041
Marshall University	WV	X		NR	NR	NR	NR	48	14	1	43,041
University of Wisconsin	WI	X		NR	NR	NR	NR	61	31	5	112,935
Black Hills State Univ.	WY	X		NR	NR	NR	NR	0	2	1	11,300
Montana State University	WY	X		NR	NR	NR	NR	0	2	1	11,300

APPENDIX B
INVESTIGATOR DOCUMENTS

**UNIVERSITY OF ALABAMA
HUMAN RESEARCH PROTECTIONS PROGRAM**

INVESTIGATOR DOCUMENT : TELEPHONE CONSENT

I am calling in regard to a research study being conducted at the University of Alabama. Your department and telephone number was selected as the most appropriate department at the _____ State Department of Education to find the data needed. This research study examines the amount of special education law knowledge and application taught in administration preparation programs. In addition, the number of resulting legal complaints, mediations, and due process hearings in your state will be requested. A question regarding your licensure department as it relates to the study will also be asked; this will take about 5 to 7 minutes of your time. Your participation will help provide discussion for examination of administrator preparation programs in your state with no risks to you. However, answering these questions is voluntary. That means you may refuse to take part in this study or, if you decide to participate in the study, you may decide not to answer any questions that make you feel uncomfortable or to stop the interview at any time.

The question I will ask you will be professional and not about personal matters and your answers will be kept confidential.

May I ask the question?

1. What are the names of the two universities in your state that present to your department the largest numbers of applicants for administrative licensure?"
2. After receiving the information: "The University of Alabama Institutional Review Board (IRB) approval for research is available to you by request. If this is needed, please provide the email address to which you would like an electronic copy sent."
3. In the event that the chairperson of the department which handles administrator licensure is not available, contact will be made by email. The email address will be obtained from the State Department website. The same information in the phone interview will be transposed into an email. The email will read as follows:
"I am completing a research study which examines the amount of special education law that is presented to aspiring administrators in administrative preparation programs in your state. My first step is to contact your office to determine the names of the two universities in your state that present to your department the largest numbers of applicants for administrative licensure. The University of Alabama Institutional Review Board (IRB) approval for research is available to you by request. Thank you for your assistance with this endeavor."

Sincerely,

Patricia Powell

UNIVERSITY OF ALABAMA

Extant Data Extraction

State Department of Education Version

The State Performance Plan for each State Department of Education will be accessed through each individual state's website. Extant data collected from the 2006 report will be the number of complaints, due process hearings, and appeals to courts during the 2006 school term for IDEA-Part VI-B. These are students above the age of preschool.

UNIVERSITY OF ALABAMA

Extant Data Extraction

University Version

The education law program of study and course syllabi will be accessed through individual university web sites if information is not readily available through the phone interview.

UNIVERSITY OF ALABAMA

Information Sheet for a Research Study

State Department of Education Version

You are being asked to take part in a research study. This study is called “An Analysis of the Presentation of Education Law in Administrative Preparation Programs for Aspiring Administrators.” The study is being completed by Patricia Powell, who is a student in the Department of Educational Leadership, Policy and Technology Studies at the University of Alabama.

What is this study about? This study will examine the amount of time administrator preparation program provides exposure to special education law to aspiring administrators. The study will concentrate on the two university programs that produce the largest number of applicants for administrator licensure.

Why have I been asked to take part in this study? The State Department of Education Administrator Licensure Department in each state is being contacted to determine the two university programs that produce the largest number of applicants for administrator licensure.

How many people besides me will be in this study? Approximately 150 contacts will be made. Contact will be made to all 50 State Departments of Education and 100 universities in the United States.

How much time will I spend being in this study? It is anticipated that less than five minutes of your time will be spent on this study.

Will I be paid for being in this study? There is no compensation for participation in this study.

Will being in this study cost me anything? There is no cost to any participant in this study.

Can the researcher take me out of this study? The researcher can remove you from the study at your request or if the documentation provided is not of use to the study.

What are the benefits that may happen to me if I am in this study? There are no benefits provided to participants in this study.

What are the risks to me if I am in this study? There are no risks to participants in this study.

What are the alternatives to being in this study? Do I have other choices? The alternative to being in the study is nonparticipation.

What are my rights as a participant? As a participant, you can choose to participate or remove yourself from participation.

Who do I call if have questions or problems? For questions or comments about the study, you may call or email Patricia Powell (205-617-4249 or ppowell@tcss.net) or Dr. Jim Siders (205-348-2755 or jsiders@bama.ua.edu). For general questions about the rights of research participants, you may contact Ms. Tanta Myles, the UA Research Compliance Officer (tmyles@bama.ua.edu).

UNIVERSITY OF ALABAMA

Information Sheet for a Research Study

University Version

You are being asked to take part in a research study. This study is called “An Analysis of the Presentation of Education Law in Administrative Preparation Programs for Aspiring Administrators.” The study is being completed by Patricia Powell, who is a student in the Department of Educational Leadership, Policy and Technology Studies at the University of Alabama.

What is this study about? This study will examine the amount of time administrator preparation program provides exposure to special education law to aspiring administrators. In addition, the study will compare the number of applicants for administrator licensure from the two largest university administrator preparation programs to the number of complaints, mediation requests, and due processes recorded in each individual State Performance Plan for the school year 2006.

Why have I been asked to take part in this study? The State Department of Education in your state has identified the Administrator Preparation Program at your University as one of two top producers of applicants for Administrator Licensure.

How many people besides me will be in this study? Approximately 150 contacts will be made. Contact will be made to all 50 State Departments of Education and 100 universities in the United States.

How much time will I spend being in this study? The amount of time should be minimal. The data being requested is data maintained by university programs.

Will I be paid for being in this study? There is no compensation for participation in this study.

Will being in this study cost me anything? There is no cost for participation in this study.

Can the researcher take me out of this study? The researcher can remove you from the study at your request or if the documentation provided is not of use to the study.

What are the benefits that may happen to me if I am in this study? There are no benefits received from participation in this study.

What are the risks to me if I am in this study? There are no risks to participants in this study.

What are the alternatives to being in this study? Do I have other choices? The alternative to being in the study is nonparticipation.

What are my rights as a participant? As a participant, you can choose to participate or remove yourself from participation.

Who do I call if have questions or problems? For questions or comments about the study, you may call or email Patricia Powell (205-617-4249 or ppowell@tcss.net) or Dr. Jim Siders (205-348-2755 or jsiders@bama.ua.edu). For general questions about the rights of research participants, you may contact Ms. Tanta Myles, the UA Research Compliance Officer (tmyles@bama.ua.edu).

APPENDIX C

INSTITUTIONAL REVIEW BOARD APPROVAL



CERTIFICATE OF COMPLETION: "PROTECTING HUMAN
RESEARCH PARTICIPANTS"

