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Examining the Perceptions and Knowledge of School Administrators in Special Education

Maranda Hayward

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EXAMINING THE PERCEPTIONS AND KNOWLEDGE OF SCHOOL ADMINISTRATORS
IN SPECIAL EDUCATION

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DEDICATION

This work is dedicated to incredible individuals who have been a part of my journey both educationally and professionally. This accomplishment would not have been possible without the encouragement and support from my family, friends, professors, & colleagues. To my parents, Barney and Nina, I have always strived to make you proud, and I hope that I have. The values you have instilled in me remain true such as the importance of education, hard work, and perseverance. Thank you for everything, but most importantly thank you for your prayers. To my sisters, Amanda and Jessica, your encouragement and support means the world to me. Thank you for your well wishes and for always believing in me. It is a pretty amazing experience to be born with lifetime best friends, who are your own personal cheerleaders. To my friends that helped me remain focused and held me accountable, I truly appreciate you. Not everyone can say they have had the same friends for 20+ years, but I am so grateful for the long lasting friendships and sisterhood. Thank you ladies for always being there. To my extended family, Ms. Jackie and in loving memory of GiGi, you both have played a huge part in my life and have always cared for me as if I was your own. You both kept me motivated to finish what I started by constantly checking on my progress. GiGi, I really wish that you were still here to see it all come to fruition.

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ABSTRACT

School administrators play a critical role in special education and it is their responsibility to ensure policies, procedures, and practices are carried out in accordance with the law. This requires that school administrators know the requirements of the law and research-based practices in special education. Researchers have shown that school administrators perceive themselves as having adequate knowledge and understanding of special education law; however, there is a lack of research on the practical knowledge of school administrators in special education. This study, using hypothetical scenarios, examined whether school administrators were able to determine if a decision made or action taken by the district/school was or was not legally correct and if school administrators were then able to explain why the action taken or decision made was or was not a violation by identifying the correct IDEA component addressed in the scenario. The findings of this study revealed school administrators perceive they have sufficient knowledge and understanding of the IDEA, however, their actual knowledge is considerably low. The results show there is no significant difference between school administrators' perceived knowledge and their actual knowledge. There was also no significance found in actual knowledge of school administrators when factoring in several demographic variables. When analyzing perceived knowledge, only one demographic variable related to the number of courses taken in special education law at the graduate or undergraduate was found to be significant.

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CHAPTER ONE

NATURE AND SIGNIFICANCE OF THE PROBLEM

Meeting the spirit and intent of rapidly changing federal laws regarding the education of students with disabilities has often been a challenge for school administrators (DiPola et al., 2004; DiPoala & Walther-Thomas, 2003). School administrators need to be able to understand and react to federal mandates such as the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act (ADA), and the Every Student Succeeds Act (ESSA), that emphasize the importance of appropriate education, treating all students in an equitable manner, and on improving achievement and educational benefit for all students, including those with disabilities (Angelle & Bilton, 2009; Bateman, 2001; Crockett, et al., 2009; Lynch, 2012;). These mandates and accountability provisions have significant implications for the roles and responsibilities of school administrators regarding special education, and have reinforced the need for school leaders to gain a better understanding of special education (Crockett et al., 2009; Pazey & Cole, 2013).

Under the IDEA, schools are required to provide a free appropriate public education (FAPE) to all eligible students with disabilities ages three to twenty-one (IDEA Regulations, 34. C.F.R. § 300.101[a]). The IDEA defines FAPE as special education and related services that: (a) are provided at public expense, under public supervision and

direction, and without charge, (b) meet the standards of the State Educational Agency, (c) include an appropriate preschool, elementary, or secondary school education in the state involved, and (d) are provided in conformity with the individualized education program (IDEA, 20 U.S.C. § 1401[a] [18]). IDEA also requires that all students with disabilities who are eligible under the law receive an individualized education program (IEP), consisting of special education and related services designed to meet the student's unique academic and functional needs, and which specifies the process of developing and effectively implementing an IEP (Christle & Yell, 2010; Yell, et al., 2020; Martin, Martin, & Terman, 1996; Yell et al., 2012).

The term IEP refers to a written plan, developed collaboratively by school personnel and a student's parents, which includes the student's current level of development, annual learning goals, special education service, and a method for monitoring the student's progress toward achieving their goals (Blackwell & Rosetti, 2014; IRIS Center, 2019). The IEP may also include related supplementary aids and services, program modification, and accommodations if necessary to provide a FAPE. The IEP, which is the cornerstone of IDEA, is the framework that outlines how school districts provide FAPE to students with disabilities and serves to guide and monitor all aspects of the child's special education program, the appropriateness of the program, and its development implementation (Blackwell & Rosetti, 2014; Christle & Yell, 2010; Yell et al., 2020). The IEP and the delivery of appropriate services to students with disabilities is significant to parents, educators, students, and school leaders (Christle & Yell, 2010). Although the IEP is the most important tool for enabling schools to provide appropriate services to students with disabilities under IDEA, research suggests the IEP process is

often fraught with errors, that can potentially place districts at risk of litigation (Blackwell & Rossetti, 2014; Christle & Yell, 2010; Yell et al., 2016; Yell et al., 2013).

Noncompliance and Litigation in Special Education

Special education continues to be one of the most highly litigated educational law issues that school administrators face in their daily responsibilities (Katsiyannis, et al, 2012; Pazey & Cole, 2013; Zirkel, 2015). An abundance of court decisions have interpreted various provisions of the law and provide guidance to service providers (Couvillon, 2018; Yell & Drasgow, 2010; Zirkel, 2015). Since the inception of IDEA, school districts and IEP teams have had challenges developing and implementing effective IEPs (Huefner, 2000).

According to Zirkel (2015), FAPE accounts for the vast majority of IDEA litigation. The errors that can deprive a student of FAPE are either procedural or substantive errors committed by IEP teams (Christle & Yell, 2010; Yell et al., 2020). Procedural errors include violations that (a) impede a student's right to a FAPE, (b) interfere with a student's parent's opportunity to participate in the special education decision-making process, or (c) cause a deprivation of educational benefits (IDEA Regulations, 34 C.F.R § 300(513)(a)(2)). These errors can be avoided when IEP team members are knowledgeable and follow the requirements of federal and state special education laws (Yell et al, 2020).

Substantive errors focus on the failure of IEP teams to develop IEPs that are not likely to enable students to make progress with respect to the IEP's likely or actual results (Zirkel, 2017). Such errors may include failing to develop measurable annual goals and collecting appropriate and accurate data to show that a student has made educational

progress in his or her special education program (Christle & Yell, 2010; Yell et al., 2020; Yell, 2016).

The most common issues of noncompliance seen nation-wide are related to parent participation in the IEP process, IEP components, IEP development, placement, and implementation of a student's special education program (Couvillion et al. 2018, Mueller & Carranza, 2011, Zirkel, 2017). This likelihood of committing procedural or substantive errors issues may be diminished if school administrators, who serve as LEA representatives, were knowledgeable about the IEP process and the legal requirements of the law, in order to ensure teams develop educationally meaningful and legally sound IEPs (Yell, et al., 2021).

In an examination of federal and state IEP related court decisions from 2000-2006, Hill (2006) revealed issues and trends in IEP litigation that would (a) provide direction to school administrators serving as LEA representatives in IEP meetings, (b) help IEP teams develop educationally meaningful and legally sound IEPs, and (c) reduce the school district's risk of litigation. The results of Hill's investigation indicated that a majority of the court cases involved procedural violations of the IEP process (Hill, 2006). Other violations and trends found in IEP litigation were related to violation of the least restrictive environment (LRE) mandate, teaching methodology, extended school year, and behavior education plans (Hill, 2006) .

Similar findings were also reported by Couvillion, Yell, and Katsiyannis (2018), who suggested that the majority of litigation in special education was related to neglecting to follow the procedural aspects of the law, and failing to develop IEPs that are reasonably calculated to enable the student to make progress, and failing

to implement a major part of a student's IEP. Zirkel (2015) reviewed cases between 2013- 2015 to explore issues of noncompliance in special education and found similar findings. His results revealed that over half of the cases reviewed included noncompliance issues related to the development and implementation of IEPs. In a review of 51 studies that also examined concerns related to IEP development from January 1998 through February 2014, Blackwell & Rosetti (2014) uncovered issues regarding the dynamics of IEP meetings and issues with IEP content, including the adequacy of the IEP in terms of procedural and substantive requirements, and the quality of IEP content. These researchers also determined that the areas where districts struggled the most in regard to meeting substantive requirements of the law, were the sections on present levels of educational performance, IEP goals and objectives, and instructional and related service supports (Blackwell & Rosetti, 2014).

The IDEA provides a formal way for parents and school districts to resolve disputes, called due process. Due process begins when a parent files a written complaint against the school. One way parents and district can resolve disputes is through mediation. Mediation is a meeting where the two parties try to reach an agreement, with the help of a third party/mediator. If no agreement is reached, the parents or the school district have 15 days to convene a resolution meeting in an attempt to resolve the issues prior to a due process hearing. If the resolution meeting is not successful, an impartial due process hearing is conducted usually in the jurisdiction of the local educational agency (LEA). This decision may then be appealed to the State Education Agency (SEA; IDEA Regulations, 34 C.F.R. §300.506; 34 C.F.R. §300.507-300.516).

A due process hearing is comparable to a courtroom trial where evidence is presented and witnesses testify in front of a hearing officer who acts in a similar manner to a judge. A jury is not present in a hearing, but usually both sides may be represented by an attorney, witnesses are examined and cross examined, and evidence (e.g. IEPs) is submitted. The hearing officer's responsibility is to hold the hearing and to render a decision about the case.

In a report obtained from the U.S. Department of Education, between 2018-2019 there were 5,575 written and signed complaints filed, 6,677 mediations held, 19,570 due process complaints, and 1,897 due process hearings (Data Accountability Center, 2021). A search of court cases in the state of South Carolina via Special Ed Connection revealed seventeen due process complaints that moved beyond the local or state hearing officer and reached state or federal courts. Of the seventeen cases that moved beyond a local or state hearing officer, one was settled in South Carolina Court of Appeals and six were dismissed by a federal district court. Seven cases in the state of South Carolina were heard by the United States District Court, South Carolina. The cases heard on the state level reflect similar procedural and substantive issues seen nationally.

Although school districts have been shown to prevail in a majority of cases, the consequences of inappropriate services for students with disabilities can lead to negative outcomes and can be very costly for school districts (Couvillion et al., 2018; Lasky & Karge, 2006; Yell & Drasgow, 2010). It is important that school administrators understand the IEP and the types of errors that can lead to inadequate IEPs, which may result in a denial of FAPE to students with disabilities (Couvillion et al., 2018). In order to effectively meet legal requirements, state policies, and provide appropriate educational

services for students with disabilities, administrators must develop a thorough command and understanding of the major components of special education (DiPaola & Walther-Thomas, 2003). Having a thorough understanding of special education is important because of school administrators' significant role in ensuring educationally appropriate programming of students with disabilities (Couvillon et al., 2018; Frost & Kersten, 2011; Lasky & Karge, 2006).

The role of school administrators in special education

The role of school administrators is multifaceted because they are responsible for all the education that takes place within the school walls (Bateman, 2017). A key responsibility of school administrators is the role of instructional leader, which involves making decisions that guarantee meaningful learning and educational benefit for all students, including students with disabilities (Bateman et al., 2017; Frost & Kersten, 2011; Lynch, 2012; Mandinach, 2006). Traditionally, school administrators served as building managers and student disciplinarians, but their roles have since evolved to now include more complex and challenging responsibilities such as managing personnel, finance, strategic planning, instructional leadership, and LEA representative (Bateman et al., 2017; Crockett et al., 2009; DiPaola & Walther-Thomas, 2003; Lynch, 2012; Mandinach et al., 2006). The term, LEA representative, refers to a school-based individual who is involved in creating or developing IEPs for a students and who is knowledgeable about the general curriculum and the resources available within the school district (Huefner, 2000; Spillane & Thompson, 1997). As the LEA representative, school administrators are responsible for fully participating in the IEP process, supervising special education personnel, and managing student programming. This

requires school administrators to be knowledgeable of the legal requirements of the law and best research-based practices in special education (Frost & Kersten, 2011).

Knowledge, Perception, and Training of School Administrators

School administrators' perception of their knowledge in special education has been investigated in a number of studies, but there is lack of research on the extent of practical knowledge of school administrators in special education. Many studies have indicated that principals perceive themselves to have an adequate to significant level of special education knowledge (Davidson & Algozzine, 2002; Frost & Kersten, 2011; Roberts & Guerra, 2017; Wakeman, et al., 2006,). Although principals indicated a high level of confidence in their knowledge and abilities, the lack of formal training they receive in special education would suggest that there is a discrepancy between principals' perceived knowledge and actual knowledge (Bateman et al., 2017; Davidson & Algozzine, 2002; Roberts & Guerra, 2017).

One of the primary factors leading to the lack of knowledge and understanding of special education is the absence of content related to disabilities and special education in principal preparation programs (Billingley, McLeskey, & Crockett, 2017; Pregot, 2021; Roberts & Guerra, 2017). The issues related to the training of principals in special education has been addressed in several studies (Angelle & Bilton, 2009; Bateman et al., 2017; DiPaola et al., 2004; DiPaola & Walther-Thomas, 2003; Lasky & Karge, 2006; Pregot, 2021; Roberts & Guerra, 2017). Overall, the researchers in these studies suggested that preparation programs do not adequately prepare school administrators to lead special education programs, with most principals indicating they completed zero to one course in special education (Angelle & Bilton, 2009; Lasky & Karge, 2006;

Wakeman et al., 2006; Roberts & Guerra, 2017). The findings also indicated that principals reported having minimal training, workshops, or professional developments in special education once employed in school districts (Roland, 2017; Wakeman, et al., 2006).

Statement of Need

The education of all students, including students with disabilities, is a primary responsibility of school administrators (Bateman et al., 2017; Frost & Kersten, 2011; Lynch, 2012; Mandinach et al., 2006). In order to oversee special education programs effectively, administrators need adequate knowledge of special education, and should be thoroughly familiar with legislative provisions, understand their responsibilities under special education law, and stay abreast of new developments in case law (Christle & Yell, 2010; Davidson & Algozzine, 2002; Katsiyannis et al., 2012; Yell & Bateman, 2017).

Special education law is an area briefly covered in most administrator preparation programs and is an area that is continually advancing and has been identified by school administrators, as an area where additional training is needed (Couvillion et al., 2018). Researchers have suggested that information related to special education is largely absent in administrator preparation programs and that most principals have minimal special education preparation before taking on their administrative roles (Bateman et al., 2017; DiPaola & Walther-Thomas, 2003; Frost & Kersten, 2011; Pazey & Cole, 2013).

As DiPaola et al. (2004) noted, ineffectively prepared administrators cannot facilitate special education services in their building. It is essential that school administrators are not only prepared through college preparation programs, but also

through frequent and ongoing professional development at the district level (Couvillion et al, 2018). University preparation programs, school districts, and professional organizations can work together in order to develop school leaders who have an in-depth understanding of the major components of special education, and can effectively supervise special education programs (DiPaola & Walther-Thomas, 2003). Whereas many studies place heavy emphasis on the importance of knowledge and skills of principals, researchers suggests many principals delegate several of the responsibilities related to special education (Bateman, 2001; Bateman et al., 2017). For this reason, it is also important that further research conducted includes the perceptions and knowledge of other building leadership, such as assistant principals.

A common finding in various studies across decades, is that school administrators have inadequate preparation, and therefore lack knowledge, in special education (Davidson & Algozzine, 2002; Davis, 1980; Lasky & Karge, 2006; Wakeman et al., 2006). Researchers have presented equivocal data on the extent to which school administrators perceive the extent of their knowledge in special education, and there is very little research available on the extent of actual knowledge of school administrators in this area. Although studies have indicated a high level of self-confidence in school administrators' knowledge of special education, the general lack of formal training in special education suggests that further research is needed to understand what, if any, discrepancies exist between school administrators' perceived expertise and their actual knowledge (Bateman et al., 2017; Davidson & Algozzine , 2002; Roberts & Guerra, 2017). Additional research is also needed to identify definitive areas in which knowledge and training is needed, what factors impact special education knowledge of school

administrators, and how understanding the discrepancies between perceived knowledge and actual knowledge of school administrators can inform principal preparation programs and school districts.

When school administrators lack adequate knowledge of special education and the law, students may receive inadequate services and legal consequences may result (Couvillion et al., 2018; Lasky & Karge, 2006; Yell & Drasgow, 2010). Because of the errors that occur that may lead to FAPE litigation, it is important that we explore whether school administrators have the knowledge necessary and are able to apply that knowledge to special education issues they face in their daily roles as instructional leaders.

Research Questions

The purpose of the study is to determine the actual knowledge of school administrators in the state of South Carolina. In this study, the term “actual knowledge” refers to school administrators’ ability to apply knowledge of special education law to real-world situations. By providing administrators with hypothetical situations that have the potential to create risk of litigation for a district, this study will investigate if school administrators are able to determine what decisions are legally appropriate. This study will address the following research questions:

1. How knowledgeable are school administrators in the areas of special education and special education law?
2. How do school administrators rate their knowledge of special education and special education law?

3. What are the discrepancies between school administrators' perceived understanding and their actual knowledge of special education and special education law?
4. How does knowledge of special education vary across administrator demographic background and training?

These research questions were addressed by gathering and analyzing data regarding school administrators' perception and actual knowledge of a variety of special education topics. Administrators were asked to complete an online survey of hypothetical scenarios related to issues in special education that can potentially result in litigation for a school district. Descriptive statistics were used to analyze how school administrators rate their knowledge of special education. To investigate discrepancies between school administrators' perceived understanding and their actual knowledge of special education law, a Pearson correlation was used to determine if there was a significant relationship. Research question four was analyzed using a multiple regression to examine how selected demographics affect school administrators' knowledge and perceptions. Results of this research will be used to determine strengths and gaps in knowledge as it relates to special education. The results of this study will also be beneficial in providing recommendations for university preparation programs and school districts in regards to special education training, professional development, coursework, and field experience.

Definition of Terms

Due Process. Due process is a formal dispute resolution element outlined in IDEA that serves as a means of facilitating resolution and minimizing conflict. Due

process includes the presentation of evidence and witness testimonies. Due process hearings are court hearings that require an impartial hearing officer to examine the facts and evidence presented from both sides and render a decision. (IDEA Regulations, 34 C.F.R. § 300.511; Mueller & Carranza, 2011).

Every Student Succeeds Act. The Every Student Succeeds Act formally known as No Child Left Behind was signed by President Obama on December 10, 2015. This law reauthorized the 50-year old Elementary and Secondary Education Act, the nation's national education law and longstanding commitment to equal opportunity for all students. ESSA includes provisions that help to ensure success for students and holds schools accountable for how students learn and achieve. ESSA aims to provide an equal opportunity for students who receive special education services. [Every Student Succeeds Act, 20 U.S.C. § 6301 (2015)].

Free Appropriate Public Education (FAPE). Free appropriate public education refers to special education and related services that (a) have been provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the State educational agency; (c) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) are provided in conformity with the individualized education program required under section 1414(d) of this law [IDEA, 20 U.S.C. § 1401 (9)].

Individuals with Disabilities Education Act (IDEA). The Individuals with Disabilities Education Act is the federal special education law, codified at 20 U.S.C. § 1400 et seq. IDEA makes available a free appropriate public education to eligible

children with disabilities and ensures special education and related services to those children.

Individual Education Program (IEP). The term individualized education program, or IEP, means a written plan developed collaboratively by school personnel and a student's parents, and the student when appropriate. The IEP contains eight components as required by the IDEA including information and statements regarding: (a) the student's present levels of academic achievement and functional performance, (b) measurable annual goals that direct the student's program, (c) a description of the special education and related services and supplementary services, (d) a method of measuring and reporting progress (e) a statement of program modifications or supports, (f) an explanation of the extent the student will not participate with students without disabilities, (g) a statement of program and testing accommodations, and (h) statement of length and duration of services. (Christle & Yell, 2010; Collins, Kumpiene, & Bateman, 2020; IRIS Center, 2019) [IDEA, 20 U.S.C. 1414(d)(1)(A) and (d)(6)].

Local Education Agency. Local educational agency, or LEA, refers to a public board of education or other public authority legally constituted within a state or either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools. (IDEA Regulations, 34 C.F.R. § 303.23).

CHAPTER 2

REVIEW OF LITERATURE

This chapter includes a historical review of special education law and significant influences from the time period before the passage of the Education for All Handicapped Children Act (EAHCA) to the most recent reauthorization of the IDEA in 2004. Key court decisions will be reviewed, including the landmark *Board of Education of the Hendrick Hudson Central School District v. Rowley* (hereinafter Rowley, 1982) decision by the U. S. Supreme Court and the most recent *Endrew F. v. Douglas County School District* (hereinafter Endrew F. 2017) case involving educational benefit and its impact on special education law. The FAPE standard and procedural and substantive requirements of IDEA will be discussed and the IEP process and compliance issues that are challenging for schools and districts. Trends of noncompliance and procedural and substantive issues regarding IEP development and implementation reflected nationally and in the state of South Carolina will also be examined. Relevant national and South Carolina special education case law will be reviewed to examine trends of errors committed by IEP teams. The literature discussed will also address the role of school administrators in special education, the perception and knowledge of school administrators in special education, principal training and preparation programs, and state and university requirements for administrators.

History of Special Education Law

Historically, students with disabilities have received limited access to and inadequate treatment in the education system (Katsiyannis, 2001; Yell, 2018). The educational opportunities provided to students with disabilities were often limited by students either being completely excluded from public education or not receiving an education that was appropriate to meet their needs (Katsiyannis et al., 2001; Yell, et al., 2011).

The Civil Rights Movement, which sought to bring changes that would allow African American students equal opportunity to attend the same schools as white students, led to the landmark case *Brown v. Board of Education* (Katsiyannis et al., 2001; Yell et al., 2011; Yell et al., 1998), which in turn resulted in an increased focus on the problems that students with disabilities encountered in the educational system. This major victory for the Civil Rights Movement not only impacted minority students, but influenced many aspects of educational law (Yell et al., 1998).

Another significant step in educational litigation was the passage of Section 504 Rehabilitation Act of 1973, which was a civil rights statute that prohibited discrimination against individuals with disabilities (Martin, et al., 1996; Yell et al., 2018). Section 504 prohibited discrimination on the basis of disability in programs or activities that receive Federal financial assistance (U.S. Department of Education, 2023). In the early 1970s, Congress found that millions of students with disabilities were either refused enrollment in public school; admitted, but not provided with special services; or were inadequately served in special programs in public schools (Martin et al., 1996; Yell & Bateman, 2019). Two years after the passage of Section 504 of The Rehabilitation Act, Congress

passed and President Gerald Ford signed into law the Education for all Handicapped Children Act of 1975 (EAHCA), known as Public Law 94-142. This law renamed the Individuals with Disabilities Education Act (IDEA) in 1990, guaranteed a FAPE for eligible students with disabilities (Yell & Drasgow, 2000; Yell & Bateman, 2017; Yell et al., 1998). The EAHCA, required that student's parents and school-based personnel collaboratively develop an IEP as the means for providing a FAPE. The shift in educational status of students with disabilities either being excluded from public education or not receiving an education appropriate to their needs to having a legal right to receive a free appropriate education, could not have been achieved without the history of case law and legislation that preceded the passage of the EAHCA (Yell et al., 1998).

The primary purpose of the EAHCA, thus, was to open the doors of public education to students with disabilities (Katsiyannis et al., 2001; Yell, 2019; Yell, 2011). In addition to the guaranteed of a FAPE, the EAHCA also protected the rights of students and their parents, provided states with federal funds to assist in educating students with disabilities, and ensured the rights of students with disabilities to non-discriminatory testing and evaluations, placement procedures, least restrictive environment, and due process (Katsiyannis et al., 2001; Martin et al., 1996; Yell et al., 1998).

Since its passage in 1975, IDEA has been amended numerous times and legislation has continued to improve access to education for students with disabilities (Yell & Drasgow, 2000; Yell et al., 1998; Yell, 2006). In 1990, in addition to being renamed, the law also added traumatic brain injury and autism as new disability categories and mandated transition programming must be developed and implemented to help students transition to post-secondary life (20 U.S.C. § 1401[1][a][34] 1990).

In June of 1997, President Clinton signed P.L. 105-17 into law, which amended and reauthorized the IDEA (Yell & Drasgow, 2000; Yell et al., 1998). The primary goal of the 1997 amendment was to improve the performance and educational achievement of students with disabilities in general and special education (Yell et al., 1998). This reauthorization also placed emphasis on the role of parents, student progress, and how schools and districts should accurately measure and report a student's progress toward their annual goals (Yell & Drasgow, 2000; Yell et al., 1998; Yell, Katsiyannis, Ennis, Losinski, & Christle, 2016). P.L. 105-17 also required that parents be provided the opportunity to attempt to resolve disputes with schools and local educational agencies (LEAs) through mediation and provided a process and procedures for doing so (Mueller, 2015; U.S. Department of Education). Additional components of the law included requirements that affected how students with disabilities would be disciplined and encouraged non-adversarial resolution of disputes by adding mediation procedures (Yell et al., 1998; Yell et al., 2006).

The Individuals with Disabilities Improvement Act (IDEIA), also known as IDEA 2004, is the most current reauthorization of the IDEA. This reauthorization signed into law by President George W. Bush, raised the standards for special educators and called for greater accountability of IEP teams, improved educational outcomes, and early intervening services for children not currently identified for special education services (Yell & Drasgow, 2007; Yell, Katsiyannis, Ryan, McDuffie, & Mattocks, 2008; Yell et al., 2006; U.S. Department of Education). IDEA 2004 not only ensured equal access to educational opportunities for students with disabilities, but also required that students with disabilities receive meaningful benefit from their educational program (U.S.

Department of Education; Yell et al., 2008). IDEIA also highlighted the use of positive behavior interventions and supports, and increased the authority of school administrators in disciplining students with disabilities. This change makes it critical for school administrators to know and understand their responsibilities under that law to avoid violations that could result in a denial of FAPE (Ryan, et al., 2007; Yell et al., 2008). One central provision of the IDEIA required that decisions made by hearing officers were to be made on substantive grounds, so that hearing officers would examine the results of student's education program rather than simply considering if the school district adhered to the procedures of the law (IDEA 20 U.S.C. § 1415[f][3][E][I]) 2004).

When congress reauthorized IDEA in 2004, an important factor was the enactment of the No Child Left Behind Act (NCLB) of 2001. NCLB, which was a reauthorization of the Elementary and Secondary Education Act, placed great accountability on schools and states to raise academic achievement for all students in math and reading, including those with disabilities. The law created a rigorous accountability system and required that within a decade, all students would perform at a level of "proficient" on annual state academic assessments that aligned to state standards. These assessments, referred to as high-stakes testing, were used to identify schools that were failing to make adequate yearly progress (AYP) and initiated rewards and sanctions based on students' performance (Dee, et al., 2010; Simpson, et al., 2004; Yell et al., 2006). The primary goal of the 2004 reauthorization of IDEA was to improve academic achievement and functional performance for students with disabilities. The 2004 reauthorization also made changes to the law that aligned IDEA with provisions in NCLB. The provisions of NCLB directly associated with IDEA include requirements for

highly qualified educators, evidence-based practices, special education eligibility, and the participation of students with disabilities in statewide assessments (Yell et al., 2006). These requirements place substantial responsibilities on general education teachers, special education teachers, and school administrators. In order to meet the provisions of IDEA, school teams must stay abreast of the continuous changes to federal legislation in elementary and secondary schools. A key responsibility of school teams is ensuring that the educational programs created for students with disabilities provide a FAPE.

Elements of Special Education Law

Free Appropriate Public Education

Currently, under the IDEA, eligible children with disabilities ages three to 21 must be provided with a FAPE that consists of special education and related services (IDEA, 20 U.S.C. § 1401[a][18]). IDEA defines FAPE as special education and related services that are: (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the state education agency; (c) include an appropriate preschool, elementary school, or secondary school education in the state involved; and (d) are provided in conformity with the individualized education program (IDEA, 20 U.S.C. § 1401[a][18]). A student is eligible for services under the IDEA if he or she has at least one of 13 types of disabilities specifically listed under the IDEA, and who, because of their disability, requires special education and related services (Yell et al., 2011).

FAPE and the question of what exactly constitutes a FAPE has been a significant issue in a number of court cases and accounts for the bulk of IDEA litigation (Couvillon,

et al., 2018; Yell & Bateman, 2017; Yell & Drasgow, 2000; Zirkel, 2017). In 1982, the U.S. Supreme Court heard its first special education case in *Board of Education of Hendrick Hudson Central School District v. Rowley*. Amy Rowley was a 1st grade student who was also deaf. Prior to the beginning of her kindergarten year, Amy's parents met with the school to develop an IEP, which provided her with a sign-language interpreter in the classroom. Following a two-week trial period, however, it was determined, that Amy did not need a sign-language interpreter and would be provided with FM wireless hearing aids. Amy used the FM wireless hearing aids for the remainder of the year. An IEP was developed for Amy during her first-grade year and provided that Amy should continue using the FM hearing aids. The Rowleys agreed with parts of the IEP, but insisted that Amy also be provided a qualified sign-language interpreter in all her academic classes. The Rowley's request for an interpreter was denied by the school district. Amy's parents challenged the Hendrick Hudson Central School District's refusal to provide a sign language interpreter for Amy and requested a due process hearing. The Rowley's claimed that Amy was denied a FAPE due to not having access to a sign language interpreter. The hearing officer in the case ruled in favor of the school district, which prompted the Rowleys to appeal to the federal courts. The U.S. District Court for the Southern District of New York and the U.S. Court of Appeals for the Second Circuit found in favor of the Rowleys and the Hendrick Hudson Central School District later appealed to the Supreme Court. The United States Supreme Court ruled in favor of the school district and set the standard for a FAPE. The court noted that any substantive standard advising the level of education to be afforded students with disabilities was absent from the language of the law and that Congress'

main objective was to make public education available to children with disabilities, but not guarantee any particular level of education.

From this case, the Supreme Court defined two dimensions of FAPE, the procedural and substantive dimensions, and also developed the FAPE standard that is referred to as the Rowley standard (Yell & Bateman, 2020; Yell & Bateman, 2017; Yell & Drasgow, 2000; Yell, 2019; Zirkel, 2017). This two-part test was established by the Supreme Court to guide courts in future cases involving FAPE (Yell & Bateman, 2020; Yell & Bateman, 2017; Yell & Drasgow, 2000). The two part test, which required an assessment of procedural and substantive dimensions of the education being offered by school districts, had to be used by hearing officers and judges to determine if the school district has met its FAPE obligations under the IDEA. They were to do this by verifying that a school district had complied with the procedures set forth in the law, and secondly, by determining if the IEP the district developed was reasonably calculated to enable the child to receive educational benefits (Couvillon et al., 2018; Prince, Yell, & Katsiyannis, 2018, Yell & Bateman, 2020; Yell & Bateman, 2017; Yell & Drasgow, 2000; Zirkel, 2017).

Although the Supreme Court developed the FAPE standard in the Rowley case, they did not establish any one test to determine the adequacy of educational benefits conferred upon students covered under the IDEA. According to the Supreme Court, Amy received a FAPE because she was passing from grade to grade; however, the Court noted that this only applied to Amy. Because of the lack of guidance from the Supreme Court, lower courts began to adopt different standards in deciding what amount of educational benefit was necessary to provide FAPE. Some courts adopted a higher

standard of educational benefit, while many courts used a lower standard (Yell & Bateman, 2020; Yell, Bateman, & Shriner, 2022). The U.S. Courts of Appeals for Sixth Circuit (*Deal v. Hamilton Board County Board of Education*, 2014) issued FAPE rulings, in which the courts applied the highest standard for determining educational benefit. The U.S. Courts of Appeals for the First Circuit (*Sebastian v. King Philip Regional School District*, 2012), Second Circuit (*Doe v. East Lyme Board of Education*, 2015), Third Circuit (*Coleman v. Pottstown School District*, 2014), and Fifth Circuit (*R.P. v. Alamo Heights Independent School District*, 2012), applied a standard of meaningful benefit/access. The U.S. Courts of Appeals for the Fourth Circuit (*O.S. v. Fairfax County School Board*, 2015), Seventh Circuit (*Todd v. Duneland School Corporation*, 2002), Eighth Circuit (*M. M. v. Lancaster County School District*, 2012), Ninth Circuit (*S.W. v. Governing Bd. of E. Whittier City School District*, 2013), (Tenth Circuit (*Endrew v. Douglas County School System*, 2015), and Eleventh Circuit (*JSK v. Hendry County School Board*, 1991), however, used a lower standard of some, rather than meaningful, educational benefit (Marsico, 2019; Yell & Bateman, 2019). The different interpretations of educational benefit in the court system made it very likely that the US Supreme Court would ultimately be presented with another opportunity to clarify the FAPE standard. This opportunity presented itself in *Endrew F. v. Douglas County School District* (Yell & Bateman, 2020; Yell et al., 2022).

Thirty-five years after the Rowley decision, the most recent litigation involving educational benefit was the 2017 case heard by the U.S. Supreme Court, *Endrew F. v. Douglas County School District*. This was the second case heard in the Supreme Court regarding a school district's responsibility to provide FAPE (Couvillon et al., 2018; Yell

& Bateman, 2020; Yell & Bateman, 2017; Yell, et al., 2020). Endrew was a 4th grade student with Autism and ADHD. His parents felt dissatisfied with his special education programming presented in his IEP, and were concerned about his progress academically and behaviorally. They were particularly concerned because many of Endrew's IEP goals had been carried over from IEPs developed in previous years. His parents rejected the IEP offered by the school and moved Endrew to a private school that specialized in educating students with Autism Spectrum Disorder. Endrew's parents filed a due process complaint against the district and lost, based on the standard of FAPE set in the Rowley case. They then filed a suit in the U.S. District Court, where the decision in the due process hearing was upheld. Endrew's parents appealed to the U.S. Court of Appeals for the Tenth Circuit, which also upheld the previous ruling. Endrew's parents filed an appeal with the U.S. Supreme Court. The Supreme Court ruling in favor of Endrew's parents helped to clarify the substantive standard of IDEA when the court held that "to meet its substantive obligation under IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress in light of the child's circumstances" (Couvillon et al., 2018; Prince et al., 2018; Yell et al., 2020; Yell & Bateman, 2020; Yell & Bateman, 2017). This landmark case will likely have a significant impact on future court cases and special education programs (Couvillon et al., 2018; Yell & Bateman, 2017).

As described above, the Supreme Court justices in the Rowley case did not establish any test to determine the adequacy of educational benefit, so lower courts began to apply different standards in deciding what amount of education benefit was necessary to provide a student with a FAPE (Hurwitz, et al., 2020; Yell & Bateman, 2020; Yell &

Bateman, 2017; Zirkel, 2017), specifically, describing educational benefit as either “meaningful” benefit, “deMinimis” benefit, or “some” benefit (Yell & Bateman, 2020; Yell & Bateman, 2017). The *Endrew F* ruling helped to resolve this issue by adopting a new educational benefit standard that was higher than the merely more than de minimis standard in the Rowley case. The Supreme Court ruling in *Endrew F*. did not replace Rowley, but rather refined it (Hurwitz et al., 2020; Yell & Bateman, 2020; Yell & Bateman, 2017; Zirkel, 2017). Now, the two-part Rowley test can be referred to as the two-part Rowley/*Endrew F*. test, which represents the procedural and substantive requirements of IDEA.

The ruling in the *Endrew F*. case should inform parents’ and educators’ efforts to improve academic and functional outcomes for students with disabilities (Hurwitz et al., 2020; Prince et al., 2018). IDEA mandates that school districts meet certain requirements when developing a student’s education program (Yell & Crockett, 2011; Yell & Bateman, 2020; Yell et al, 2011). In order to ensure that these requirements are met, school district personnel must thoroughly understand and follow the procedural and substantive dimensions under the law. Failures to do so, such as those noted in the *Endrew F* case, could result in the school district’s failure to provide an educational program that is designed to address a students’ individual needs, which could affect that student’s ability to meet their education goals (Yell & Bateman, 2019). To avoid failures that could potentially have a significant impact on a student’s educational progress, school districts must develop and implement IEPs that are legally sound and educationally appropriate.

Individualized Education Program

The primary tool for enabling schools to provide students with disabilities an appropriate education under IDEA is the IEP (Blackwell & Rossetti, 2014; Christle & Yell, 2010). Congress, in their passage of IDEA, required that all eligible students have an IEP developed to meet their exceptional needs (Christle & Yell, 2010). This written document describes a student's educational needs and outlines the special education and related services that will be provided to address those needs (Drasgow, et al., 2001). The IEP is the blueprint of a student's FAPE and the main evidence of the appropriateness of the child's educational program, its development, implementation, and effectiveness (Yell et al., 2020). The eight categories of information that must be included in an IEP as required by the IDEA are statements regarding: (a) the student's present levels of academic achievement and functional performance, (b) measurable annual goals that direct the student's program, (c) a description of the special education and related services and supplementary services, (d) a method of measuring and reporting progress (e) a statement of program modifications or supports, (f) an explanation of the extent the student will not participate with students without disabilities, (g) a statement of program and testing accommodations, and (h) statement of length and duration of services. (IDEA Regulation, 34 C.F.R. § 300.320).

Developing and implementing an IEP involves a collaborative group of key stakeholders called the IEP team (Blackwell & Rosetti, 2014, Christle & Yell, 2010; Couvillion et al., 2018). This team consists of the student's parent or guardian, at least one general education teacher, a special education teacher or special education provider, a representative of the local educational agency (LEA), an individual who is qualified to

interpret student evaluation results, others at the request of the parent, and the student when appropriate (34 C.F.R. § 300.321[a]). The LEA representative, who is most often a school administrator, must be knowledgeable about the general curriculum, be qualified to provide or supervise the provision of special education, and has the authority to commit district resources (IDEA Regulations, 34 C.F.R. § 300.321[a][4]).

Before an IEP can be developed, it is critical that appropriate assessments have been administered with the written consent of parents/guardians. The results of the assessments determine a great deal of what makes up the goals and services written into the IEP. After completing assessments and writing the present levels of academic and functional performance (PLAAFP) statements, the IEP team is now equipped with a baseline that can be used to write measurable goals and determine special education services. Having measurable goals is the only way to determine if a student is making appropriate progress or if adjustments may be necessary. IDEA also requires that the frequency, duration, and location of all services provided to a student are defined by the IEP team and that these services are implemented as outlined in the IEP. After the PLAAFP has been clearly stated and the IEP goals are written, the IEP team must now determine a process for monitoring and reporting a student's progress toward their goals. A student's placement is also determined during the IEP process and must be based on the educational needs of the student (Couvillion et al., 2018; Drasgow et al.2001). This means that the goals and special education services must be decided before any decision regarding the student's placement occurs (Couvillion et at., 2018; Drasgow et al., 2001). The most important factor that IEP teams must take into consideration during the discussion regarding placement, is where the student can receive appropriate

education. With this decision, IEP teams must keep in mind the principle of LRE. The LRE mandate requires that all students with disabilities must be educated to the maximum extent appropriate with nondisabled students (IDEA Regulations, 34 C.F.R. §§ 300.114).

IEPs continue to be the center of many IDEA related disputes and these disputes typically involve errors in procedural, substantive, or implementation requirements (Couvillion et al., 2018; Bateman, 2017; Yell et al., 2022; Yell et al., 2013). Research analyzing court decisions and due process dispute issues have found that the most frequent IEP violations are in the categories of parent participation, IEP components, IEP development, placement, and implementation of a student's special education program (Couvillion et al. 2018, Mueller & Carranza, 2011, Zirkel, 2017). The lack of training and preparation for educators in developing educationally meaningful and legally sound IEPs can lead to school-level problems such as failing to follow the IEP and even possible litigation (Yell, et al., 2013). When special education teachers and administrators do not understand the IEP process, procedural, substantive, and implementation errors may occur. These errors may result in the denial of FAPE and lead to state complaints, due process hearings, and court cases. It is important that administrators understand these errors and how they can be avoided (Couvillion et al., 2018; Bateman, 2017; Yell et al., 2013).

The most basic legal requirement related to IEPs is that a student's parents must be full and equal participants in the development of the IEP (Bateman, 2017; Christle & Yell, 2010). Another important requirement is that school district personnel understand their responsibilities pertaining to planning, developing and reviewing a student's IEP

(Hill, 2006). School personnel must make concerted efforts to provide parents with adequate notice of IEP meeting as well as schedule IEP meetings at a mutually agreeable time and place (IDEA Regulations, 34 C.F.R.§300.322(a)(2)(2006)). The specific purpose of the meeting, along with notice of invited attendees should also be made clear (Couvillion et al., 2018).

Not only is the full participation of parents/guardians in the IEP process important and required by law, but the law also requires the active involvement and participation of the LEA, which is most often the school administrator (Blackwell & Rosetti, 2014; Frost & Kersten, 2011; IRIS Center, 2019; Yell et al., 2020; Yell et al., 2013). As the LEA representative, school administrators are responsible for the supervision of special education personnel, managing student programming, and supervising the referral, eligibility, and placement process for students in special education. School administrators should also be knowledgeable of legal and ethical practice in special education and have knowledge of best research-based practices in special education (Frost & Kersten, 2011). It is important that school administrators in their role as LEA, provide guidance to educators on the development of IEP goals (Huefner, 2000). Staying abreast of special education legal developments will help administrators in assisting with the development and implementation of best practices. This proactive approach can help both special education teachers and administrators discover potential special education legal issues and avoid potential IEP violations (Couvillion et al., 2018). Instructional leadership, support, and supervision of special education programs is important in improving instruction and promoting positive learning outcomes for students with disabilities (Bays & Crockett, 2007). Support from school administrators is also critical to

job satisfaction, which is associated with greater teacher commitment to special education and a lower likelihood of teachers leaving the profession (Cobb, 2015). Inadequate administrative leadership and support has been linked to shortages of special education teachers, as well as to the lack of high-quality instruction offered to students with disabilities (Bays & Crockett, 2007; Billingsley, 2005; Billingsley, 2004).

Although much time has elapsed since the passage of EAHCA, researchers have suggested that school district personnel continue to struggle with the basic procedural and substantive requirements of IEPs (Bateman, 2011; Blackwell & Rossetti, 2014; Drasgow et al., 2011; Huefner, 2000; Yell et al., 2013; Yell, 2012). Procedural requirements refer to the specific process-based mandate of IDEA that school districts must follow when developing an IEP. Substantive requirements focus on the adequacy of the IEP in ensuring likely or actual student progress (Yell et al., 2020, Zirkel, 2017; IRIS Center). School administrators can help to ensure that IEP teams develop legally compliant and educationally meaningful IEPs by becoming more knowledgeable about the IEP process and the legal requirements of the law (Drasgow et al., 2001). Because the research indicates the IEP process is continuously plagued with errors, there continues to be a need for additional training for school administrators on how to properly develop and implement IEPs (Christle & Yell 2010; Yell et al., 2016; Yell et al., 2013).

Procedural and Substantive Requirements of IDEA

The IEP process contains procedural and substantive requirements that IEP team members must understand and follow (Yell et al., 2016). In order to meet both the procedural and substantive requirements under the IDEA, IEPs must be educationally meaningful and legally correct (Christle & Yell, 2010). These requirements shape the

framework that directs the development and implementation of a student's individualized FAPE. (Christle & Yell, 2010; Yell, Meadows, Drasgow, & Shriner; 2009).

The U.S. Supreme Court essentially created the procedural and substantive distinction in the ruling in *Board of Education v. Rowley* (1982). The IDEA details a number of procedural requirements that obligate IEP teams to follow the constraints of the law when developing IEPs for students (Christle & Yell, 2010). IDEA's primary procedural requirements include (a) child find, (b) providing prior written notice of IEP meetings to parents, (c) meeting timelines, (d) parental involvement in education decision making, (e) conducting complete and individualized evaluations, (f) ensuring that all the necessary team members attend IEP meetings, (g) including appropriate content in the IEP, and (h) ensuring that the IEP is implemented as written (IDEA Regulations, 34 C.F.R. § 300.300).

Adhering to the procedural requirements is essential for IEP teams, because major procedural errors on the part of the school district could result in the IEP being deemed inappropriate in the eyes of hearing officers and courts if the errors deny a student FAPE (Bateman & Linden, 2006; Christle & Yell; 2010; Yell et al., 2009). In the IDEA Amendments of 2004, Congress added important language regarding the procedural and substantive requirements of the IDEA. According to the IDEA "a hearing officer's determination of whether a child received a FAPE must be based on substantive grounds" (IDEA Regulations, 34 C.F.R. § 300.513[a]). Furthermore, in matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies (i) Impeded the child's right to a FAPE; (ii) Significantly impeded the parent's opportunity to participate in the decision-making process regarding

the provision of a FAPE to the parent's child; or (iii) Caused a deprivation of educational benefit (IDEA Regulations, 34 C.F.R. 300.513[a][2][I to iii]). Although the IDEA outlines a detailed set of procedural requirements that school districts must follow when developing IEPs such as convening an IEP team consisting of the required participants, developing an IEP that consists of all the components required by the IDEA, involving parents in the IEP process, etc., the law is vague in regard to substantive violations (Yell et al., 2020).

The substantive requirement of IDEA requires that IEP teams ensure that students' special education programs are reasonably calculated to enable them to make progress. This requires that the content of a student's IEP is relevant, appropriate to address the student's unique academic and functional needs (Yell et al., 2021). Examples of substantive errors include failing to (a) conduct a complete and individualized assessment, (b) address all of a student's needs in the PLAAFP, (c) address behavior problems in the IEP when behavior is a concern, (d) write ambitious, measurable annual goals, (e) measure a student's progress towards their annual goals, (f) provide services as outlined in the student's IEP, and (g) educate students in the LRE appropriate for their needs (Yell et al., 2020).

The requirements that are often the most challenging for school districts and IEP teams are mandates that IEPs contain measurable annual goals and that IEP teams collect appropriate, meaningful, and accurate data to show that a student is making educational progress in his or her special education program (Christle & Yell, 2010; Goran, et al., 2020; Yell et al., 2021). These areas are the most challenging due, in part, to the lack of legal literacy of both teachers and school administrators in special education (Yell &

Bateman, 2019; Zirkel, 2015). No other area in education is exposed to the number of legislative and policy changes and frequent developments in litigation as is special education (Yell & Bateman, 2019). Researchers have suggested that procedural and substantive mistakes in IEP development can be avoided when teachers and school administrators are well informed in the requirements of the IDEA and related state laws (Dragow et al., 2001, Yell et. al, 2020; Yell et al., 2016; Yell et al., 2013). School administrators play a significant role in ensuring the development and implementation of high-quality IEPs for all students with disabilities. Fulfillment of this role requires school administrators to acquire a comprehensive understanding of the IEP process and adherence of the requirements under the law (IRIS Center, 2019). Legal disputes can possibly be avoided if school and district personnel have sufficient knowledge of the law and work together with parents to resolve conflicts.

Trends in School Litigation

Special Education continues to be the most litigated area of education (Osborne & Russo, 2020; Katsiyannis, et al., 2016; Zirkel, 2015; Zirkel, 2014). A number of problems identified in IEP development contribute to ongoing litigation, including a lack of adequate teacher training in developing IEPs, paperwork compliance, poorly developed IEP team processes, and excessive time demands (Christle & Yell, 2010; Huefner, 2000). When parents and school districts disagree, there are a few options that parents can pursue. The IDEA dispute resolution procedures available to parents are mediation, state complaint procedures, and due process (Mueller, 2015). Mediation is a voluntary process that requires a trained impartial mediator assigned by the state department of education, whose role is to facilitate information sharing and help the

parents and district reach a mutual agreement. If a parent believes a violation of IDEA has occurred, they have the right to file a complaint with the State Education Agency (SEA). When a state complaint is filed, the SEA is required to follow the set procedures of that particular state. State complaint procedures have to be investigated within 60 calendar days and allow both parents and the school districts the opportunity to submit documentation regarding the complaint. If necessary, the SEA may give districts the chance to attempt to resolve the dispute through mediation. Lastly, parents may request a due process hearing to resolve a dispute with the school district. In due process hearings, an impartial hearing officer (HO) objectively considers the facts of the case, which may include testimony from relevant educators and expert witnesses, and the presentation of evidence and then issues a ruling in the case (Mueller, 2015). In South Carolina, if either the parents or the district disagrees with the local hearing officer's decision, the ruling may be appealed to the state education agency and eventually to state or federal court. In most states, if either party appeals the ruling of the hearing officer, the appeal goes immediately to federal or state court.

According to a report retrieved from the U.S. Department of Education, between 2018-2019 there were 5,575 written and signed complaints filed, 11,671 mediation requests, 7,206 mediations held, 21,338 due process complaints, and 2,579 due process hearings (U.S. Department of Education Data Accountability Center, 2021). In the state of South Carolina during the 2018-2019 school year there were 64 written and signed complaints filed, four mediation requests, two mediations held, 21 due process complaints, and four due process hearings. Based on the data collected from the U.S. Department of Education, the number of due process complaints both nationally and in

the state of South Carolina slightly increased from the 2017-2018 school year (national = 19,337; SC = 25) to the 2018-2019 school year (nationally = 21,338; SC = 21).

According to the data obtained from the Deputy General Counsel at the South Carolina Department of Education, South Carolina continues to trend upward in the number of due process complaints filed from the 2018-2019 school year to the 2020-2021 school year (2019-2020 = 28; 2020-2021 = 32). Additionally, a search of legal cases in the state of South Carolina, via Special Ed Connection ®, revealed 39 Office for Civil Rights (OCR) rulings, four due process hearings, and one court case from 2010-2015. From 2016 to 2021, 32 OCR rulings, 19 due process hearings, and two court cases were found. Although the number of OCR rulings have shown a slight decline over the past decade, due process hearing requests, as assessed by the number of SEA decisions, have continued to increase. The most common issues of noncompliance in South Carolina between 2016-2021 are related to IEP development, failure to provide or fully implement appropriate special education and related services in the IEP, discipline, child find, and parent participation. These are issues that could have possibly been reduced if IEP teams were more knowledgeable and diligent in following the procedural and substantive requirements of the IDEA. The findings regarding the increase in due process hearing requests and the prevalent issues of non-compliance identified, reflect IEP teams' concrete knowledge and understanding of IDEA requirements.

Because of school administrators' critical role in the development and implementation of high-quality IEPs, it is their responsibility to ensure the special education process is carried out in accordance with the law. As the instructional leaders, school administrators must establish school-specific procedures and practices related to

the IEP process and ensure that special education teachers understand the essence of IDEA. Because of frequent change special education law, school administrators must also ensure that special education teachers receive meaningful and sustained in-service training (IRIS Center, 2019; Katsiyannis, et al., 2012). School administrators must be prepared to make legally defensible decisions as an LEA representative. In order to do so, it is important for school administrators to stay abreast of developments in special education and relevant court cases that affect special education law (Couvillon et al., 2018).

Review of Relevant National Court Cases

The questions surrounding FAPE have been at the center of a number of court cases and IDEA litigation (Couvillon et al., 2018; Yell & Bateman, 2017; Yell & Drasgow, 2000; Yell et al., 2016; Zirkel, 2017). To determine whether an IEP has provided FAPE, hearing officers and courts use the two-part Rowley/Endrew F. (1982) test to answer two questions: (a) did the school district comply with the procedures of the IDEA and (b) Was the student's IEP reasonably calculated to enable the student to make progress appropriate in light of the student's needs? (Yell, et al., 2021).

Since the hearing of the U.S. Supreme Court's first special education case in *Board of Education of Hendrick Hudson Central School District v. Rowley* (1982), courts across the country continue to hear cases involving the procedural and substantive dimensions of FAPE. Examples of procedural violations heard in cases involve parent participation in the IEP process (*WG v. Board of Trustees of Target Range School District*, 1992; *Amanda J. ex rel. Annette J. v. Clark County. School*, 2001; *R.F. v. Cecil County Public Schools*, 2019), assembly of an appropriate IEP team (*Shapiro ex rel.*

Shapiro v. Paradise Valley Unified, 2003; *ML v. Federal Way School District*, 2005; *R.B., ex rel. F.B. v. Napa Valley Unified School District*, 2007; *L.G. ex rel. E.G. v. Fair Lawn Board of Education* 2012); child find (*School Board of City of Norfolk v. Brown*, 2010; *Spring Ranch Independent School District v. O.W.*, 2019); and evaluation/eligibility (*Lisa M. v. Leander Independent School District*, 2019). The court findings in the examples of cases presented involving parent participation in the IEP process, conclude that when there was not a significant impediment to parental participation, districts prevailed (*WG v. Board of Trustees of Target Range School District*, 1992; *R.F. v. Cecil County Public Schools*, 2019). Parents prevailed in cases where it was proven that the district failed to allow parents to fully and effectively participate in the creation of their child’s IEP. This issue was presented in the *Amanda J. ex rel. Annette J. v. Clark County School*, 2001 case, where parents were not provided with necessary documents, such as copies of the evaluation that would provide them with the information needed to fully participate in the decision making of their child’s IEP. Parents also prevailed when in cases where IEP teams failed to include the parents and general education teachers in IEP meetings, which denied the student FAPE (*Shapiro ex rel. Shapiro v. Paradise Valley Unified*, 2003). In other cases where excluding a team member was considered a “harmless error” and did not result in the loss of educational opportunity, districts were not found in violation of the procedural requirement (*ML v. Federal Way School District*, 2005; *R.B., ex rel. F.B. v. Napa Valley Unified School District*, 2007; *L.G. ex rel. E.G. v. Fair Lawn Board of Education* 2011). With reference to the child find and evaluation requirements, districts were found in violation when they failed to identify a student suspected of having a disability, when

they continued use of interventions that were knowingly not working, and when they failed to find a student with a disability eligible for special education services (*School Board of City of Norfolk v. Brown*, 2010; *Lisa M. V. Leander Independent School District*, 2019; *Spring Ranch Independent School District v. O.W.*, 2019).

Cases heard involving the substantive dimension of FAPE include issues concerning LRE/placement (*RE v. New York City Dept. of Educ.*, 2012; *A.B. v. Clear Creek Independent School District*, 2019; *Solorio v. Clovis Unified School District*, 2019), IEP content/addressing all of a student's needs in the IEP (*L.R. v. Manheim Township School District*, 2008; *D.S. v. Bayonne Board of Education*, 2010; *School Board of City of Norfolk v. Brown*, 2010), measurable goals (*Rodrigues v. Fort Lee Board of Education*, 2011; *MH v. New York City Department of Education*, 2012; *Colonial School District v. G.K.*, 2019), and IEP implementation (*Houston Independent School District v. Bobby R.*, 2000; *Van Duyn ex. rel. v. Baker School District*, 2007; *LJ by NNJ v. School Board of Broward County*, 2019; *Spring Ranch Independent School District v. O.W.*, 2019). The rulings in the sample of substantive violation cases examined pertaining to LRE/placement indicate that districts were not found in violation when the student's LRE/placement was appropriate and when educational and non-academic benefits were evident of providing FAPE (*RE v. New York City Dept. of Educ.*, 694 F. 3d 167, 2012; *Solorio v. Clovis Unified School District*, 2019). In cases where the proposed placement removed the student from the general education, where the student received positive academic and non-academic benefits, parents prevailed and districts were found in violation (*A.B. v. Clear Creek Independent School District*, 2019). In cases pertaining to IEP content and addressing all of a student's needs in the

IEP, parents were shown to prevail when districts failed to incorporate the recommendations and services necessary to address a student's needs (*D.S. v. Bayonne Board of Education*, 2010; *School Board of City of Norfolk v. Brown*, 2010). Districts prevailed when it was found that the IEP was reasonably calculated to confer a meaningful educational benefit and the student made sufficient progress (*L.R. v. Manheim Township School District*, 2008). Regarding the dispute of measurable IEP goals between parents and districts, courts found in favor of districts when evidence of a student's education being successful was taken into consideration as well as a student's continued progress, despite minor shortcomings (*Rodrigues v. Fort Lee Board of Education*, 2011; *Colonial School District v. G.K.*, 2019). Courts ruled in favor of parents when IEP goals were deemed "generic and vague" and lacked evaluative criteria, evaluation procedures, and timelines to be used to measure progress (*MH v. New York City Department of Education*, 2012). Lastly, in cases involving IEP implementation, courts concluded that districts did not violate the IDEA unless it was shown to have materially failed to implement the child's IEP, which occurs when the services provided to students with disabilities fall significantly short of those required by the IEP (*Van Duyn ex. rel. v. Baker School District*, 2007; *LJ by NNJ v. School Board of Broward County*, 2019). Districts were also not found in violation when improvement in most areas of study were shown (*Houston Independent School District v. Bobby R.*, 2000). Parents prevailed in IEP implementation cases when it was found that a school's modification of the student's school day was a substantial and significant deviation from the IEP, which resulted in a loss of academic benefits (*Spring Ranch Independent School District v. O.W.*, 2019).

The U.S. Supreme Court has provided further clarification and guidance in the field of special education on several additional cases in rulings from the following cases:

- *Irving Independent School District v. Tatro* (1994), requiring a school district to provide catheterization during school hours as a related services under the IDEA.
- *Burlington School. Committee v. Massachusetts. Board. of Education*, 471 U. S. 359 (1985), allowing parents to be reimbursed for tuition expenses if a school district fails to provide a FAPE and the private school provides a good education.
- *Honig v. Doe*, 484 U.S. 305 (1988), prohibited school districts from unilaterally changing the placement of students with disabilities placement through suspensions or expulsions.
- *Florence County School District Four v. Shannon Carter*, 510 U.S. 7, (1993), allowing parents to be reimbursed for tuition expenses at a private school even if the private school was not on a state-approved list.
- *Cedar Rapids v. Garret F.*, 526 U.S. 66 (1999), requiring school districts to provide related services, including full-time nursing care, if needed by a student to benefit from his or her special education.
- *Schaffer v. Weast, Superintendent. Montgomery County Public Schools* (2005), The burden of proof in a special education case is properly the responsibility of the party bringing the lawsuit.
- *Arlington Central School District Board of Education v. Murphy* (2006), prohibiting parents from collecting attorney's fees even when they prevail in a special education lawsuit

- *Winkelman v. Parma City School District* (2007), Parents can represent themselves in lawsuits under the IDEA, which is referred to a pro se representation, because the law grants parents independent, enforceable rights.
- *Forest Grove School District v. T.A.* (2009), allowing parents to be reimbursed for tuition even if a student has never been in special education in a public school as long as it was proven that a school district failed to provide FAPE, and the private school provided an appropriate education.

These rulings require that school districts not only include parents in all aspects of their child's special education programming, but also reiterated the role of school districts in ensuring that students' IEPs confer meaningful educational benefit (Yell et al., 2009, Wrightslaw, 2021).

Litigation in South Carolina

In South Carolina, there have been a number of decisions made by local and state hearing officers regarding similar procedural and substantive issues seen nationally, however, only seventeen of these complaints have moved beyond a local or state hearing officer. Of the seventeen cases, one was settled in South Carolina Court of Appeals (*Midlands Math and Business Academy Charter School v. Richland County School District One*, 2013), and six were dismissed by a federal district court (*Z.W. & Warner v. Horry County School District & Rick Maxey*, 2021; *Terry v. Richland School District Two*, 2019; *MTJH v. Spartanburg County School District 7*, 2019; *Glaze-Washington v. Beaufort County School District*, 2018; *Waddell v. Lexington/Richland School District 5*, 1999; *Horry County School District v. P.F.*, 1998).

Seven cases were heard by the United States District Court, South Carolina (*Troutman v. School District of Greenville County, 1983; Alexander v. Department of Juvenile Justice, 1995; Horry County School District v. P. F., 1998; J.B. & M.B. v. Horry County, 2001; Tracy v. Beaufort County Board of Education, 2004; Bridges v. Spartanburg County School District Two, 2011; Lexington County School District One v. Frazier, 2011; Doe v. Berkeley County School District, 2015*). One judgment was made by the U. S. Court of Appeals, Fourth Circuit (*Sumter County School District v. Heffernan, 2011*). One case skipped the state level altogether and was filed with the Department of Justice, where a settlement agreement was reached between *The United States and The Charleston County School District, 2021*. Only one case in South Carolina has been heard in the Supreme Court (*Florence County School District Four v. Carter, 1993*).

Procedural errors. The majority of litigation in special education is found to be due to procedural violations of the law (Couvillion et al., 2018). Procedural requirements provide the structure and process that compels both schools and parents to adhere to the explicit guidelines when designing a student’s program (Drasgow et al., 2001). When courts analyze procedural errors made by school districts, the court first determines if there is proof that the school district committed a procedural violation. Secondly, the court decides if the violation met one of the three parts of IDEA’s significant procedural errors listed in the law (Yell et al., 2020). Courts have also found that when school district personnel commit multiple procedural errors, these procedural violations may deny a FAPE, even when the procedurally errors individually may not have been a violation of FAPE (Yell et al., 2021). Although courts have noted that procedural errors

do not inevitably lead to a violation of FAPE, significant care must be taken to avoid serious procedural errors that equate to a denial of FAPE or impede a parent's opportunity to participate in the special education decision making process (Yell, et al., 2020; Yell et al., 2003; Yell et al., 2016).

A recent complaint (2021) that skipped the state level entirely and was filed with the Department of Justice concerned the Charleston County School District's failure to take appropriate actions to ensure meaningful communication with limited English proficient parents of students with disabilities. The complaint alleged that the district did not provide adequate written translation or oral interpretation services to Spanish speaking families, which deprived the parents of the opportunity to participate equally and meaningfully in their child's education program. The agreement reached between the Charleston County School District and the United States, to take appropriate action to overcome language barriers of parents/guardians with limited-English-proficiency that impede equal participation, served as a means of alternative dispute resolution to avoid litigation.

In the IEP that was challenged in *Bridges v. Spartanburg County* (2011), the parents of a ninth-grade student with difficulties in reading, writing, and math sought reimbursement for the cost of two private school programs. The parents alleged that the IEP goals were inappropriate and were not sufficiently measurable due to the goals measuring the student's proficiency in terms of percentages. The court explained that the use of percentages as a measurement of progress does not automatically invalidate the IEP goal. Even if correct in their claim of a procedural error on the part of the district, the parents did not demonstrate that these technical deficiencies resulted in a loss of

educational opportunity nor did it negatively impact the student's ability to benefit from his educational program. The judge ruled that even if the IEP goals were inappropriate, the student's significant improvement and passing grades demonstrated that he was provided a FAPE.

In the 2004 case of *Tracy v. Beaufort County Board of Education*, the Tracys challenged the decision of the State Review Officer (SRO) that their son Sean Tracy was provided a FAPE from 1998-2001. Sean Tracy was evaluated by a clinical psychologist at the Medical University of South Carolina (MUSC) and diagnosed as a student with a disability under Other Health Impairment (OHI). A copy of the evaluation report was provided to the school district and an IEP was developed. During the IEP meeting, the team designated Sean as OHI and placed him on homebound instruction on an as needed basis due to his respiratory problems and lack of properly functioning air conditioning system in the school. Sean remained on homebound instruction for most of the first nine weeks of the 1998-1999 school year. When he returned to school, Sean accumulated a number of unexcused absences, which persisted throughout the school year. The school referred the truancy problem to the courts on several occasions, but in May of 1998, Mrs. Tracy informed the school that there was no need to pursue the truancy charges since they were withdrawing Sean from public school. The Tracys pursued action to recover reimbursement in the amount of \$97,135.25 from the school district for unilateral out-of-district residential placement during the 1999-2000 and 2000-2001 school years as well as reimbursement for all outside evaluations paid for by the parents that were used by the IEP team. The district court judge noted that reimbursement for private school

placements may be reduced or denied if parents did not provide notice at the most recent IEP meeting prior to removing the students from public schools or in writing 10 business days prior that they were rejecting the placement proposed by the school district. The judge also noted that the parents also needed to include a statement of their concerns and their intent to enroll their child into a private school at public expense. Given that the Tracys failed to provide the required notice, the judge ruled in favor of the school district and denied the parents motion summary for judgment.

Alexander v. Department of Juvenile Justice, 1995 was another case heard by the United States District Court for SC that involved procedural issues. This action was initiated by a group of juveniles at four correctional institutions operated by the South Carolina Department of Juvenile Justice (DJJ). The court found in favor of the class of juveniles for DJJ's failure to adequately identify, locate, and evaluate incarcerated juveniles who required special education, and also for failure to develop and implement appropriate IEPs for them. The procedural errors, that were largely attributable to the ruling, involved errors committed by school administration, who hold the responsibility of ensuring that special education services are appropriately provided. Examples of errors include the failure of local school districts to forward the juveniles' school records to the correctional facilities and failure to follow the state department's strict interpretation of IDEA that require the preparation of two IEPs for each juvenile (one IEP for the short-term stay at the evaluation facility and a second IEP for use at the long-term facility). Violation of certain procedural requirements can cause substantial harm to the student and the quality of a student's educational program, which could result in the denial of FAPE and may result in a loss for a

school district (*Alexander v. Department of Juvenile Justice*, 1995; Rozalski, et al., 2021; Yell et al., 2020).

The cases reviewed above include three of the seven cases that have been heard by the United States District Court, South Carolina and one case that was filed with the Department of Justice. These cases involving procedural errors indicate that districts prevailed in cases where the violation did not result in a loss of educational opportunity (*Bridges v. Spartanburg County*, 2011; *Tracy v. Beaufort County Board of Education*, 2004). In cases where procedural violations caused substantial harm to the quality of the student's educational programs leading to a denial of FAPE (*Alexander v. Department of Juvenile Justice*, 1995; *The United States and Charleston County School District*, 2021), school districts suffered serious consequences and sanctions. Loss of educational opportunity in these cases was determined due to districts failing to develop and implement an appropriate IEP and failing to ensure that parents are able to participate fully in IEP meetings.

Substantive errors. Substantive requirements involve the actual content of the IEP and place emphasis on the educational benefit conferred by a student's IEP (The IRIS Center, 2019). Substantive violations are committed when the content of a student's IEP, in terms of its actual results, is not adequate to enable the student to make progress appropriate in light of their circumstances (*Endrew F. v. Douglas County School District*, 2017; Yell et al., 2020). There has been one case in South Carolina that moved past both the United States District Court for South Carolina and the United States Court of Appeals for the Fourth Circuit, and ended up in the U.S. Supreme Court. *Florence County School District Four v. Carter* (1993) involved

Shannon Carter, a student with a learning disability (LD) whose parents challenged the IEP that was designed for her. The IEP offered by the district proposed that an LD resource classroom would be the appropriate placement for Shannon. Shannon's parents disagreed and requested an LD itinerant program. Despite disagreements between Shannon's parents and the school district, Shannon was placed in LD itinerant classes for three periods per week. Dissatisfied with the district's plan, the parents withdrew Shannon from public school and enrolled her in Trident Academy, a private school that specialized in the education of students with learning disabilities. The parents claimed that the school district's proposed IEP was not appropriate since it would not result in educational progress for their child. The Supreme Court upheld the decision made by the U.S. Court of Appeals for the Fourth Circuit, when it ruled that Shannon's IEP was inadequate to enable her to make progress. Although the school district had followed the procedural obligations of the law, the goals and objectives included in the IEP were not reasonably challenging enough to ensure educational benefit for the student. As a result of this substantive error, Florence County School District Four was ordered to reimburse the parents a total of \$35,716.11, plus prejudgment interest for the costs of private school placement, room and board, and mileage for trips to and from school for three years.

Florence County School District Four v. Carter (1993) is the only special education case in South Carolina to reach the Supreme Court, however one other case was heard by the Fourth Circuit Court of Appeals (*Sumter County v. Heffernan*, 2011). In this case, the parents claimed the IEP offered by the district did not provide a FAPE and requested approval for home-based placement. The district did not approve the

home-based placement and maintained that the IEP was appropriate. The parents removed the student from public school and also alleged that the IEP had not been fully implemented. The IEP drafted by the district included the use of Applied Behavior Analysis (ABA). The court found that the special education teacher and classroom assistants did not provide the required number of hours of ABA therapy, nor did they understand how to implement the ABA therapy entailed in the IEP. The court also ruled against the school district due to inadequacy of the IEP goals. Ultimately, the district failed to provide the services outlined in the IEP, failed to properly train school personnel to be able to provide ABA therapy appropriately, and failed to create goals that were ambitious and challenging.

This substantive error, committed by the school district, negatively affected the student's ability to benefit from his educational program, which resulted in a denial of FAPE. This substantive error also proved to be a costly one for Sumter County, as they were ordered to reimburse the parents for ABA services provided in the home.

Another case that was heard by the United States District Court for South Carolina, involving substantive issues of a student's IEP, was *Lexington County v. Frazier* (2011). The student in this case had a history of anxiety and frustration stemming from Asperger Disorder, which caused him to shut down at school or refuse to participate in class. Eventually the student stopped attending school altogether, despite his parent's efforts to force him. Also, during this time, the school district repeatedly declined to include counseling services in the student's IEP. While enrolled in the Fort Mill School District in York County, the IEP team developed an IEP that provided five periods per week of counseling services to address the anxiety and

attendance issues. In 2007, the family relocated to Lexington County and enrolled the student at Lexington High School. The Lexington County IEP team held a meeting to develop an IEP and Fort Mill (now York County) participated in the conversation, where they informed the district of the student's attendance issues as well as the counseling services that had been provided. Even after receiving this information from the Fort Mill School District, Lexington County Schools developed an IEP that did not include attendance issues nor did it include the counseling services that were provided in the previous IEP. The district's stance for the discontinuation of services was that the counseling services had not previously solved the attendance problem at Fort Mill. The student's chronic absenteeism continued. In September of 2007, the student was evaluated by a psychiatrist, who recommended that a residential placement would address the student's academic, interpersonal, and social needs. The parents made a request to the district to provide placement for the student to attend a private residential education facility located in Michigan. The district refused, arguing that they could provide an appropriate program at Lexington High School for the student. Following this refusal, the district also again denied the parents request for therapy for their child. The parents then unilaterally placed the student in a private facility and sought reimbursement. This error in IEP development of failing to address the student's anxiety in the IEP, resulted in the district being ordered to reimburse the parents in full for the tuition cost of private placement for one year.

In 2013, the South Carolina Court of Appeals found that Richland County School District One properly revoked the charter for Midlands Math and Business Academy Charter School based on their failure to comply with IDEA. IDEA requires

that LEAs provide progress reports at least as often as they provide progress reports to general education students, or as directed by the students' IEP, however, the district identified multiple instances in which the charter school failed to provide the required progress reports (*Midlands Math and Business Academy Charter School v. Richland County School District One*, 2013). Despite numerous notices by the Richland County School District, several inconsistencies were reported regarding the special education program at Midlands, including failure to fully implement IEPs. In one example cited by the district, parents of a student did not receive any progress reports from the charter school although the student's IEP specified that progress would be reported every four and one half weeks. The lack of regular reporting of progress leaves parents and school misinformed regarding a student's progress towards their annual goals and leaves teachers unequipped to adequately address a students' needs and make appropriate instructional decisions. This grave error in IEP implementation resulted in the school losing its charter.

Errors in IEP implementation and development can be very costly for districts when courts find that parents are entitled to tuition reimbursement, however, in some cases, districts do prevail. In *J.B. & M.B. v. Horry County* (2001), parents sought reimbursement for private education expenses from Horry County School District. A.B. a five-year-old student, who presented with primary characteristics of Autism, appeared to be making progress in all areas. His parents requested that the district fund an in-home program using the Lovaas methodology, but the district declined. Dissatisfied with the program established for their child, the parent removed A.B. from public school and began a home-based program. Although not enrolled in school, the district made efforts

to work with the parents and developed a new IEP that provided A.B. with speech and ABA therapy in the home. Multiple IEP meetings were held in an attempt to address the parents' concerns and encourage them to enroll A.B. in school, however no agreement was reached. Although A.B.'s parents were seeking reimbursement for the Lovaas-based program, the court ruled the student made meaningful educational progress in the district's program. The court also found that the privately funded program was not appropriate for the student, since he was unable to generalize the material learned and the home-based program was more restrictive than the services offered by the district. Based on the finding, the parents were not entitled to reimbursement of educational and related expenses associated with the Lovaas program.

In another case from Horry County (*Horry County v. P.F.*, 1998), parents requested reimbursement for private educational expenses. This case involved the examination of an IEP of a 15-year-old student with an intellectual disability and emotional/behavior disorder. Due to the student's medical, social and emotional problems, as well as her violent behavior towards herself and others, the district recommended placement for the student in a residential treatment facility. The parents objected to the IEP team's decision and requested a due process hearing. After the tier 1 hearing officer determined that the student required a residential placement, the parents removed the student from the district and placed her in a private program. The parents appealed to a Level II due process hearing officer, who found that the student did not require a residential placement and denied the parent's request for reimbursement. The district then appealed the Level II review officer's decision to federal court. The U.S. District Court of South Carolina determined the IEP was procedurally sound and,

substantively, the IEP offered the student the opportunity to make educational progress in the LRE. The court found that the district made a valid effort to change the student's behavior and there appeared to be no other measures they could have taken that would have been successful. The court also examined the proposed alternative placement and concluded that there was substantial likelihood the student would injure herself or others if she stayed in her district placement and that the residential placement was appropriate. Because the district's IEP offered the student a FAPE, they were not required to reimburse the parents for the costs of the private program.

In *Doe ex rel. Doe v. Berkeley County School District* (2015), the school district defended allegations that they discriminated against a middle school student with disabilities by allowing her to remain in the school gym instead of attending her health class. The parent alleged that the student's absences to health class resulted in the district's failure to implement the student's IEP. She also claimed that the district had a habit of failing to train general education teachers on the supervision of students with disabilities. In this case, not only was the teacher aware of the student's disability, but testified that she did not allow any of her nondisabled students to be in the gym during health class. Although this testimony showed disparate treatment, the court agreed with the district that the parent would need to claim bad faith or gross misjudgment to the extent where the student's absences can be tied to a failure to implement the IEP. The court held that the district did not violate Doe's substantive due process rights and that the employee did not engage in grossly unjust conduct or place the student in harm's way.

The final case concerning substantive errors involved a student's special education placement at a "satellite school" (*Troutman v. Greenville County*, 1983). The school of placement was not one preferred by the parents, but the school district claimed that the student's IEP required services and personnel that were available only at the satellite school, and that under the circumstance they were not required to provide programming in the school closest to the home. In this case, the student made excellent academic progress and it was clear that she benefited from the education she received under the IEP. The courts determined that the IEP did provide an appropriate education as required by IDEA for the student, who was visually impaired. The court found in favor of the district and affirmed that the district was not required to provide services at a student's home school, as long as it provided the appropriate programming.

In evaluating cases of alleged substantive violations, courts make FAPE decisions based on the effect of the error on the student's ability to benefit from their educational program or deprivation of a parents' right to be involved in the IEP decision making (Yell et al., 2020). This review of legal cases in South Carolina shows that parents prevailed in cases where districts failed to develop an IEP challenging enough to ensure educational progress (e.g., *Florence County v. Carter*, 1993); failed to adhere to services specifically outlined in the IEP (*Sumter County v. Heffernan*, 2011); failed to report educational progress as required (*Midlands v. Richland County*, 2013); and did not fully address all of a student's needs (*Lexington County v. Frazier*, 2011). Districts were shown to prevail when they developed and implemented IEPs designed to provide appropriate educational opportunities for students to make meaningful progress (*J.B. &*

M.B. v. Horry County, 2001; *Horry County v. P.F.*, 1998; *Troutman v. Greenville County*, 1983).

The litigation reviewed outlines several procedural and substantive errors that have been at the center of disputes between parents and districts. Although districts prevailed in some cases (*Bridges v. Spartanburg County*, 2011; *Tracy v. Beaufort County Board of Education*, 2004; *J.B. & M.B. v. Horry County*, 2001; *Horry County v. P.F.*, 1998; *Troutman v. Greenville County*, 1983), the errors that resulted in a denial of FAPE on the district's part involved issues such as ensuring parents have equal participation in the IEP process (*The United States and Charleston County School District*, 2021), developing and implementing appropriate IEPs (*Alexander v. Department of Juvenile Justice*, 1995; *Florence County v. Carter*, 1993), fully implementing the IEP (*Sumter County v. Heffernan*, 2011; *Midlands v. Richland County*, 2013), and addressing all of a student's needs in the IEP (*Lexington County v. Frazier*, 2011). The errors that resulted in a denial of FAPE, highlight the significant role and responsibility that school administrators as LEAs hold in guaranteeing parents have the opportunity to fully participated in their child's IEP, ensuring that IEPs are legally compliant and educational meaningful, ensuring that special education services are appropriately provided, and making certain that students receive the support and services needed to meet all their educational needs (CCSSO, 2017; Couvillon et al., 2018; Frost & Kersten, 2011; IRIS Center, 2019; Lasky & Karge, 2006).

The Role of School Administrators in Special Education

Laws and policies that mandate compliance in educational services for students with disabilities have changed the role of building level administrators (Davidson &

Algozzine, 2002). Administrators today bear the responsibility of overseeing a variety of different initiatives and programs that include special education (Bateman, Gervais, & Cline, 2017; Lynch, 2012). Ensuring the delivery of appropriate services to students with disabilities is an essential responsibility of educators and school administrators (Blackwell & Rossetti, 2014; Crockett, Becker, & Quinn, 2009; Christle & Yell, 2010; IRIS Center, 2019; Roberts & Guerra, 2017). School administrators also play an important role in ensuring the effectiveness of special education programs (Angelle & Bilton, 2009; Frost & Kersten, 2011; Maggin, et al., 2020).

A key responsibility of school administrators is the role of instructional leader, which involves making decisions that guarantee meaningful learning and educational benefit for all students and ensuring the rights of students with disabilities are protected (Bateman et al., 2017; Frost and Kersten, 2011; Lynch, 2012; Mandinach, et al., 2006). School administrators should have substantial fundamental knowledge of special education laws and the processes for educating students with disabilities (Bateman et al., 2017). As instructional leaders, school administrators must also set high expectations for achievement and set the vision to improve educational outcomes for all students, including those with disabilities (Billingsley et al., 2017; Frost and Kersten, 2011; Katsiyannis, et al., 2012). In order to be an effective leader of special education programs, it is important that school administrators have a comprehensive understanding of the core special education legal foundations and make certain that students receive the support and services to meet their unique educational needs (Christle & Yell, 2010; CCSSO, 2017; Couvillon et al., 2018; Frost & Kersten, 2011; Lasky & Karge, 2006). An important finding in a study conducted by Wakeman et al. (2006) was the relationship

between principals' knowledge and their practices. This research supported the idea that principals who report having more fundamental knowledge of special education also report being involved in more aspects of special education programs. Essentially, principals who are more involved in special education programs tend to have more knowledge than principals who aren't. Principals who reported more knowledge also reported meeting with special education teachers regularly to get a better understanding about the distinctive features of the different disabilities and the most successful ways to teach students with disabilities. This process of relationship building is essential for effective instruction of students with disabilities. The results of the Wakeman et al., study suggested that principals who more easily understood the law and the needs of students with disabilities also understood what teachers need to teach and why they need it, and were more capable of providing the resources needed to meet the instructional needs of the students.

Ensuring that teachers receive the support and resources necessary to provide quality instruction is another essential role of school administrators (Bettini, et al., 2017; Billingsley & Bettini, 2017; Frost & Kersten, 2001; Strong, & Xu, 2021). Hill (2006) suggested that administrators serving on IEP teams should be aware of teaching methodologies and the issues surrounding them and should also become familiar with and encourage the use of methodologies supported by research and accepted in the field. There must also be a sound understanding among school administrators of the critical significance of grounding special education services in scientific research based methods (Katsiyannis et al., 2012). Research in the area of instructional leadership, as it relates to special education, indicates the success or failure of beginning special

education teachers could be linked to the critical role of school principals (Lasky & Karge, 2006). Staying abreast of the latest developments involving case law in special education is essential for school administrators and will assist in the development and implementation of best practices (Bateman et al., 2017; Couvillion et al., 2018; Wagner & Katsiyannis, 2010).

Perception and Knowledge of School Administrators in Special Education

School administrators are responsible for all students who are taught within their school, including students with disabilities, and, therefore, should have a proficient understanding of the field, including instruction, behavior support, and law (Davidson & Algozzine, 2002). Although tasked with the responsibility of overseeing special education programs, research has indicated that many principals lack the foundational knowledge required to lead these programs effectively, and do not fully understand all the components of special education (Bateman et al., 2017; Wakeman, et al., 2006). In a 2006 study, Wakeman, Browder, Flowers, and Ahlgrim-Delzell investigated secondary school principals' fundamental knowledge of special education. Researchers surveyed 362 secondary school principals where they were asked to indicate their level of special education knowledge using a 3-point scale by choosing: limited, basic, or comprehensive. The principals also were asked to rate agreement with specific educational practices by choosing: agree, disagree, or no opinion. The self-report of administrators indicated they perceived themselves to have an adequate understanding of fundamental knowledge, but also self-reported a limited understanding of current special education issues such as self-determination practices, functional behavioral assessments, and universally designed lessons. The majority of principals (98.6%) agreed they were responsible for the students with disabilities in their school buildings, but did not agree with the test scores of these

students counting in their school accountability totals. While most principals agreed special education students should have access to the general curriculum (92.9%), only 81.5% of principals stated that the special education students in their schools were actually getting that access to general education. The study also found a significant relationship between principals' personal and professional activities and their knowledge. Principals who reported having personal experiences and who were more involved in special education programs, indicated a better understanding of the law and the referral process for special education.

Frost and Kersten (2011) conducted a study in which they investigated the perceptions of fifty-six elementary principals. The researchers explored and analyzed how principals rated their knowledge in special education and how they viewed their instructional leadership involvement with special education teachers. Based upon the reported data, principals tended to rate themselves within the "average" to "good" range in their knowledge of special education. Principals reported believing that they were the least knowledgeable in areas such as how to develop a plan for program improvement for special education, knowledge of state learning standards, and special education rules and regulation. Among the participants that were surveyed, the researchers suggested that principals with special education certification perceived themselves to be more knowledgeable about their special education leadership role and rated themselves higher than those without special education certification. In addition to investigating school leaders' perception of their knowledge in the area of special education, researchers have also analyzed their perceptions as it relates to law and policy as was done in the Davidson and Algozzine (2002) study.

Davidson and Algozzine (2002) surveyed the perception and level of special education knowledge of 264 beginning administrators. Participants in this research consisted of assistant principals, interns, principals, and lead teachers. Of the participants surveyed, 52.5% perceived themselves to have a “moderate” or “significant” level of special education law knowledge and 47.5% perceived they had a “limited” to “basic” level of knowledge. Beginning administrators also indicated their understanding of policies and procedures as mandated under the IDEA at similar percent distributions of their perception of their level of knowledge of special education law. Based on the survey responses, 81.6% of administrators specified a need for further training in special education law to improve their skills in managing special education programs. Furthermore, most of the elementary principals surveyed rated their prior administrative training in special education law as “below” standard or “well below” standard.

In 2017, Roberts and Guerra, investigated the perceptions of school leaders on their knowledge of special education and how disabilities affect students. This research included the perceptions of eighty-four elementary and secondary principals. A survey instrument was used to collect data that was composed of special education questions and used a yes or no structure and an open-ended question section. The instrument was composed of five sections: demographic information, principals’ perception of having adequate legal, foundational, and contextual knowledge in special education, frequency that principals engaged in specific instructional leadership behaviors with special education teachers, principals’ perception of their roles with special education teachers, and principals’ suggestions to improve principal preparation programs for future school administrators. Only the knowledge section of the survey and the questions pertaining

principals' suggestions for improving principal preparation programs were used in this study. The results from the survey administered indicated that over half of the participants (65.4%) perceived they possessed sufficient knowledge in designing curriculum for students with exceptional needs. All of the participants perceived they exhibited competent knowledge in IDEA with about 95% reporting they acquired adequate legal knowledge. The majority of the responses to the open-ended question regarding suggestions for improving principal preparation programs, was the suggestion to include more content in principal preparation that concentrates on the topics of special education law, Section 504, and response to intervention (RTI). While the study included elementary and secondary principals that range in years of experience, educational level, and certification background, these factors were not examined to determine if they contributed to the overall results. Additionally, the high level of self-confidence reported in this study is inconsistent with other study results on the perceptions of school administrators regarding their knowledge in special education.

Although the studies previously reviewed indicate that principals perceive themselves as having adequate knowledge in special education, studies that examined the actual knowledge of principals suggest that school administrators lack sufficient knowledge in special education law and regulations and are unable to apply IDEA knowledge in program implementation (Bateman et al. 2017; Power, 2007; Protz, 2005; Wakeman et al. 2006). The research also reveals that school administrators lack adequate knowledge, coursework, and field experience needed to lead learning environments that promote academic success for students with disabilities (DiPaola, et al., 2004; DiPaola & Walther-Thomas, 2003; Duncan, 2010; Jesteadt, 2012).

In a study conducted to examine the knowledge of principals' awareness of disciplinary requirements of IDEA, Woods (2004) administered a survey that consisted of twelve demographic questions and thirty-five multiple choice knowledge level questions to seventy-four middle and high school principals. The focus of the study was to assess the knowledge of principals in the five areas of discipline provision in IDEA '97: (a) manifestation determination, (b) interim alternative educational settings, (c) functional behavior assessments, (d) behavior intervention plans, and (e) general procedural safeguards. Woods found a total actual knowledge score of 60% for the group of principals as a whole. The results of the survey identified functional behavior assessments and behavior intervention plans as areas that are least understood by principals. Manifestation determinations, interim alternative educational settings, and general procedural safeguards were the areas that principals were most knowledgeable regarding the specific provisions. The findings also indicated that 56% of the participants rated their knowledge level of IDEA '97 discipline provisions as "fair". The majority of principals indicated the need for additional training in the disciplinary requirements under IDEA '97. Although indicated as an area where principles were most knowledgeable, general procedural safeguards was the highest area indicated as needing further training (70%) followed by functional behavior assessments (62%) and behavior intervention plan (62%).

The practical knowledge of school administrators regarding special education has not frequently been investigated in the research reviewed. Two dissertation studies, which addressed concrete knowledge of school administrators through scenarios related

to special education, revealed that principals have a significant lack of understanding in issues related to the components of IDEA (Jesteadt, 2012; Power, 2007).

Jesteadt (2012) assessed the concrete knowledge of 176 school principals in special education policy and procedures. The online survey of 12 hypothetical scenarios required Florida principals to respond based on the six major principles of IDEA, 2004 (i.e., zero reject, evaluation, LRE, FAPE, due process, parental involvement). The six principles that were tested yielded an average of 48% correct answers to questions regarding special education policies and procedures. When disaggregated by each of the six principles of the IDEA, 60% of the principals incorrectly answered the hypothetical scenario pertaining to zero reject that dealt with prior knowledge of a suspected disability, 81% of participants incorrectly answered the hypothetical scenario regarding parental consent for initial placement under the principle of nondiscriminatory evaluation, and 51% incorrectly answered the scenario dealing with a student's classroom placement. Additionally, under the principle of due process, 75% of the participants incorrectly answered the scenario concerning the "stay-put" clause and placement in alternative educational settings during due process proceedings and 65% of participants incorrectly answered the scenario involving parental revocation of consent for special education and related services, under the parent participation principle.

Power (2007) also used hypothetical scenarios to assess the special education knowledge of 236 school principals in Virginia. Of the 236 participants 130 were elementary principals, 57 were middle school principals and 40 were high school principals. Participants of this study completed an online survey of 24 hypothetical scenarios based on the following components of IDEA: FAPE, IEPs, LRE, due process,

related services, student discipline, and liability for reimbursement of parents. The survey administered consisted of twenty-four hypothetical scenarios with three answer choices provided. Principals were asked to respond “Yes”, “No” or “Don't Know” to the appropriateness of the actions of the school principal in each scenario. Each scenario included in the survey addressed only one legal issue to avoid confusion. The overall percentage of correct answers on the survey was 64%. When the number of correct vs. incorrect responses were analyzed, the areas of need identified were those with a mean score of less than 64%. These areas were deemed as those in which Virginia principals need more information in order to effectively manage and correctly implement special education programs and services in their school buildings. Two areas of special education law found to be areas of weakness were FAPE (62%) and related services (50%). Although FAPE and related services were identified as areas of need, all the areas assessed revealed that principals believed that they required additional training. By only responding “Yes”, “No” or “Don't Know” to the hypothetical scenarios, the research conducted by Power (2007) did not assess if principals were able to identify or explain why scenarios were a violation of the IDEA components. This study also only addressed the special education knowledge of school principals and did not include assistant principals.

Generally, many principals appear to have high confidence in their knowledge and understanding of IDEA (Davidson & Algozzine, 2002; Duncan, 2010; Roberts & Guerra, 2017; Wakeman, et al., 2006). However, when presented with special education situations posed in hypothetical scenarios, principals exhibited a low level of competency. Whereas many principals perceive themselves to be experienced and

knowledgeable in special education law, the researchers have found that this same level of knowledge is not demonstrated in simulations of real-world issues pertaining to various components of IDEA (Jesteadt, 2012; Power, 2007; Woods, 2004). A primary factor that leads to this lack of knowledge has been associated with the absence of content related to special education in principal training and preparation programs (Billingsley, et al., 2014). In addition to the absence of special education related content in principal training and preparation programs, research also suggests there is a lack of specific guidelines in professional and leadership standards concerning what coursework should be included in these programs (Bateman et al., 2017; Cusson, 2010).

The research examined on the perception and knowledge of school administrators in special education reveals that most studies are conducted with a focus on the school principal and their self-reported perception of their knowledge in special education. The practical knowledge of school principals has been investigated, but there is no current research regarding the practical knowledge of both principals and assistant principals. In many studies, although demographic information was collected regarding school level, years of experience, educational level, and certification background, these factors were not explicitly examined to determine the discrepancies between school administrators' perceived understanding and their actual knowledge of special education when these factors are taken into account. Given the lack of coursework in special education and administrators identifying a need for further training in special education law, there is also a need for further examination into professional leadership standards for both pre-service and practicing educational

leaders and their lack of specific guidelines that potentially affect the preparation of school administrators (Bateman et al., 2017; Billingsley et al., 2014; Davidson & Algozzine, 2002; Frost & Kersten, 2011; Roberts & Guerra, 2017; Wakemen et al., 2006; Woods, 2004).

Professional Leadership Standards for Pre-Service and Practicing Educational Leaders

Nearly every profession has established professional standards or guidelines by which members of the organization measure their performance (Hackman, 2016; Pazey & Cole, 2013). Professional standards define and articulate the quality of work of those who practice in a given profession as well as the values and norms of the profession (Young & Perrone, 2016). These standards propose how practitioners can attain the expectations required by the profession and provide a foundation for thinking about leadership development and practice (Young, et al., 2016; Young & Perrone, 2016).

Over the past 20 years, policymakers have increased demands for accountability in school systems and have set higher expectations for student growth and achievement. This increase in expectations and demands, transformed the roles and responsibilities of school leaders, requiring them to ensure that all students are receiving quality instruction (Bateman et al., 2017; David & Algozzine, 2002; Farley, et al., 2019; Frost and Kersten, 2011; Mandinach et al., 2006; NELP, 2018; Young & Perrone, 2016). To address this shift, educational leadership preparation programs and professional associations developed standards for both pre-service and practicing educational leaders (Farley et al., 2019). States, districts, and university preparation programs use these standards to guide

preparation, accreditation, licensure, practice, and evaluations for school administrators. National standards for practicing administrators and administrator preparation programs are designed to serve as a national model for states to use for developing their own standards (Pazey & Cole, 2013; Young, et al., 2016).

Professional leadership standards for practicing school leaders. In 1996, due to the widespread professional concerns related to the preparation of school administrators, the Council of Chief State School Officers (CCSSO) adopted a national policy for educational administration and identified fundamental and critical skills that all candidates preparing to become school administrators must acquire (DiPaola & Walther-Thomas, 2003; Williams, 2009). The CCSSO created a set of standards that would serve as a basis for restructuring school administration around the perspectives on school leadership from which the Interstate School Leaders Licensure Consortium (ISLLC) standards were established. (Williams, 2009). The ISLLC, which has led a national initiative to create a common vision for effective school leadership, in cooperation with the National Policy Board for Educational Administration (NPBEA), developed a framework for redefining school leadership (Murphy, et al., 2000). An integrated comprehensive set of standards were developed to influence the leadership skills of existing school leaders regarding professional expectations and best practices and to also shape the knowledge, character, and performance skills of prospective leaders in preparation programs (DiPaola & Walther-Thomas, 2003; Farley et al., 2019; Jesteadt, 2012; Williams, 2009). In 2008, after closely working with members of NPBEA for over a year, the ISLLC standards were revised to provide guidance to state policymakers as they work to improve education leadership preparation, licensure, evaluation, and

professional development (CCSSO, 2008). Educational Leadership Policy Standards: ISLLC 2008 organizes the functions that help define strong school leadership under six standards. These six standards call for: 1. Setting a widely shared vision for learning; 2. Developing a school culture and instructional program conducive to student learning and staff professional growth; 3. Ensuring effective management of the organization, operation, and resources for a safe, efficient, and effective learning environment; 4. Collaborating with faculty 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 political, social, legal, and cultural contexts (CCSSO, 2008).

In an effort to address the changes to the global economy, family structures, technology, characteristics of children, increased accountability for student achievement, and the 21st century workplace for which schools would need to prepare students, the NPBEA recognized the need for new standards to guide the practice of school administrators in directions that would be most beneficial to students (NPBEA, 2015). In October of 2015, the NPBEA approved new, refreshed standards for education leaders. The purpose of the 2015 Professional Standards for Educational Leaders (PSEL), formally known as ISLLC standards, is to ensure that educational leaders are able to improve student achievement and meet new, higher expectations (CCSSO, 2008). Many parties with a stake in educational leadership such as The National Association of Elementary School Principals (NAESP), National Association of Secondary School Principals (NASSP), and American Association of School Administrators (AASA) were instrumental in this work (NPBEA, 2015).

The 2015 standards are foundational to all levels of educational leadership and apply to both principals and assistant principals. The newer standards place stronger emphasis on students and student learning, and outline foundational principles of leadership to help ensure that each child is well educated and prepared for the 21st century (NPBEA, 2015). These standards stress the importance of academic rigor, human relationships in teaching and student learning, and they emphasize development and strengths. The 2015 standards recognize the world in which educational leaders work today will continue to transform along with the demands and expectations for educational leaders. They challenge the profession, professional associations, policy makers, institutions of higher education, and other organizations that support educational leaders and their development to move beyond established practices and systems and to strive for a better future (NPBEA, 2015).

The Professional Standards for Educational Leaders 2015, exemplify a research- and practice-based understanding of the relationship between educational leadership and student learning and are organized around the domains, qualities, and values of leadership work that research and practice indicate contribute to students' academic success and well-being (NPBEA, 2015). The PSEL consists of ten standards as follows: 1. Mission, Vision, and Core Values 2. Ethics and Professional Norms 3. Equity and Cultural Responsiveness 4. Curriculum, Instruction and Assessment 5. Community of Care and Support for Students 6. Professional Capacity of School Personnel 7. Professional Community for Teachers and Staff 8. Meaningful Engagement of Families and Community 9. Operations and Management 10. School Improvement (NPBEA, 2015). The 2015 standards are “model” professional standards and serve as a compass

that guides the direction of practice. These standards convey expectations to practitioners, supporting institutions, professional associations, and policy makers about the work, qualities and values of effective educational leaders (NPBEA, 2015). In addition to the PSEL standards created in 2015, the NPBEA also created a supplemental document, *PSEL 2015 and Promoting Principal Leadership for the Success of Students with Disabilities* with the goal of providing school officers and state education agency (SEA) staff with guidance on how the PSEL 2015 standards can be used to support inclusive principal leadership for the success of students with disabilities (CCSSO, 2015).

Duncan (2010) conducted a review of leading accrediting and professional organizations to determine specific standards related to special education for principals. The organizations reviewed included the National Council for Accreditation of Teacher Education (NCATE), Teacher Education Accreditation Council (TEAC), Council for the Accreditation of Educator Preparation (CAEP), The National Association of Elementary School Principals (NAESP), The National Association of Secondary School Principals (NASSP) and National Policy Board for Educational Administration (NPBEA). A review of the standards for each organization revealed that while the organizations emphasize the importance of the principal's role in effective special education programming, they did not provide any specific requirements or guidelines for school administrators regarding knowledge in special education (Bateman, 2001; Bateman et al., 2017; Duncan, 2010; Pazey & Cole, 2013). Findings presented in Crocket (2002) determined that most states only require that aspiring principals have little knowledge in special education.

Professional leadership standards for pre-service preparation. With the approval of the Interstate School Leaders Licensure Consortium (ISLLC) leadership

policy standards in 1996, the development of leadership preparation standards created by the Educational Leadership Constituent Council (ELCC) followed suit in the early 2000s (Farley et al., 2019). The ELCC standards were closely aligned to the ISLLC standards, but addressed a different audience and were designed for leadership preparation programs rather than practicing school leaders (Farley et al., 2019; Young et al., 2016). The standards highlight the knowledge and skills that pre-service administrators should develop and provide guidance on the quality of field experiences (Young et al., 2016). In comparison to the ISLLC standards, the ELCC standards were considerably more specific and detailed, and directly informed accrediting bodies and programmatic reviews of educational leadership programs (Farley et al., 2019; Young et al., 2016). In response to shifting professional demands for school administrators, the professional standards for preparation programs have undergone two major revision processes in the past two decades. These change efforts were led by the Council for the Accreditation of Educator Preparation (CAEP) and the National Policy Board for Educational Administration (NPBEA; Farley et al., 2019). The NPBEA approved a plan to revise the ELCC Standards for presentation to the National Council for the Accreditation of Teacher Education (NCATE) in the fall of 2010 (NPBEA, 2011).

In 2015, after the replacement of the ISLLC standards with the Professional Standards for Educational Leaders (PSEL), the standards for leadership programs again followed this example by replacing the ELCC standards with the revised National Educational Leadership Preparation (NELP) standards in 2018 (Murphy, Louis, & Smylie, 2017; NBPEA, 2018; NPBEA, 2015). Changes in the revised standards made a shift from being exclusively focused on research to including knowledge from both

research and the practice of leadership (Smylie & Murphy, 2018; Young et al. 2016). Although aligned to the PSEL standards the NELP standards not only emphasize practice and professional values, but they incorporate a well-defined vision of what novice leaders and programs graduates should know and be able to do. They also reflected current accountability expectations for students and student learning and placed significant importance on the aspects of leadership that will influence student success (Smylie and Murphy, 2018; NBPEA, 2018; NBPEA, 2015; Young, et al., 2017). The 2018 NELP standards for building-level leaders reflect all of the elements of the 2011 ELCC standards and a bulk of the elements from the PSEL standards (NBPEA, 2018). The six content standards found in the 2011 ELCC standards have been expanded to seven in the NELP standards. The domains in the 2018 National Educational Leadership Preparation Program Standards include: 1. Mission, Vision, and Improvement 2. Ethics and Professional Norms 3. Equity, Inclusiveness, and Cultural Responsiveness 4. Learning and Instruction 5. Community and External Leadership 6. Operations and Management 7. Building Professional Capacity 8. Internship (NPBEA, 2018).

In the field of education, professional leadership standards provide guidance for how school administrators should be prepared, hired, supervised and evaluated (Young & Perrone, 2016). Forty-six states have adopted or adapted the ISLLC standards, which influenced licensure requirements in every state; approximately 1,100 programs in 254 institutions participate in the ELCC accreditation review process (Farley et al., 2019; Young et al., 2017). Several states have also upgraded training requirements for leadership preparation and many institutions have restructured programs in order to meet the new standards (Cosner, 2019; Tucker, et al., 2016). Licensure and program

requirements across the US have varied widely over the years and it is evident that having professional standards in place is not sufficient for ensuring that administrators are adequately prepared (Cusson, 2010; DiPaola et al., 2003). The lack of specific details from accrediting and professional organizations about what should be taught in principal preparation programs has left the decision about what should be included in the program solely up to the university and college professors (Bateman et al., 2017; Cusson, 2010).

Despite the degree of research conducted about the benefits of having professional leadership standards, most of the literature only analyzes the standards themselves, rather than their impact on leadership practice, policy implementation, and program improvement (Cosner, 2019, Young & Perrone, 2016; Young et al., 2016). There continues to be a need for more research that focuses on the effectiveness, outcomes, and influence of professional leadership standards on principal preparation programs and school administrators (Cosner, 2019; Young & Perrone, 2016; Young et al., 2017). In order to prepare school administrators to address the needs of students with disabilities, it is critical that accrediting and professional organizations be more explicit regarding the knowledge and skills that should be included in leadership programs (Bateman et al., 2017; Billingsley et al., 2017). Although previous versions of professional standards for administrator preparation programs have not been explicit regarding standards relevant to special education, the most recent standards of the Educational Leadership Program Standards have called for the incorporation and mandate of curriculum content related to special education and special education law (Pazey & Cole, 2013).

South Carolina Principal Leadership Standards

During the 1998-1999 school year, the statewide Principal Evaluation Program Review Committee (PEPRC), in collaboration with the Leadership Academy at the South Carolina Department of Education (SCDE) and the South Carolina Educational Policy Center at the University of South Carolina (USC), identified standards for principal evaluation in South Carolina, derived from the 1996 ISLLC Standards for School Leaders. From this committee, a document entitled “Proposed Standards and Criteria for South Carolina Principal Evaluation” was developed. In the spring of 1999, a committee consisting of individuals representing superintendents, human resources personnel, directors, principals from all levels, a variety of educators at the school level, other school district employees across South Carolina, and higher education analyzed thirty-five evaluation documents from other states, four evaluation documents from national organizations, and fifteen evaluation instruments from local school districts (S.C. PADEPP, 2017). Input from the National Association of Secondary School Principals (NASSP) was also obtained in the process of revising the proposed standards and criteria. The program once named the Principal Evaluation Program (PEP) was changed to the Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP). After input from the State Superintendent of Education at the time, Inez Tenenbaum, the proposed PADEPP regulation was adopted by the State Board of Education (SBE) in December 2000 and approved by the General Assembly in June 2001 (S.C. PADEPP, 2017).

After the National Policy Board of Educational Administration revised the Educational Leadership Policy Standards in 2008, the South Carolina Department of

Education felt it was appropriate to also update the 2001 PADEPP regulation. The proposed PADEPP revisions were adopted by the SBE in December 2008 and was approved by the General Assembly in May 2009. Amendments were also made to the PADEPP regulation in June 2014 to include student growth as a significant factor to meet requirements for the Elementary and Secondary Education Act flexibility waiver and again on January 21, 2015, to include references to Standard 10 on Student Growth (S.C. PADEPP, 2017).

The PADEPP standards and criteria play a critical role in South Carolina's standards-based system. With the current revised standards for principals, South Carolina defined the characteristics and skills of effective leaders that are aligned to the Professional Standards for Educational Leaders 2015. The purpose of the PADEPP standards is to promote the most effective leadership practices among South Carolina's principals, which will in turn result in an educational system where all educators and students excel. Recognizing the critical role that educational leaders play in student outcomes, the revised Expanded PADEPP Standards and Criteria emphasize the core responsibilities that are most essential to improve the academic success and welfare of children, but there is no direct reference to leadership as it pertains to special education programs. In March 2015, PADEPP was updated by the SBE to include locally selected student growth measures and renamed Expanded PADEPP (S.C. PADEPP, 2017). To ensure alignment with the new Professional Standards for Education Leaders 2015, the SCDE conducted an analysis of this alignment, and each of the new Professional Standards is now represented in the Standard descriptors and criteria in the revision of the Expanded PADEPP (S.C. PADEPP, 2017).

Training and Preparation of School Administrators in Special Education

Studies indicate that many principals' perception of their knowledge in areas of special education is inconsistent. Although studies have shown that principals rated themselves as having adequate knowledgeable in special education law, they also self-reported having limited knowledge and understanding of some key special education issues and specified needing further training in special education law (Davidson & Algozzine, 2002; Frost & Kersten, 2011; Roberts & Guerra, 2017; Wakemen et al., 2006). Studies have also revealed that most school administrators lack practical knowledge of special education when applied to real-world scenarios (Jesteadt, 2012; Power, 2007; Woods, 2004). School administrators also often lack the coursework and field experience in special education needed to lead learning environments that promote academic success for students with disabilities as well as the skills and knowledge necessary to effectively oversee special education programs in their school building (Angelle & Bilton, 2009; Bateman et al., 2017; DiPaola & Walther-Thomas, 2003).

Although school leaders supervise the organization and implementation of special education programs, research indicates that principal preparation programs often have failed to provide administrators with the knowledge necessary to make decisions regarding instructional and program needs of students with disabilities (Lasky & Karge, 2006; DiPaola & Walther-Thomas, 2003). This limited level of knowledge possessed by school leaders is a barrier to the success of special education programs and is highly consequential particularly to students with disabilities (Lynch, 2012). Lynch (2012) examined principals' current responsibilities and provided suggestions for principal preparation programs to better prepare school leaders for today's roles and

responsibilities of being the instructional leader of special education programs. The article indicated that principals are unprepared to manage special education programs due to their lack of the fundamental knowledge concerning special education policy and the learning characteristics of students with disabilities.

One of the primary factors that leads to the lack of knowledge and understanding of special education is the absence of content related to disabilities and special education in principal preparation programs (Billingsley et al., 2014). Researchers have also argued that very few administrator preparation programs offer high-quality learning experiences and instead include coursework that is disconnected to real-world situations, an outdated knowledge base, and a lack of quality internships and mentoring (DeMatthews, et al., 2020).

Principals are perceived to be the “expert” in their building and often are in the position to act as expert, even in areas in which they have received little to no formal training (Bateman et al., 2017; Roberts & Guerra, 2017). Research on the topic of principal training indicates there is a need for increased training for school administrators in special education (Davidson & Algozzine, 2002; Davis, 1980; Lasky & Karge, 2006; Wakeman, et al., 2006). In the Wakeman, Browder, Flowers, and Ahlgrim-Delzell (2006) study, special education knowledge was assessed in two domains, fundamental knowledge and knowledge of current issues. The study included 362 secondary school principals across the United States who completed a four part survey. In the first section, participants answered eight questions pertaining to personal and school demographic information. The second section contained six questions related to the number of higher education classes and/or trainings attended by principals that related to special education.

The third section included seven questions about beliefs and seven about practices. The practices included: promoting a culture of inclusion, providing resources for instructional practices for inclusive teachers, reflecting on their actions and decisions weekly, regularly meeting with program teachers, regularly participating in program decisions, participating regularly in IEP meetings, and being a risk taker. In this section, principals were asked to indicate their level of agreement with the statements using a scale of agree, disagree, and no opinion. The final section of the survey consisted of fourteen questions about fundamental knowledge and twelve questions about current issue knowledge. For this part of the survey, principals were asked to rate their level of knowledge using a 3-point scale, where 1 = limited, 2 = basic, and 3 = comprehensive.

The results of the survey indicated most principals (92%) reported not having a special education teaching license or certification. The most frequent number of higher level special education classes completed by principals was zero or one at the undergraduate level, zero or one in their administrator training program, and zero or one in other graduate trainings. Principals also reported having participated in two, one, or zero trainings or workshops about special education within two years. The results suggested that 47.8% of principals indicated receiving little information and 37.6% reported receiving some information about special education in their principal licensing program. When asked to indicate their beliefs and practices, there was overwhelming agreement amongst principals that all students are the responsibilities of the principal, and all teachers are held to high expectations and have access to the general curriculum. Principals indicated high levels of agreement with all the practices listed in the survey. The seven practices that principals rated their agreement on included:

providing resources for instructional practices for inclusive teachers, reflecting on their actions and decisions at least once a week, regularly meeting with program teachers and staff, participating regularly in program decisions, participating regularly in IEP meeting, whether principals considered themselves a risk taker, and promoting a culture of inclusion, which was rated the highest. Overall, principals reported being well informed on fundamental issues. Although principals reported being well-informed in fundamental issues, they acknowledged current issues such as self-determination practices, functional behavioral assessments, and universally designed lessons as areas they have limited understanding. Because principals reported having a clear understanding of discipline requirements in IDEA, their lack of knowledge about functional behavioral assessments signifies a need for additional training in developing strategies/intervention to address behaviors with positive outcomes. Principal training in university programs was also explored in a study conducted by Lasky and Karge (2006).

In their investigation, Lasky and Karge (2006) examined information principals received in university programs to prepare them in special education and what experiences principals brought with them in their current role. Among the 205 principals that participated in the study, there were a number of academic majors represented that included sociology, liberal studies, elementary education, and special education. The majority of the respondents to the survey were elementary school principals (114). Twenty-three worked at the middle school level, seven at junior high, and forty at high schools. The survey completed by participants collected data regarding students with disabilities at their school sites and the types of programs at the school site to serve students with disabilities. Principals also indicated on the survey how much direct

experience they had working with students with disabilities, how many special education courses they had during their college career, how important they believed that formal training in special education is for school administrators, and an estimated amount of hours a week they spent on issues related to special education. The results suggest that the amount of direct experience principals had with children with disabilities during their formal coursework varied. A larger number (73) of principals reported they had no direct experience with children with disabilities during their administration course work followed by seventy-two indicating they had some experience. Twenty-nine of the participants reported moderate experience and only twenty-seven principals stated they had lots of experience. The majority of the principals (119) reported that formal training in special education was very critical to their development. Although principals felt formal training was critical, many of them indicated that no amount of training can replace experience. Principals also reported that their exposure and experience in special education was on the job training as they encountered challenges and accomplishments in working with students with disabilities.

Angelle and Bilton (2009) also investigated the amount of training and field experience principals received in university preparation programs. In a survey completed by principals, thirty percent indicated that an internship or practicum experience was associated with their preparation program. Of the thirty percent who reported having an internship or practicum, the majority indicated that the internship was one semester or less and that fewer than fifty hours were spent on topics related to special education. Twenty five percent of principals who had an internship indicate that no time was spent in the area of special education. When surveyed on the number of special education

courses completed during the preparation program, over half of the participants reported that they did not complete any courses in special education and thirty-two percent indicated they completed one course. To gain a better understanding of the training provided to school administrators, McHatton, Boyer, Shaunessy, and Terry (2010) investigated principal preparation programs in terms of readiness to confront and support special education issues. Based on the survey results, researchers found that only 49% of principals had received any special education instruction.

In a survey of college professors, Cusson (2010) sought to determine what areas of special education were being addressed in principal preparation programs. The most common topics covered were relationship building, communication, leadership, and vision. Special education programming fell in the category of the least taught in principal preparation programs. It was also one of the components that professors indicated they had the least expertise in and would be uncomfortable teaching. The researchers concluded that determination on whether a topic was taught in preparation programs depended more on the knowledge of the professor in that particular area and if that topic related to the professor's research interest. When asked which components of the program they felt were of low or no importance for future administrators to know, professors reported special education as one of those areas. When asked about their course lectures and class readings in courses they routinely taught, 23.4% of professors reported never including special education programming in their lectures and 25.1% of the professors reported never including special education programming in the readings assigned. 32.3% of professors reported never including special education programming in training simulations and 27.1% of professors reported never including special education

programming in field experiences. When the professor's degree of knowledge or expertise in the component area was compared to whether the component was part of the professor's research agenda, special education programming was ranked at the bottom.

A more recent study conducted by DeMatthews et al. (2020) also examined the preservice learning experiences of principals who created inclusive schools for students with disabilities. This study began with a pilot survey given to forty-three principals to understand their perceptions of students with disabilities, their leadership preparation, and their commitment to inclusion. From the survey responses, nine principals were identified as having a high degree of preparedness in special education and commitment to inclusion. After receiving recommendations from district directors of special education and superintendents, conducting school walkthroughs, classroom observations, and reviewing responses from an initial interview, the participants were narrowed down to six elementary principals. These six principals who were identified as creating high-performing inclusive schools participated in three rounds of interviews over the course of one school year. The findings of this study align with prior research indicating the lack of preparation for school administrators in special education (Angelle & Bilton, 2009; Bateman et al., 2017; Billingsley et al., 2014; DiPaola & Walther-Thomas, 2003; Cusson, 2010). Most principals reported that equity, inclusion, ethical behavior, and social justice were emphasized in coursework. All six principals indicated they learned very little about disabilities and disciplining students with disabilities in their preparation programs. Most principals also reported their programs did not cover disability classifications in a law course outlining aspects of IDEA and identified special education content knowledge as a

critical area where their preparation could have been enhanced. In regards to training, the six principals indicated they learned about special education law in one to three classes during a school law course. FAPE and zero reject, LRE, and special education identification procedures were covered in these classes, but principals felt less attention was given to disciplining students with disabilities. Five of the six principals reported leaving their programs not fully aware of IDEA requirements. Consequently, due to the lack of knowledge, all the participants reported learning tough lessons on the job and wished they had more preservice training to help facilitate IEP meetings and make difficult decisions. The principals felt they learned instructional leadership skills to implement programs and improve instruction, but not specific to special education.

School administrators across the country are required to assume increasingly greater responsibilities involving the education of students with disabilities, despite minimal training and preparation (Angelle & Bilton, 2009; Bateman et al., 2017; DiPaola & Walther-Thomas, 2003; Wakeman et al., 2006). Principals have identified special education content knowledge as a significant area in which their preparation could have been improved and have also reported receiving minimal hours of special education law training during their coursework (Cusson, 2010; DeMatthews et al., 2020; Pazey & Cole, 2012). With administrators holding immense responsibility and accountability for the success of all students, university programs must also assume the responsibility for the educators and administrators in which they are producing and take action to further develop the expertise of current students, so they are better equipped to lead in the area of special education (Cusson, 2010; DeMatthews & Edwards, 2014). It is vital that universities begin to find and employ innovative ways to prepare school administrators

effectively, while also maintaining practical coursework and field experience expectations (DiPaola et al., 2003). Leadership is essential in establishing inclusive school environments that meet the academic, social, and emotional needs of all students, including students with disabilities (DeMatthews et al., 2020; DiPoala et al., 2004; Lynch, 2012). High quality university preparation programs can have an indirect influence on student achievement by enhancing the ability and leadership skills of school administrators (DeMatthews et al., 2020).

Summary of Research

Special education has been largely influenced by federal legislation. Although there have been major strides in creating equitable education for students with disabilities, IEP teams continue to fall short in adhering to the procedural and substantive requirements of the law. School administrators are at the forefront of leading special education programs and ensuring that IEPs are legally compliant and educational meaningful, yet researchers suggests that they lack the adequate knowledge, coursework, and field experience to be effective in this endeavor. The research reviewed also indicates that principal preparation programs have failed to prepare school administrators and have not provided them with the knowledge necessary to navigate the special education process and make decisions regarding the needs of students with disabilities (Wakeman et al., 2006). When investigating the amount of training and field experience received in university preparation programs, some principals indicated that their internship experience was brief while others reported having spent no time in the area of special education (Angelle & Bilton, 2009). Special education was also found to be in the category of the least taught area in

principal preparation programs (Cusson, 2010). If school administrators are key figures in providing appropriate support and education to teachers, they must receive preparation in appropriate instructional approaches for students with disabilities (Schultz, 2010).

The majority of studies investigating the working knowledge of school administrators regarding special education were conducted with school principals (Power, 2007; Jesteadt, 2012; O’Laughlin & Lindle, 2014). In addition, most of the studies conducted have been based on the principals’ individual perception of their understanding of the law. In the studies reviewed, principals appear to report high levels of confidence and perceive their knowledge of IDEA is adequate (Davidson & Algozzine, 2002; Wakeman et al., 2006; Kersten, 2011; Roberts & Guerra, 2017), however other studies indicate that principals were lacking in sufficient knowledge in special education law and regulations and were unable to use IDEA knowledge in program implementation (Martin et al. 2004; Protz, 2005; Power, 2007; Jesteadt, 2012; O’Laughlin & Lindle, 2014; Bateman et al. 2017). In each of the studies investigating the working knowledge of school principals, results suggest a lack of thorough knowledge and understanding of IDEA and an inability to appropriately apply existing knowledge when presented with hypothetical scenarios.

Currently, none of the national or state standards for school leadership explicitly address issues concerning special education or students with disabilities. Although there is mention of the importance of the principal's role in effective special education programming, the standards do not provide any specific requirements or guidelines for school administrators regarding special education. In order to enhance principal

preparation programs, to include an emphasis on preparation to lead in the area of special education, accreditation and professional organizations as well as state leadership standards will need to be more explicit regarding knowledge and skill that should be included in these programs.

Most of the existing research on the perceptions that school administrators have about their knowledge in special education and research examining the practical knowledge of school administrators in special education have largely focused on school principals. With researchers suggesting that many principals delegate several responsibilities related to special education to assistant principals, it is critical that future research includes the perception and practical knowledge of both principals and assistant principals (Bateman, 2001; Bateman et al., 2017). Previous research does not explicitly examine the discrepancies between school administrators' perceived understanding and their actual knowledge of special education when considering coursework and professional development, years of experience, educational level, litigation experience, and certification background.

The current study is significant because it is designed to reflect the concrete knowledge of not only school principals in special education but assistant principals as well. Since both principals and assistant principals serve on IEP teams in the critical role of the LEA, it is important that they have the knowledge and skills to navigate through difficult situations described in the scenarios in the current study and ensure the IEP process is carried out in accordance with law. The lack of knowledge in special education can lead to schools and districts committing errors, such as those noted earlier in South Carolina case law. To make any attempt at curbing the upward trend of

due process hearings and to aid schools and districts in avoiding procedural and substantive violations that result in a denial of FAPE, it is imperative that we investigate if perceived knowledge can be transferred and utilized when navigating the IEP process.

CHAPTER THREE

METHODOLOGY

The primary purpose of this research study was to examine South Carolina school administrators' knowledge of special education policies and procedures. The knowledge of school administrators in applying the principles of special education law in the various areas as mandated by the IDEA was assessed. The study was designed to investigate whether school administrators have the knowledge to determine if a district's action is appropriate according to the requirements under the law, when presented scenarios involving the IEP process that could potentially put districts at risk of litigation. Discrepancies between school administrators' perceived and actual legal knowledge in special education, and factors that may have an influence on the level of knowledge school administrators possess, was also examined. Data collected from the school administrators' knowledge of special education policies and procedures was then compared to the (a) number of special education courses taken in preparation programs, (b) number of years in education, (c) past teaching experience and/or degrees in the field of special education, and (d) hours of training received in special education (i.e., school, district, or state professional development trainings). The study addressed the following research questions:

1. How knowledgeable are school administrators in the areas of special education and special education law?
2. How do school administrators rate their knowledge of special education and special education law?
3. What are the discrepancies between school administrators' perceived understanding and their actual knowledge of special education and special education law?
4. How does knowledge of special education vary across administrator demographic background and training?

The research also addressed these questions by gathering and analyzing data regarding school administrators' knowledge and application of the requirements of the IDEA. The information obtained from this research will be valuable not only for school districts in South Carolina, but districts across the country in making recommendations for special education professional development and training for school administrators in their role as LEA. The results of this research will also be useful for helping shape university administrator preparation programs by preparing principals and assistant principals with the knowledge required to be effective in leading and overseeing special education programs.

This chapter presents a detailed description of the methods and procedures used in conducting the research. The chapter begins with the study design and contains a description of the target population. Additionally, this chapter includes a description of the survey instrument, procedures for data collection, and data analysis.

Methods

Study Design

This study was designed to assess school administrators' actual knowledge of the policies and procedures of the IDEA using a survey instrument. The electronically administered survey required school administrators to read and respond to vignettes or hypothetical scenarios. Hutchinson (2014) described survey research as a method of obtaining information through self-report using questionnaires or interviews. Survey research gathers information from a large group of participants, at the same time, about people's thoughts and feelings that cannot be directly observed (Adams & Lawrence, 2019). Vignettes or scenarios are designed to depict a situation or relevant issue and to elicit a focused response from informants (Schoenberg & Ravdal, 2000). This study was conducted within several school districts in South Carolina. Approval from the Institutional Review Board (IRB) at the University of South Carolina was obtained prior to any data collection (see Appendix A).

Survey participants. The target population of this survey includes school administrators from public school districts in the state of South Carolina. The state of South Carolina consists of 73 public school districts. The term "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and supported by public funds (SC Code Ann. §59-1-110). For the purpose of this study, only traditional elementary, middle, and high school principals and assistant principals were participants. According to the SC Legislature, traditional elementary schools are defined as public schools which contain grades no lower than kindergarten and no higher than the eighth. It may also include

schools serving PK (SC Code Ann. §59-1-150; SC Code Ann. §59-156-110). Traditional middle schools are defined as schools providing instruction in grades 6-8, and traditional high schools are described as schools providing instruction at one or more grade levels from 9th-12th grade (SC Code Ann. §59-1-150). Principals and assistant principals in non-traditional schools such as charter schools, Career and Technical Education (CATE) centers, virtual schools, juvenile detention centers, and alternative/specialty schools were excluded from the total population. According to the *2019-2020 SC Department of Education Directory---Traditional Public Schools of South Carolina*, the total number of public school principals in the state of South Carolina is 1,181 and the total number of public school assistant principals is 1,920.

An email containing a letter requesting approval from each districts' Research Review Board or Committee (Appendix B), and a copy of the proposed survey (Appendix D), was sent to every school district. After receiving approval from twenty-two school districts, a list of email addresses for each school administrator was obtained from each district's human resources department. School administrators were sent an email containing the survey link along with a letter explaining the purpose of the survey and requesting their participation. A gift card lottery was used to incentivize survey completion of the survey. Twenty-two of seventy-three school districts were sampled (28%) and 234 of respondents out of possible 3,271 school administrators statewide (1%).

Procedures

Data was collected through an online survey. An email was sent to school administrators, which included a secure link to the survey generated by Survey Monkey and a cover letter/letter of consent to seek their participation in the study (see Appendix C). The

cover letter explained the importance of the study and the directions for completing the survey. The cover letter also notified the respondents that they would be entered into a drawing for a \$100 Amazon gift card upon the completion of the survey. The email was sent to the school administrators after gaining approval from the Institutional Review Board as well as approval from each school district's Research Review Board or Committee. Informed consent from administrators to use their responses was provided through their participation in the survey. The survey did not request administrators to provide their names and email addresses and they were not recorded through responses, which guaranteed anonymity of the respondent. At the end of the survey, however, participants were provided with a separate link to a Google Form to enter their email address for the gift card drawing. The information provided in the Google Form was not used in any way to attribute data to particular individuals. Because the survey was anonymous, administrators were sent reminders each week after the initial email to encourage a response (Saleh & Bista, 2017; Van Mol, 2017). The survey remained open for four weeks after the initial email was sent.

Instrumentation

Data for this study was collected via an online survey using Survey Monkey™ (1999- 2022). Survey items were based on a review of the literature regarding special education and IDEA regulations and issues identified in a review of special education case law. The primary objective of this study was to examine the perceptions of school administrators and their actual knowledge of special education law. To ensure alignment between survey items, a chart was created that specifically identifies the research and/or case law that correspond to each of the hypothetical scenarios. The survey item alignment chart is included as Appendix E.

The research instrument consisted of three sections. The first section of the survey included 14 questions that elicit respondent background/general information, training and experience, and specific special education coursework. The second section included five statements used to measure the perceptions of special education knowledge held by school administrators by requiring participants to rate their level of knowledge using a 6-point Likert scale. The remaining section consisted of 15 hypothetical scenarios that cover topics found in case law such as LRE/placement, IEP team assembly, IEP implementation, IEP content, parent participation, and IDEA disciplinary procedures.

Instrument Validity. To ensure construct and content validity of the instrument, the survey was submitted and reviewed by two professors, one with expertise in special education law and one with expertise in survey design. These experts assessed the clarity, correctness, and content validity of the survey. Their input was used to make changes in the wording and content details of the scenarios prior to conducting the survey pilot.

Survey pilot. Once feedback was received on the scenarios and the necessary changes were made, the survey was piloted with three former school administrators and one district disability specialist. The group was asked to complete the entire survey independently and then provide specific feedback about the survey regarding (a) if the survey link worked properly (b) how much time the survey took to complete, (c) if the content of the scenarios was relevant, and (d) if the wording of the scenarios was clear. Revisions to the survey were made based on feedback received. The survey is included in Appendix D.

Survey design. A final draft of the electronic survey consisted of 33 items including 15 scenarios, 14 demographic questions, and 4 perception questions. The scenarios were

between three and six sentences in length and end with a question regarding the appropriateness of the action taken or decision made. The format of each scenario allowed for fixed choice (yes/no) and open response (why). For each scenario, participants were asked to choose “yes” or “no,” concerning whether the district’s action was a violation of IDEA. If the scenario was identified as a violation of IDEA, participants were then asked to explain “why” the action was a violation. The use of scenarios allowed participants to demonstrate whether they were able to accurately apply their knowledge of the IDEA. Requiring participants to answer “why” actions are a violation allowed respondents to explain their reasoning and their thought process. This format also provided detailed and valuable information that will assist in assessing if school administrators are able to accurately apply IDEA requirements in real-world situations. Of the 15 demographic questions, 14 are multiple-choice, that required one answer and one item required a “yes” or “no” response. The four perception statements included in the survey asked participants to rate their fundamental knowledge in special education using a 6-point Likert scale. The order of the scale points moved from negative to positive and was listed as “strongly disagree,” “disagree,” “slightly disagree,” “slightly agree,” “agree,” and “strongly agree” (Johnson & Morgan, 2016).

The survey was created using Survey Monkey TM (1999- 2022). The use of a web-based instrument offered the advantage of obtaining large samples in a relatively easy way and allowed participants to complete the survey at a time and location that is most convenient for them (Fowler, 2013; Van Mol, 2016). Survey platforms such as SurveyMonkey also allow researchers to easily transfer the data to sophisticated statistical analysis programs (Saleh & Bista, 2017).

The survey began with a brief introduction with a summary of the information provided to administrators in the cover letter/consent letter that was emailed to them requesting their participation (see Appendix C). The survey included scenarios on the following topics: two scenarios on placement/LRE decisions (Couvillion et al., 2018; Drasgow et al., 2001; *Lexington v. Frazier*, 2011; O’Laughlin & Lindle, 2014; Yell et. al., 2020); one scenario addressing LRE/program location (Drasgow et al., 2001; *Troutman v. Greenville Co.*, 1983); two scenarios regarding the assembly of an appropriate IEP team (Blackwell & Rosetti, 2014; Christle & Yell, 2010; Couvillion et al., 2018; Yell et al., 2020; Yell et al., 2013); two scenarios on IEP implementation/following processes outlined in the IEP (*Alexander v. Department of Juvenile Justice*, 1995; *Midlands v. Richland County*, 2013; *Sumter County School District v. Heffernan*, 2011; Zirkel, 2015); one scenario on addressing all the needs of the student (*Florence County School District. v. Carter*, 1993; *Lexington County School District. v. Frazier*, 2011); one scenario addressing FAPE/parent requests (*Cedar Rapids v. Garret F.*, 1999; Couvillion et al., 2018; Yell & Bateman, 2017; Yell & Drasgow, 2000; Zirkel, 2017) one scenario concerning shoehorning/predetermination (Couvillion et al., 2018; Drasgow et al., 2001; Yell et al., 2020; Yell et al., 2013; Zirkel & Hetrick, 2017); three scenarios pertaining to parent participation (Bateman, 2017; Blackwell & Rosetti, 2014; *Burlington Sch. Committee v. Mass. Bd. of Ed.*, 1985; Christle & Yell, 2010; Couvillion et al., 2018; Mueller, 2015; *The United States and The Charleston County School District*, 2021; *R.P. v. Alamo Heights Independent School District*, 2012); and two scenarios that focus on IDEA disciplinary procedures (*Endrew F. v. Douglas County School District*, 2015; *Honig v. Doe*, 1988; Yell et al., 2006; Yell et at., 2020). The demographic questions were designed to gather

information regarding participants' administrative role, grade level of school, number of years of teaching experience, certification area prior to becoming an administrator, number of years as a school administrator, the highest degree attained, number of special education courses taken, frequency of attendance to IEP meetings, in-service/PD participation, and whether the administrator has been involved in special education litigation. The survey was designed to take approximately 30 minutes.

Scoring Instruments

The knowledge scale included 15 scenarios that were scored from 0-2. Zero represented incorrect answers regarding whether the scenario was or was not a violation. A score of one represented correctly identifying if the scenario was or was not a violation, but misidentifying the correct component of IDEA. A two represented participants correctly identifying that the scenario was or was not a violation of IDEA and also identifying the correct component of IDEA. Scores were added for a total sum score with a maximum value of 30. Items for the perception scale were added to represent the maximum score of 30.

Data Analysis

All research questions were answered using SPSS version 27, which can easily accommodate descriptive statistics, scale reliability, correlation, and hierarchical regression with both continuous and categorical predictors. Descriptive statistics were used to examine the level of perceived knowledge of special education law among building administrators, actual knowledge of special education law among building administrators, and demographics. Research questions one and two will be analyzed using descriptive statistics by item and scale (e.g. mean, standard deviation, skewness, & kurtosis). Scale reliability was also calculated using Cronbach's alpha. Research question three pertaining to the

relationships between school administrators' perceived understanding and their actual knowledge of special education law was examined using a Pearson correlation. Research question four was analyzed for actual knowledge and perceptions of knowledge of special education related to selected demographics by running a hierarchical regression in four steps. Step one looked at how school administrators' training, coursework, professional development, involvement in the IEP process, and experience with special education litigation predict their knowledge and perceptions of special education. Step two added variables related to administrative experience, including their role administrative role and years of experience as a school administrator. The third step of the hierarchical regression factored in variables related to educational background, including degree level, years of teaching experience, and certification/licensure background. In the final step, individual characteristics were added to the model, including gender and race/ethnicity.

Reliability and Validity

Reliability addresses the consistency of scores and various types of errors that may cause the inconsistency of scores and validity addresses the accuracy of the data. The results of survey research can be influenced by four types of errors: coverage, sampling, nonresponse, and measurement. In this research study, there was a possibility of nonresponse error. To reduce and prevent nonresponse error, the researcher sent a follow-up administration of the survey for those that did not respond (Johnson & Morgan, 2016). Because the names and email addresses of administrators were not recorded to guarantee confidentiality of the respondent, reminder emails were sent weekly after the initial email to encourage responses and in an attempt to avoid nonresponse errors. Although reminder emails were sent, it is possible that administrators still did not complete the survey for a

variety of reasons including intimidation by the questions, lack of time due to job demands, timing of the survey, etc. The format of the survey was a self-administered online instrument. Using an online instrument to administer the survey ensures that responses are recorded correctly and allows participants to remain confidential (Fink, 2016; Fowler, 2014). Ensuring the anonymity of respondents can also increase the response rate and encourage honest responses.

Reliability and consistency of the survey scale was also assessed through statistical calculation of Cronbach's alpha, which computes the correlation between responses to all of the survey items in a scale. For a scale to be considered to be reliable, an alpha of .70 or higher is desired, although an alpha of slightly below that is still deemed acceptable (Adams & Lawrence, 2019). Fink (2016) suggested that coefficients above .50 are within acceptable limits. In order to provide evidence of content validity, the survey was reviewed by two expert professors and administered to a pilot group to identify any concerns with construct or content validity. In addition, a survey item alignment chart is provided in Appendix E to show the alignment of each survey item to the literature and/or case law.

CHAPTER FOUR

RESULTS OF THE STUDY

The purpose of the study was to examine the actual and perceived knowledge of special education policies and procedures among South Carolina school administrators. When presented with special education scenarios that could potentially put districts at risk of litigation, school administrators were asked to determine if a district's/IEP team's action or decision was appropriate according to the requirements under the law. Scenarios were based on real issues of noncompliance identified in a review of the literature and case law specific to South Carolina. The study addressed the following research questions:

1. How knowledgeable are school administrators in the areas of special education and special education law?
2. How do school administrators rate their knowledge of special education and special education law?
3. What are the discrepancies between school administrators' perceived understanding and their actual knowledge of special education and special education law?
4. How does knowledge of special education vary across administrator demographic backgrounds and training?

The purpose of this chapter is to analyze the results of the current research. The

chapter begins with a review of the study's participants and includes a description of the participants' demographic characteristics. The rating scale items are examined, as well as the correct and incorrect survey responses. The chapter concludes with a summary of the survey results.

Results

Participants

The survey was sent to 643 school administrators in 22 school districts in South Carolina and was completed by 234 school administrators (36.4% response rate). Of the 234 respondents, 119 completed the survey in its entirety (51%). The participants' demographic information regarding administrative role, gender, race, and age are depicted in Table 4.1. Most of the school administrators who responded to the survey reported being assistant principals ($n = 78$; 33.3%); male ($n = 163$; 69.4%); White or Caucasian ($n = 148$; 63%); and within the age range of 35-44 ($n = 101$; 43%). Table 4.2 describes participants' years of experience as a school administrator, years of experience as a classroom teacher, and certification/licensure area. Most school administrators served 1-5 years as a school administrator ($n = 97$; 41.5%); had 6-10 years of experience as a classroom teacher ($n = 94$; 40%); and were certified in general education ($n = 167$; 71.4%).

The academic level of the administrators' school assignment is identified in Table 4.3. Elementary school administrators represented the majority of the respondents (120; 51.1%) followed by school administrators at the high school level ($n = 52$; 22.1%). The administrators' educational preparation and training reported in Table 4.4 includes the highest academic degree attained by school administrators, the number of undergraduate

and graduate courses taken in special education law, the number of in-service, conferences, and professional development (PD) attended outside of the school district, the number of in-district formal special education in-service and/or PD attended during the current and previous school year, school administrators' rate of attendance to IEP meetings, and their involvement in special education litigation.

Of the respondents, 90 school administrators indicated they had attained a Master's + 30 degree (8.3%). Ninety-four school administrators revealed they had completed one undergraduate or graduate course in special education law (40%). A little under half of the respondents indicated they never attended special education in-services, conferences, and/or PD outside of the school district (n = 106; 45.1%) and 44.3% signified they had attended 1-2 in-district formal special education in-services and/or PD during the current and previous school year (n = 104; 44.3%). Eighty-three of the participants indicated they attended IEP meetings a few times a week (37.4%) and a large percentage revealed they had never been involved in Special Education litigation (n = 205; 87.6%).

Data Analysis

Research Question One

To answer the first research question (How knowledgeable are school administrators in the areas of special education and special education law?), school administrators were asked to respond to 15 hypothetical scenarios that covered topics found in case law such as LRE/placement, IEP team assembly, IEP implementation, IEP content, parent participation, and IDEA disciplinary procedures. For each scenario, participants were asked to choose "yes" or "no," regarding whether the district's action

was a violation of IDEA. Participants were then asked to explain why/why not the action taken or the decision made was or was not a violation. The knowledge scale was scored from 0-2. Zero represented incorrect answers regarding whether the scenario was or was not a violation. A score of one represented correctly identifying if the scenario was or was not a violation, but misidentifying the correct component of IDEA. A score of two represented participants identifying if the scenario was or was not a violation and also identifying the correct component of IDEA. The scores were then added for a total sum score with a maximum value of 30. Total sum scores on the scenario portion of the survey yielded scores that ranged from a total sum score of 2 to 26 with a mean of 16.47 (SD = 4.65). Table 4.5 reports the descriptive results of administrators' knowledge in the areas of special education and special education law.

Overall, school administrators surveyed, were, on average, 19% accurate in being able to correctly identifying if scenarios were or were not a violation of IDEA and identifying the correct component of IDEA. Scenario number 3, which involved parent participation in the IEP process, had the highest percentage of correct responses identifying whether the scenario was a violation or not and also correctly identifying the component of IDEA (29.4%) followed by scenario number 11, which addressed the same IDEA component (28.5%). However, for another scenario addressing parent participation (scenario number 2), only 14.5% of school administrators answered both parts of the question correctly. The scenario with the lowest percentage of correct responses was scenario 13 involving IEP implementation (11.1%). In contrast, scenario 15, which also dealt with ensuring appropriate IEP implementation, had a much higher percentage of correct responses (28.5%). There were discrepancies found in correct responses on

scenarios 7 and 8 that addressed IEP team members. Scenario 8 was answered with 23.4% correct responses while only 11.5% of school administrators provided correct responses on scenario 7.

Some of the scenarios that focused on the same type of issue were answered with similar accuracy. Scenarios 6 and 9 involving IEP team decisions regarding LRE/placement were answered with almost the same percentage of correct responses (scenario 6 = 13.6%; scenario 9 = 13.2%); however, scenario 14 on the same topic had a higher percentage of school administrators who answered both parts of the question correctly (20.4%). Scenarios 4 and 5 addressing IDEA disciplinary procedures were also relatively close with the percentage of correct responses by school administrators (scenario 4 = 13.2%; scenario 5 = 16.6%). Scenario 12, which addressed FAPE was answered correctly by about 21% of school administrators. Lastly, scenario 10, that involved IEP teams addressing all of a student's educational needs in the IEP, was answered with 14.5% correct responses.

Scenarios related to shoehorning/predetermination (scenario 1 = 28.5%) and parent participation had means higher than all other scenarios, indicating school administrators are more knowledgeable of these areas of the IDEA. Scores for LRE/placement, IDEA disciplinary procedures, and addressing all of student's needs in the IEP had means lower than all other areas, which suggests administrators are less knowledgeable of those provisions. School administrators were inconsistent in their responses to scenarios involving IEP team members and IEP implementation. Scale reliability for the scenarios was calculated using Cronbach's alpha and yielded an alpha

of .62, which is slightly below the desired .70, but is still considered within acceptable limits (Adams & Lawrence, 2019).

Research Question Two

To answer research question two (How do school administrators rate their knowledge of special education and special education law?), school administrators were asked to respond to four perception statements using a 6-point Likert scale. The scale provided the following possible responses and assigned scores to the statements: 1 = strongly disagree, 2 = disagree, 3 = slightly disagree, 4 = slightly agree, 5 = agree, 6 = strongly agree. The items for the perception scale were then added to represent a maximum score of 30. The majority of respondents selected “agree” on three of the four fundamental knowledge questions pertaining to having sufficient knowledge of special education policies and procedures ($n = 120$; 51.1%), having adequate special education knowledge to effectively lead special education programs ($n = 106$; 45.1%), and having adequate foundational knowledge in special education to serve students with disabilities effectively ($n = 121$; 51.5%). Most school administrators also selected “slightly agree” on the final perception statement regarding if they believe they received adequate preparation in special education law, policies, and procedures during their administration preparation program ($n = 76$; 32.3%). Total sum scores on the perception scale yielded scores that ranged from a total sum score of 2 to 24 with a mean of 17.75 ($SD = 3.78$). Table 4.6 identifies the participants' responses to the perception questions. Scale reliability for the perception scale was also calculated using Cronbach's alpha, which generated an alpha of .89, which is considered reliable (Adams & Lawrence, 2019).

Research Question Three

The third research question (What are the discrepancies between school administrators' perceived understanding and their actual knowledge of special education and special education law?) was addressed by conducting a Pearson correlation to determine if a relationship exists between the variables of actual knowledge and perceived knowledge of the IDEA. The test revealed there was no statistically significant correlation found between school administrators' actual knowledge of special education law and their perceived understanding of special education and special education law ($r = .00$; $p = 1$). Table 4.7 contains the overall results of the correlations between actual knowledge and perceived knowledge of school administrators. The discrepancies between school administrators' perceived understanding and their actual knowledge of special education and special education law were also broken down by IDEA component as shown in Table 4.8.

Scatter plots were examined to further investigate discrepancies between school administrators' actual knowledge and perceived knowledge based on certification/licensure, administrative role, and whether an administrator had been involved in litigation. The scatter plots were divided into quadrants labeled as "high knowledge/low perception", "high knowledge/high perception", "low knowledge/low perception", and "low knowledge/high perception" using midpoints. The variables certification/licensure and administrative role were recoded to include only three categories. For the new certification/licensure variable, the three categories coded were special education, general education, and other. The recoded administrative role categories were principal, assistant principal, and other.

Based on the Figure 4.1 examining school administrators by certification area, most school administrators fell in the high knowledge/ high perception quadrant despite their certification/licensure (43%). With the knowledge scale being added for a total sum score of 30, there were only six administrators with a total sum score of 24 or higher, which equates to 80% accuracy. Five of the six school administrators held a general education certification and one had a certification that was classified as “other”. Collectively, most school administrators had a total sum score between 15 and 20, which equates to 50%-67% accuracy on the knowledge scale. The school administrators that fell in the high knowledge/low perception quadrant and the low knowledge/low perception quadrant were mainly school administrators with general education certification. The administrators who fell in the low knowledge/high perception category varied among certification. When analyzing Figure 4.2 based on administrative roles, most principals were found to fall in high knowledge/high perception category in comparison to assistant principals and other school administrators. Only 5 school administrators had a total sum score of 24 or higher. Three of the administrators fell in the category of assistant principal, one principal, and one listed as “other”. Unlike assistant principals, no principals fell in the low knowledge/low perception category, but some assistant principals did fall in the high knowledge/ low perception quadrant. The number of principals and assistant principals that fell in the high perception /low knowledge category were very similar. Lastly, Figure 4.3 shows that the majority of school administrators who had gone through special education litigation fell in the high knowledge/high perception quadrant (69%). Of the school administrators without litigation experience, 40% fell in the high knowledge/high perception category. This

group was more likely to be scattered across all four quadrants in comparison to school administrators with litigation experience. There were only 5 administrators with a total sum score of 24 or higher (80%) on the knowledge scale. All five of the school administrators with 80% accuracy had no experience with litigation.

Research Question Four

The fourth research question (How does knowledge of special education vary across administrator demographic background and training?) was answered by analyzing school administrators' actual knowledge and perceptions of knowledge of special education related to selected demographics by running a hierarchical regression. Statistical control of the dependent variables (actual knowledge and perceived knowledge) was achieved by adding predictor variables to the regression equation in four predetermined steps:

- Step one analyzed how school administrators' training, coursework, professional development, involvement in the IEP process, and experience with special education litigation predict their knowledge and perceptions of special education.
- At step two, variables related to administrative experience, such as administrative role and years of experience as a school administrator were added.
- Step three factored in variables related to educational background, including degree level, years of teaching experience, and certification/licensure background.
- At step four, gender and race/ethnicity were added to the model.

In step one, for the dependent variable actual knowledge the R^2 value is .096. This value means that the regression equation containing the six predictor variables (entire courses in special education law taken at the undergraduate and graduate level, courses taken at the undergraduate or graduate level that covered topics in special education law, involvement in litigation, frequency of attendance to professional development outside of the school district, formal special education professional development attended provided through the school district, and frequency of attendance to IEP meetings) accounted for 9.6% of variance in actual knowledge, $F(6, 111) = 1.97, p = .076$. Standardized multiple regression coefficients (beta weights) for these six predictors variables indicate there is no significance found in school administrators' actual knowledge when factoring in school administrators' training, coursework, professional development, involvement in the IEP process, and experience with special education litigation. At step two, after adding in the predictor variables of administrative role and years of experience as a school administrator the R^2 value for the resulting model was $R^2 = .094, F(9, 106) = 1.22, p = .292$, which shows there continues to be no significant amount of variance explained in actual knowledge. Adding these two variables decreased the percentage of variance in actual knowledge (9.4%). Step three and step four of the hierarchical regression also yielded similar results. In step three, degree level, years of teaching experience, and certification/licensure background were added that resulted in a R^2 value of $R^2 = .124, F(15, 98) = .928, p = .536$. The addition of these three predictor variables predict 12.4% of the outcome variance. At the final step, race and gender were added for a R^2 value of $R^2 = .138, F(18, 95) = .844, p = .645$. Adding these two variables at step four resulted in a model that accounted for about 14%

of the variance in actual knowledge beyond the variance already accounted for. No regression coefficients were significant in step three nor step four. The results are presented in tables 4.9 and 4.10.

The hierarchical regression was run a second time to then analyze the perceived knowledge of school administrators. In step one, the R^2 value is .167, which means that the six predictor variables (entire courses in special education law taken at the undergraduate and graduate level, courses taken at the undergraduate or graduate level that covered topics in special education law, involvement in litigation, frequency of attendance to professional development outside of the school district, formal special education professional development attended provided through the school district, and frequency of attendance to IEP meetings) accounted for 16.7% of variance in perceived knowledge, $F(6, 217) = 7.27, p < .001$. The standardized multiple regression coefficient for the number of entire courses in special education law taken at the undergraduate or graduate level was significantly different from zero ($\beta = .335$; $SE = .262$; $p < .05$). At step two, the two variables of administrative role and years of experience as a school administrator were added to the equation. The R^2 value for the resulting model was $R^2 = .192$, $F(10, 213) = 5.05, p < .001$. Adding these two variables increased the percentage of variance in perceived knowledge (19%). The results indicated the standardized multiple regression coefficients for the predictor variable of the number of entire courses in special education law taken at the undergraduate or graduate level continued to be significant ($\beta = .326$; $SE = .261$; $p = <.001$) at step two. Steps three and four of the hierarchical regression investigating perceived knowledge generated similar results. In step three, the three variables added resulted in an R^2 value of $R^2 = .240$, $F(15, 201) =$

4.23, $p < .001$, which means that 24% of the variance in school administrators' perceived knowledge can be explained by the model containing degree level, years of teaching experience, and certification/licensure. Standardized multiple regression coefficients for the predictor variable of the number of entire courses in special education law taken at the undergraduate or graduate level was also significant at step three ($\beta = .287$; $SE = .271$; $p = < .001$). At the final step, race and gender were added for a R^2 value of $R^2 = .248$, $F(20, 193) = 3.17$, $p < .001$. Adding these two variables at step four resulted in a model that accounted for about 25% of the variance in perceived knowledge beyond the variance already accounted for in the previous steps. As seen in the previous three steps, standardized multiple regression coefficients for the predictor variable of the number of entire courses in special education law taken at the undergraduate or graduate level was again shown to be significant ($\beta = .283$; $SE = .278$; $p = < .001$). The results are of the hierarchical regression is shown in tables 4.11 and 4.12

Summary

This chapter presented an analysis of the data collected according to the methods outlined in chapter three. The survey used in this research included fifteen scenarios that participants were required to read, provide a yes/no response identifying if the scenario was or was not a violation, and explain their response by also identifying the correct IDEA component. Of the participants who completed the entire questionnaire, an average of 19% of responses that correctly identified if the scenario was or was not a violation and also justified their response by providing the correct IDEA component, 18% of responses that correctly identified whether the scenario was or was not a violation, but incorrectly identified the IDEA component, and 14% that incorrectly identified whether

the scenario was or was not a violation and provided the incorrect IDEA component for their explanation.

Analysis of the scenarios indicate that school administrators were relatively more knowledgeable in areas related to shoehorning/predetermination and parent participation. Results for IDEA components such as LRE/placement, IDEA disciplinary procedures, and addressing all of students' needs in the IEP suggests that school administrators need additional training and knowledge on these issues. The results also showed inconsistencies in the knowledge of school administrators on scenarios involving IEP team members and IEP implementation. When examining the perceived knowledge of school administrators, although most administrators slightly agreed they had received adequate preparation in special education law, policies, and procedures during their administration preparation programs, they were confident that they possess sufficient knowledge of special education law and have adequate legal and foundational knowledge to effectively lead special education programs and serve students with disabilities.

An analysis of the discrepancies between school administrators' perceived understanding and their actual knowledge revealed that there was no relationship between the two variables, meaning there is not enough evidence in this study to support this notion. The results from the hierarchical regression indicated that none of the predictor variables was significant in predicting the actual knowledge of school administrators. Although no significance was found when investigating actual knowledge, one of the thirteen predictor variables (the number of entire courses in special education law taken at the undergraduate or graduate level) was found to significantly predict the perceived knowledge of school administrators. The predictor variable related to the number of

entire courses in special education law taken at the undergraduate or graduate level was found to be a significant indicator school administrators' perception at each of the four steps.

Table 4.1*Demographic Characteristics of Respondents*

Demographic Characteristics	Frequency	Percent
Administrative Role		
Principal	78	33.2
Assistant Principal	138	58.7
Assistant Administrator	14	6
Other	4	1.7
Gender		
Male	163	69.4
Female	68	28.9
Prefer Not to Answer	3	1.3
Missing	1	.4
Race		
White or Caucasian	148	63
Black or African American	74	31.5
Hispanic or Latino	2	.9
Asian or Asian American	1	.4
Native Hawaiian or Other Pacific Islander	1	.4
More Than One Race	2	.9
Missing	7	2.9
Age Category		
25-34	18	7.7
35-44	101	43
45-54	94	40
55-64	19	8.1
65+	2	.9
Missing	1	.4

Table 4.2*Leadership and Classroom Experience*

Administrator Experience	Frequency	Percent
Years as an Administrator		
1-5 years	97	41.3
6-10 years	74	31.5
11-15 years	26	11.1
15-19 years	24	10.2
20+ years	13	5.5
Missing	1	.4
Years as a Classroom Teacher		
1-5 years	26	11.1
6-10 years	94	40
11-15 years	61	26
15-19 years	29	12.3
20+ years	21	8.9
No Classroom Experience	3	1.3
Missing	1	.4
Certification/Licensure Area		
General Education	167	71.1
Special Education	24	10.2
School Counselor	5	2.1
Fine Arts	7	3.0
Other	31	13.2
Missing	1	.4

Table 4.3*Administrative Position by School Level*

School Level	Frequency	Percent
Elementary	120	51.1
Middle	42	17.9
High	52	22.1
Other	20	8.5
Missing	1	.4

Table 4.4*Administrators' Educational Preparation and Training*

Educational Preparation and Training	Frequency	Percent
Highest Degree Attained		
Master's	64	27.2
Master's +30	90	38.3
Specialist	38	16.2
Doctorate	42	17.9
Missing	1	.4
Undergraduate or Graduate Courses Taken in Special Education Law		
None	28	11.9
One	94	40
Two	57	24.3
Three or more	52	22.1
Missing	4	1.7
Attendance to Special Education In-services, Conferences, and/or PD Outside of School District		
Weekly	4	1.7
Monthly	12	5.1
Quarterly	15	6.4
Yearly	97	41.3
Never	106	45.1
Missing	1	.4
Formal In-district SPED In-service/PD Attended During Current and Previous School Year		
0	34	14.5
1-2	104	44.3
3-4	57	24.3
5-6	15	6.4
7+	24	10.2
Missing	1	.4
IEP Meeting Attendance		
Never	4	1.7
Up to a few times a year	27	11.5
Once a month	13	5.5
A few times a month	61	26
Once a week	19	8.1
A few times a week	88	37.4
Everyday	22	9.4
Missing	1	.4
Involvement in Special Education Litigation		
Yes	29	12.3
No	205	87.2
Missing	1	.4

Table 4.5*Administrators' Actual Knowledge*

IDEA Component	Correct Violation & IDEA Component		Correct Violation, Incorrect IDEA Component		Incorrect Violation & IDEA Component	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Shoehorning Scenario 1	67	28.5	38	16.2	14	6.0
LRE Scenario 6	32	13.6	53	22.6	34	14.5
Scenario 9	31	13.2	44	18.7	44	18.7
Scenario 14	48	20.4	57	24.3	14	6.0
IEP Team Members Scenario 7	27	11.5	39	16.6	53	22.6
Scenario 8	55	23.4	52	22.1	12	5.1
IEP Implementation Scenario 13	26	11.1	39	16.6	54	23.0
Scenario 15	67	28.5	43	18.3	9	3.8
FAPE Scenario 12	49	20.9	52	22.1	18	7.7
Parent Participation Scenario 2	34	14.5	14	6.0	71	30.2
Scenario 3	69	29.4	44	18.7	6	2.6
Scenario 11	67	28.5	26	11.1	26	11.1
IDEA Discipline Scenario 4	31	13.2	49	20.9	39	16.6
Scenario 5	39	16.6	23	9.8	57	24.3
Addressing All Needs Scenario 10	34	14.5	51	21.7	34	14.5
	Total	Mean	Total	Mean	Total	Mean
	676	19.2	624	17.7	485	13.8

Table 4.6*Perceived Knowledge of Special Education and Special Education Law*

Perceived Fundamental Knowledge	Frequency	Percent	Mean	SD
I believe I have sufficient knowledge of special education policies and procedures, as mandated under the Individuals with Disabilities Education Act (IDEA).			4.63	1.028
Strongly disagree	5	2.1		
Disagree	6	2.6		
Slightly disagree	13	5.5		
Slightly agree	51	21.7		
Agree	120	51.1		
Strongly agree	32	13.6		
I believe I have adequate special education legal knowledge for effective leadership of special education programs.			4.52	1.040
Strongly disagree	3	1.3		
Disagree	8	3.4		
Slightly disagree	22	9.4		
Slightly agree	58	24.7		
Agree	106	45.1		
Strongly agree	30	12.8		
I believe I have adequate foundational knowledge in special education to effectively serve students with disabilities.			4.82	1.020
Strongly disagree	4	1.7		
Disagree	5	2.1		
Slightly disagree	12	5.1		
Slightly agree	35	14.9		
Agree	121	51.5		
Strongly agree	50	21.3		
I believe I received adequate preparation in special education law, policies, and procedures during my administration preparation program.			3.77	1.246
Strongly disagree	10	4.3		
Disagree	27	11.5		
Slightly disagree	50	21.3		
Slightly agree	76	32.3		
Agree	47	20.0		
Strongly agree	17	7.2		

Table 4.7*Correlations Between Actual Knowledge and Perceived Knowledge*

	Average Knowledge	Average Perception
Average Knowledge	.	.01
Average Perception	.01	.

Table 4.8

Discrepancies Between Perceived Knowledge and Actual Knowledge of IDEA Component

IDEA Component	Correlation	Significance
LRE/Placement	-.113	.220
LRE/Programming	.010	.917
IEP Team Members	.068	.462
IEP Implementation	.129	.161
FAPE	.014	.877
Addressing Needs in IEP	.043	.644
Shoehorning/Predetermination	-.037	.649
Parent Participation	-.064	.488
IDEA Disciplinary Procedures	.129	.164

Table 4.9*Actual Knowledge Hierarchical Regression ANOVA*

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	206.963	6	34.494	1.678	.133
	Residual	2200.028	107	20.561		
	Total	2406.991	113			
2	Regression	208.737	8	26.092	1.246	.280
	Residual	2198.255	105	20.936		
	Total	2406.991	113			
3	Regression	217.514	11	19.774	.921	.523
	Residual	2189.477	102	21.465		
	Total	2406.991	113			
4	Regression	237.890	13	18.299	.844	.614
	Residual	2169.101	100	21.691		
	Total	2406.991	113			

Table 4.10

Results of Hierarchical Regression Analysis for Actual Knowledge

Step	Predictors Added	Model R^2	Model 1		Model 2		Model 3		Model 4	
			β	p	β	p	β	p	β	p
Step 1		.096								
	PD Outside of District		-.065	.758	-.064	.662	.018	.852	.026	.792
	Formal PD in District		.012	.896	.077	.996	-.007	.942	-.013	.897
	Entire courses in SPED law		-.142	.151	-.143	.160	-.138	.218	-.158	.167
	Courses covering SPED law		-.088	.369	-.092	.361	-.100	.347	-.109	.130
	IEP meeting attendance		.220	.020	.200	.046	.183	.079	.171	.108
	SPED Litigation		-.038	.171	-.069	.224	-.117	.256	-.114	.279
Step 2		.094								
	Admin Role				-.068	.360	-.007	.952	-.007	.952
	Admin Years				.005	.957	.033	.751	.009	.934
Step 3		.124								
	Certification						.048	.625	.058	.558
	Years Teaching Exp.						.033	.735	.049	.619
	Highest Degree						-.020	.843	-.009	.290
Step 4		.138								
	Race								-.008	.941
	Gender								.099	.336

Note: Model R^2 = Percent of variance in the criterion variable accounted for by all variables in the model. β = Standardized multiple regression coefficient (beta weight).

Table 4.11*Perceived Knowledge Hierarchical Regression ANOVA*

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	519.798	6	86.633	6.901	<.001
	Residual	2598.520	207	12.553		
	Total	3118.318	213			
2	Regression	534.442	8	66.805	5.300	<.001
	Residual	2583.876	205	12.604		
	Total	3118.318	213			
3	Regression	574.185	11	52.199	4.144	<.001
	Residual	2544.133	202	12.595		
	Total	3118.318	213			
4	Regression	588.896	13	45.300	3.582	<.001
	Residual	2529.422	200	12.647		
	Total	3118.318	213			

Table 4.12

Results of Hierarchical Regression Analysis for Perceived Knowledge

Step	Predictors Added	Model R^2	Model 1		Model 2		Model 3		Model 4	
			β	p	β	p	β	p	β	p
Step 1		.167								
	PD Outside of District		-.065	.318	-.064	.329	-.068	.296	-.067	.308
	Formal PD in District		.069	.313	.078	.256	.064	.356	.055	.440
	Entire courses in SPED law		.335	<.001*	.326	<.001*	.287	<.001*	.283	<.001*
	Courses covering SPED law		.030	.656	.018	.792	-.060	.404	-.070	.346
	IEP meeting attendance		-.031	.635	.001	.985	.015	.831	.005	.946
	SPED Litigation		-.084	.200	-.069	.314	-.060	.384	-.051	.457
Step 2		.192								
	Admin Role				-.068	.360	-.060	.421	-.053	.481
	Admin Years				.010	.882	-.016	.824	.006	.940
Step 3		.240								
	Certification						.074	.267	.072	.282
	Years Teaching Exp.						-.072	.268	-.080	.236
	Highest Degree						.052	.441	.076	.290
Step 4		.248								
	Race								-.071	.297
	Gender								.028	.978

Note. Model R^2 = Percent of variance in the criterion variable accounted for by all variables in the model. B = Standardized multiple regression coefficient (beta weight).

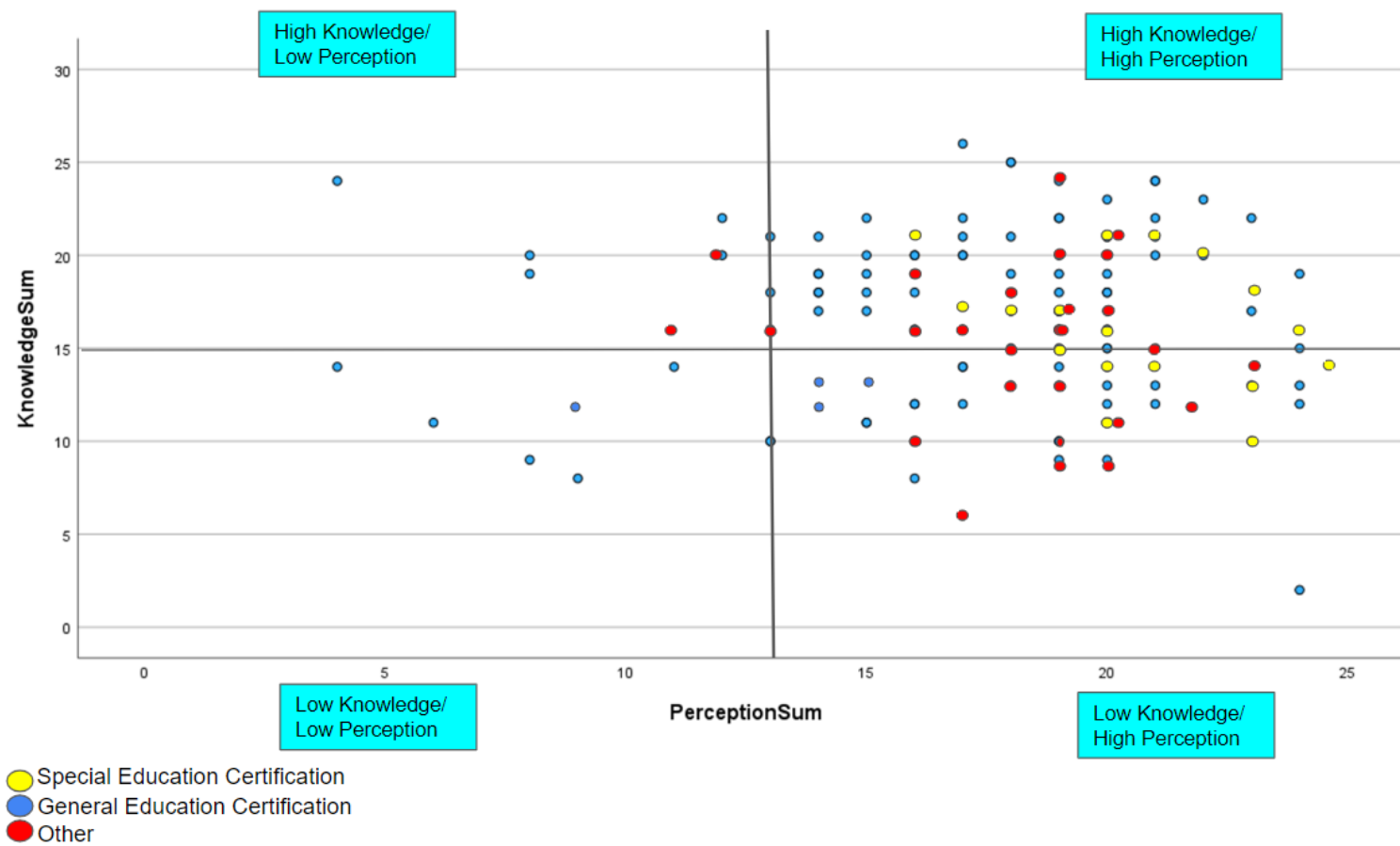


Figure 1.1 *Scatter Plot of Certification Area*

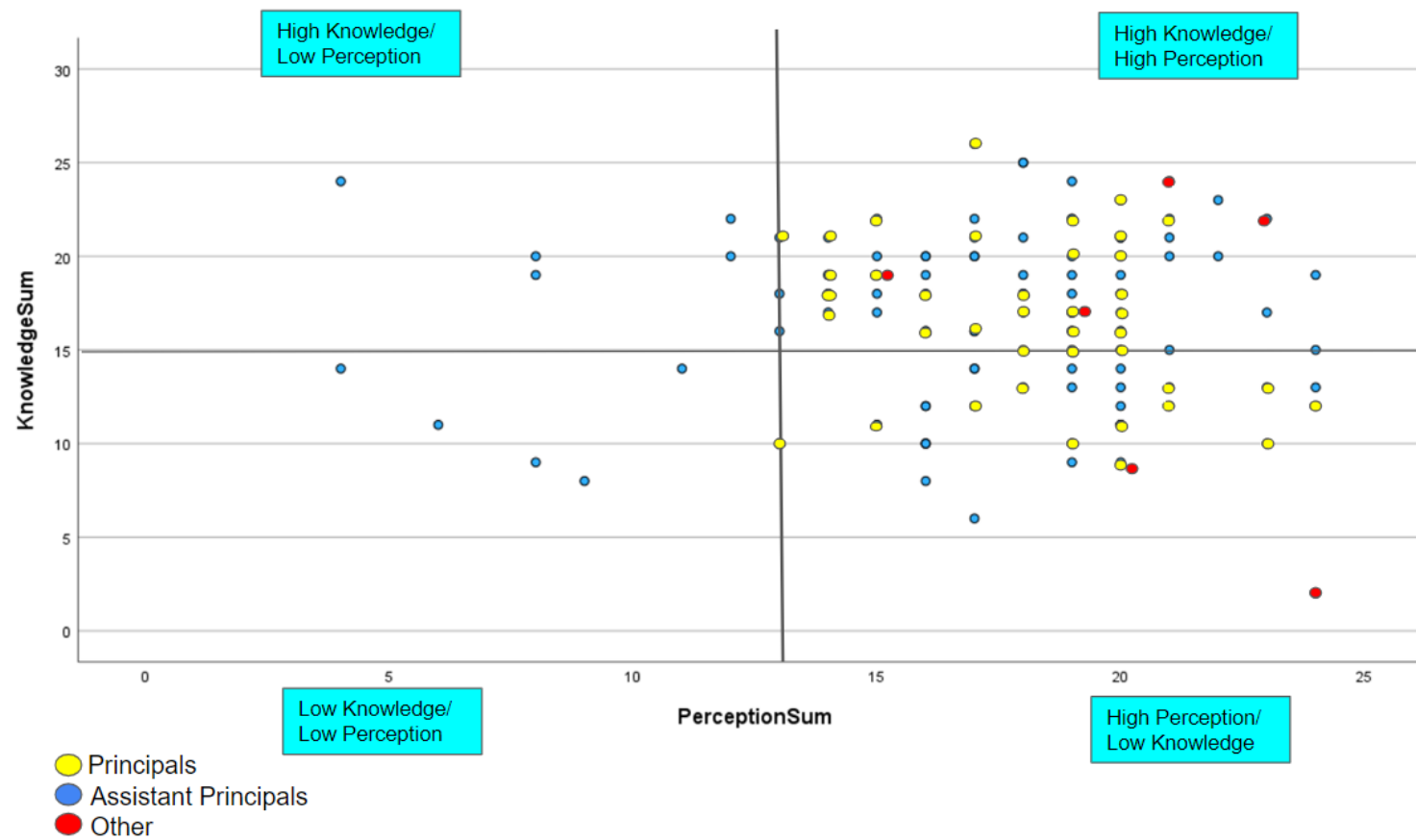


Figure 1.2 *Scatter Plot of Administrative Role*

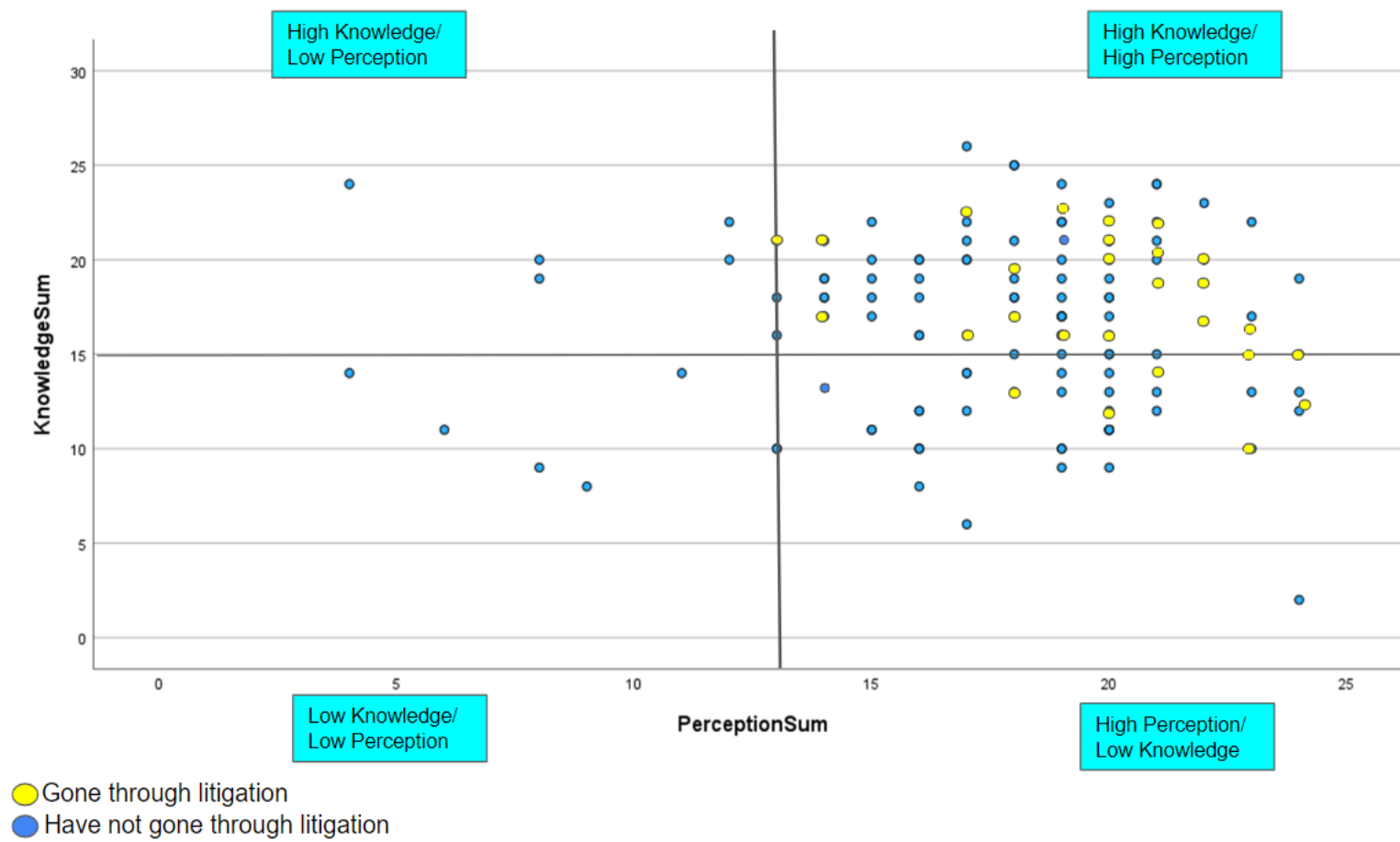


Figure 1.3 *Scatter Plot of Litigation Experience*

CHAPTER FIVE

DISCUSSION

The IDEA requires schools to provide a FAPE to all eligible students with disabilities age three to twenty-one (IDEA Regulations, 34. C.F.R. § 300.101[a])). FAPE is defined as special education and related services that: (a) are provided at public expense, under public supervision and direction, and without charge, (b) meet the standards of the State Educational Agency, (c) include an appropriate preschool, elementary, or secondary school education in the state involved, and (d) are provided in conformity with the individualized education program (IEP) (IDEA, 20 U.S.C. § 1401[a][18]). The IEP is the document that guides schools and districts in the provision of FAPE for all students with disabilities who are eligible under the law and contains procedural and substantive requirements that IEP team members must understand and follow (Yell et al., 2016).

Special education is the most litigated area of education (Katsiyannis et al., 2016; Osborne & Russo, 2020; Zirkel, 2015; Zirkel, 2014). Therefore, school administrators who are leading IEP teams must be knowledgeable in special education policies and procedures as mandated under the IDEA. As instructional leaders, this knowledge is critical in effectively leading special education programs and ensuring effective instruction for all students, including those with disabilities (Bateman et al., 2017; Bays & Crockett, 2007; Billingsley et al., 2017; Lynch, 2012; Maggin et al., 2020). Although overseeing special education is one of

the roles and responsibilities of school administrators, researchers have consistently found most school administrators lack sufficient knowledge and training in this area (Bateman et al., 2017; DiPaola et al., 2004; DiPaola & Walther-Thomas, 2003; Duncan, 2010; Jesteadt, 2012).

This chapter provides a summary of the study conducted. It begins with a brief review of the purpose of the study, a summary of procedures, and the results of the study. This chapter also includes a discussion of the participants' responses, limitations of the study, and implications for practice and further research. Finally, this chapter ends with recommendations for current school districts and preparation programs at the collegiate level and concludes with a summary.

Purpose of the Study

This study was conducted to examine the actual knowledge of school administrators in special education and special education law. The research questions that guided this study were:

1. How knowledgeable are school administrators in the areas of special education and special education law?
2. How do school administrators rate their knowledge of special education and special education law?
3. What are the discrepancies between school administrators' perceived understanding and their actual knowledge of special education and special education law?
4. How does knowledge of special education vary across administrator demographic background and training?

The target population for this study included public school administrators in the state of South Carolina. This study was conducted using a survey instrument that required school administrators to read and respond to fifteen hypothetical scenarios. The survey items were based special education and IDEA regulations and issues identified in a review of special education case law.

Discussion

Findings

This section of the discussion is organized by research questions and provides an in-depth analysis of the results/findings. The section presents conclusions made based on the analysis and findings of the study. This section also connects the findings to existing research and includes a discussion of new contributions to the literature and the significance of the study.

School administrators' knowledge on various topics found in case law was assessed and showed that of the school administrators who completed the entire survey, about 19% accurate in being able to correctly identify if scenarios were or were not a violation of IDEA and identifying the correct component of IDEA. This low percentage of correct responses, even taking into consideration the percentage of respondents that skipped the scenario portion, suggests that school administrators do not have a sufficient amount of knowledge to be able to appropriately address and respond to real-world situations. When examining yes/no responses to determine whether participants knew if a scenario was or was not a violation, 1,300 (73%) correct yes/no responses were given out of 1,785 possible responses. In contrast, an examination of the open-ended responses provided by school administrators to determine if the justification provided matched the actual IDEA component in the scenario

indicated that only 38% of the explanations given matched the IDEA component addressed in the scenario. Over half (62%) of the school administrators gave incorrect yes/no responses to the scenarios and were unable to provide an explanation that matched the IDEA component involved. These results suggest that while many school administrators were able to identify when an action taken or decision made by the school district was or was not a violation, they lack sufficient knowledge of special education law to justify their answer. This could mean that either school administrators used guessing strategies to provide the yes/no response or, they hold some knowledge of special education law but require additional training in how to use the law in everyday situations. The findings also indicate there may be significant gaps in training and deficient knowledge for over half of the participants regarding special education policies and procedures.

Based on the literature reviewed, studies that examined the actual knowledge of principals indicate school administrators have a significant lack of understanding in issues related to the components of IDEA (Jesteadt, 2012; Power, 2007). Of the two studies available that examined actual knowledge, both only included principals (Jesteadt, 2012; Power, 2007) and only one of the studies required principals to provide a justification for their response (Power, 2007). The current study is the first to assess all building school administrators' actual knowledge and examine whether they can identify when actions are or are not a violation and why certain actions are legally appropriate or inappropriate. The new information from this study adds to the literature and supports some of the earlier findings that indicate school administrators lack adequate knowledge to apply special education law when addressing issues of procedural and substantive noncompliance identified in research and case law. This study is the only study to date to examine both actual knowledge and

perceived knowledge of school administrators. And the results strongly suggest that school administrators' self-report of knowledge may not be an effective measure because of validity problems. A self-report of perceived knowledge does not necessarily indicate that school administrators have adequate knowledge, and, therefore, is not a measure that can be used alone to determine actual knowledge.

When broken down by IDEA component, it was determined that the mean knowledge of school administrators was low. The procedural and substantive errors revealed in case law were also areas of inconsistencies and weaknesses revealed in the current study including fully implementing the IEP as outlined, addressing all of a student's needs in the IEP, and ensuring parents have equal participation in the IEP process. Other areas of weaknesses and inconsistencies regarding IDEA components in the current study were found in areas involving LRE/placement, IEP team members, and IDEA disciplinary procedures. This information supports previous research on issues of noncompliance, which indicates these procedural and substantive requirements continue to be challenging for school districts and IEP teams on (Christle & Yell, 2010; Couvillion et al., 2018; Goran et al., 2020; Yell et al., 2021). This research presents new concerns on the knowledge of school administrators regarding knowledge of the discipline of students with disabilities, which is one of their primary responsibilities. Only one of the available, previously reviewed studies (Woods, 2004) examined principals' awareness of disciplinary requirements of IDEA. The current study included principals, assistant principals, and other school administrators such as assistant administrators who handle discipline daily. Assessing the knowledge of all school administrators involved in the discipline of students with disabilities provides information that may be helpful in preventing issues that could lead to possible litigation.

The results from the current research indicate that most school administrators have only completed one undergraduate or graduate course in special education law. The majority of participants also indicated they never attended special education in-services, conferences, and PD outside of the school district and attended between one and two in-district formal special education in-services and/or PD during the current and previous school year. These findings are synonymous with the results of earlier studies and highlights ongoing concerns regarding the lack of educational training and preparation in the area of special education for school administrators (Angelle & Bilton, 2009; Bateman et al., 2017; DiPaola & Walther-Thomas, 2003; Wakeman et al., 2006). In spite of previous research, changes in administrator preparation in special education law, based on this sample, do not appear to be taking place.

When asked to rate their perceptions of their knowledge and preparation in special education and special education law, on average 50% of the schools' administrators believed they have sufficient knowledge of special education policies and procedures as well as adequate special education knowledge to effectively lead special education programs and serve students with disabilities. While half of the participants indicated confidence in their knowledge, about 30% only "slightly agreed" to receiving adequate preparation in special education law, policies, and procedures during their administration preparation programs. Among the participants that were surveyed, principals and school administrators with general education certification perceived themselves to be more knowledgeable in special education and special education law. Although there were more participants with general education certification who participated in the study, the self-report of school administrators with special education certification also indicated they had a relatively high perception of their foundational knowledge and special education legal knowledge. This perception was not

supported by their performance on the knowledge scale given there were no school administrators with special education certification who were able to demonstrate sufficient knowledge (80% or higher). The majority of school administrators with special education certification fell below 70% accuracy on the knowledge scale, which suggests they believe they have more knowledge than they actually possess. The data again argue that relying on administrators' perceptions of their knowledge is not an accurate measure of knowledge.

These findings correlate with previous research that suggests many principals appear to have high confidence in their knowledge and understanding of IDEA, but also noted needing additional training and preparation in special education law, policies and procedures (Davidson & Algozzine, 2002; Duncan, 2010; Frost & Kersten, 2011; Roberts & Guerra, 2017; Wakeman, et al., 2006). Generally, many school administrators appear to have high confidence in their knowledge and understanding of IDEA; however, their perceived knowledge does not align with the results from examining actual knowledge. Further investigation is needed to determine what specific areas school administrators perceive they are most knowledgeable in to then examine if those perceptions can be matched to specific IDEA components addressed in the scenarios. And how to accurately assess knowledge of new and continuing administrators.

The Pearson correlation conducted revealed there was no significant relationship found between school administrators' actual knowledge of special education law and their perceived understanding of special education and special education law. The scatter plots created to further examine discrepancies between school administrators' actual knowledge and perceived knowledge based on certification/licensure, administrative role, and experience with litigation indicated there was only 1% ($n = 6$) of school administrators with a

score of 80% on the knowledge scale when looking at certification area. Of the six school administrators, five indicated having a general education certification. Although there were a few school administrators with general education certification who displayed adequate knowledge, they were also the group that mainly fell in the high knowledge/low perception quadrant and the low knowledge/low perception quadrant. The school administrators who had perception ratings of 24 or higher (80%) were mostly school administrators with general education certification. In comparison, the majority of school administrators with special education certification who participated in the study fell in the high knowledge/high perception quadrant. Unlike administrators with general education certification, no school administrators certified in special education fell in the low knowledge/low perception category. However, there were some school administrators with special education certification that fell in the low knowledge/high perception category. These findings are a bit surprising particularly regarding the administrators with a special education background that have low knowledge and low perceived knowledge. This is an important addition to the literature that needs further examination to examine where the gaps in knowledge exist, which could include an investigation of teacher preparation programs for school administrators with special education certification. Although the findings suggest that overall, administrators with general education certification are more knowledgeable than school administrators with special education certification, we can also take into consideration that more school administrators with general education certification participated in the study versus those with special education certification.

After examining the scatter plots based on administrative role, more principals were found to fall in high knowledge/high perception category compared to assistant principals

and other school administrators. Whereas many principals fell in the high knowledge/high perception category, only one had a knowledge score of 24 (80%) or higher. The other four participants who were 80% accurate on the knowledge scale included three assistant principals and one school administrator who fell in the “other” category. On the perception scale, there were also only five participants with high perception ratings (24 or higher). It was noted that the administrative roles of those with high perceptions were identical to the administrative roles of those found to have high knowledge. This could indicate these are in fact the same individuals who were not only confident in their abilities, but were able to apply their knowledge of IDEA to real-world situations. The scatter plots also revealed that although assistant principals fell in the low knowledge/low perception quadrant, no principals fell in that category. Given there were more principals who fell in the high knowledge/high perception quadrant and none who fell in the low knowledge/low perception quadrant, one could conclude that principals possess more knowledge in special education and special education law than other school administrators. There could also be uncertainties when considering that only one principal was able to display adequate knowledge (80%) when responding to the scenarios. Previous researchers indicating that many principals delegate several responsibilities related to special education to assistant principals, to include serving as the LEA (Bateman, 2001; Bateman et al., 2017), therefore, it is critical that assistant principals are to guide IEP teams in making legally appropriate decisions. This discrepancy found among administrative roles is a valuable contribution to the literature and can lead to further examination to determine what factors if any influence the knowledge of principals versus assistant principals.

The final scatter plot examined involved experience with special education litigation, which indicated school administrators who had not gone through special education litigation outperformed school administration with litigation experience in regards to actual knowledge. On the perception scale, school administrators without litigation experience also rated themselves higher in comparison to school administrators with litigation experience. In contrast to school administrators without litigation experience, none of school administrators with litigation experience fell in the low knowledge/low perception category. There were, however, a few school administrators with litigation experience who perceived they possessed adequate knowledge of IDEA, but were unable to display that knowledge when answering the scenarios. These results indicate that even with having experience with special education litigation, some school administrators are still unable to apply the law in real world situations. The results also suggest that experience with litigation is not a factor that influences the special education knowledge of school administrators. This new contribution to the literature is an area to be considered for future research to take a deeper look at what components of IDEA continue to be challenging for school administrators who have experience with litigation. The findings indicate there continue to be gaps in training regarding special education policies and procedures, which could mean that not enough special education law course work exists in administrator preparation programs.

The results from the hierarchical regression revealed that none of the predictor variables significantly influenced the actual knowledge of school administrators. The number of entire courses in special education law taken at the undergraduate or graduate level was found to significantly predict the perceived knowledge of school administrators at each step of the hierarchical regression. This finding indicates there may be other factors outside of the

factors investigated that may predict the actual knowledge of school administrators. The results indicate that although the perception of school administrators increased with the number of courses taken in special education law, this high confidence did not transfer to actual knowledge. The conclusion that can be drawn from these results also suggest that although law courses in preparation programs may give school administrators high confidence in their knowledge of special education law, the content being taught may be dated, or not relatable or applicable to situations and issues that school administrators face daily. This is an important new finding that contributes to previous research given this current study is the first to investigate the number of courses taken as predictor of perceived knowledge.

Limitations

There are several limitations noted in this study. A potential limitation to be considered is that this study only includes a small number of districts in just one state. Although all school districts in the state of South Carolina were asked to participate, approval to conduct the research was only granted by twenty-two districts. Even with twenty-two school districts where participants could be obtained, only 235 school administrators completed the survey with 119 skipping the scenario portion of the survey, which presents another limitation. Of the 643 school administrators who were invited to participate in the survey, 235 chose to participate; therefore, there is no information regarding the knowledge of the school administrators who did not participate in the study. Arguably, individuals choosing to participate in the entire study may have been more confident in their knowledge of the law, thereby influencing the conclusions.

The timing of the survey could also be considered a limitation. The survey was sent during the spring semester, which may have hindered participation from school administrators due to other time demanding obligations of the job that arise during that time of year. In addition, due to the anonymous nature of the web-based survey instrument, there is no way to know the response rate for each participating district, or if school administrators in any one district may have responded more or less accurately than school administrators in another participating district. It can also be considered a limitation that we do not know if school administrators, in districts that were not surveyed, would respond similarly or differently to the scenarios.

The potential legal issues presented in the 15 hypothetical scenarios may not encompass all the potential problems or disputes that may face in school districts across the state or nationally. Thus, there may be other potential legal concerns that may arise in special education that are not addressed in this study. Therefore, no data were collected regarding school administrators' understanding or ability to apply knowledge of the law in these situations.

The scenarios in the survey instrument could also be subject to unintended personal interpretations. Depending on the personal experiences of participants, each school administrator could have interpreted scenarios differently. Due to the percentage of school administrators that skipped the scenario portion of the survey, findings from this research are not generalizable. However, these findings are still consistent with findings of prior research. Lastly, there is potential bias in respondents choosing to complete the scenarios, which could possibly be attributed to some school administrators having more confidence in their knowledge than others.

Conclusions and Implications

In previous studies (Jesteadt, 2012; Power, 2007; Woods, 2004), school administrators were only required to provide yes/no responses to scenarios involving special education law. This study is the first study to ask questions in a different method by requiring school administrators to explain their yes/no responses. Having participants provide a legal explanation for their yes/no responses is important to get an accurate picture of whether school administrators have adequate knowledge. Using scenarios where participants have to justify their yes/no responses encourages respondents to provide detailed and personalized responses. The detailed responses provided can also assist with clearing up areas of misconceptions that may vary among participants.

The results of the study show an overall low percentage of school administrators who are able to accurately determine if situations are or are not a violation of IDEA and are able to provide appropriate legal justifications for their answers. With such a low percentage (19%) being able to identify why a certain practice did or did not follow the law, this could mean that parents, special education teachers, and other IEP team members may not be getting accurate explanations of the IEP process and IDEA policies and procedures. The alarming percentage of accuracy among school administrators on issues involving IDEA clearly indicate that school administrators need more knowledge pertaining to special education law and how to apply the law to situation that arise. The relatively strongest areas among school administrators found in the study were related to predetermination/shoehorning and IEP implementation. The weakest areas were related to LRE/placement, IEP team members, IDEA disciplinary procedures, and addressing all of student's needs in the IEP. As emphasized by previous research, school administrators

have identified special education content knowledge as a significant area where their preparation could have been improved (Cusson, 2010; DeMatthews et al., 2020; Pazey & Cole, 2012). Due to the lack of knowledge in special education, school administrators have also reported learning tough lessons on the job and desiring more preservice training to help facilitate IEP meetings and make these sometimes difficult decisions (DeMatthews et al., 2020). Although taking a special education law course correlated with high perceptions of knowledge, this data is of questionable usefulness, since those high perceptions did not translate into actual knowledge. A large majority (90%) of school administrators indicating taking only one course in special education law. The findings from this research suggests that one course is not enough and does not lead to increases in actual knowledge. The results could also mean that perhaps many school administrators took courses before a number of recent decisions that have changed the landscape of special education law. Because of the continuous litigation and potential changes in law governing special education, knowledge of special educational law, the result imply the need for ongoing inservice preparation for school administrators.

School administrators can receive additional instruction and knowledge through formal or informal professional development that includes specific information about the IDEA and how to apply the requirements in real situations. To make a better proactive effort in providing school administrators with the knowledge and skills needed to effectively oversee special education programs, a change in how school administrators are trained to decrease those “tough lessons” learned is needed. These finding also can lead to revisions in how school districts and collegiate institutions assess and monitor the knowledge of school administrators. Results from the current study demonstrate a lack of understanding by school

administrators on how to proceed when parents disagree with LRE/placement, the required members of the IEP team, disciplinary procedures for students with disabilities, and addressing all of student's needs in the IEP. It is concerning that many school administrators, with discipline being one of their primary duties, do not understand the disciplinary procedures outlined in the IDEA. The importance of addressing the gaps in knowledge pertaining to disciplining students with disabilities is supported by the finding in this study that indicate only about 15% of school administrators were able to provide correct responses to scenarios pertaining to IDEA disciplinary procedures. The findings of this study indicate that although school administrators serve as LEA representatives, oversee the discipline and instruction of students with disabilities, and are required to evaluate special education teachers and programs, there continues to be a need for systematic and extensive training in special education and special education law to prepare school administrators to address the gaps in knowledge.

Recommendations

This study could be used to assist school districts and administrator preparation programs in providing a more solid foundation of knowledge in the area of special education policies and procedures. Districts can conduct an in-depth examination to determine whether their practices match the legal requirements under the IDEA. There is also a need to investigate college and university administrator preparation programs to determine the amount of curriculum and courses aimed at teaching special education policies and procedures. Future research should examine the types of special education courses being provided in colleges and universities to determine which course(s) are most effective in preparing school administrators. Colleges and universities can take a closer look into how

special education law courses are taught and reevaluate what learning experiences will be most beneficial. Incorporating more case studies in special education law and real-life or simulated learning experiences will provide institutions with a more direct measure of how knowledgeable school administrators actually are. This examination and shift in coursework will also assist colleges and universities in determining what areas school administrators require additional training in order to be more equipped to lead in the area of special education.

Researchers have argued that very few administrator preparation programs offer high-quality learning experiences and instead include coursework that is disconnected to real-world situations, an outdated knowledge base, and a lack of quality internships and mentoring (Angelle & Bilton, 2009; Bateman et al., 2017; Billingsley et al., 2014; DeMatthew et al., 2020; DiPaola et al., 2003; DiPaola & Walther-Thomas, 2003; Cusson, 2010). It is also critical that universities begin to develop ways to better prepare school administrators by providing more authentic field experiences and include coursework that aligns to real world situations and in their preparation programs. In order to enhance administrator preparation programs in the area of special education, accreditation and professional organizations as well as state leadership standards will need to be more explicit regarding knowledge and skill that should be included in these programs (Bateman et al., 2017; Billingsley et al., 2014; Davidson & Algozzine, 2002; Frost & Kersten, 2011; Roberts & Guerra, 2017; Wakemen et al., 2006; Woods, 2004). Because issues of noncompliance occur not only in South Carolina, but nation-wide, future research should be expanded to include more school districts within the state, but also nationally. It is also recommended that researchers investigate if levels of differences in knowledge of special education law exist

between colleges and universities where administrators have attended, particularly school administrators with special education certification.

Summary

School administrators are at the forefront of leading special education programs and ensuring that IEPs are legally compliant and educational meaningful, yet IEP teams continue to fall short in adhering to the procedural and substantive requirements of the law (Couvillion et al., 2018; Bateman, 2017; Yell et al., 2022; Yell et al., 2013). As the LEA representative, school administrators are responsible for fully participating in the IEP process, supervising special education personnel, and managing student programming. This requires that school administrators be (a) knowledgeable about the legal requirements of special education law (b) understand special education policies and procedures, and (c) be able to apply the law correctly in situations that occur in districts daily (Christle & Yell, 2010; Davidson & Algozzine, 2002; Katsiyannis et al., 2012; Yell & Bateman, 2017). In this study, school administrators' actual knowledge and perceptions of knowledge in special education and special education law were studied. A review of the literature suggested that school administrators perceive themselves as having sufficient knowledge in special education law (Davidson & Algozzine, 2002; Frost & Kersten, 2011; Roberts & Guerra, 2017; Wakeman, et al., 2006). The results of this study indicate that although school administrators perceive they have sufficient knowledge of special education and special education law, the results reveal their actual competency is low. The results of the current study are in line with identified issues of noncompliance that were apparent in the literature and in case law. The findings of this research establishes a need for specific professional development, training, and coursework in the understanding and application of special education law. Special

education continues to be one of the most highly litigated educational law issues that school administrators face in their daily responsibilities, therefore, those entering leadership roles within schools must be equipped with adequate knowledge and skills in order to successfully guide IEP teams in making legally correct decisions.

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APPENDIX A

INSTITUTIONAL REVIEW BOARD FOR HUMAN RESEARCH APPROVAL

LETTER



OFFICE OF RESEARCH COMPLIANCE

**INSTITUTIONAL REVIEW BOARD FOR HUMAN RESEARCH
APPROVAL LETTER for EXEMPT REVIEW**

Maranda Hayward
308 Providence Plantation Circle
Columbia, SC 29203

Re: **Pro00123469**

Dear Ms. Maranda Hayward:

This is to certify that the research study ***Examining the Perception and Knowledge of School Administrators in Special Education*** was reviewed in accordance with 45 CFR 46.104(d)(2) and 45 CFR 46.111(a)(7), the study received an exemption from Human Research Subject Regulations on **9/28/2022**. No further action or Institutional Review Board (IRB) oversight is required, as long as the study remains the same. However, the Principal Investigator must inform the Office of Research Compliance of any changes in procedures involving human subjects. Changes to the current research study could result in a reclassification of the study and further review by the IRB.

Because this study was determined to be exempt from further IRB oversight, consent document(s), if applicable, are not stamped with an expiration date.

All research related records are to be retained for at least three (3) years after termination of the study.

The Office of Research Compliance is an administrative office that supports the University of South Carolina Institutional Review Board (USC IRB). If you have questions, contact Lisa Johnson at lisaj@mailbox.sc.edu or (803) 777-6670.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lisa M. Johnson', with a stylized, flowing script.

Lisa M. Johnson
ORC Associate Director and IRB Manager

APPENDIX B

LETTER REQUESTING DISTRICT APPROVAL

Study Title: Examining the Perceptions and Knowledge of School Administrators in Special Education

Dear Research Review Board/Committee,

My name is Maranda Hayward. I am a Doctoral Student in Special Education Leadership at the University of South Carolina. I am conducting a study to examine school administrators' perception and knowledge in special education. The purpose of this study is to learn more about the perceptions and knowledge that school administrators have in special education and special education law, and how that knowledge is applied to real-world situations that school administrators face in their daily roles. Given scenarios that have the potential to create legal problems for a district, will the school administrators be able to determine if the decision made is legally appropriate? The study will address the following research questions:

1. How knowledgeable are school administrators in the areas of Special Education and special education law?
2. How do school administrators rate their knowledge of special education and special education law?
3. What are the discrepancies between school administrators' perceived understanding and their actual knowledge of Special Education and special education law?

4. How does knowledge of special education vary across administrator demographic background and training?

I am writing to request approval to conduct this study within your school district. School administrators will be asked to respond to a 33-item web-based questionnaire, which includes three sections. The first section consists of 14 questions that gather background/general information, training and experience, and specific special education coursework. The second section includes four statements, where administrators will be asked to rate their perception of their knowledge in special education using a 6-point Likert scale. The third section consists of 15 hypothetical scenarios that cover a variety of special education topics. The survey should take 20-25 minutes to complete. Attached is a copy of the proposed survey.

This research will address these questions by gathering and analyzing data regarding school administrators' perception and actual knowledge of a variety of special education topics. Administrators will be asked to complete an online survey of hypothetical scenarios related to issues in special education that can potentially result in litigation for a school district, in order to determine strengths and weaknesses of school administrators' ability to apply knowledge of the IDEA in real-world situations.

Results of this research will be presented as my dissertation in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Special Education Leadership. In addition, the results of the study may be used to determine areas where additional training is needed in order to recommend special education professional

development for participating districts' school administrators regarding IEP team recommendations and decisions.

There are no potential risks associated with this study and individual responses will be confidential. Results will be reported by topic and school administrator demographic information, with no references made to any particular participant, school, or district. A summary of the overall results of the study will be shared with the Special Education Director in each participating district.

Please do not hesitate to contact me with any questions you may have about the study. You may contact me at 843-325-1505 or mhayward@richland2.org

Thank you for your consideration.

Maranda Hayward

843-3251505

mhayward@richland2.org

Faculty Advisor: Kathleen Marshall, Ph.D.

APPENDIX C

LETTER OF CONSENT FOR PARTICIPATION

Dear School Administrators,

My name is Maranda Hayward and I am a Doctoral Student in the Educational Studies Department at the University of South Carolina. I am conducting a survey to examine school administrators' perception and knowledge in special education. As a current school administrator, I am aware of how our roles have evolved from the traditional roles of serving as building managers and student disciplinarians to much more complex and challenging responsibilities. A key responsibility of school administrators today is the role of instructional leader. As instructional leaders, we are charged with ensuring that all students receive meaningful learning and educational benefit, which includes students with disabilities. In many districts, school administrators also serve as the Local Education Agency (LEA) representative and are responsible for fully participating in the IEP process, ensuring the delivery of appropriate services to students with disabilities, and ensuring the effectiveness of special education programs.

School administrators are tasked with great responsibility as it relates to special education, so it is critical that we explore factors that could impact the knowledge of school administrators in special education, including preservice and inservice education. I am interested in learning more about the perceptions and knowledge that school administrators have in special education and special education law, how that knowledge is applied to real-world situations that school administrators face in their daily roles. By

participating in this study, you will have the opportunity to reflect on your knowledge and perceptions in special education and special education law as well as provide data on the specific areas where additional training is needed.

Survey instructions

Your participation in this survey will be confidential and is voluntary. After completing the survey, your name will be entered into a drawing for a \$100 Amazon gift card. The survey does not request names and email addresses and they will not be recorded through responses. At the end of the survey, you will be provided with a separate link to a Google Form to enter your email address for the gift card drawing. The information provided in the Google Form will not be used in any way to attribute data to particular individuals.

The survey should take approximately 25 minutes to complete. The 33-item questionnaire is made up of three sections and includes multiple choice, Likert-type (e.g., strongly disagree to strongly agree), close-ended, and open-ended items. The first section of the survey includes 14 questions that gather background/general information, training and experience, and specific special education coursework. The second section includes four statements, where you will be asked to rate your perception of the special education knowledge you possess using a 6-point Likert scale. The third section consists of 15 hypothetical scenarios that cover a variety of special education topics

Thank you in advance for your willingness to participate in this study. “sign off” and include contact information.

By selecting "Next" below, you are providing your consent to participate in the study.

APPENDIX D

QUESTIONNAIRE ITEMS FOR WEB-BASED SURVEY

Section I: DEMOGRAPHICS

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

1. Please indicate your administrative role.
 - ☐ Principal
 - ☐ Assistant Principal
2. Please indicate the grade level of your school.
 - ☐ Elementary (K-5)
 - ☐ Middle (6-8)
 - ☐ High School (9-12)
 - ☐ Other (please specify) _____
3. What is your gender?
 - ☐ Female
 - ☐ Male
4. What is your race?
 - ☐ White or Caucasian
 - ☐ Black or African American
 - ☐ Hispanic or Latino
 - ☐ Asian or Asian American
 - ☐ Native Hawaiian or other Pacific Islander
 - ☐ Another race
5. What is your age category?
 - ☐ 25-34
 - ☐ 35-44
 - ☐ 45-54
 - ☐ 55-64
 - ☐ 65+
6. How many years were you a classroom teacher?
 - ☐ 1-5 years
 - ☐ 6-10 years
 - ☐ 11-15 years
 - ☐ 15-19
 - ☐ 20+ years

7. Please indicate your certification/licensure before you became an administrator.
- ☐ General Education
 - ☐ Special Education
 - ☐ School Counselor
 - ☐ Fine Arts
 - ☐ Other: _____
8. How many years have you served as a school administrator?
- ☐ 1-5 years
 - ☐ 6-10 years
 - ☐ 11-15 years
 - ☐ 15-19 years
 - ☐ 20+ years
1. Indicate the highest degree you have attained.
- ☐ Master's
 - ☐ Master's + 30
 - ☐ Specialist
 - ☐ Doctorate
 - ☐ Other (Specify) _____
2. How many courses in special education law have you taken at the undergraduate or graduate level?
- ☐ None
 - ☐ One
 - ☐ Two
 - ☐ Three or more
3. How frequently do you attend special education in-services, conferences, and/or professional development outside of your school district?
- ☐ Weekly
 - ☐ Monthly
 - ☐ Quarterly
 - ☐ Yearly
 - ☐ Never
4. Approximately, how many formal special education in-services/professional developments (provided through your school district) have you participated in over the past two years?
- ☐ 0
 - ☐ 1-2
 - ☐ 3-4
 - ☐ 5-6
 - ☐ 7+
5. How often do you attend IEP meetings?
- ☐ Weekly
 - ☐ Biweekly

- Monthly
- Quarterly
- Yearly
- Never

14. Have you ever been involved in special education litigation, where parents have brought suit against the school system during your time as a school administrator or classroom teacher?

- Yes
- No

Section II: FUNDAMENTAL KNOWLEDGE

Please rate your knowledge of the following:

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

Strongly disagree ○	Disagree ○	Slightly disagree ○	Slightly agree ○	Agree ○	Strongly agree ○
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2. I believe I have adequate special education legal knowledge for effective leadership of special education programs.

Strongly disagree ○	Disagree ○	Slightly disagree ○	Slightly agree ○	Agree ○	Strongly agree ○
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3. I believe I have adequate foundational knowledge in special education to effectively serve students with disabilities.

Strongly disagree ○	Disagree ○	Slightly disagree ○	Slightly agree ○	Agree ○	Strongly agree ○
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4. I believe I received adequate preparation in special education law, policies, and procedures during my administration preparation program.

Strongly disagree ○	Disagree ○	Slightly disagree ○	Slightly agree ○	Agree ○	Strongly agree ○
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Section III: HYPOTHETICAL SCENARIOS

Please read the scenarios below. Respond to each item by choosing "Yes" if the decision/action was a violation of IDEA or "No" if the decision/action was in compliance with IDEA. If you choose "Yes" to indicate the scenario as a violation of IDEA, explain why in the box below.

1. After completing an evaluation of a middle school student, school personnel meet informally to discuss the student's program and placement and determine that the student's needs can only be met in a highly specialized self-contained classroom. School personnel develop a draft IEP and present the highly specialized self-contained classroom as the team's determination of where the student will be best served during the meeting with the parents. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
- ☐ No

Explain

2. A parent with limited English proficiency received notice of an IEP meeting for her child, who has a specific learning disability. The notice is in Spanish, her primary language. The information was provided to her 2 weeks before the meeting and listed all invited participants. At the meeting, the team used a translation app for the parent to be able to participate fully. The translation app translated what was spoken from English to Spanish and translated the parent's responses from Spanish to English. Was this a violation of the IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
- ☐ No

Explain

3. Parents were invited to participate in the development of their child's IEP. Two days before the meeting was to be held, the parents notified the school that they could not leave work for the meeting. They requested the meeting be rescheduled and said that as long as they get at least two-weeks' notice of the IEP meeting, they would be able to get out of work to attend the meeting. However, school personnel decided to move forward with conducting the IEP meeting without the parents. The IEP that was developed by the team was sent home to the parents. Was this a violation of the IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
- ☐ No

Explain

4. A student with an emotional disability swore at his teacher and threatened the lives of fellow students. The principal stated that the student should be suspended immediately because he posed a threat to other students. The principal also convened a manifestation determination meeting. At the manifestation meeting, it was determined that the behavior was a

manifestation of his disability. The principal decided to move the student to homebound instruction until a more restrictive educational program could be offered through the IEP. Was the school principal correct in enforcing a change in placement? Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
 - ☐ No
- Explain

5. Parents of a student with a disability of Other Health Impairment (OHI) claimed that the school district authorized a change in placement without their permission because their child was suspended for eight consecutive days. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
 - ☐ No
- Explain

6. A student is currently receiving Hospital Homebound services due to her severe anxiety and inability to be successful on a large school campus. The student's mother brings in a doctor's note, stating that the student can only attend school for 2 hours a day. The parents ask the school to enroll the student for 2 hours daily and continue the hospital homebound placement for the remainder of the day. The school agrees, enrolls the student, and arranges an IEP meeting to reflect the services and support the student will need for the new school-based two-hour schedule. The school also continues hospital homebound services. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
 - ☐ No
- Explain

7. The special education teacher schedules an IEP meeting for a student who has been determined eligible for special education in the category of Autism. The teacher invites the parents, an administrator (the Local Educational Agency [LEA] representative), a school psychologist, a speech pathologist, a general education teacher, and an occupational therapist (OT) to participate in the meeting. During the eligibility determination process it was determined that the student had OT needs. The OT informs the special education teacher that she cannot attend the IEP meeting and sends the special education teacher a

written report of the student's performance in occupational therapy needs. During the IEP meeting, the special education teacher reads the OT notes. The student's mother comments that she would have liked to know that the OT teacher would not be at the IEP meeting because she would have asked that the meeting be rescheduled. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
- ☐ No

Explain

8. An IEP meeting is scheduled during the general education teacher's planning time. The meeting runs over the teacher's planning time and the teacher requests to leave to retrieve her class. The parents are concerned about the teacher leaving before the team is able to review the behavior intervention plan and requests for her to stay. The school administrator/LEA explains the need for the teacher to leave due to not having coverage for her class and gives the general education teacher permission to leave the meeting. The school administrator also informs the parent that all pertinent information will be reviewed with the general education teacher later after the meeting. The rest of the team continues meeting. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
- ☐ No

Explain

9. During a student's IEP meeting, the team reviews all data and recommends special education services. The team is in agreement but the parent is not. After a lengthy discussion, everyone on the team continues to agree with the recommendation and the parent is still opposed to it. Although the parent disagreed, the LEA makes the determination to move forward with the recommendation for special education placement. The LEA filled out a prior written notice (PWN) form explaining the IEP team's reasoning for refusing to implement all of the parent's recommendations. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

- ☐ Yes
- ☐ No

Explain

10. A student's IEP currently consists of present levels of academic achievement and functional performance statements that include information about the student's reading and math needs. During the IEP meeting, the general education teacher also mentions that the student is exhibiting behavior problems. The team discusses how the student's behavior impacts his performance in the classroom and decided that the behavior does impact the student's learning and adds the information to the present levels statements. No special education or related services, accommodations, or program modifications are included in the IEP to address the student's behavior. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

☐ Yes

☐ No

Explain

11. A student was placed in a special education program, and an IEP was developed. The parents were invited to attend a meeting to determine eligibility as part of the 3-year reevaluation. The parents refused to respond despite numerous meeting notices sent via different forms of communication by the IEP team. The lack of responses from the parents were documented. The IEP team conducted the meeting in the absence of the parent and determined that the student was no longer eligible for special education services, which would be discontinued. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

☐ Yes

☐ No

Explain

12. Parents of a child with cerebral palsy and physical disabilities requested that the school purchase a motorized wheelchair, so their child could navigate the school building with greater ease. The school denied the parent's request stating that the manual wheelchair was sufficient for maneuvering around the school building and noted that their child had used a manual wheelchair in the building for the past two years. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

☐ Yes

☐ No

Explain

13. A student's IEP indicates that progress will be reported every four and a half weeks. The special education teacher sends an IEP generated progress report every nine weeks, and every four and a half weeks, she calls the parent with an update. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

☐ Yes

☐ No

Explain

14. A parent wants her child to receive his special education services at the closest school to their home. The district recommended services be provided at another school location within the district because the program that meets the requirements in the student's IEP and confers a free appropriate public education (FAPE) is housed there. Additionally, there will be many opportunities for integration with nondisabled students in the proposed setting. The parent is angry and threatens litigation against the school district. The district moves forward with placement in the other school location. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

☐ Yes

☐ No

Explain

15. A student's IEP indicates the need for specially designed instruction in reading fluency using direct instruction. The student receives special education services in a group of students who need math instruction because this is the time that works best for the general education teacher's schedule. While the special education teacher provides direct math instruction to the group, the reading student works on a computer program designed to remediate general reading ability. Was this a violation of IDEA? If yes, why is this a violation of the IDEA?

☐ Yes

☐ No

Explain

APPENDIX E

RESEARCH QUESTIONS/SURVEY ITEM ALIGNMENT

Table E.1

Survey Alignment Chart

Content Topic	Scenario	Research/Case Law
LRE/Placement	6 , 9	O'Dell & Schaefer, 2005; O'Laughlin & Lindle, 2014; Horry V. P.F, Lexington v. Frazier, 2011; Couvillion et al., 2018; Drasgow & Robinson, 2001
LRE/Program Location	14	Troutman v. Greenville Co, 1983; Drasgow & Robinson, 2001
IEP Team Members	7,8	Blackwell & Rosetti, 2014; Christle & Yell, 2010; Couvillion et al., 2018; Yell et al., 2020; Yell, Katsiyannis, Ennis, & Losinski, 2013
IEP Implementation Follow entire IEP	13, 15	Alexander v. Department of Juvenile Justice, 1995; O'Dell & Schaefer, 2005; Midlands v. Richland County, 2013; Sumter Co. v. Heffernan, 2011; Drayton, 2014; Zirkel, 2015
FAPE/Parent requests	12	Drayton, 2014; O'Dell & Schaefer, 2005; Cedar Rapids v. Garret F., 526 U.S. 66, 1999
Address All needs of Student in IEP	10	Florence Co. v. Carter, 1993; Lexington Co. v. Frazier, 2011
Shoehorning/Predetermination	1	Couvillion et al., 2018; Drasgow & Robinson, 2001

Parent Participation	2, 3, 11	R.P. v. Alamo Heights Independent School District, 2012; Burlington Sch. Committee v. Mass. Bd. of Ed., 471 U. S. 359, 1985; The United States and The Charleston County School District, 2021.; Blackwell & Rosetti, 2014; Christle & Yell, 2010; Yell et al., 2020; Yell, Katsiyannis, Ennis, & Losinski, 2013; Bateman, 2017; Couvillion et al., 2018;
IDEA disciplinary procedures	4,5	R.P. v. Alamo Heights Independent School District, 2012; Honig v. Doe, 484 U.S. 305, 1988; Yell et al., 2020; Endrew F. V. Douglas County School District, 2015