



SCHOOL of
GRADUATE STUDIES
EAST TENNESSEE STATE UNIVERSITY

East Tennessee State University
**Digital Commons @ East
Tennessee State University**

Electronic Theses and Dissertations

Student Works

8-2011

A Quantitative Analysis of General Education Teachers Perceptions of Their Knowledge of Special Education Law Processes and Procedures.

Linda Karen Tilson
East Tennessee State University

Follow this and additional works at: <https://dc.etsu.edu/etd>

 Part of the [Disability and Equity in Education Commons](#)

Recommended Citation

Tilson, Linda Karen, "A Quantitative Analysis of General Education Teachers Perceptions of Their Knowledge of Special Education Law Processes and Procedures." (2011). *Electronic Theses and Dissertations*. Paper 1344. <https://dc.etsu.edu/etd/1344>

This Dissertation - Open Access is brought to you for free and open access by the Student Works at Digital Commons @ East Tennessee State University. It has been accepted for inclusion in Electronic Theses and Dissertations by an authorized administrator of Digital Commons @ East Tennessee State University. For more information, please contact digilib@etsu.edu.

A Quantitative Analysis of General Education Teachers' Perceptions of Their Knowledge of
Special Education Law, Processes, and Procedures

A dissertation
presented to
the faculty of the Department of Educational Leadership and Policy Analysis
East Tennessee State University

In partial fulfillment
of the requirements for the degree
Doctor of Education in Educational Leadership

by
Linda Karen Tilson
August 2011

Dr. Pamela Scott, Chair
Dr. Cecil Blankenship
Dr. Virginia Foley
Dr. James Lampley

Keywords: special education, law, processes, procedures

ABSTRACT

A Quantitative Analysis of General Education Teachers' Perceptions of Their Knowledge of Special Education Law, Processes, and Procedures

by

Linda Karen Tilson

This study examined general education teachers who have taught students with disabilities and their perceived knowledge of special education law, processes, and procedures. Results obtained from the study's 15 research questions were examined using independent samples *t*-tests and ANOVAs based on differences in teachers' gender, education level (Bachelor's Degree, Advanced Degree), current grade level teaching assignment (K-8, High School), years of experience (0-4, 5-9, 10-14, 15+), and current subject teaching assignment (Academic, Nonacademic).

Results show that across the 3 areas regardless of demographics only 1 of the 15 research questions had a statistically significant finding. No significant differences were found in teachers' knowledge of special education law or procedures. However, statistically significant findings occurred in their knowledge of processes based on grade level teaching assignment ($t(156) = 4.16, p < .001, \eta^2 = .06$) where the mean for K-8 teachers ($M = 4.36, SD = 0.90$) was significantly higher than the mean for high school teachers ($M = 3.85, SD = 1.01$).

The Individuals with Disabilities Education Act of 2004 requires that every state have a process in place for locating, identifying, and evaluating all children who may be in need of special education and related services (Klor, 2007). This process is known as *Child Find*. General

education teachers play an important role in locating eligible students. The majority of students with disabilities will likely be identified at a fairly young age. So, K-8 teachers should logically be more familiar with the process than high school teachers.

Copyright 2011 by Linda Karen Tilson All Rights Reserved.

DEDICATION

This study is dedicated to my mother. I love you dearly and am forever grateful for your encouragement and support. You believed in me even when I had a difficult time believing in myself. I am very fortunate that God blessed me with you as my mother.

ACKNOWLEDGEMENTS

I would like to express my sincere thanks to the Chair of my committee Dr. Pamela Scott. I would also like to express appreciation to my committee members Dr. James Lampley, Dr. Cecil Blankenship, and Dr. Virginia Foley.

My heartfelt gratitude goes to Denise Rager who gave me the encouragement and confidence to pursue this dream.

A very special thanks goes to Dr. Denise Wood. For over 15 years, I have been fortunate enough to call you a friend. Throughout my doctoral program, I have been privileged to call you my mentor extraordinaire. Your support, encouragement, and patience have been invaluable to me. I am blessed to have you in my life.

I would also like to give thanks to Dr. Emily Walker. Your willingness to be there, work with me into the wee hours of the morning, and just to listen has been amazing. I was lucky to have your help but I am even luckier to be able to call you my friend.

To Dr. Sheila P. Smith and Dr. Susan Twaddle, thank you both for understanding, explaining, and helping with the areas in which you excel (APA and Statistics). Both of you provided me with guidance that made this goal reachable.

Thanks to my daughter Nicki who proves to me daily that those with special needs can become good, caring, and productive citizens. You also prove that IQ is just a number and that determination plays much more of a role in reaching and exceeding goals.

To my Uncle Russell Campbell, who unfortunately was born before those with severe disabilities were allowed in school, thank you for all you have taught me. From you I learned at a young age that those with disabilities were very valuable human beings with feelings, dreams,

and goals just like everyone else. It is because of you that I have spent my career helping others like you.

A very special thanks goes to all teachers who teach students with disabilities. General education teachers have had these students thrust into their classrooms somewhat unexpectedly. To those of you who welcome our special students with open arms and go above and beyond to help ensure they have success, THANK YOU from the bottom of my heart.

CONTENTS

	Page
ABSTRACT.....	2
DEDICATION.....	5
ACKNOWLEDGMENTS	6
LIST OF TABLES.....	12
LIST OF FIGURES	13
Chapter	
1. INTRODUCTION	15
Purpose of the Study.....	17
Research Questions.....	17
Limitations	19
Definition of Terms.....	19
Accommodations	19
Disability.....	20
Evaluation	20
Free Appropriate Public Education (FAPE)	20
Highly Qualified Teacher	20
Inclusion.....	20
Individualized Education Plan (IEP)	20
Least Restrictive Environment (LRE)	20
Modifications	20
Special Education.....	20
Organization of the Study	20
2. LITERATURE REVIEW	22

Introduction.....	22
History of Special Education and the Law	22
Compulsory Attendance Laws and Litigation	23
<i>Pennsylvania Association for Retarded Children (PARC) (1972) and Mills</i>	
<i>(1972)</i>	25
Education for All Handicapped Children Act and Individuals with	
Disabilities Education Act	26
Vocational Education Act.....	27
Section 504 of the Rehabilitation Act of 1973.....	28
The Carl D. Perkins Vocational Education Act, Public Law 105-332	29
Americans with Disabilities Act of 1990 (ADA)	30
The Least Restrictive Environment (LRE) Mandate	32
No Child Left Behind Act of 2001 (NCLB) and Special Education Law	33
Least Restrictive Environment, Litigation, and Students with Mental	
Retardation.....	35
Least Restrictive Environment, Litigation, and Students with Behavior	
Issues.....	37
<i>Board of Education v. Rowley (1982)</i>	43
<i>Tatro (1984) and Garret F. (1999)</i>	44
Primary Sources of Lawsuits	44
Regulations	45
Summary.....	47
Special Education Processes.....	47
<i>Child Find</i> and the Referral Process	47
Assessment for Eligibility.....	49
Individualized Education Plan (IEP)	51
Summary.....	58

Special Education Procedures.....	59
Implementing the IEP.....	59
Accommodations and Modifications.....	60
Grading Procedures.....	62
Discipline Procedures.....	62
General Education Teacher Knowledge of Special Education Matters.....	65
3. METHODS.....	69
Research Design.....	69
Population.....	69
Development of Survey Instrument.....	70
Data Collection Procedures.....	71
Research Questions and Null Hypotheses.....	71
Data Analysis.....	75
Summary.....	77
4. RESULTS.....	78
Research Question 1.....	81
Research Question 2.....	82
Research Question 3.....	84
Research Question 4.....	85
Research Question 5.....	87
Research Question 6.....	89
Research Question 7.....	90
Research Question 8.....	91
Research Question 9.....	93
Research Question 10.....	95
Research Question 11.....	96
Research Question 12.....	98

Research Question 13	100
Research Question 14	101
Research Question 15	103
5. FINDINGS, DISCUSSION, RECOMMENDATIONS, AND CONCLUSIONS	105
Findings.....	105
Discussion.....	106
Recommendations for Research	107
Recommendations for Practice	108
Conclusions.....	108
REFERENCES	109
APPENDICES	115
APPENDIX A: Survey Instrument	115
APPENDIX B: Letter Sent to the Director of the Sevier County Schools	119
APPENDIX C: Cover Letter Attached to Each Survey	120
VITA.....	121

LIST OF TABLES

Table	Page
1. Demographic Breakdown of Respondents (<i>N</i> =301).....	79
2. Descriptive Statistics.....	80
3. Means and Standard Deviations for General Education Teachers' Self-Reported Knowledge of Special Education Law by Years of Experience.....	86
4. Means and Standard Deviations for General Education Teachers' Self-Reported Knowledge of Special Education Processes by Years of Experience.....	94
5. Means and Standard Deviations for General Education Teachers' Self-Reported Knowledge of Special Education Procedures by Years of Experience	102

LIST OF FIGURES

Figure	Page
1. Boxplot for general education teachers’ self-reported knowledge of special education law by gender.....	82
2. Boxplot for general education teachers’ self-reported knowledge of special education law by educational level.....	83
3. Boxplot for general education teachers’ self-reported knowledge of special education law by grade level assignment.	85
4. Boxplot for general education teachers’ self-reported knowledge of special education law by years of experience.....	87
5. Boxplot for general education teachers’ self-reported knowledge of special education law by subject teaching assignment.....	88
6. Boxplot for general education teachers’ self-reported knowledge of special education processes by gender.	90
7. Boxplot for general education teachers’ self-reported knowledge of special education processes by educational level.....	91
8. Boxplot for general education teachers’ self-reported knowledge of special education processes by grade level assignment.....	93
9. Boxplot for general education teachers’ self-reported knowledge of special education processes by years of experience.	95
10. Boxplot for general education teachers’ self-reported knowledge of special education processes by subject teaching assignment.	96
11. Boxplot for general education teachers’ self-reported knowledge of special education procedures by gender.	98
12. Boxplot for general education teachers’ self-reported knowledge of special education procedures by educational level.....	99

13. Boxplot for general education teachers' self-reported knowledge of special education procedures by grade level assignment.	101
14. Boxplot for general education teachers' self-reported knowledge of special education procedures by years of experience.	103
15. Boxplot for general education teachers' self-reported knowledge of special education procedures by subject teaching assignment.	104

CHAPTER 1

INTRODUCTION

Civilization is the process in which one gradually increases the number of people included in the term “we” or “us” and at the same time decreases those labeled “you” or “them” until that category has no one left in it. (Howard Winters, as cited by Vaughn, 2009, p. 3)

History documents the 1954 Supreme Court decision of *Brown v. Board of Education* (1954) as the end of segregation in schools. *Brown v. Board of Education* (1954) set the foundation for future changes by making the equal protection clause of the Constitution an underlying principle for educating all of America’s children (Hulett, 2009). The reality is that segregation remained a way of life for many students in our nation’s schools long after *Brown v. Board of Education* (1954) was settled. At the same time, other students were not singled out due to the color of their skin but because of their disabilities. In a letter to the editor of the New York Times regarding the *Brown v. Board of Education* (1954) decision, Smith wrote:

There are perhaps five million children in the United States who are colored. There are close to five million other children who will be directly affected by this decision. I am not speaking of the majority of white children, many of who have been undoubtedly injured spiritually by the philosophy and practice of segregation. I am speaking of disabled children, who are “different,” not because of color but because of blindness, deafness; because they are crippled, have cerebral palsy, or speech defects, or epilepsy; or are what we call “retarded.” These children we have also segregated All of these children, some with real disabilities, other with the artificial disability of color, are affected by this great decision. (Smith, as cited by Connor & Ferri, 2005, p. 1)

As a result of the *Brown* (1954) decision, litigation and legislation has had a momentous impact on the education of students with disabilities. While educational opportunities for these students have evolved and progressed in many ways, there are still many areas that continue to need improvement.

Since the passage of the Education for All Handicapped Children Act of 1975, federal law has encouraged the inclusion of students with disabilities in the general education classroom

by requiring that all students be placed in the *least restrictive environment* (LRE). In turn, the number of students with disabilities served in general education classrooms across the nation has grown significantly. In 2007, 56.8% of students certified with special needs spent 80% of their time in the regular education classroom (Snyder & Dillow, 2010, Table 51).

For years special education has been viewed by the general education community as the entity that is accountable for the education of students with disabilities. With the shift to inclusion, special education personnel normally remain involved with students having disabilities, but the responsibility for these students' education has become that of the general education teacher. Under the auspices of the No Child Left Behind Act of 2001 (NCLB, 2002), general education teachers were required to be highly qualified in their subject area (Hulett, 2009). In order to be highly qualified under NCLB (2002) a teacher must:

- hold at least a bachelor's degree;
- be fully certified by the state (including through *alternative* routes) or pass a state teacher-licensing examination (teachers will not be deemed highly qualified if they have had their certification requirements waived on an emergency, provisional, or temporary basis); and
- demonstrate subject-matter competency in each of the core academic subjects that he or she teaches.

Although these highly qualified teachers now hold additional expertise in their specialty area, the need for specialized training to teach students with disabilities has been ignored. Teachers have not received training in the broad areas of litigation, legislation, and standards for educating students with disabilities (Hahn, 1997; Nolet & McLaughlin, 2000).

Purpose of the Study

The purpose of this study was to explore Sevier County, Tennessee, general education teachers' knowledge of (a) special education law, (b) special education processes, and (c) special education procedures.

Information from the study will provide insight into the knowledge base of general education teachers regarding laws, processes, and procedures required in teaching students with disabilities. This will allow system administrators to identify specific needs of teachers working with students with disabilities and provide appropriate professional development.

Research Questions

Fifteen research questions regarding Sevier County general education teachers' knowledge of special education law, process, and procedures were answered in this study:

1. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on gender?
2. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on education level (Bachelor's Degree, Advanced Degree)?
3. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on current grade level teaching assignment (K-8, High School)?
4. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on years of experience (0-4, 5-9, 10-14, 15+)?

5. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on current subject teaching assignment (Academic, Nonacademic)?
6. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on gender?
7. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on education level (Bachelor's Degree, Advanced Degree)?
8. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment (K-8, High School)?
9. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on years of experience (0-4, 5-9, 10-14, 15+)?
10. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current subject teaching assignment (Academic, Nonacademic)?
11. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on gender?
12. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on education level (Bachelor's Degree, Advanced Degree)?

13. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on current grade level teaching assignment (K–8, High School)?
14. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on years of experience (0-4, 5-9, 10-14, 15+)?
15. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on current subject teaching assignment (Academic, Nonacademic)?

Limitations

This study is limited by these factors:

1. The responses analyzed were limited to those participants completing the survey.
2. The respondents were limited to general education teachers who were currently teaching or had previously taught in inclusive classrooms in Sevier County, Tennessee.
3. Knowledge of laws, processes, and procedures were self-reported by participating teachers.
4. The results may not be generalized to other groups.

Definition of Terms

Accommodations: “Changes in how a test is administered that do not substantially alter what the test measures; including changes in presentation format, response format, test setting, or test timing. Appropriate accommodations are made to level the playing field, i.e., to provide equal opportunity to demonstrate knowledge.” (Wright & Wright, 2007, p. 423)

Disability: “In Section 504 and ADA, defined as impairment that substantially affects one or more major life activities; an individual who has a record of having such impairment, or is regarded as having such an impairment.” (Wright & Wright, 2007, p. 425)

Evaluation: “Procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that a child needs.” (Wright & Wright, 2007, p. 426)

Free Appropriate Public Education (FAPE): “Special education and related services provided in conformity with an IEP; are without charge; and meet standards of the State Department of Education.” (Wright & Wright, 2007, p. 426)

Highly Qualified Teacher: “Teachers, who are certified by the state or pass the state teacher examination, demonstrate competence in the subject area they teach, and hold a license to teach. Elementary school teachers must demonstrate knowledge of teaching math and reading. Middle and high school teachers must have majors in the subjects they teach or demonstrate knowledge of that subject.” (Wright & Wright, 2007, p. 426)

Inclusion: “Generally speaking, inclusion refers to the placement and education of students with disabilities in general education classrooms with students of the same age without disabilities.” (Reynolds & Fletcher-Janzen, 2000, p. 928)

Individualized Education Plan (IEP): “A plan that must be written for educating each identified child with a disability, prior to his or her placement in a special education program.” (Reynolds & Fletcher-Janzen, 2000, p. 939)

Least Restrictive Environment (LRE): “Legal requirement to educate children with disabilities in general education classrooms with children who have no disabilities, to the maximum extent possible.” (Wright & Wright, 2007, p. 427)

Modifications: “Substantial changes in what the student is expected to demonstrate; to include changes in instruction level, content, performance criteria, and alternate assessments; may also include changes in test form or format.” (Wright & Wright, 2007, p. 428)

Special Education: “Specially designed instruction, at no cost to the parents, which meets the unique needs of a child with a disability.” (Wright & Wright, 2007, p. 430)

Organization of the Study

This study is organized into five chapters. Chapter 1: Introduction, includes the Purpose of the Study, Research Questions, Limitations, Definition of Terms, and Organization of the Study.

Chapter 2: Literature Review, includes the Introduction, History of Special Education and the Law, Special Education Processes, Special Education Procedures, and General Education Teacher Knowledge of Special Education Matters.

Chapter 3: Methods, includes the Research Design, Population, Development of Survey Instrument, Data Collection Procedures, Research Questions and Null Hypotheses, Data Analysis, and a Summary.

Chapter 4: Results, includes the Introduction and presentation of the data for Research Questions 1–15.

Chapter 5: Findings, Discussion, Recommendations, and Conclusions are reviewed in this chapter.

CHAPTER 2

LITERATURE REVIEW

Introduction

The current study reviewed the general education teachers' knowledge in operational procedures and legal requirements involved in teaching students with disabilities. Since the adoption of Public Law 94-142 in 1975 (Education for All Handicapped Children Act of 1975), rules and regulations regarding the education of students with disabilities have come from three main sources: litigation, legislation, and policy. Litigation and legislation are at times a vicious cycle; litigation leads to legislation and legislation leads to litigation. As a result of either, policy is created or assumed. When Congress passes legislation regarding the education of students with disabilities, the U.S. Department of Education (DOE) is responsible for developing specific regulations for the practical implementation of that special education legislation (Hulett, 2009). When developing regulations the DOE interprets the law and establishes policy, processes, and procedures. These remain in effect until challenged through the courts or until the law changes.

History of Special Education and the Law

The Supreme Court decision of *Brown v. Board of Education* (1954), recognized by many as the end of segregation in schools, established the foundation for future changes by making the equal protection clause of the Constitution an underlying principle for educating all of America's children (Hulett, 2009). Some maintain that this decision was one of the most important judicial rulings in the history of our democracy (Reed et al., 2004).

With the critical decision of *Brown v. Board of Education* (1954), schools across the nation began the desegregation process. The separate but equal doctrine, which evolved in 1896

based on *Plessy v. Ferguson*, became a thing of the past as state and federal court cases and legislation mandated equal access to all schools, for children from all backgrounds, and including all races (Smith, Patton, Polloway, & Dowdy, 2006). Although students with disabilities were not an element in the *Brown v. Board of Education* (1954) proceedings, according to Skiba et al. (2008), “Special education was borne out of, and owes a debt to, the civil rights movement” (p. 1).

People with disabilities had been subjected to the same educational prejudice, discrimination, and segregation as African-Americans. Shortly after the decision of the *Brown* (1954) case, parents of students with disabilities realized they could follow the successful actions of civil rights groups and gain better services for their children. Using the processes of legislation, litigation, and advocacy, parents sought to acquire equal opportunities for their children with disabilities who had been denied access to public education solely on the basis of having a disability (Smith et al., 2006).

Litigation has had a significant impact on the education of students with disabilities. While educating African-American students and Caucasian students together initially caused resistance due to prejudice, the resistance caused from the inclusion of students with disabilities was much more complex. Several cases stand out as milestones in the quest for education and educational rights for these students.

Compulsory Attendance Laws and Litigation

By 1918 all states had formally adopted compulsory attendance laws requiring all school-aged children to attend school (Russo, 2008). As recently as the 1970s, in spite of the fact that special education programs already existed, Congress found that 1.75 million children with disabilities were excluded from school entirely and another 2.5 million children with disabilities

were in programs that did not meet their needs (Weber, 2009). State courts regularly supported policies of excluding children with disabilities from attending school. At times the legal basis given for exclusion was that the presence of students with disabilities could have a detrimental effect on the education of other students (Imber & VanGeel, 2000).

Several courts have handed down decisions supporting the contradiction of attendance laws. In *Watson v. City of Cambridge* (1893) the Court agreed with the school committee's exclusion of a mentally retarded child. The school had determined that the child was too weak-minded and would not derive any marked benefit from instruction. Furthermore, the child was deemed troublesome to other children because he was unable to physically care for himself. The Court ultimately refused to interfere with the decision of the school committee, stating that if "acts of disorder interfered with the operation of schools, whether committed voluntarily or because of imbecility, the school committee should have been able to exclude the offender without being overruled by a jury that lacked expertise in educational matters" (Russo & Osborne, 2008, p. 4).

Twenty-six years after the *Watson* (1893) case, a court in Wisconsin upheld a school district's decision to exclude a student based on his paralysis. In *State ex rel. Beattie v. Board of Education of Antigo* (1919) the student had normal intelligence, but the paralysis caused him to drool and make facial contortions. Although the child had attended public school through fifth grade, the decision was made to exclude him because his physical appearance "nauseated teachers and other students, his disability required an undue amount of his teacher's time, and he had a negative impact on the discipline and progress of the school" (Russo & Osborne, 2008, p. 5). School officials proposed that the student be enrolled in a day school that served students with hearing and speech impairments. When the student and parents refused this option, the

school board refused to reinstate the student. The court then affirmed its decision maintaining that the right to attend public school was not absolute when a child's presence was harmful to the best interests of others (Russo & Osborne, 2008).

Many laws and decisions that supported the contradiction of compulsory attendance laws and exclusion were as recent as the 1960s and 1970s. As recently as 1973 Virginia law allowed school exclusion for children who are mentally or physically debilitated with regard to educational performance (Code of Virginia, 1973). In 1971 Alaska law excluded from school those students "with bodily or mental conditions rendering attendance inadvisable" (Alaska Statutes, 1971, as cited in Weintraub & Abeson, 1974, p. 526). In 1963 Nevada law included a statute that allowed exclusion of students whose "physical or mental condition or attitude is such as to prevent or render inadvisable his attendance at school or his application to study" (Nevada Revised Statutes, 1963, as cited in Weintraub & Abeson, 1974, p. 526).

Pennsylvania Association for Retarded Children (PARC) (1972) and Mills (1972)

The movement for educational equality for African Americans ignited campaigns by parents of children with disabilities to establish a right to education for their children (Weber, 2009). In 1972 PARC filed suit against the Commonwealth of Pennsylvania (*PARC v. Pennsylvania*, 1972). PARC attorney Thomas K. Gilhool argued that certain Pennsylvania State Statutes were unconstitutional based on the Fourteenth Amendment because they denied the property right of education to retarded children (Imber & VanGeel, 2000).

Other court proceedings of 1972 included the case of *Mills v. Board of Education of the District of Columbia*. In the *Mills* (1972) case attorneys brought legal action to federal court in Washington, DC. The case concerned seven school-age African-American children who were excluded from public school. The basis of the exclusion was the students' emotional or

behavioral handicapping conditions. The Washington, DC schools had stated that they did not have the money to provide special education services to all children with handicapping conditions in their district.

Although the cases of *PARC* and *Mills* differed somewhat, the major findings of both courts were similar: (a) children were excluded from public schools because they had disabilities, (b) the effect of this policy was wholly to deprive these children of access to a publicly funded education, (c) the government's purpose in excluding them was to save money, (d) excluding children with disabilities from school was not rationally related to the goal of saving money (or to any other legitimate state goal) because uneducated people (with disabilities or not) were likely to become a much greater financial burden on the state than if they have been educated, and therefore (e) exclusion of children with disabilities from public schools violated the Equal Protection Clause. (Imber & VanGeel, 2000, p. 226.)

The cases of *PARC* (1972) and *Mills* (1972) resulted in decisions that ended educational exclusion, required adequate services, and established the parents' right to actively be involved in decisions regarding their children's education (Weber, 2009).

In reaction to the success of the *PARC* (1972) and *Mills* (1972) case, an additional 36 *right-to-education* cases were filed in 27 different jurisdictions by parents on behalf of their children with disabilities (Martin, 1979). *PARC* (1972) and *Mills* (1972) served as indicators to Congress that federal legislation was needed to ensure a full educational opportunity for children with disabilities (Jacob & Hartshorne, 1994). Congress passed legislation that mandated students with disabilities would be served in the least restrictive environment. The most significant outcomes of this legislation were that students with disabilities would attend schools and that schools would incur the expense of educating the students (Reynolds & Fletcher-Janzen, 2000).

Education for All Handicapped Children Act and Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) (1990/1997) was formerly known as the Education for All Handicapped Children Act of 1975 (1975). In 1975 the Education of the Handicapped Act (EHA) had accomplished for students with disabilities

something comparable to what *Brown v. Board of Education* (1954) had accomplished for African-American students 21 years before. For the first time the law clearly defined the rights of disabled children to a free appropriate public education (FAPE). EHA (1975) also required that students were placed in the least restrictive environment (LRE) (Heward, 2009).

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA), a federal statute, remains the primary special education law in the United States. When originally enacted IDEA (1990/1997) represented “the most sweeping statement this nation has ever made regarding the rights of children with disabilities” (Reynolds & Fletcher-Janzen, 2000, p. 941).

According to the *Encyclopedia of Special Education* (Reynolds & Fletcher-Janzen, 2000), the purpose of IDEA (1990/1997) is:

(1)(a) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; (b) to ensure that the rights of children with disabilities and parents of such children are protected; (c) to assist states, localities, educational service agencies and federal agencies to provide for the education of all children with disabilities; 2) to assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families; 3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systematic-change activities; coordinated technical assistance, dissemination, and support; and technology development and media services; and, 4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities. (Authority: 20 U.S.C. 1400 note) (§300.1, p. 12420)

IDEA (2004) also established basic procedures for identifying students requiring special education services, evaluation, and meetings of school personnel with parents for developing an Individualized Education Plan (IEP), student placement, and dispute resolution (Weber, 2009).

Vocational Education Act

The Vocational Education Act of 1963 (Public Law 88-210) made provisions for a variety of minority groups (disabled, women, economically disadvantaged, and others) by

shifting the focus from training programs in specific areas to preparing all groups for work regardless of their vocational emphasis (Wolfe, 1978). For the purpose of this study the significance of the Vocational Education Act of 1963 was the designation of vocational education for handicapped persons as a national priority, as it provided the allotment of state funding to be used for vocational education programs for students with disabilities and mandated that 10% of federal monies be used, in part, to pay up to 50% of the cost for additional services that handicapped students need to help ensure their success in vocational education (Reynolds & Fletcher-Janzen, 2000).

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (1973) was the first federal civil rights law designed to protect the rights of individuals with disabilities. Section 504 (1973) affects programs and activities receiving federal financial assistance from the U.S. Department of Education. Section 504 provides:

No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (Russo & Osborne, 2008, p. 16).

The Office of Civil Rights (OCR) enforces Section 504 in programs and activities that receive federal financial assistance from the Department of Education. Recipients of federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies (US Department of Education, 1995).

Unlike the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) (2004), Section 504 of the Rehabilitation Act of 1973 does not list specific disabilities; it consists of a broad formula that includes a wide range of disabilities that,

defines an “individual with handicaps” as any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. (US Department of Education, 1995, para. 7)

The Office of Civil Rights has been given administrative authority to enforce Section 504 in the educational context and conducts periodic compliance reviews. Individuals have the right to file a complaint whenever they have reason to believe their rights under Section 504 of the Rehabilitation Act of 1973 have been violated. The complaint may be filed against a school district, a specific school, or one or more individuals. The resolution of the complaint may be enforced through the department’s administrative process or through the federal court system (Heward, 2009). Section 504 (1973) protects qualified students with disabilities who attend any school that receives federal financial assistance.

The most significant difference between IDEA (2004) and Section 504 (1973) is that Section 504 is intended to provide a *level playing field*. This leveling is normally created by the elimination of barriers that exclude persons with disabilities. On the contrary, IDEA (2004) is remedial and often requires the provision of programs and services normally above and beyond those available to persons without disabilities (Wright & Wright, 2007).

The Carl D. Perkins Vocational Education Act, Public Law 105-332

The Carl D. Perkins Vocational Education Act, Public Law 105-332, often referred to as the Perkins Act (US Department of Education, 2002), replaced the Vocational Education Act of 1963. The Perkins Act (USDOE, 2002) ordered federal involvement in vocational education in two major areas. First, the law assures that students with disabilities have equal access to vocational education programs. Programs must be provided in the least restrictive environment and the rights of students who are certified as disabled are protected. Second, the law was concerned with the quality of vocational programs provided. All agencies (vocational education,

special education, and the state vocational rehabilitation agencies) were ordered to collaborate and coordinate services when developing a vocational education plan for students with disabilities. The law also stipulated that the local education agency must provide students with disabilities and their parents appropriate information about vocational programs at least 1 year in advance. This information includes, but is not limited to, the availability of coursework, services, and job opportunities (Bryan, 2010). Further, services need to meet the needs of individuals based on the severity of their impairment. Astuto and the Council of Administrators of Special Education (1982) are credited with identifying the six domains necessary in providing high quality programs to meet the needs of students with disabilities to the fullest extent possible: “career exploration; vocational assessment/evaluation; training; work experience; follow up with on-the-job placement; and advocacy” (Reynolds & Fletcher-Janzen, 2000).

The Perkins Act (US Department of Education, 2002) specifies that 10% of its funds must be used for vocational education services and activities designed to meet the special needs of and enhance the participation of handicapped individuals (Reynolds & Fletcher-Janzen, 2000). In 2002 the U.S. Department of Education reported that “the total appropriation for Perkins was \$1.288 billion” (para. 5). However, since that time, due to a decrease of \$42 million in funding, the National Association of State Directors of Career Technical Education Consortium has asked Congress to be forward-thinking by appropriating \$1.7 billion in fiscal year 2009 (Careertech.org, 2009).

Americans with Disabilities Act of 1990 (ADA)

In 1990 Congress passed the American with Disabilities Act (ADA) (1991). The goal of the ADA (1991) is to open up all aspects of American life to people with disabilities. The Act prohibits discrimination on the basis of disability in employment, state and local government

activities, public accommodations, commercial facilities, transportation, and telecommunications. The Department of Justice enforces the provisions that apply to more than seven million places of public accommodation, including all hotels, restaurants, retail stores, theaters, health care facilities, convention centers, parks, and places of recreation (Title III), in all activities of state and local governments (Title II) and in all employment practices of state and local government employers with 15 or more employees (Title I) (Reynolds & Fletcher-Janzen, 2000).

The impact of ADA (1992) on schools can mainly be seen through the Title II, Public Services portion of the Act. Title II ensures that all facilities are handicapped accessible. This includes, but is not limited to, accessibility to classrooms, restrooms, cafeterias, recreational facilities, and buses. Title II mandates accessibility to program activities, classroom activities, field trips, or any other services provided or offered by a school. Title II requires that state and local government agencies adhere to accessible architectural standards in new and existing facilities (Reynolds & Fletcher-Janzen, 2000). Communication needs for those with speech, hearing, or other disabilities that impact communication must also be accommodated for according to Title II (Hulett, 2009).

The American with Disabilities Act of 1990 (ADA) (1991) has a less significant impact on daily classroom operations than acts such as IDEA (2004) or the No Child Left Behind Act of 2001 (NCLB) (2002). For defining those protected by ADA (1991), Congress adopted the same criteria for an individual with disabilities as it did for Section 504 of the Rehabilitation Act of 1973. This definition includes persons with, “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment (42 U.S.C. § 12102(2))” (Hulett, 2009, p 63).

The Least Restrictive Environment (LRE) Mandate

Providing students with disabilities access to public schools and an equal educational opportunity was a main motive in 1975 when Congress enacted the Education for All Handicapped Children Act, which is now known as IDEA (Education for All Handicapped Children Act of 1975, 1975; Osborne & DiMattia, 1994). The least restrictive clause was incorporated to halt the practice of segregating students with disabilities. At the time students with disabilities were primarily served in separate facilities. Students with disabilities who were served in the regular school setting were many times relegated to classrooms in remote parts of the school building (Osborne & DiMattia, 1994).

The issue of integrating African-American students was very distinct. *Brown v. Board of Education* (1954) mandated that students of all races would be educated together. In contrast, Education for All Handicapped Children Act (1975) mandated that students be placed in the least restrictive environment. The difference in these two forms of desegregation was the phrase *to the maximum extent appropriate*, a critical qualifier in the placement of students with disabilities (Hulett, 2009). That phrase fails to define *least restrictive* and ultimately leaves the decision of placement to be determined by a multidisciplinary team (parents, teachers, therapists, and others) whose members should have the student's best interest at heart. Guidelines have been set based on the result of legislative acts from precedent setting lawsuits and amendments.

In 2004 the Individuals with Disabilities Education Act (1990/1997) was amended. Although it does not use the term inclusion per se, it does, once again, require that children with disabilities be educated in the least restrictive environment (LRE) appropriate to meet the student's unique needs. According to Wright and Wright (2007) LRE means that,

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are

not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (pp. 72-73)

As a result school districts are responsible for ensuring that their students with disabilities are educated to the maximum extent appropriate with their nondisabled peers. The wording of the law leaves a mandate with undefined parameters. The undefined parameters of IDEA (2004) in regard to least restrictive environment have allowed people for and against the inclusion of students with disabilities to take their issues to court.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) identifies 13 categories of disabilities. Based on the 2009 figures from Table 50 of the U.S. Department of Education (Snyder & Dillow, 2010), there are more than 6 million children and youth with disabilities who receive some type of special education service. Slightly over 45% of these students are identified as learning disabled (Heward, 2009). According to Bartlett, Weisenstein, and Etscheidt (2002) instructional programs for students with learning disabilities most often focus on educational needs in oral and written expression, math, and reading. Therefore, changes that a general education teacher must make for students with learning disabilities may replicate those made for other students in their classroom.

No Child Left Behind Act of 2001 (NCLB) and Special Education Law

Federal law has encouraged the inclusion of students with disabilities in the general education classroom by requiring that all students be placed in the *least restrictive environment* (LRE). In turn, the number of students with disabilities served in general education classrooms across the nation has grown significantly. In 2007, 56.8% of students certified with special needs spent 80% of their time in the regular education classroom (Snyder & Dillow, 2010, Table 51).

Special education has often been viewed by the general education community as the entity that is accountable for the education of students with disabilities. With the shift to inclusion special education personnel normally remain involved with students having disabilities, but the responsibility for these students' education has become that of the general education teacher. Under the auspices of the No Child Left Behind Act of 2001 (NCLB, 2002) general education teachers were required to be highly qualified in their subject area (Hulett, 2009). In order to be highly qualified under NCLB (2002) a teacher must:

- hold at least a bachelor's degree;
- be fully certified by the state (including through *alternative* routes) or pass a state teacher-licensing examination (teachers will not be deemed highly qualified if they have had their certification requirements waived on an emergency, provisional, or temporary basis); and
- demonstrate subject-matter competency in each of the core academic subjects that he or she teaches.

Although these highly qualified teachers now hold additional expertise in their specialty area, there are no requirements that require training in teaching students with disabilities.

General classroom teachers are now being held accountable for the academic achievement of the child who has been classified as special education. While IDEA (2004) had provisions for special education students to be included in *high stakes* testing, there was also the option of a child being exempted from the testing process. No Child Left Behind (2002) closed that door, calling for a minimum of 95% of all students with disabilities to participate in grade-level testing (Hulett, 2009). Including the scores of these students in a school district's report

card has heightened the accountability of schools to help students in special education achieve at a level comparable to that of their nondisabled peers (Heward, 2009).

Least Restrictive Environment, Litigation, and Students with Mental Retardation

Roncker v. B Walter N (1983) was the first case in which a federal court interpreted the least restrictive environment provision of IDEA. In *Roncker v. Walter* (1983) the concept of bringing specific educational services to a child versus taking the child to the services was addressed. The court's decision in *Roncker v. Walter* (1983) favored integration over segregation. The court determined that if services needed for a student with disabilities could be provided in a nonsegregated setting, the segregated placement was inappropriate. The *Roncker v. Walter* (1983) case established, "what has become known as the portability standard" (Russo & Osborne, 2008, p. 104).

In *Daniel R.R. v. State Board of Education* (1989) the parents of a child with Down Syndrome disagreed with an M-Team decision to remove the child from the general education classroom even though he had experienced no success through a variety of modifications. The court determined that the appropriate placement of a child in a separate special education classroom was situational. The court also determined: (1) that the school district had followed the intent of the law in providing a continuum of educational services; and, (2) that the district had tried a variety of alternative placements and provided supplementary aids and services in an attempt to make the child successful in the general education classroom. The *Daniel* (1989) case resulted in the Daniel Test, a new benchmark for determining least restrictive environment. The Daniel Test consists of two questions that courts consider when making their determinations:

whether education in the regular classroom, with the use of supplementary aids and services, can be achieved satisfactorily for a given child [and] if it cannot and the school intends to remove the child from general education ... whether the school has mainstreamed the child to the maximum extent appropriate. (Yell, 1995, p. 579)

During 1991 the case of *Greer v. Rome City School District B* used the Daniel Test in the decision regarding action brought by a parent of a girl with Down Syndrome. The parent alleged that the Individual Education Plan written for the child had failed to provide for *mainstreaming*. The court applied the Daniel Test to determine the school district's compliance with the provision and decided that the district had not complied with the intent of the law. The court noted that the school district had made three critical mistakes. First, the school district had made no effort to accommodate the child in the general education classroom by failing to consider a range of supplementary aids and services. Second, the district had made no effort to modify the curriculum to accommodate the child in the general education setting. Third, it was determined that the school district had actually developed the IEP prior to the IEP meeting and had made no reasonable effort to inform the parents of available options. Ultimately, the court determined that the current IEP exposed a predetermination for the child's placement (Yell, 1995).

The Federal Court of Appeals decision in *Oberti v. Board of Education of Borough of Clementon School District* (1993) "held that inclusion is a 'right,' not a privilege for a select few" (Douvani & Hulsey, 2002, para. 11). In this decision the court ruled that school districts have "an affirmative obligation to consider placing students with disabilities in general education classrooms with the use of supplementary aids and services before they explore other alternatives" (Osborne & DiMattia, 1994, p. 8). The court also asserted that there are minimal times when the preference for including students with disabilities in the mainstream can be denied. The court noted three exceptions including when a school district can demonstrate that a child's disabilities are so severe that they will receive little or no benefit from placement in the general education setting, when a child is so disruptive that the education of other students is impaired, or when the cost of providing supplementary aids and services will have a negative

effect on other students. The *Oberti* (1993) court noted that IDEA (1990) requires school districts enhance and realign their resources and go further than the systems, structures, and practices that are inclined to unnecessarily segregate students with disabilities (Osborne & DiMattia, 1994).

In the suit of *Sacramento City Unified School District, Board of Education v. Rachel H Holland* (1994) the United States Court of Appeals, Ninth Circuit, was asked to determine the educational placement of a 9-year-old girl with mental retardation. The *Holland* (1994) case was one of the first cases to consider the academic as well as nonacademic benefits of the child. In this case, the court found that the child had developed social and communication skills as well as self-confidence from placement in a regular classroom (Hulett, 2009). Psychological testing results showed that the child had an IQ of 44. After 4 years of attending various special education programs, the parents had requested that the child be placed full-time in a general education classroom. The district refused the request and maintained that the most appropriate placement for the child would be to attend special education classes for her academic subjects. The district agreed to allow the child to remain in the regular classroom for nonacademic subjects such as art, music, lunch, and recess. Based on the district's plan, it was noted that the child would be moved between two classrooms at least six times each day (*Sacramento v. Holland*, 1994). The court decision was that full-time placement in the regular classroom was the appropriate placement (Yell, 1995).

Least Restrictive Environment, Litigation, and Students with Behavior Issues

Students with serious behavioral issues can present school systems with a major challenge. Students suspected of having emotional disturbances or behavioral disorders may be referred to special education because their behavior either interferes with their own achievement

or because it interferes with the achievement of other students (Bartlett et al., 2002). Based on 2006 and 2007 statistics from Table 50 of the National Center for Educational Statistics (Snyder & Dillow, 2010), over 470,000 students were certified under IDEA as having emotional disturbances. This population accounted for 7.9% of all students with disabilities. According to Heward (2009) students with emotional or behavioral disorders are difficult to be around. Furthermore, efforts by other students to befriend these students may result in rejection or verbal or physical abuse. Students who exhibit disruptive, aggressive, and dangerous behaviors can present a two-fold dilemma for a school. While ensuring an education for the student with behavioral issues is one part of the issue, assuring the safety of all other students also becomes a serious concern and legal issue for the school system. Legal decisions have held schools responsible for injuries caused by a student with disabilities when it was determined that the school was negligent in providing a reasonably secure environment, failing to provide caution regarding recognized hazards, or failure to provide sufficient supervision (Bettenhausen & Charleston College, 2002). Court rulings have also led to students being placed in a variety of settings, including residential facilities that include medical and psychiatric treatment, with the burden of the cost being placed on the school system (Bettenhausen & Charleston College, 2002).

The case of *Ferraro v. Board of Education of the City of New York* in 1961 occurred 14 years before the passage of EAHCA. In the *Ferraro* (1961) case a school district in New York City was held liable when a student attacked and injured another student. The decision in the *Ferraro* (1961) case showed that courts will hold school personnel liable if a student injures another student, when the teacher could have prevented the injury. The court in the *Ferraro* (1961) case determined that due to the student's long history of aggressive behavior the attack

could have been prevented. A substitute teacher was in charge of the class on the day of the attack. However, the substitute had not been informed of the student's tendency to attack other students. The court inferred that if the substitute teacher had been told of the situation she may have prevented the attack (Bettenhausen & Charleston College, 2002).

Other New York litigation found a school system liable for injuries that were caused by lack of supervision. In the case of *Maynard v. Board of Education of Massena Central School District* (1997) the school system was denied a judgment motion when the court established that there had been a pattern of undisciplined, disruptive, and unruly behavior in the class involved in the lawsuit. During class a student had used a ruler to propel a pencil toward another student. The pencil struck the student in the eye causing personal injury. Because evidence showed that it was common to see disruptive and unruly behavior in the class, the school was negligent by not providing adequate supervision. On appeal to the New York Supreme Court, Appellate Division, the decision was affirmed (Bettenhausen & Charleston College, 2002).

Cohen v. Board of Education, Smithtown Central School District (1984) was another case involving a student with behavioral issues and lack of adequate supervision. A student with learning disabilities, behavior issues, and known violent tendencies was being mainstreamed in the regular classroom. Without any known provocation the student attacked and injured a peer. The court determined that even though it is not a violation of the law to place a potentially violent student in a general education setting, the placement may result in school officials being held liable if the placement is made without adequate supervision (Bettenhausen & Charleston College, 2002).

The case of *Grooms v. Marlboro County School District* (1992) involved a student with cognitive, emotional, and behavioral problems. The school had developed a system that allowed

the student to leave his classroom without an escort if he felt that his behavior was escalating to the point of disruption. On one occasion he left the classroom and got into a fight in the hall, which left him with severe head injuries. The parents sued the school alleging negligent supervision. The court reasoned that gross negligence may have been demonstrated by allowing a student with impaired judgment to leave a classroom unsupervised and report to a person who was not knowledgeable enough to appropriately handle the student's issues (Bettenhausen & Charleston College, 2002).

A case in the District of Columbia (*North v. District of Columbia Board of Education*, 1979) determined that the education, emotional, social, and medical needs of a student were so closely intertwined that it was not possible to treat them independently (Russo & Osborne, 2008). Because the student was diagnosed as epileptic, seriously emotionally disturbed, and learning disabled, the court established that a residential placement that provided special education, medical supervision, and psychological support was the appropriate setting for the child. The court decision included the statement that "insofar as it was impossible to distinguish which of the student's needs was dominant and assign financial responsibility to the appropriate agencies, the school board was required to assume the full costs of the placement" (Russo & Osborne, 2008, p. 111).

According to the court documents of *Clevenger v. Oak Ridge School Board* (1984), the issue in question was if the School Board was providing the kind of free appropriate public education required by the law. The documents state that while Clevenger (age 19) has average intelligence, his emotional maturity is more like that of a six-year-old. He was described as hostile to persons in authority, impulsive, and aggressive. Further documentation stated that Clevenger did not appear to learn from his mistakes and that "he may also be schizophrenic"

(*Clevenger v. Oak Ridge*, 1984, para. 4). The Oak Ridge School Board had placed the student at Riverbend, a residential school in Knoxville that provided a low student-teacher ratio and psychiatric counseling for all students. His mother said that this facility did not meet her son's needs and requested a placement in a specialized school in San Marcos, Texas. Initially, the district court agreed with the School Board's decision, which led Clevenger's mother to file an appeal. During the appeal, three of four psychiatrists and psychologists who testified agreed that Riverbend was not the appropriate placement for the student. Among the reasons given for the disagreement were that the psychiatrists and psychologists said Clevenger needed a longer term placement than Riverbend normally offered and they said he required a secure, locked facility. Riverbend had no locked wards. In spite of the fact that placement in the San Marcos facility cost approximately \$88,000 a year, the decision of the district court was reversed upon appeal and the order was that the student be placed in the school in San Marcos, Texas. The expense lay entirely on the Tennessee school system (*Clevenger v. Oak Ridge*, 1984).

The case of *Seattle School District, No. 1 v. B.S. A.S.* (1996) set a standard in regard to determining if there is a line between the educational responsibilities of a school and medical or psychiatric treatment that may be needed for a child. In the *Seattle* (1996) litigation the court concluded that, as long as the primary reason for a residential placement is educational, school boards may also be held responsible for treatment needed from issues stemming from medical or psychiatric disorders (Russo & Osborne, 2008).

While students with disabilities that consist of emotional and behavioral components exist, there are also students with disabilities who simply misbehave. Prior to the reauthorization of IDEA in 2004, responsibility for determining whether a specific behavior was related to a student's disability rested with the school district. If the manifestation determination review

established that a student's behavior was not related to his or her disability, the school district was subsequently allowed to discipline the student as it would any nondisabled student. In contrast, if it was determined that the behavior was related to the student's disability, the school district must follow the rules set forth for disciplining students with disabilities (Heward, 2009). In 2004 the burden of proving whether a behavior was related to a student's disability transferred to the student's parents. It is now the responsibility of parents to show that a behavior was the result of or had a direct and substantial relationship to their child's disability (FAPE.org, 2004).

In 1985 a case involving a student with a learning disability who participated in drug transactions demonstrated that it is difficult to prove the relationship between a student's disability and a specific behavior. A group of special educators completed a manifestation review in the *School Board of the County of Prince William Virginia v. T Malone* (1985) case. The committee conducting the manifestation review determined that there was no connection between the student's disability and the offense. The student was then expelled. Upon judicial review by a federal trial court it was determined that the relationship between the disability and the offense did exist "because the student's learning disability caused him to have a poor self-image, which in turn led him to seek peer approval by becoming involved in the drug transactions" (Russo & Osborne, 2008, p. 157). The court decision was that school officials had acted improperly in expelling the student from school because the student's learning disability hindered his understanding and awareness of the long-term consequences of his actions.

The Supreme Court has only resolved one dispute involving the discipline of students with disabilities. *Honig v. Doe* (1988) was in regard to two students with disabilities identified in court papers as John Doe and Jack Smith. Both students had been certified under ADA (1991) criteria as emotionally disturbed; both students also exhibited aggressive tendencies. While

attending a developmental center for children with disabilities, Doe assaulted a peer and broke a school window. During placement in a special education program in a regular school, Smith committed several acts of misconduct that included making sexual comments to female students. Pending an expulsion hearing, Doe was placed on indefinite suspension. Smith's suspension from school was continued pending resolution of expulsion proceedings. A federal trial court in California, the Ninth Circuit, and the Supreme Court were all in agreement that schools could not expel students with disabilities for behavior that was a manifestation of or related to their disability (Russo & Osborne, 2008).

Honig (1988) set the standard for many issues regarding the discipline of special education students. One of the standards *Honig* (1988) set was the power to seek an injunction allowing the removal of students with disabilities who are deemed dangerous or who create serious disruptions in school. However, the burden of proving that a student is truly dangerous and that the only feasible option is to remove the student from his or her current educational placement rests on the school (Russo & Osborne, 2008).

Courts continue to determine appropriate placement per the least restrictive environment mandate for students with disabilities on a case-by-case basis. Clearly, the implementation of the placement and any related expense rests on the school system. The length to which schools must go in order to include students with disabilities has been another source of litigation.

Board of Education v. Rowley (1982)

In the case of *Board of Education v. Rowley* (1982) the Supreme Court overturned a decision that required a school district provide a sign-language interpreter for a child. It was determined that through lip reading and use of a hearing aid the child was performing satisfactorily in class and passing from grade to grade. The court said the Education for All

Handicapped Children Act of 1975 was intended to provide a floor of educational opportunity and give children some educational benefit rather than maximize the potential of children with disabilities to the same degree that the potential of other children was developed (Weber, 2009).

Tatro (1984) and Garret F. (1999)

In *Irving Independent School District v. Tatro* (1984) and *Cedar Rapids Community School District v. Garret F.* (1999) the Supreme Court affirmed decisions requiring school districts to provide clean, intermittent catheterization for a child who could not urinate normally and to furnish a variety of specialized nursing services, including ventilator maintenance, for a child who could not breathe without medical assistance. The court's approach reinforced the mandate to place students in the least restrictive environment because it required school districts to provide elaborate, expensive assistance to enable children to be educated in an ordinary classroom setting (Weber, 2009).

Primary Sources of Lawsuits

In 2000 members of the law and education faculties at Seattle University found three general types of lawsuits filed in relation to special education issues. The group found that the most common case dealt with students with disabilities that presented complex social-emotional, cognitive, physical, sensory, or academic difficulties. These students had a propensity to not only be involved with the special education system but also with the medical, mental health, juvenile justice, and truancy systems (Curtis, 2005).

Another frequent cause of lawsuits involved students who were not receiving any service for their recognized needs. These students had IEPs in place, but they were not receiving services. It was determined that they were academically declining rather than progressing.

The final type of case involved parents who could not get along with their child's school. Most cases in this group stemmed from parents who wanted to be actively involved in their child's education but felt they had been ignored or felt devalued (Curtis, 2005). The parents in these cases frequently noted that the school had no interest in working with them in spite of the mandate of the law.

While litigation sets the standards and boundaries in regard to the education of students with disabilities, the outcome is that these students will be provided with an equal opportunity education alongside their peers without disabilities to the maximum extent appropriate (Smith, Patton, Polloway, & Dowdy, 2004). The laws governing students with disabilities are based on civil rights and are not likely to change.

Regulations

While litigation determines the outcome of specific lawsuits and may lead to legislation, regulations must specify how to follow the law. In the case of the authorization of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) regulations are in place to guide every detail for educating students with disabilities.

On August 3, 2006, U.S. Secretary of Education Margaret Spellings announced the new regulations for Part B of the Individuals with Disabilities Education Act. According to Spellings the final regulations further the President's goal that no child, including all of America's students with disabilities, is left behind. Spellings also stated that, "*No Child Left Behind* and the *Individuals with Disabilities Act* have put the needs of students with disabilities front and center. We now have a laser-like focus on helping these kids" (As stated by US Secretary of Education Margaret Spellings and cited in US Department of Education, 2006, para. 1).

Upon announcing the final regulations under the reauthorization of IDEA (2004) the U.S. Department of Education said that the new regulations to implement IDEA and NCLB (2002) would assist schools, districts, and states in assuring that the goals of each law are met. Numerous comments from educators, parents, and others shaped changes in the laws. The Department of Education noted that the two laws work together to ensure that high standards are set for all students with disabilities, and that all children receive a quality education (US Department of Education, 2006).

The Federal Register (2006a) includes all of the Part B of IDEA regulations and incorporates the changes addressed in the Supplemental and Section 300.160. In summarizing the regulations of the reauthorization of IDEA the department stated that the final regulations:

- Provide flexibility in spending resources to ensure that students with disabilities are identified early and accurately, and that they receive the support they need;
- Ensure that students with disabilities have highly qualified teachers;
- Reduce burdensome paperwork for educators and administrators; and
- Strengthen parents' involvement in their children's education.

The U.S. Department of Education (2006b) summary of the final regulations is four short phrases, but the Federal Register listing (US Department of Education, 2006a) the rules and regulations for the reauthorization of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) was 307 pages long. The regulations detail the requirements for educating students with disabilities. The processes special educators must engage in to fulfill their job requirements such as writing IEPs, participating in assessments, and the eligibility processes make it necessary to stay abreast of current philosophical trends and changes in the law. General education teachers have no such mechanism to compel them to remain consistently involved and aware of continual changes (Klor, 2007).

Summary

From the time of *Brown v. Board of Education* in 1954 educational services offered to students with disabilities have seen revolutionary changes. It would be beneficial to all persons involved in the education of students with disabilities to have a general knowledge of the history of and laws pertaining to special education. General education teachers would benefit not only by helping them understand the basis for why students with disabilities should be educated in general education classrooms but also by informing them of legal aspects that must be followed when educating students with disabilities. This knowledge is needed in order to abide by the law. As with any legal issue, *Ignorantia legis neminem excusat* (n.d.) (ignorance of the law excuses no one).

Special Education Processes

Special education personnel direct many of the processes that guide a student suspected of having a disability to ultimately being offered special education services. Nonetheless, general education teachers are also an integral part of the process. The majority of students suspected of having disabilities are referred by general education teachers (Smith et al., 2004). As the general education teacher is usually the one who begins the process, his or her input and assistance is needed until the process is complete.

Child Find and the Referral Process

The Individuals with Disabilities Act outlines each step of the process in special education to ensure that each child's needs are carefully considered and addressed (Office of Special Education and Rehabilitative Services (ED), National Information Center for Children and Youth with Disabilities, & Kupper, 2000). The first is the identification process. In this step children are initially identified as possibly needing some type of special education service. The

Individuals with Disabilities Education Improvement Act of 2004 (IDEA) requires that every state have a process in place for locating, identifying, and evaluating all children who are suspected of being in need of special education and related services (Klor, 2007). The process of finding students in need of these services is known as *Child Find*. General educators are expected to participate in this process and play an important role in locating eligible students. The majority of students with disabilities will be identified at a fairly young age. There are still some who slip through the cracks and are not identified until entering middle or high school. Therefore, the responsibility for general education teachers to be proactive in helping locate students with disabilities is not limited to those teaching in the early grades. There are many indicators that a student may not be developing at the same rate as his or her peers; teachers should be aware of and act promptly upon observation of several universal indicators. Among the more common indicators are students who have difficulty gaining academic skills, students who demonstrate atypical behaviors, and students who do not respond appropriately to instruction (Klor, 2007). Under IDEA (2004) general education teachers are expected to refer any student for assessment who is suspected of having a disability.

Classroom teachers refer most students suspected of having a disability for services. Parents may also request that their child be evaluated for special education services. IDEA (2004) requires that school districts take action to notify parents of the procedure used to refer a child for special education consideration. General education teachers are required to be familiar with how to assist parents who are interested in referring their child for special education consideration (Klor, 2007).

General education teachers are expected to know what to look for in locating students suspected of having a disability. Some factors that may impinge special education consideration

include environmental, cultural, or economic disadvantages. Per the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) factors that must be ruled out as the primary cause of a student's educational difficulties include a lack of instruction in reading or math and limited English proficiency. These factors are to be considered during the referral process (Klor, 2007).

When a child is suspected of having a disability, a special education referral form must be completed. The referral initiates a set of formal activities (Smith et al., 2004). Upon completion of a referral form most districts have a meeting to determine the basis and merit of the referral. Many districts schedule a meeting that includes the parents, general education teacher, an administrator, and possibly a special education teacher or school psychologist. If the basis of the referral appears worthy and it is determined that the district will go forward with an assessment, one of the first and most crucial steps of the process is that the parents are given a copy of the *Parent Rights and Procedural Safeguards*. Before the initial evaluation can move forward, informed parental consent must be obtained. If the parent refuses consent to the evaluation or if parental consent is requested with no response, the school system has the right to pursue a due process hearing against the parent (Wright & Wright, 2007). Once the parent agrees to an evaluation and signs the informed consent or the district prevails in the due process hearing, the school system must complete the appropriate assessments and present findings to the parents within 60 days of signing the referral form.

Assessment for Eligibility

According to IDEA (2004) to be identified for special education students must be properly evaluated and an Individualized Education Program team must determine that they meet the eligibility standard for designation as a child with a disability who requires a special education program or service (US Department of Education, 2006a). IDEA (2004) also requires

that the school use various assessments to collect pertinent academic information along with functional and developmental information about the child. New requirements for assessments were added during the 2004 reauthorization of IDEA. The new requirements include that the school must ensure that assessments are not racially or culturally discriminatory and are “provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally [and] are administered by trained and knowledgeable personnel” (Wright & Wright, 2007, p. 241). The areas assessed must address all areas related to the child’s suspected disability. The assessment results and other factors are used to determine eligibility for special education and related services.

A combination of assessments, observations, and other pertinent information may be used to help determine if a child is eligible for special education services. Among the choices for methods of assessments used are: informal assessments, norm-referenced tests, standardized instruments, curriculum-based measurements, formative assessments, achievement tests, cognitive assessments, high-stakes testing, and alternative assessments (Hulett, 2009). The evaluation process along with all assessments chosen must be sensitive to the child’s age, grade level, and culture (Smith et al., 2004).

Students may be identified as eligible for special education under a variety of categories. According to Klor (2007) the disability categories are “intended to merely describe the primary nature of the student’s disability” (p. 19). Included in the category options are: autism, hearing impaired or deaf, emotionally disturbed, other health impaired, orthopedic impairment, mental retardation or developmental delay, specific learning disability, speech and language impaired,

traumatic brain injury, and visual impairment including blindness. Each category has specific criterion that must be met in order to certify for special education services.

Upon completion of the evaluation, an Individualized Education Program team meeting is held. Based on IDEA (2004) an individualized education program meeting is required as the decision-making procedure to determine eligibility. The required members of an IEP team are the parent, an administrator, a special education teacher, the general education teacher(s) of the students, and, when appropriate, the student. Not only must a child meet the criterion to be certified for a specific category established by IDEA (2004), but it also must be determined that the disability is adversely affecting his or her educational performance. Normally if the student is found eligible for special education services, the team develops an individualized education plan and the student promptly receives the needed services. However, parental consent is required before providing special education services to a student. If the parent will not consent to services, the district has no recourse in the matter and may not pursue a due process hearing against the parent to attempt to obtain permission to offer special education services. When a parent refuses to give consent for his or her child to receive special education services, the school system has not violated IDEA and is not required to arrange an IEP meeting or develop an IEP for the child (Wright & Wright, 2007).

Individualized Education Plan (IEP)

A student's individualized education program may be considered the most vital part of the entire special education process. According to Bateman and Linden (1998), "The heart of the law is the child's written Individualized Education Program and the core entitlement of the child is to a free appropriate public education" (Hulett, 2009, p. 145). In the case of *Honig v. Doe* (1988), the child's individualized education program was referred to as the keystone of the

Individuals with Disabilities Education Act (IDEA, 1990/1997). Hulett (2009) also notes the importance of the individualized education program by describing the program as the legal roadmap for the development and implementation of every major component of the educational program for a child with a disability. Hulett continues by noting that the IEP provides prescriptive gauges for the how, when, where, why, who, and what of each child's individual educational program.

Whereas some see the IEP as the center of the law, others see it as an arduous time-consuming task. Bateman and Linden (2006) agreed with this opinion by stating that,

Sadly, many IEPs are horrendously burdensome to teachers and nearly useless to parents and children. Far from being a creative, flexible, data-based, and individualized application of the best of educational interventions to a child with unique needs, the typical IEP is "empty," devoid of specific services to be provided, and its goals are often not measurable. It says what the IEP team hopes the student will be able to accomplish, but little about the special education interventions and the related services or the classroom modifications that will enable him to reach those goals. (p. 87)

In spite of personal opinion of the need for or usefulness of an IEP, the law mandates that one is in place for every student identified with a disability and served under IDEA.

In order to ensure that each student with a disability is offered a free appropriate public education in the least restrictive environment, the creation of an educationally and legally sound individualized education program is fundamental (Hulett, 2009). The intention in developing an individualized education program ensures that all essential individuals are conscious of the exact needs, requirements, services, and accommodations determined necessary to meet the child's individual educational needs. The IEP is considered a legally-binding agreement. It describes what the school system will offer in regard to educating and meeting the individual needs for a child with a disability along with the explanation of how it will accomplish meeting those needs (Hulett, 2009, Johns & Crowley, 2007).

During the reauthorization of IDEA in 1997 general education teachers were specifically named as required members of all IEP teams for special education students enrolled in their classes or who might be enrolled in their classes. According to Klor (2007) the motivation for the change was to ensure that general education teachers not only participate in developing the IEP, but that they are also knowledgeable in regard to the contents of the IEP, and that they provide input to the IEP team in regard to supplementary aids or services the student may need in order to participate in the general curriculum.

The IEP meeting itself has a very predictable sequence even though each child's plan varies significantly. All of the specific legal requirements under IDEA must be addressed at each meeting. There are explicit components that must be covered as each plan is written. Hulett (2009) describes the major components of an IEP as:

- present levels of performance,
- annual goals,
- reporting of student progress,
- accommodations, modifications, and support services,
- least restrictive environment and related services,
- participation in state- and district-wide assessments,
- frequency and duration of services, and
- transition services.

Input from the general education teacher is crucial in each component of the special education process. From the initial referral to placement, the general education teacher is the only person who can offer a first-hand view of how the student is progressing in the general education classroom (Johns & Crowley, 2007).

Present levels of performance include the student's current functioning educational level including how the disability affects the student's participation and progress in the general education curriculum (Mastropieri & Scruggs, 2004). General education teachers can provide first-hand knowledge regarding the student's current functioning educational level in the general education classroom. The general education teacher can also identify how the suspected disability is adversely impacting the student's educational progress. An additional facet of present performance covered during the process is the information obtained through the evaluation. It is essential that the general education teacher be familiar with information acquired from observations, assessments, and other aspects of the complete evaluation. Familiarization with the student through these sources enables the general education teacher to better understand the child's cognitive abilities as well as favored learning styles, possible processing issues, and other pertinent information (Johns & Crowley, 2007).

The IEP also includes measurable annual goals that address academic and functional issues. These annual goals must also address specific needs that have resulted from the impact of the disability (Hulett, 2009). It is critical that the general education teacher is involved not only with assisting in developing but also in implementing the goals once they are in place because they must address academic issues. Short-term objectives are benchmarks used to meet the annual goals. General education teachers' assistance in developing the benchmarks is critical as they are the persons charged with implementation.

The IEP must address how parents will be informed of the methods that will be used to evaluate their child's progress on the annual goals. Parents must be provided with a report that documents their child's progress toward their IEP goals. General education teachers should be familiar with how to report progress and should communicate with the special education teachers

and the parent regarding the student's progress in the general education curriculum (Hulett, 2009).

The component of accommodations, modifications, and support services covers a wide area. IEPs include specifically prescribed accommodations, modifications, and support services. These services enable students with disabilities to participate in the general education curriculum and in state- or district-wide assessments (Klor, 2007). The IEP must include a statement that defines the accommodations, modifications, and support services that will be provided to the student. Accommodations, modifications, and support services must address not only the academic needs of the student but also needs the student may have for nonacademic and extracurricular activities. General education teachers should be involved in helping determine what accommodations, modifications, and support services are needed for a student in their classes. They must also be aware of accommodations, modifications, and support services included on the IEP so they can be appropriately implemented (Smith et al., 2006). The Individuals with Disabilities Education Improvement Act of 2004 (IDEA, 2004) requires that the general education teacher provide all accommodations and modifications as written per the IEP for any special education student in their class. General education teachers should be aware of the difference in accommodations and modifications. Accommodations do not change the standards for a class, assignments, or tests (Klor, 2007). Students receiving accommodations may receive the same credit as their nondisabled peers. Modifications, however, alter or lower the standards for a class, assignments, or tests. Students receiving modifications may not receive credit toward a general education diploma (US Department of Education, 2006a).

According to IDEA (2004) schools are required to educate children with disabilities alongside children who are not disabled to the maximum extent appropriate. A child may only be

removed from the general educational setting if the nature or severity of his or her disability is such that the child cannot be educated in regular classes even with the use of supplementary aids and services. The IEP team must decide what portion of the school day the student will participate in the general education curriculum. The IEP must also include a statement justifying the time the student will not participate with nondisabled peers. The general education teacher's observation and engagement with students is pertinent in regard to the amount of time students spend in the general education classroom (Johns & Crowley, 2007; Klor, 2007).

The component of the IEP that includes the student's participation in state- and district-wide assessments was enhanced in the 2004 IDEA amendments to correspond with the stipulations of the No Child Left Behind Act of 2001 (NCLB, 2002). The IEP must stipulate how the student will participate in mandatory state or local assessments. It must also address which, if any, accommodations or modifications the student will need during the assessments. The IEP must indicate that any accommodations or modifications used during assessments are also received during classroom instruction and evaluation (Hulett, 2009). The IEP team has the option of determining whether a student should not participate in state- and district-wide assessments. There are two options for students participating in regular assessments: the first is that students can participate in an alternative assessment linked to the same achievement standards as those of the regular assessment, and the other is an alternative assessment linked to alternative achievement standards. Most general education teachers are very familiar with the content of state- and district-wide assessments.

Any amount of time a student does not spend around nondisabled peers must be justified and documented within the IEP (Wright & Wright, 2007). The specific amount of time the student will receive services through special education must also be documented. These services

range in the amount of time the student will receive the services to where the services will actually be provided. Therefore, another responsibility of the IEP team is to determine and document the beginning and ending date of services, the frequency with which the services will be provided, and the location where the student will receive special education services. The IEP team is required to justify any limit on the amount of time a student will spend in the general education program as well as justifying the provision of services outside the student's home school, if applicable. The general education teacher should be very helpful in determining special education services that could most benefit the child (Johns & Crowley, 2007).

According to IDEA (2004) IEPs for students 16 years and older must include a section on transition services. The State of Tennessee mandates that the transition section be added to IEPs when the student turns 14 years old. The 2004 improved IDEA states that the,

first IEP to be in effect when the child is 16, and updated annually thereafter [must include] appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills ... and the transition services (including courses of study) needed to assist the child in reaching these goals (20 U.S.C. § 1414 (d)(1)(A)(i)(VIII). (Wright & Wright, 2007, p. 246)

The transition section stresses the importance of and preparation for the student's life after their completion of high school. The transition services that must be considered and written into the IEP are very explicit.

The term "transition services" means a coordinated set of activities for a child with a disability that – (A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests, and (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (Wright & Wright, 2007, p. 56)

The Individuals with Disabilities Education Improvement Act of 2004 is a federal law; failure to implement a student's IEP is illegal. General education teachers are required by law to be knowledgeable of the information in the IEP of any student enrolled in their class. They also have a legal obligation to implement any part of the IEP that applies to them. The general education teachers' interaction with the student in the general education setting and curriculum allows the teacher to help the IEP team develop realistic goals. It also allows teachers to recommend appropriate activities that can realistically be implemented in the general education classroom. One of the biggest challenges for the general education teacher is to develop strategies for meeting the legal responsibilities of fulfilling the IEPs of their special education students while also addressing the instructional needs of the rest of the class (Klor, 2007).

Summary

According to Johns and Crowley (2007) both IDEA (1990/1997) and the improved IDEA of 2004 identify the importance of the general education teacher's role in special education. Generally, regular education teachers play a vital role in educating children with disabilities because of their expertise in curriculum and in establishing an appropriate learning environment. Section 300.344(a)(2) of the IDEA (US Department of Education, 2006a) regulations state that the IEP team for a child with a disability must include at least one of the child's general education teachers if the child is, or may be, participating in the general education environment. Section 300.320 specifies that,

a regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies for the child; and supplementary aids and services, program modifications, and support for school personnel. (Wright & Wright, 2007, p. 250)

The importance of the general education teacher's involvement of is not only recognized and acknowledged but has been put into law. IDEA (2004) upheld the provision of IDEA (1990/1997) that recognized the need for school personnel working with students with disabilities to have access to supports needed to do their jobs. If the general education teacher needs or desires additional training or consultation to enhance his or her ability to work with a student with disabilities, it should be provided. Based on IDEA 1990, 1997, and 2004, the general education teacher's input is vital to the process. Therefore, the general education teacher's knowledge of the process is imperative.

Special Education Procedures

Once the process of identifying, certifying a student for special education, and writing the IEP is complete, the education of the student per the IEP begins. Just as there are many guidelines that direct special education processes, there are also numerous guidelines in place to manage the procedures that must be adhered to for educating a student with disabilities.

Implementing the IEP

According to IDEA (2004) every student with a disability between the ages of 3 and 21 will receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE) based on the contents of his or her Individualized Education Program (IEP) (Russo, 2008). Therefore, of all the special education procedures that must be adhered to by general education teachers, following a student's IEP directives is probably the most crucial. General education teachers and other service providers responsible for the implementation of the IEP are involved in the process of writing the plan. Per IDEA (2004) all teachers are legally responsible for implementing all aspects of the IEP that pertain to their classroom. The IDEA not only specifies how IEPs are to be developed and what they must contain, they also include intricate

due process safeguards to protect the rights of students and ensure that provisions are enforced (Russo, 2008).

Any person responsible for implementing a portion of the IEP must be provided access to the plan. General education teachers and other service providers must be informed of their specific responsibilities in regard to the implementation. Bartlett et al. (2002) remark that education leaders are accountable for establishing and upholding these significant communication processes, and there is no exemption for ignorance on the part of those persons responsible for the stipulation of a child's free appropriate public education (FAPE) or his or her provisional substitutes.

Accommodations and Modifications

One of the components of the IEP that a general education teacher must follow is the element of prescribed accommodations and modifications. Accommodations and modifications must be followed to enable a student with disabilities to be involved in and progress in the general curriculum as well as to participate in state- or district-wide assessments.

General education teachers are required to follow imposed accommodations and modifications per the IEP. There is a significant difference in the two and teachers should be aware of the differences. Accommodations do not change or lower the standards for a class, assignments, or tests. Rather, accommodations enable a student to access the general curriculum and demonstrate his or her knowledge of the class content by making adjustments to the way the student demonstrates his or her understanding of the content (Klor, 2007). Modifications, however, alter the standards for a class, assignments, or tests and may involve changes in the content of what is being taught as well as a change in skill expectations of the student. Polloway, Epstein, and Bursuck (2001) reported that general education teachers are more willing to

consider accommodations but express more reluctance to consider the implementation of modifications.

Accommodations do not change or lower standards, they only provide a student with disabilities the chance to participate on an equal footing with their nondisabled peers by providing an opportunity to alter how they demonstrate their academic skill (Klor, 2007). According to Smith et al. (2006) accommodations refer to changes in processes in teaching and assessment, such as the arrangement of an instructional presentation, as well as practice and preparation for tests. Some students with disabilities may process somewhat slower than their peers. For a student with delayed processing an accommodation may be to allow the student additional time to complete the work. A student who struggles with expressing his or her thoughts in writing may be allowed to answer essay questions orally. Other examples of accommodations may include use of a calculator, graphic organizer, electronic speller, oral administration of tests, and other forms of assistive technology (Hulett, 2009). The student is expected to gain the same knowledge as his or her nondisabled peers. Adjustments are made in the way the student is required to demonstrate his or her comprehension of the material.

When accommodations are not enough to allow the student to be successful in the general education curriculum, the IEP team may decide to require modifications. Modifications are different from accommodations in that they change or lower the standards of a class. With modifications a student is not expected to gain the same knowledge the course usually requires. Modifications enable the student with disabilities to participate in portions of the class that will benefit him or her. Examples of modifications include the use of alternative materials to offer the student a simplified curriculum, modified grading standard, and pass or fail grading system (Johns & Crowley, 2007).

Grading Procedures

According to Silva, Munk, and Bursuck (2005) students with disabilities are at increased risk for grades that are low, inaccurate, and lacking in meaning. Students with disabilities may feel powerless in their effort to achieve better grades and in turn blame themselves for the low grades (Mastropieri & Scruggs, 2004).

If a student with disabilities obtains a failing grade for a class, it is the teacher's responsibility to ascertain that the reason for failure is not because the teacher failed to provide the IDEA (1990/1997, 2004) mandated free, appropriate public education. The teacher must have provided the student with all IEP accommodations and modifications appropriate to the class along with all program services and supports described in the IEP. According to Klor (2007) if a student with an IEP chooses not to take advantage of an opportunity to learn and the student has failed to meet the grading criteria to pass the class because of his or her own lack of cooperation, participation, or preparation, the student can receive a failing grade (US Department of Education, 2006a). The general education teacher should keep documentation to show that the student did not take advantage of services offered by the IEP when giving a failing grade. When a student has been identified as having a disability under IDEA, it is illegal to discriminate against him or her because of having a disability. Klor (2007) states that if a teacher is challenged on giving a failing grade to a student with a disability, it is important that the teacher be able to demonstrate that the failing grade was not caused by the disability itself but by factors that are unrelated to the disability.

Discipline Procedures

Under IDEA (1990/1997) an important requirement is that a student's behavior must be a consideration during the development of the IEP. The law specifies that the IEP team must, "in

the case of the child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior (Pub. L. No. 105-17, § 614(d)(3)(B))” (Hulett, 2009, p. 39). Behavioral intervention is a vital component of support for the child. The intervention also provides potentially essential protection for other students in inclusive learning settings (Hulett, 2009).

The law is very specific in regard to disciplining students with disabilities. Students served under IDEA may be disciplined the same as their nondisabled peers for up to 10 days per year. Past the 10 days there is a sequence of special protections and procedures that must be followed in order to make certain that the origin of the behavior was not a result of the student’s disability (Klor, 2007). A student identified as disabled may be suspended for up to 10 days for infringement of school rules without parental consent. During this 10-day period the school is not obliged to provide any services to the student with disabilities.

Applying disciplinary standards to students with disabilities may be even more complex. According to 34 C.F.R. § 300.527 (IDEA, 1990/1997) a child who has not been considered eligible for special education may declare any of the protections bestowed under IDEA if the district had information that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. According to Smith et al. (2006) a district is considered to have knowledge that a child has a disability if,

- The parent of the child has expressed concern in writing or orally to personnel of the district that the child is in need of special education and related services;
- The behavior or performance of a child demonstrates the need for special education services;
- The parent of the child has requested an evaluation of the child; or

- The child's teacher or other district personnel has expressed concern about the behavior or performance of the child to the director of special education or to other personnel in accordance with the district's established child-find or special education referral system. (p. 36)

If a student with disabilities is suspended beyond 10 days, he or she receives services and additional protections and procedures that students without disabilities do not receive. Starting on the 11th day of the suspension of a student with disabilities, the school district is required to provide educational services to facilitate the student's progress in the general education curriculum and to proceed with meeting the goals of the IEP. The school must also review the suspension to ensure that the suspension does not constitute a pattern of exclusion of the student (Klor, 2007).

After a child with a disability exhibits behavior that violates a school district's policy, a team that is familiar with the student must make a manifestation determination. Completion of a manifestation determination has been required by law since the 1997 amendments to the IDEA. According to Hulett (2009) the intent of Congress in requiring a manifestation was to determine if there was a link between the behavior and the disability of the child.

According to IDEA (2004) Procedural Safeguards – 20 U.S.C. § 1415,

In general, within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local education agency, the parent, and relevant members of the IEP team (as determined by the parent and local education agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine (1) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (2) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP. (Wright & Wright, 2007, p. 119)

The 1997 amendments to the IDEA included the execution of functional behavioral assessments (FBAs) and behavior intervention plans (BIPs) for students with disabilities whose behavior had an impact on their academic progress (Hulett, 2009).

General Education Teacher Knowledge of Special Education Matters

The composition of the general education classroom has changed significantly since the law mandated that students with disabilities be served in the least restrictive environment. The U.S. Department of Education in its 25th Annual Report to Congress (US Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs. 2005) stated that, about 96% of students with disabilities receive their education in regular school buildings and almost half are in regular classrooms for the majority of the school day. With the transformation of students with disabilities being served in separate schools or special education classrooms to now being served in the general education classroom came noteworthy changes in the role of special and general education teachers themselves. The role of the special education teacher has seen a significant shift. The special education teacher was previously a direct provider of instruction. They have now become more of a facilitator or consultant (Jorgensen, Schuh, & Nisbet, 2006). According to Sabornie and deBettencourt (1997) the role of the general education teacher is much more demanding in that it is necessary to understand the various types of disabilities along with the need to comprehend types of appropriate curricular and instructional modifications and interactions with students with disabilities in the classroom.

While some inclusion teachers receive needed help and support from special education teachers and administration, others do not. According to Johns and Crowley (2007) there are many instances where students with disabilities are placed in general education classrooms

where the teacher does not have the knowledge or skills needed to work effectively with the students.

Currently the U.S. Department of Education places the preparation emphasis on content knowledge per the highly qualified requirement of No Child Left Behind (Boe, Shin, & Cook, 2007). There is little research on general education teachers' knowledge of special education law or in being trained to teach students with disabilities. There are approximately 700 colleges and universities in the United States that offer programs leading to teacher certification in the area of special education (Crutchfield & Washington DC National Information Center for Children and Youth with Disabilities, 1997). Not only do these programs offer coursework deemed appropriate for teacher preparation in working with students with disabilities, they also offer numerous experiences in actually working with these students.

As part of the core content prospective teachers majoring in special education learn about the history of special education in the United States. These students obtain knowledge about the laws mandating the services that students with disabilities will receive. Prospective special education teachers also gain knowledge of how the laws affect the services they will provide as teachers. They are trained in legal issues that relate to assessments, the eligibility of students for services, and the placement of students with disabilities. Instruction about the rights and responsibilities of parents, students, teachers, and schools are also included (Crutchfield & Washington DC National Information Center for Children and Youth with Disabilities, 1997). When teaching students with disabilities the laws governing the process are extremely important; there are mandates and regulations for every step of the process (Johns & Crowley, 2007; Wright & Wright, 2007).

Learning about the characteristics of students with various disabilities is part of any special education certification program. Prospective teachers learn about the characteristics of students with disabilities and how the disability may have an effect on the cognitive, physical, cultural, social, and emotional needs of the student (Crutchfield & Washington DC National Information Center for Children and Youth with Disabilities, 1997). In addition to understanding the disabilities special education teachers must also be familiar with a variety of medications that are prescribed and the affect they may have on students.

In regard to actually educating students with disabilities teachers pursuing certification in special education are trained in the different and sometimes complex learning styles of students with disabilities. According to the Office of Special Education and Rehabilitative Services (ED), National Information Center for Children and Youth with Disabilities, and Kupper (2000) prospective special education teachers learn techniques for modifying instructional methods and materials along with learning how to develop appropriate curricula for students with disabilities in regard to motor, cognitive, academic, social, language, affective, career, and functional life skills.

While teachers with special education certification have been trained in the necessary areas for teaching students with disabilities, teachers with general education certification have not. Therefore, there is essential information missing from the regular educator's repertoire in regard to the requirements of and the methods for educating students with disabilities.

According to a study by Mastropieri and Scruggs (2004) 33% or fewer of the teachers surveyed felt they had sufficient time, expertise, training, and resources to enable them to be successful in working with students with special needs. The findings in Mastropieri and Scruggs's (2004) study coincided with a comment by Roach (1995) that, "Teachers' fears seem

to arise not so much from concerns about the philosophy of inclusion as from concerns and doubts about teachers' own teaching abilities as they relate to specific students" (p. 298).

Teachers have reported that their understanding of how learning disabilities impact the acquisition of new skills is limited and that they feel inadequately prepared to meet the demands of inclusive education (DeSimone & Parmar, 2006). To make matters worse general education teachers are charged not only with providing instruction to students with disabilities but also with navigating an unfamiliar system of rules and regulations (Cahill & Mitra, 2008).

CHAPTER 3

METHODS

The purpose of this study was to assess the general education teachers' self-reported knowledge of special education law and the processes and procedures mandated by federal law. This chapter outlines the research methodology used in this study including the research design, population, development of survey instrument, data collection procedures, research questions and null hypotheses, and data analysis.

Research Design

This descriptive, quantitative research design used a survey to assess general education classroom teachers' self-reported knowledge of special education law and the processes and procedures mandated by federal law. Research through the use of a survey was identified by Borg and Gall (1983) as being a systematic method of data collection and analysis. According to Witte and Witte (2007) surveys permit generalizations from samples back to populations. A survey instrument was developed for this study to answer the research questions and test null hypotheses.

Population

The population for this study included 1,058 general education teachers in Sevier County, Tennessee. Only those who taught students with IEPs were included in the study. The survey included a qualifying question regarding experience to determine whether or not a general education teacher was eligible for inclusion in the study.

Development of Survey Instrument

The researcher developed the survey instrument (see Appendix A) for this study to answer the 15 research questions. The questionnaire was designed to measure general education teachers' self-reported perceptions of their knowledge of special education law, processes, and procedures.

Demographic data were collected from each respondent in regard to sex, level of education, current teaching assignment, years of teaching experience, and assigned area of teaching. The survey instrument included a qualifier that explained to respondents that the survey was designed to obtain input from general education teachers who have taught students with IEPs in classes designed for the general education curriculum. If respondents met the criteria, they were asked to continue completing the 18-question survey. Those respondents who did not meet the criteria were asked to return the survey to help with respondent percentages.

The survey instrument was developed using statements that directly related to one of the three dimensions of the research questions. Information was gained in regard to the general education teachers' knowledge of special education law from questions 1-5. Questions 6-10 gained information related to the general education teachers' knowledge of special education processes. Information with respect to the general education teachers' knowledge of special education procedures mandated by federal law was obtained from questions 11-18.

Respondents to the survey were asked to indicate their strength of agreement with each item. They completed the questionnaire by marking the answer that best represented their level of agreement based on a 6-point Likert-type scale using *Strongly Agree*, *Agree*, *Somewhat Agree*, *Somewhat Disagree*, *Disagree*, and *Strongly Disagree*; there was no neutral response choice.

A pilot study with six general education teachers and one special education teacher was completed to make certain that the questions were clearly understandable and asked for the appropriate information. The teachers participating in the pilot study were excluded from completing the survey to obtain data. The teachers' responses and comments were used to ensure that the survey used appropriate language, was simple to understand, and was an accurate measure of teachers' knowledge.

Data Collection Procedures

A letter (see Appendix B) was sent to the Director of the Sevier County Schools to obtain permission to complete the research for this study in the Sevier County School System. After receiving the required permission, 20 school principals were contacted and asked to distribute and collect the survey during their faculty meetings. Because all teachers are required to attend faculty meetings, this proved to be an effective and efficient way to obtain survey results from general education teachers.

A cover letter (see Appendix C) was attached to each survey to inform respondents of the purpose of the survey and assure anonymity. The respondents were asked to complete the survey anonymously during the faculty meeting. Respondents were asked to put their completed survey in a supplied envelope and seal it before returning it to the principal. Principals then returned the completed surveys in an envelope provided by the researcher by interoffice mail.

Research Questions and Null Hypotheses

Fifteen null hypotheses were used to answer the 15 research questions regarding Sevier County general education teachers' self-reported knowledge of special education law, processes, and procedures:

1. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on gender?
H₀₁: There is no significant difference in general education teachers' self-reported knowledge of special education law based on gender.
2. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on education level (Bachelor's Degree, Advanced Degree)?
H₀₂: There is no significant difference in general education teachers' self-reported knowledge of special education law based on education level.
3. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on current grade level teaching assignment (K-8, High School)?
H₀₃: There is no significant difference in general education teachers' self-reported knowledge of special education law based on current grade level teaching assignment.
4. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on years of experience (0-4, 5-9, 10-14, 15+)?
H₀₄: There is no significant difference in general education teachers' self-reported knowledge of special education law based on years of experience.
5. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on current subject teaching assignment (Academic, Nonacademic)?

H₀₅₁: There is no significant difference in general education teachers' self-reported knowledge of special education law based on current subject teaching assignment.

6. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on gender?

H₀₆₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on gender.

7. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on education level (Bachelor's Degree, Advanced Degree)?

H₀₇₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on education level.

8. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment (K-8, High School)?

H₀₈₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment.

9. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on years of experience (0-4, 5-9, 10-14, 15+)?

H₀₉₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on years of experience.

10. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current subject teaching assignment (Academic, Nonacademic)?

H₀₁₀₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on current subject teaching assignment.

11. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on gender?

H₀₁₁₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on gender.

12. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on education level (Bachelor's Degree, Advanced Degree)?

H₀₁₂₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on education level.

13. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on current grade level teaching assignment (K-8, High School)?

H₀13₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on current grade level teaching assignment.

14. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on years of experience (0-4, 5-9, 10-14, 15+)?

H₀14₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on years of experience.

15. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on current subject teaching assignment (Academic, Nonacademic)?

H₀15₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on current subject teaching assignment.

Data Analysis

Data for research questions 1-5 (*Is there a significant difference in general education teachers' self-reported knowledge of special education law based on various demographic factors?*) were gathered from survey questions 1-5.

Data for research questions 6-10 (*Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on various demographic factors?*) were gathered from survey questions 6-10.

Data for research questions 11-15 (*Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on various demographic factors?*) were gathered from survey questions 11-18.

The extent of agreement among respondents was determined by selection of response options using frequencies and percentages. *Strongly Agree* was assigned a weight of 6, *Agree* was assigned a weight of 5, *Somewhat Agree* was assigned a weight of 4, *Somewhat Disagree* was assigned a weight of 3, *Disagree* was assigned a weight of 2, and *Strongly Disagree* was assigned a weight of 1.

Analysis of the 15 research questions and null hypotheses was accomplished by using the independent samples *t*-test and one-way ANOVA, which were applied to the data to determine any statistically significant relationships among the demographic variables and responses. An independent samples *t*-test was used to evaluate the null hypotheses for research questions 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15. A one-way analysis of variance (ANOVA) was conducted to evaluate the null hypotheses for research questions 4, 9, and 14. Statistical significance was determined by $\alpha = 0.05$. Where the *p* value calculated from the ANOVA is less than 0.05 ($p < 0.05$) a statistically significant difference is indicated in the means; where the *p* value is greater than 0.05 ($p > 0.05$) no significant difference is indicated in the means. A significance level of $p < 0.05$ was selected to determine whether each of the null hypotheses was retained or rejected. The results are presented in five tables and 15 figures. It was assumed that:

1. The survey instrument was a valid and reliable tool for gaining information.
2. Participants possess adequate knowledge and experience to answer all survey questions.
3. Respondents provided truthful and accurate information.

Summary

This study is organized into five chapters. Chapter 1: Introduction, includes the Purpose of the Study, Research Questions, Limitations, Definition of Terms, and Organization of the Study.

Chapter 2: Literature Review, includes the Introduction, History of Special Education and the Law, Special Education Processes, Special Education Procedures, and General Education Teacher Knowledge of Special Education Matters.

Chapter 3: Methods, includes the Research Design, Population, Development of Survey Instrument, Data Collection Procedures, Research Questions and Null Hypotheses, Data Analysis, and a Summary.

Chapter 4: Results, includes the Introduction and presentation of the data for Research Questions 1–15.

Chapter 5: Findings, Discussion, Recommendations, and Conclusions are reviewed in this chapter.

CHAPTER 4

RESULTS

With legislation strongly encouraging the inclusion of students with disabilities in general education classes, general education teachers are now accountable for the education of students with disabilities. It has become crucial that teachers of these classes be familiar with laws, processes, and procedures that regulate the education of students with disabilities. While there is nothing in place to mandate teacher training in these areas, general education teachers are legally responsible for following the letter of the law when teaching students with disabilities. Information from this study of teachers' self-reported knowledge of special education laws, processes, and procedures provides important insight for professional development of those currently teaching and development of effective teacher education programs for future teachers. Because general education teachers are now responsible for following special education law, processes, and procedures when working with students with disabilities, this study involving the perceived knowledge of these teachers is warranted.

The purpose of this study was to explore Sevier County, Tennessee, general education teachers' knowledge of (a) special education law, (b) special education processes, and (c) special education procedures. To generate data for the study the survey instrument included statements that directly related to one of the three dimensions of the research questions. An 18-question survey was sent to 1,058 general education teachers; 301 surveys were returned for a response rate of 28.5%. The research was completed during January and February of 2011. Because of weather conditions, an unusually high number of school days were missed during this time. Some faculty meetings were cancelled during the closings and several principals resorted to placing surveys in teachers' mailboxes versus distributing them at faculty meetings. The

researcher followed-up with most principals and reminders were sent out to teachers to complete and return the survey. However, school closure due to inclement weather likely had a negative effect on the overall response rate. Table 1 displays the self-reported demographics of the respondents.

Table 1
Demographics of the Respondents (N=301)

DEMOGRAPHICS	<i>n</i>	%
GENDER		
Male	52	17.3
Female	249	82.7
EDUCATION LEVEL		
Bachelor's Degree	46	15.3
Advanced Degree	255	84.7
GRADE LEVEL ASSIGNMENT		
K-8	209	69.4
High School	91	30.2
No Answer	1	0.3
YEARS OF EXPERIENCE		
0-4 years experience	42	14.0
5-9 years experience	72	23.9
10-14 years experience	60	19.9
15+ years experience	126	41.9
No Answer	1	0.3
SUBJECT ASSIGNMENT		
Academic	262	87.0
Nonacademic	37	12.3
No Answer	2	0.7

Fifteen research questions provided the focus for the study. Responses to survey questions 1-5 provided information about general education teachers' knowledge of special education law. Responses to survey questions 6-10 provided information relating to general education teachers' knowledge of special education processes. Information with respect to general education teachers' knowledge of federally mandated special education procedures was obtained through survey questions 11-18. Table 2 presents descriptive statistics for the average (mean [M] and median [Mdn]) and dispersion (standard deviation [SD], minimum, and maximum) responses.

Table 2
Descriptive Statistics

Category	n	M	Mdn	SD	Minimum	Maximum
Law	301	4.48	4.60	.804	1.40	6.00
Processes	301	4.20	4.20	.961	1.60	6.00
Procedures	298	4.76	4.75	.706	1.88	6.00

Respondents to the survey were asked to indicate their strength of agreement with each item. They completed the questionnaire by marking the answer that best represented their level of agreement, based on a 6-point Likert-type scale using *Strongly Agree* (6), *Agree* (5), *Somewhat Agree* (4), *Somewhat Disagree* (3), *Disagree* (2), and *Strongly Disagree* (1); there was no neutral response choice. The mean response was lowest for processes ($n = 301$) questions ($M = 4.20$, $Mdn = 4.20$, $SD = 0.961$) and highest for procedures ($n = 298$) questions ($M = 4.76$, $Mdn = 4.75$, $SD = 0.706$). Responses for all categories fall into the *Agree* to *Somewhat Agree* range.

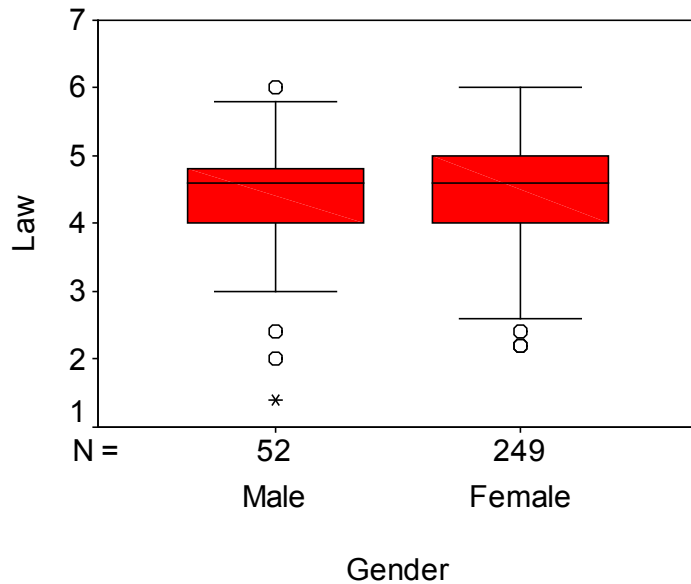
Research Question 1

Research Question 1. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on gender?

H₀₁: There is no significant difference in general education teachers' self-reported knowledge of special education law based on gender.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education law based on gender. The efficacy of general education teachers' self-reported knowledge of special education law was the dependent variable and gender was the independent variable. The independent samples *t*-test, $t(299) = -1.22, p = .222, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education law was accounted for by gender. Although not significant the mean self-reported knowledge of male teachers ($M = 4.35, SD = 0.86$) was slightly lower than the mean for female teachers ($M = 4.50, SD = 0.79$). The 95% confidence interval for the difference in means was -.39 to .09. The boxplot for general education teachers' self-reported knowledge of special education law by gender is shown in Figure 1.



o = an observation between 1.5 times to 3.0 times the interquartile range
 * = an observation more than 3.0 times the interquartile range

Figure 1. Boxplot for general education teachers' self-reported knowledge of special education law by gender.

Research Question 2

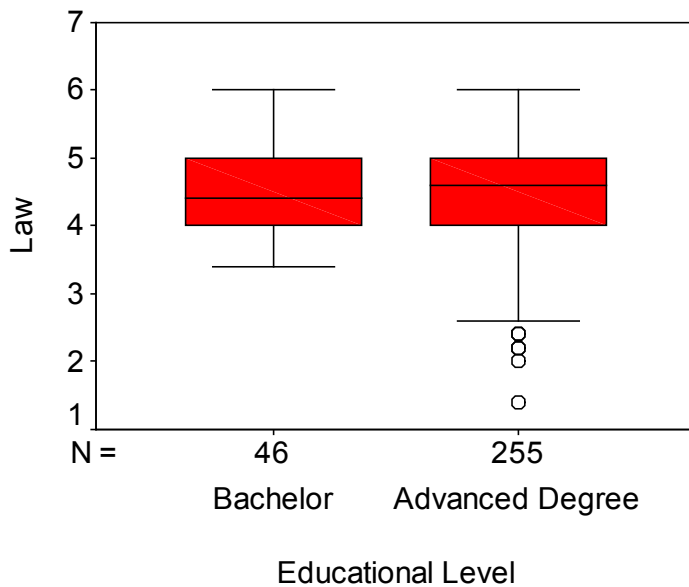
Research Question 2. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on education level (Bachelor's Degree, Advanced Degree)?

H₀₂₁: There is no significant difference in general education teachers' self-reported knowledge of special education law based on education level.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education law based on education level. The efficacy of general education teachers' self-reported knowledge of special education law was the dependent variable and education level (Bachelor's Degree, Advanced Degree) was the

independent variable. The independent samples *t*-test, $t(299) = .27, p = .784, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education law was accounted for by education level. Although not significant, the mean self-reported knowledge of teachers with a Bachelor's Degree ($M = 4.45, SD = 0.67$) was slightly lower than the mean for teachers with an Advanced Degree ($M = 4.48, SD = 0.83$). The 95% confidence interval for the difference in means was -.29 to .22. The boxplot for general education teachers' self-reported knowledge of special education law by education level is shown in Figure 2.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 2. Boxplot for general education teachers' self-reported knowledge of special education law by educational level.

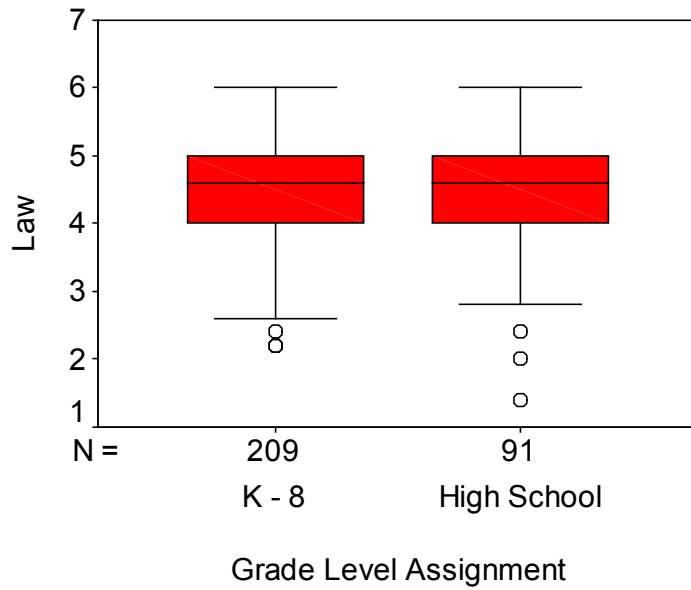
Research Question 3

Research Question 3. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on current grade level teaching assignment (K–8, High School)?

H₀₃₁: There is no significant difference in general education teachers' self-reported knowledge of special education law based on current grade level teaching assignment.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education law based on current grade level teaching assignment. The efficacy of general education teachers' self-reported knowledge of special education law was the dependent variable and current grade level teaching assignment (K–8, High School) was the independent variable. The independent samples *t*-test, $t(298) = .85$, $p = .397$, $\eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education law was accounted for by current grade level teaching assignment. Although not significant, the mean self-reported knowledge of K–8 teachers ($M = 4.50$, $SD = 0.78$) was slightly higher than the mean for High School teachers ($M = 4.42$, $SD = 0.86$). The 95% confidence interval for the difference in means was -.11 to .28. The boxplot for general education teachers' self-reported knowledge of special education law by current grade level teaching assignment is shown in Figure 3.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 3. Boxplot for general education teachers' self-reported knowledge of special education law by current grade level teaching assignment.

Research Question 4

Research Question 4. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on years of experience (0-4, 5-9, 10-14, 15+)?

H_{04_1} : There is no significant difference in general education teachers' self-reported knowledge of special education law based on years of experience.

A one-way analysis of variance (ANOVA) was conducted to test the null hypothesis that there is no significant difference in general education teachers' self-reported knowledge of special education law based on years of experience (0-4, 5-9, 10-14, 15+). The independent variable was the number of years of experience and the dependent variable was the general education teachers' self-reported knowledge of special education law. The one-way ANOVA, $F(3,296) = 0.74, p = .528, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

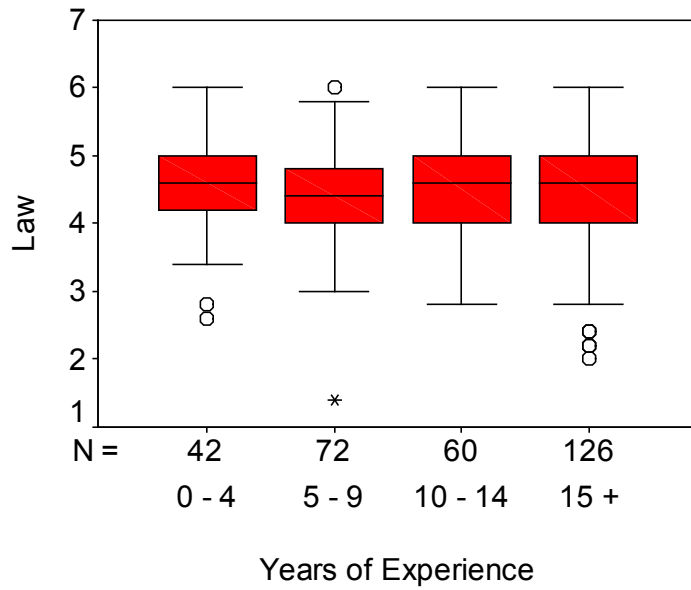
The strength of the relationship as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education law was accounted for by years of experience. Examination of the means showed less than a one-point difference in each.

The means and standard deviations for general education teachers' self-reported knowledge of special education law by years of experience are shown in Table 3; Figure 4 shows the boxplot for general education teachers' self-reported knowledge of special education law by years of experience.

Table 3

Means and Standard Deviations for General Education Teachers' Self-Reported Knowledge of Special Education Law by Years of Experience

Years of Experience	<i>n</i>	<i>M</i>	<i>SD</i>
0-4 years experience	42	4.55	0.76
5-9 years experience	72	4.36	0.69
10-14 years experience	60	4.53	0.79
15+ years experience	126	4.50	0.89
Total	300	4.48	0.80



o = an observation between 1.5 times to 3.0 times the interquartile range
 * = an observation more than 3.0 times the interquartile range

Figure 4. Boxplot for general education teachers' self-reported knowledge of special education law by years of experience.

Research Question 5

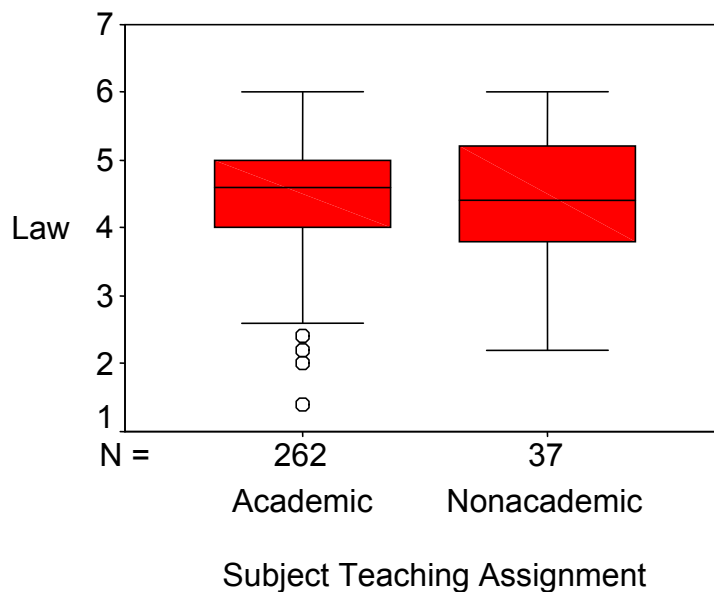
Research Question 5. Is there a significant difference in general education teachers' self-reported knowledge of special education law based on current subject teaching assignment (Academic, Nonacademic)?

H_{05_1} : There is no significant difference in general education teachers' self-reported knowledge of special education law based on current subject teaching assignment.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education law based on current subject teaching assignment. The efficacy of general education teachers' self-reported knowledge of special education law was the dependent variable and current subject teaching assignment (Academic, Nonacademic) was the independent variable. The independent samples *t*-test, $t(297)$

= .57, $p = .569$, $\eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education law was accounted for by current subject teaching assignment. Although not significant, the mean self-reported knowledge of Academic teachers ($M = 4.49$, $SD = 0.79$) was slightly higher than the mean for Nonacademic teachers ($M = 4.41$, $SD = 0.89$). The 95% confidence interval for the difference in means was -.20 to .36. The boxplot for general education teachers' self-reported knowledge of special education law by current subject teaching assignment is shown in Figure 5.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 5. Boxplot for general education teachers' self-reported knowledge of special education law by current subject teaching assignment.

Research Question 6

Research Question 6. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on gender?

H₀₆₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on gender.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education processes based on gender. The efficacy of general education teachers' self-reported knowledge of special education processes was the dependent variable and gender was the independent variable. The independent samples *t*-test, $t(299) = -1.44, p = .152, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education processes was accounted for by gender. Although not significant, the mean self-reported knowledge of male teachers ($M = 4.03, SD = 0.86$) was slightly lower than the mean for female teachers ($M = 4.20, SD = 0.98$). The 95% confidence interval for the difference in means was -.50 to .08. The boxplot for general education teachers' self-reported knowledge of special education processes by gender is shown in Figure 6.

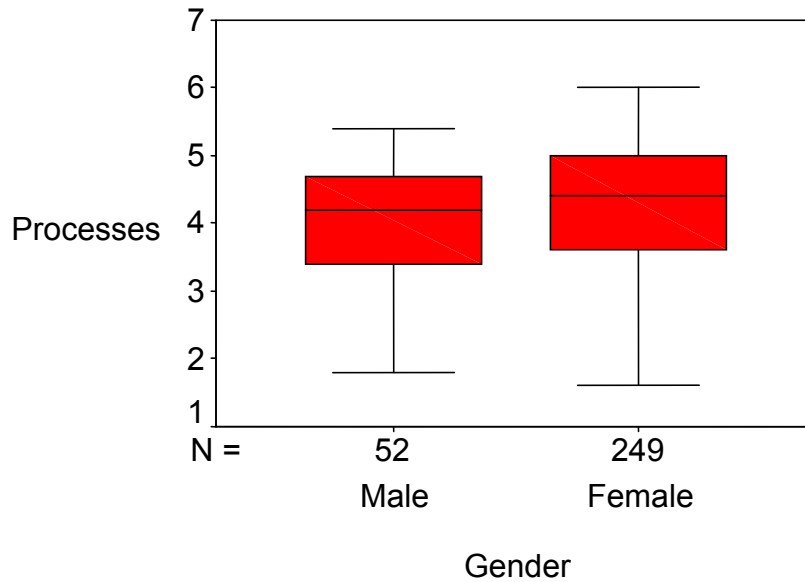


Figure 6. Boxplot for general education teachers' self-reported knowledge of special education processes by gender.

Research Question 7

Research Question 7. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on education level (Bachelor's Degree, Advanced Degree)?

H_{07_1} : There is no significant difference in general education teachers' self-reported knowledge of special education processes based on education level.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education processes based on education level. The efficacy of general education teachers' self-reported knowledge of special education processes was the dependent variable and education level (Bachelor's Degree, Advanced Degree) was the independent variable. The independent samples *t*-test, $t(299) = .47, p = .640, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education processes was accounted for by education level. Although not significant, the mean self-reported knowledge of teachers with a Bachelor's Degree ($M = 4.14$, $SD = 0.80$) was slightly higher than the mean for teachers with an Advanced Degree ($M = 4.21$, $SD = 0.99$). The 95% confidence interval for the difference in means was -.38 to .23. The boxplot for general education teachers' self-reported knowledge of special education processes by education level is shown in Figure 7.

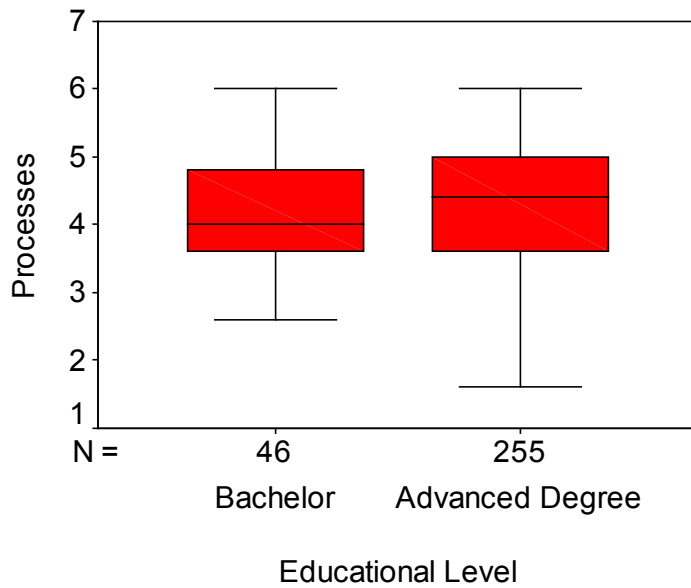


Figure 7. Boxplot for general education teachers' self-reported knowledge of special education processes by educational level.

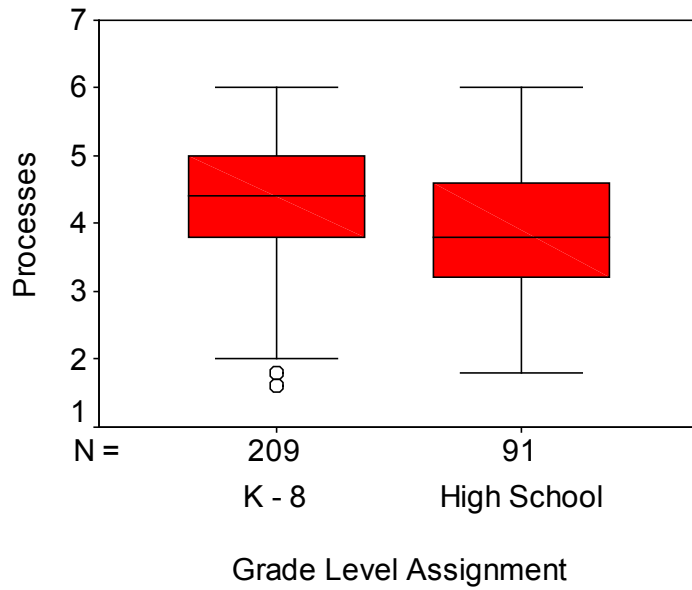
Research Question 8

Research Question 8. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment (K–8 or High School)?

H₀8₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment. The efficacy of general education teachers' self-reported knowledge of special education processes was the dependent variable and current grade level teaching assignment (K–8, High School) was the independent variable. Because Levene's Test for Equality of Variances showed that equal variances could not be assumed, $F(1,298) = 4.01, p = .046$, equal variances were not assumed. The independent samples *t*-test, $t(155.634) = 4.16, p < .001, \eta^2 = .06$, was statistically significant. Therefore, the null hypothesis was rejected, meaning the null hypothesis is false.

The effect size as measured by η^2 was medium (.06). That is 6% of the variance in general education teachers' self-reported knowledge of special education processes was accounted for by current grade level teaching assignment. The mean self-reported knowledge of K–8 teachers ($M = 4.36, SD = 0.90$) was significantly higher than the mean for High School teachers ($M = 3.85, SD = 1.01$). The 95% confidence interval for the difference in means was .27 to .75. The boxplot for general education teachers' self-reported knowledge of special education processes by current grade level teaching assignment is shown in Figure 8.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 8. Boxplot for general education teachers' self-reported knowledge of special education processes by current grade level teaching assignment.

Research Question 9

Research Question 9. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on years of experience (0-4, 5-9, 10-14, 15+)?

H₀₉₁: There is no significant difference in general education teachers' self-reported knowledge of special education processes based on years of experience.

A one-way analysis of variance (ANOVA) was conducted to test the null hypothesis that there is no significant difference in general education teachers' self-reported knowledge of special education processes based on years of experience (0-4, 5-9, 10-14, 15+). The independent variable was the number of years of experience and the dependent variable was the general education teachers' self-reported knowledge of special education processes. The one-way ANOVA, $F(3,296) = 0.16, p = .925, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

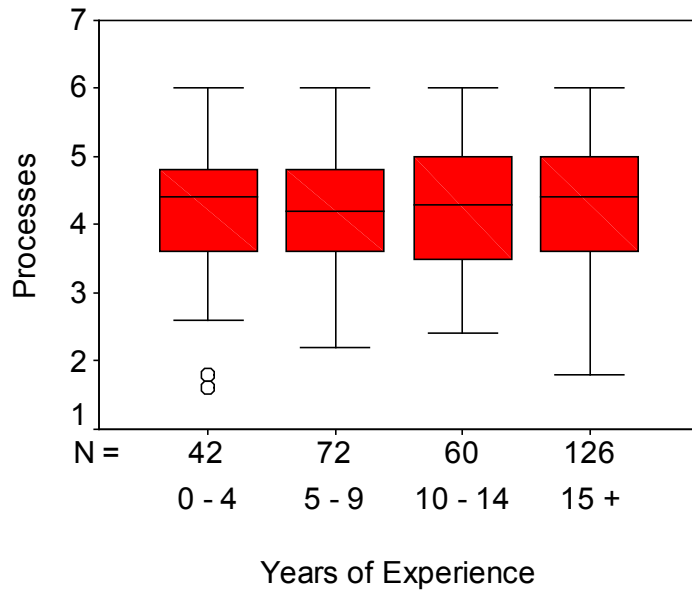
The strength of the relationship as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education processes was accounted for by years of experience. Examination of the means showed less than a one-point difference in each.

The means and standard deviations for general education teachers' self-reported knowledge of special education processes by years of experience are shown in Table 4; Figure 9 shows the boxplot for general education teachers' self-reported knowledge of special education processes by years of experience.

Table 4

Means and Standard Deviations for General Education Teachers' Self-Reported Knowledge of Special Education Processes by Years of Experience

Years of Experience	<i>n</i>	<i>M</i>	<i>SD</i>
0-4 years experience	42	4.18	0.980
5-9 years experience	72	4.17	0.790
10-14 years experience	60	4.19	0.914
15+ years experience	126	4.25	1.060
Total	300	4.21	0.960



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 9. Boxplot for general education teachers' self-reported knowledge of special education processes by years of experience.

Research Question 10

Research Question 10. Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current subject teaching assignment (Academic, Nonacademic)?

H_{010_1} : There is no significant difference in general education teachers' self-reported knowledge of special education processes based on current subject teaching assignment.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education processes based on current subject teaching assignment. The efficacy of general education teachers' self-reported knowledge of special education processes was the dependent variable and current subject teaching assignment (Academic, Nonacademic) was the independent variable. The independent

samples t -test, $t(297) = 1.31, p = .191, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education processes was accounted for by current subject teaching assignment. Although not significant, the mean self-reported knowledge of Academic teachers ($M = 4.23, SD = 0.95$) was higher than the mean for Nonacademic teachers ($M = 4.01, SD = 1.07$). The 95% confidence interval for the difference in means was -.11 to .55. The boxplot for general education teachers' self-reported knowledge of special education processes by current subject teaching assignment is shown in Figure 10.

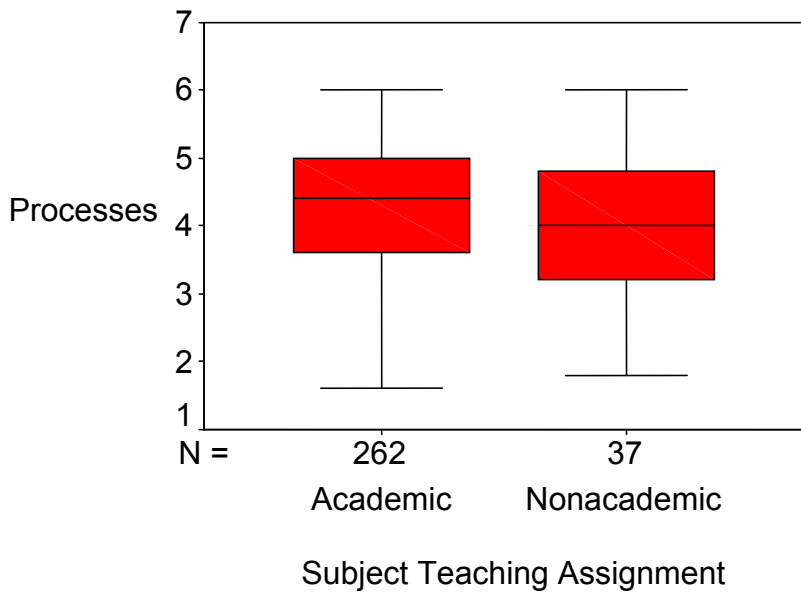


Figure 10. Boxplot for general education teachers' self-reported knowledge of special education processes by current subject teaching assignment.

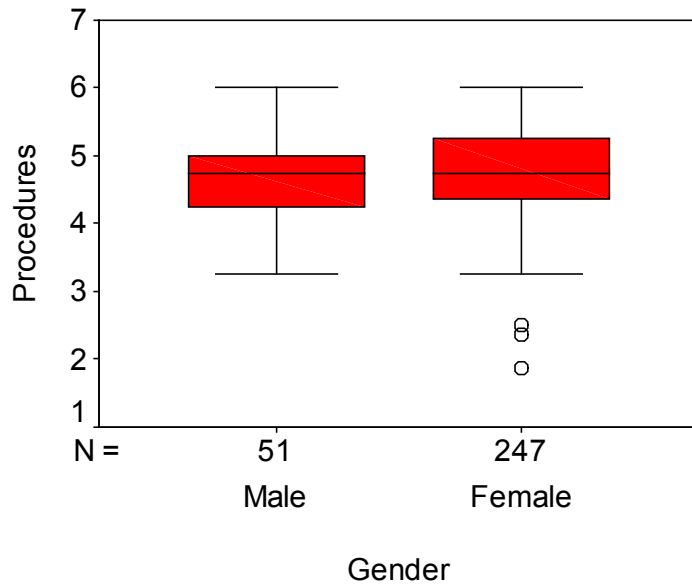
Research Question 11

Research Question 11. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on gender?

H₀₁₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on gender.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education procedures based on gender. The efficacy of general education teachers' self-reported knowledge of special education procedures was the dependent variable and gender was the independent variable. The independent samples *t*-test, $t(296) = .98, p = .330, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education procedures was accounted for by gender. Although not significant, the mean self-reported knowledge of male teachers ($M = 4.78, SD = 0.72$) was slightly higher than the mean for female teachers ($M = 4.78, SD = 0.66$). The 95% confidence interval for the difference in means was -.32 to .11. The boxplot for general education teachers' self-reported knowledge of special education procedures by gender is shown in Figure 11.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 11. Boxplot for general education teachers’ self-reported knowledge of special education procedures by gender.

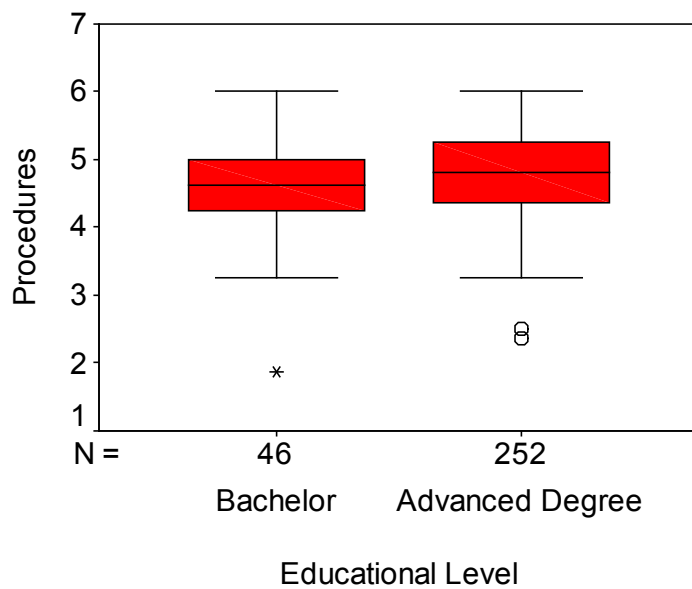
Research Question 12

Research Question 12. Is there a significant difference in general education teachers’ self-reported knowledge of special education procedures based on education level (Bachelor’s Degree, Advanced Degree)?

H₀12₁: There is no significant difference in general education teachers’ self-reported knowledge of special education procedures based on education level.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers’ self-reported knowledge of special education procedures based on education level. The efficacy of general education teachers’ self-reported knowledge of special education procedures was the dependent variable and education level (Bachelor’s Degree, Advanced Degree) was the independent variable. The independent samples *t*-test, $t(296) = 1.52, p = .131, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education procedures was accounted for by education level. Although not significant, the mean self-reported knowledge of teachers with a Bachelor's Degree ($M = 4.62, SD = 0.76$) was slightly lower than the mean for teachers with an Advanced Degree ($M = 4.79, SD = 0.69$). The 95% confidence interval for the difference in means was -.38 to .23. The boxplot for general education teachers' self-reported knowledge of special education procedures by education level is shown in Figure 12.



o = an observation between 1.5 times to 3.0 times the interquartile range
 * = an observation more than 3.0 times the interquartile range

Figure 12. Boxplot for general education teachers' self-reported knowledge of special education procedures by education level.

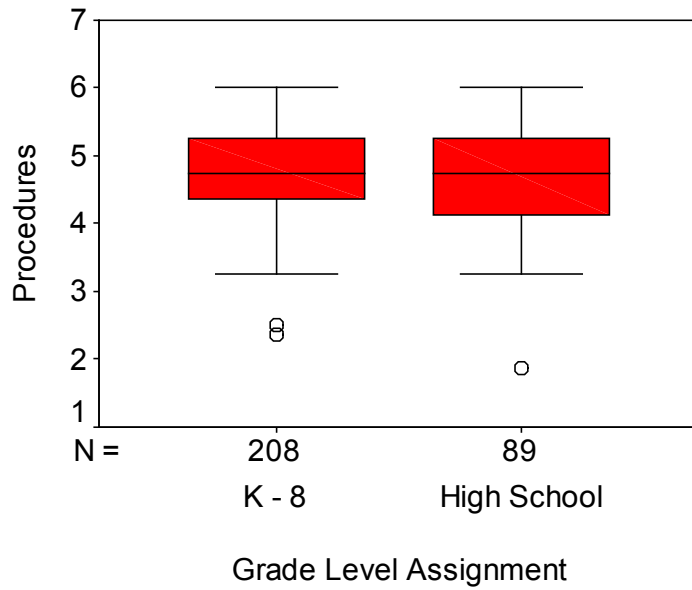
Research Question 13

Research Question 13. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on current grade level teaching assignment (K–8, High School)?

H₀13₁: There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on current grade level teaching assignment.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education procedures based on current grade level teaching assignment. The efficacy of general education teachers' self-reported knowledge of special education procedures was the dependent variable and current grade level teaching assignment (K–8, High School) was the independent variable. The independent samples *t*-test, $t(295) = 1.92, p = .055, \eta^2 = .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education procedures was accounted for by current grade level teaching assignment. Although not significant, the mean self-reported knowledge of K–8 teachers ($M = 4.82, SD = 0.68$) was slightly higher than the mean for High School teachers ($M = 4.65, SD = 0.75$). The 95% confidence interval for the difference in means was $<-.01$ to $.35$. The boxplot for general education teachers' self-reported knowledge of special education procedures by current grade level teaching assignment is shown in Figure 13.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 13. Boxplot for general education teachers' self-reported knowledge of special education procedures by current grade level teaching assignment.

Research Question 14

Research Question 14. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on years of experience (0-4, 5-9, 10-14, 15+)?

H_{014_1} : There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on years of experience.

A one-way analysis of variance (ANOVA) was conducted to test the null hypothesis that there is no significant difference in general education teachers' self-reported knowledge of special education procedures based on years of experience (0-4, 5-9, 10-14, 15+). The independent variable was the number of years of experience and the dependent variable was the general education teachers' self-reported knowledge of special education procedures. The one-

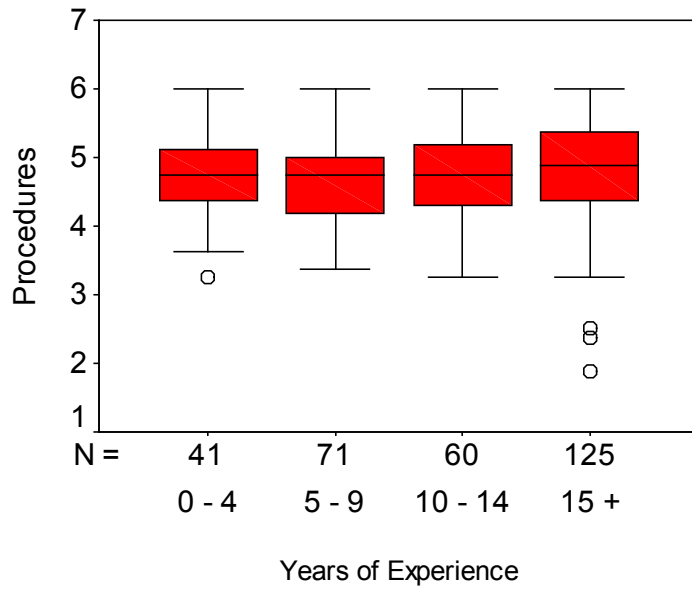
way ANOVA, $F(3,293) = 1.01$, $p = .391$, $\eta^2 = .01$, was not significant. Therefore, the null hypothesis was retained.

The strength of the relationship as measured by η^2 was small (.01). In other words, only 1% of the variance in general education teachers' self-reported knowledge of special education procedures was accounted for by years of experience. Examination of the means showed less than a one-point difference in each.

The means and standard deviations for general education teachers' self-reported knowledge of special education procedures by years of experience are shown in Table 5; Figure 14 shows the boxplot for general education teachers' self-reported knowledge of special education procedures by years of experience.

Table 5
Means and Standard Deviations for General Education Teachers' Self-Reported Knowledge of Special Education Processes by Years of Experience

Years of Experience	<i>n</i>	<i>M</i>	<i>SD</i>
0-4 years experience	41	4.79	0.66
5-9 years experience	71	4.65	0.60
10-14 years experience	60	4.76	0.69
15+ years experience	125	4.83	0.78
Total	297	4.77	0.70



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 14. Boxplot for general education teachers' self-reported knowledge of special education procedures by years of experience.

Research Question 15

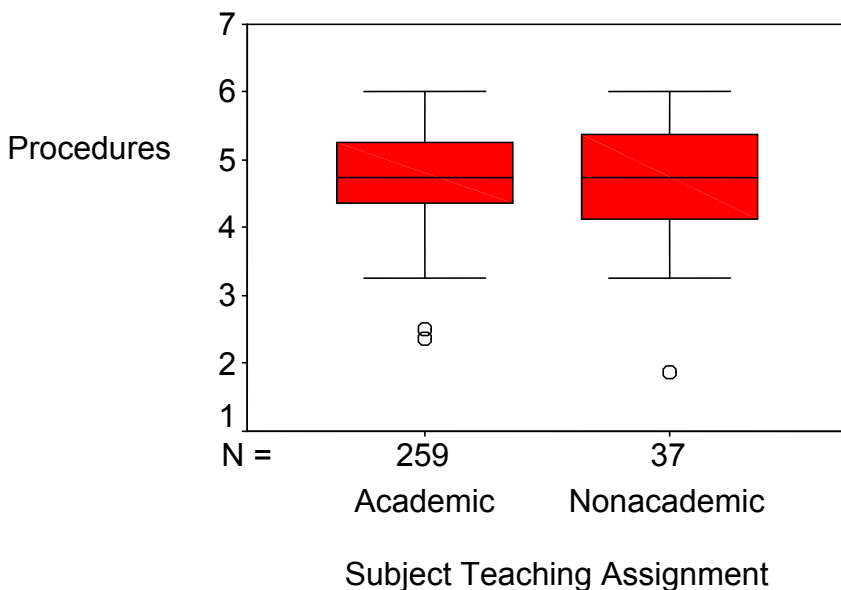
Research Question 15. Is there a significant difference in general education teachers' self-reported knowledge of special education procedures based on current subject teaching assignment (Academic, Nonacademic)?

H_{015_1} : There is no significant difference in general education teachers' self-reported knowledge of special education procedures based on current subject teaching assignment.

An independent samples *t*-test was conducted to evaluate the mean difference in general education teachers' self-reported knowledge of special education procedures based on current subject teaching assignment. The efficacy of general education teachers' self-reported knowledge of special education procedures was the dependent variable and current subject teaching assignment (Academic, Nonacademic) was the independent variable. Because Levene's

Test for Equality of Variances showed that equal variances could not be assumed, $F(1, 294) = 5.06, p = .025$, the t -test that did not assume equal variances was used. The independent samples t -test, $t(43) = 0.94, p = .354, \eta^2 < .01$, was not statistically significant. Therefore, the null hypothesis was retained.

The effect size as measured by η^2 was very small ($< .01$). In other words, less than 1% of the variance in general education teachers' self-reported knowledge of special education procedures was accounted for by current subject teaching assignment. Although not significant, the mean self-reported knowledge of Academic teachers ($M = 4.78, SD = 0.68$) was slightly higher than the mean for Nonacademic teachers ($M = 4.64, SD = 0.89$). The 95% confidence interval for the difference in means was $-.17$ to $.45$. The boxplot for general education teachers' self-reported knowledge of special education procedures by current subject teaching assignment is shown in Figure 15.



o = an observation between 1.5 times to 3.0 times the interquartile range

Figure 15. Boxplot for general education teachers' self-reported knowledge of special education procedures by current subject teaching assignment.

CHAPTER 5

FINDINGS, DISCUSSION, RECOMMENDATIONS, AND CONCLUSIONS

Findings

The purpose of this study is to explore Sevier County, Tennessee, general education teachers' self-reported knowledge of special education law, processes, and procedures. Using a 6-point Likert-type scale, the findings show an average response of *Agree to Somewhat Agree* with mean scores of $M = 4.20$ for processes, $M = 4.48$ for law, and $M = 4.76$ for procedures.

Results showed that across the three areas of law, processes, and procedures, regardless of demographics, only one of the 15 research questions had a significant finding. No significant differences were found based on demographics in general education teachers' self-reported knowledge of special education law or procedures. The only statistically significant findings were in research question 8. Question 8 (*Is there a significant difference in general education teachers' self-reported knowledge of special education processes based on current grade level teaching assignment?*) was significant ($t(156) = 4.16, p < .001, \eta^2 = .06$) and had a medium effect size, which means that 6% of the variance in teachers' knowledge was accounted for by current grade level teaching assignment. The findings show that the mean for K–8 teachers ($M = 4.36, SD = 0.90$) was significantly higher than the mean for High School teachers ($M = 3.85, SD = 1.01$).

Special education processes include *Child Find*, which is the first step in the identification process for students with disabilities. The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) requires that every state have a process in place for locating, identifying, and evaluating all children who may be in need of special education and related services (Klor, 2007). The process of finding students in need of the services is known as *Child*

Find. General educators participate in this process and play an important role in locating eligible students. It is likely that the majority of students with disabilities will be identified at a fairly young age. Therefore, teachers of younger (K–8) students are expected to be more familiar with this process than High School teachers.

Discussion

In light of the findings it was determined that general education teachers from grades K–8 self-reported that they were knowledgeable of special education processes. Per IDEA (2004) all teachers are legally responsible for implementing all aspects of a student’s IEP that pertain to their classroom. The IDEA not only specifies how IEPs are to be developed and what they must contain, it also includes intricate safeguards to protect the due process rights of students and ensure that provisions are enforced (Russo, 2008). Implementing a student’s individualized education plan (IEP) in the general education classroom is required of all general education teachers.

Regardless of demographics general education teachers rated themselves least knowledgeable of special education processes ($M = 4.20$) and most knowledgeable of procedures ($M = 4.76$), which places them in the *Somewhat Agree* category of the 6-point Likert-type scale. While this is above the theoretical median of 3.5, it certainly describes the teachers as not particularly confident in their knowledge. Among many other requirements, processes include the requirement of *Child Find*, which is the first step in identifying students with disabilities. Classroom teachers who suspect a student has a disability will refer the student for services.

General education teachers are expected to know how to identify students who may have a disability. Some factors that can negate special education consideration include environmental, cultural, or economic disadvantage. Per IDEA (2004) factors that must be ruled out as the

primary cause of a student's educational difficulties include a lack of instruction in reading or math and limited English proficiency. These factors must be considered during the referral process (Klor, 2007). Identification of a student with a disability is mandated by law making it essential for a student's success in school that general education teachers are familiar with the factors indicating a student may have a disability.

Processes also include general education teachers' participation and input in developing a student's individualized education plan (IEP). During the reauthorization of IDEA in 1997, general education teachers were specifically named as required members of all IEP teams for special education students currently enrolled in their class or who may potentially be enrolled in their class. According to Klor (2007) motivation for the change was to ensure that general education teachers participate in developing the IEP and are knowledgeable regarding its contents. It is important that general education teachers provide input to the IEP team regarding supplementary aids or services the student may need to participate in the general curriculum.

Recommendations for Research

The research in this study determined that general education teachers could benefit from training related to teaching students with disabilities. Recommendations for future research include examining general education teachers' desire for training related to teaching students with disabilities. Additional research would be to identify specific training areas and needs from which general education teachers feel they would benefit. While this study determined general education teachers' self-reported knowledge in the areas of special education law, processes, and procedures, further research could be completed using a method that actually tested the teachers' knowledge in the three areas. It would be beneficial to compare the data using self-reported knowledge with that using a method that examines actual knowledge.

Recommendations for Practice

Based upon the findings of the study it is recommended that general education teachers responsible for teaching students with disabilities receive training in special education law, processes, and procedures. Training in special education processes would be especially beneficial because teachers self-reported their knowledge in this area as lower than their knowledge of special education law or procedures. In light of current accountability requirements for students with disabilities, increased knowledge in special education law, processes, and procedures would strengthen compliance with mandates for which general education teachers are now responsible. School systems, individual schools, and institutions of higher learning could help general education teachers and potential future teachers by offering training that would increase knowledge of special education law, processes, and procedures.

Conclusions

This study sought to determine general education teachers' self-reported knowledge of special education law, processes, and procedures. They reported themselves as being most knowledgeable in special education procedures and least knowledgeable in special education processes. Their knowledge of special education law fell between processes and procedures. The mean in each area placed general education teachers' self-reported knowledge in the *Somewhat Agree* category, based on a 6-point Likert-type scale (Processes 4.20, Law 4.48, Procedures 4.76). While the mean in each category was above the theoretical median of 3.5, it certainly describes the teachers as not particularly confident in their knowledge in any of the three areas. Based on calculated means there was little difference in self-reported knowledge among the three areas.

REFERENCES

- Alaska Statutes. (1971). *Title 14-Education, Libraries, and Museums; Chapter 20-Teachers and School Personnel*. Retrieved from <http://www.touchngo.com/lglcntr/akstats/Statutes/Title14/Chapter20.htm>
- Americans with Disabilities Act of 1990 (ADA), 42 U.S.C.A § 12101 *et seq.*; PL101-336; 104 STAT. 328 (1991).
- Astuto, T. A., & Council of Administrators of Special Education. (1982). *Vocational education programs and services for high school handicapped students*. Information dissemination packet. Bloomington: Indiana University, Dept. of School Administration, Dept. of Special Education.
- Bartlett, L. D., Weisenstein, G. R., & Etscheidt, S.L. (2002). *Successful inclusion for educational leaders*. Upper Saddle River, NJ: Prentice Hall.
- Bateman, B. D., & Linden, M. A. (1998). *Better IEPs: How to develop legally correct and educationally useful programs*. Longmont, CO: Sopris West.
- Bateman, B. D., & Linden, M. A. (2006). *Better IEPs: How to develop legally correct and educationally useful programs* (4th ed.). Verona, WI: Attainment.
- Bettenhausen, S., & Charleston College. (2002). *School liability: Student to student injuries involving students with disabilities*. Retrieved from ERIC database. (ED476381)
- Board of Education of the Hendrick Hudson Central School District BD. of ED., Westchester County v. Rowley*, No. 80-1002, 458 U.S. 176; 102 S.Ct. 3034; 73 L.Ed.2d 690 (1982). Retrieved from <http://openjurist.org/458/us/176/>
- Boe, E. E., Shin, S., & Cook, L. H. (2007). Does teacher preparation matter for beginning teachers in either special or general education? *The Journal of Special Education*, 41, 158-170.
- Borg, W. R., & Gall, M. D. (1983). *Educational research: An introduction*. New York: Longman.
- Brown v. Board of Education of Topeka Shawnee County Kan Briggs*, No. 1, 347 U.S. 483; 74 S.Ct. 686; 98 L.Ed. 873 (1954). Retrieved from <http://openjurist.org/347/us/483/>
- Bryan, W. V. (2010). *Sociopolitical aspects of disabilities: The social perspectives and political history of disabilities and rehabilitation in the United States* (2nd ed.). Springfield, IL: Charles C. Thomas.
- Cahill, S. M., & Mitra, S. (2008, September 6). Forging collaborative relationships to meet the demands of inclusion. *Kappa Delta Pi Record*, 44, 149-151.

- Careertech.org. (2009). *National Association of State Directors of Career Technical Education Consortium*. Retrieved from <http://www.careertech.org/>
- Cedar Rapids Community School District v. Garret F.*, No. 96-1793, 526 U.S. 66; 119 S.Ct. 992; 143 L.Ed.2d 154 (1999). Retrieved from <http://openjurist.org/526/us/66/>
- Clevenger v. Oak Ridge School Board*, No. 83-5840, 744 F.2d 514; 20 Ed. Law Rep. 404 (6th Cir. 1984). Retrieved from <http://openjurist.org/744/f2d/514>
- Code of Virginia. Section 22.275.3 (1973).
- Cohen v. Board of Education, Smithtown Central School District*, Nos. 338, 339, Dockets 83-7513, 83-7515, 728 F.2d 160; 16 Ed. Law Rep. 414 (1984). Retrieved from <http://openjurist.org/728/f2d/160>
- Connor, D. J., & Ferri, B. A. (2005). Integration and inclusion: A troubling nexus: Race, disability, and special education. *The Journal of African American History*, 90, 107-127.
- Crutchfield, M., & Washington DC National Information Center for Children and Youth with Disabilities. (1997). Who's teaching our children with disabilities? *NICHCY News Digest*, 27, 1-25.
- Curtis, S. E. (2005) Parents and litigation: Insights from a special education law clinic. *Phi Delta Kappan*, 86, 510.
- Daniel R.R. v. State Board of Education*, No. 88-1279, 874 F.2d 1036; 53 Ed. Law Rep. 824 (5th Cir. 1989). Retrieved from <http://openjurist.org/874/f2d/1036>
- DeSimone, J. R., & Parmar, R. S. (2006, May 1). Middle school mathematics teachers' beliefs about inclusion of students with learning disabilities. *Learning Disabilities Research & Practice*, 21, 98-110.
- Douvanis, G., Hulsey, D. (2002). *The least restrictive environment mandate: How has it been defined by the courts?* Arlington, VA: ERIC Clearinghouse on Disabilities and Gifted Education (ED469442). Retrieved from <http://www.ericdigests.org/2003-3/courts.htm>
- Education for All Handicapped Children Act of 1975, PL94-142; 89 STAT 773 (1975).
- Education of the Handicapped Act (EHA), PL91-230; 84 STAT 175 (1975).
- FAPE.org. (2004). *Helping Parents and Advocates Improve Educational Results for Children with Disabilities*. Retrieved from <http://fape.org>
- Ferraro v. Board of Education of the City of New York*, 14 App. Div. 2d 815 (1961).
- Greer v. Rome City School District B*, No. 90-9140, 950 F.2d 688; 60 USLW 2429; 71 Ed. Law Rep. 647 (11th Cir. 1991). Retrieved from <http://openjurist.org/950/f2d/688>

- Grooms v. Marlboro County School District*, 307 S.C. 310; 414 S.E.2d 802, 804 (SC App. 1992).
- Hahn, H. (1997). New trends in disability studies: Implications for educational policy. In D.K. Lipsky & A. Gartner (Eds.). *Inclusion and school reform: Transforming America's classrooms* (pp. 315–328). Baltimore: Brookes.
- Heward, W. L. (2009). *Exceptional children: An introduction to special education* (9th ed.). Upper Saddle River, NJ: Merrill/Pearson.
- Honig v. Doe*, No. 86-728, 484 U.S. 305; 108 S.Ct. 592; 98 L.Ed.2d 686 (1988). Retrieved from <http://openjurist.org/484/us/305>
- Hulett, K. E. (2009). *Legal aspects of special education*. Upper Saddle River, NJ: Pearson Prentice Hall.
- Individuals with Disabilities Education Act (IDEA), PL101-476; Title IX, § 901(a) (2); 104 STAT. 1142 (1990). Reauthorized PL105-17; 64 F.R. 48, 12406-12671 (1997). Retrieved from <http://www.gpo.gov/fdsys/pkg/FR-1999-03-12/pdf/99-5754.pdf>
- Individuals with Disabilities Education Improvement Act of 2004 (IDEA), 20 U.S.C. § 1400 *et seq.*; PL108-446; 118 STAT. 2647 (2004). Retrieved from <http://www.nichcy.org/Laws/IDEA/Documents/PL108-446.pdf>
- Ignorantia legis neminem excusat. (n.d.). In *Merriam-Webster's online dictionary* (11th ed.). Retrieved November 17, 2010, from <http://www.merriam-webster.com/dictionary/ignorantia%20legis%20neminem%20excusat>
- Imber, M., & VanGeel, T. (2000). *Education law* (2nd ed.). Mahwah, NJ: Lawrence Erlbaum.
- Irving Independent School District v. Tatro*, No. 83-558, 468 U.S. 883; 104 S.Ct. 3371; 82 L.Ed.2d 664 (1984). Retrieved from <http://openjurist.org/468/us/883>
- Jacob, S., & Hartshorne, T. S. (1994). *Ethics and law for school psychologists*. Brandon, VT: Clinical Psychology.
- Johns, B. H., & Crowley, E. P. (2007). *Students with disabilities & general education: A desktop reference for school personnel; practical approaches and sound procedures*. Horsham, PA: LRP.
- Jorgensen, C. M., Schuh, M.C., & Nisbet, J. (2006). *The inclusion facilitator's guide*. Baltimore, MD: Paul H. Brookes.
- Klor, G. (2007). *Getting to know special ed: The general educator's essential guide*. Horsham, PA: LRP.
- Martin, R (1979). *Educating handicapped children: The legal mandate*. Champaign, IL: Research Press.

- Mastropieri, M. A., & Scruggs, T. E. (2004). *The inclusive classroom: Strategies for effective instruction* (2nd ed.). Upper Saddle River, NJ: Pearson/Merrill Prentice Hall.
- Maynard v. Board of Education of Massena Central School District*, 244 AD.2d 622; 663 N.Y.S. 2d 717 (A.D. 3d Dept. 1997).
- Mills v. Board of Education of the District of Columbia*, 348 F.Supp. 866-880 (D. DC. 1972).
- No Child Left Behind Act of 2001 (NCLB), 20 U.S.C. 6301; PL107-110; 115 STAT. 1425 (2002). Retrieved from <http://www2.ed.gov/policy/elsec/leg/esea02/107-110.pdf>
- Nolet, V., & McLaughlin, M. J. (2000). *Accessing the general curriculum: Including students with disabilities in standards-based reform*. Thousand Oaks, CA: Corwin Press.
- North v. District of Columbia Board of Education*, 471 F.Supp. 136 (D. D.C. 1979).
- Oberti v. Board of Education of Borough of Clementon School District*, No. 92-5462, 995 F.2d 1204; 83 Ed. Law Rep. 1009; 2 A.D.D. 64 (3rd Cir. 1993). Retrieved from <http://openjurist.org/995/f2d/1204>
- Office of Special Education and Rehabilitative Services (ED), National Information Center for Children and Youth with Disabilities, & Kupper, L.E. (2000). *A guide to the individualized education program*. Jessup, MD: ED Pubs. Retrieved from <http://www.ed.gov/about/offices/list/OSERS/index.html>
- Osborne, A. G., & DiMattia, P. (1994, September 1). The IDEA's least restrictive environment mandate: Legal implications. *Exceptional Children*, 61(1), 6-14.
- Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania*, Civ. A. No. 71-42, 334 F.Supp. 1257 (E.D. PA 1972).
- Plessy v. Ferguson*, No. 210, 163 U.S. 537; 16 S.Ct. 1138; 41 L.Ed. 256 (1896). Retrieved from <http://openjurist.org/163/us/537>
- Polloway, E. A., Epstein, M. H., & Bursuck, W.D. (2001, July 1). Homework for students with learning disabilities: The challenge of home-school communication. *Reading and Writing Quarterly*, 17, 181-187.
- Reed, J.A., Noguera, P., Cohen, R., Matsuda, M., Wu, F. H., Hilliard, A., Sullivan, P., Hall, J. D. & Kozol, J. (2004). Beyond black, white, and brown: A forum. *The Nation*, 278(17), 17.
- Reynolds, C.R., & Fletcher-Janzen, E. (2000). *Encyclopedia of special education: A reference for the education of the handicapped and other exceptional children and adults* (2nd ed.). New York, NY: J. Wiley.
- Roach, V. (1995). Supporting inclusion: Beyond the rhetoric. *Phi Delta Kappan*, 77, 295-299.

- Roncker v. B Walter N*, 700 F.2d 1058; 9 Ed. Law Rep. 827 (6th Cir. 1983). Retrieved from <http://openjurist.org/700/f2d/1058>
- Russo, C. J. (Ed.) (2008). *Encyclopedia of education law*. Thousand Oaks, CA: Sage.
- Russo, C. J., & Osborne, A. G. (2008). *Essential concepts and school-based cases in special education law*. Thousand Oaks, CA: Corwin Press.
- Sabornie, E. J., & deBettencourt, L. U. (1997). *Teaching students with mild disabilities at the secondary level*. Upper Saddle River, NJ: Merrill.
- Sacramento City Unified School District, Board of Education v. Rachel H Holland*, 14 F.3d 1398; 89 Ed. Law Rep. 57; 4 A.D.D. 75 (9th Cir. 1994). Retrieved from <http://openjurist.org/14/f3d/1398>
- School Board of the County of Prince William Virginia v. T Malone*, 762 F.2d 1210; 25 Ed. Law Rep. 141 (4th Cir. 1985). Retrieved from <http://openjurist.org/762/f2d/1210>
- Seattle School District, No 1 v. B.S. A.S.*, No. 94-36153, 82 F.3d 1493; 109 Ed. Law Rep. 55; 96 Cal. Daily Op Serv. 3319; 96 Daily Journal D.A.R. 5406 (9th Cir. 1996). Retrieved from <http://openjurist.org/82/f3d/1493>
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 701; PL93-112; 87 STAT 355 (1973). Retrieved from <http://bulk.resource.org/gao.gov/93-112/00005FAE.pdf>
- Silva, M., Munk, D. D., & Bursuck, W. D. (2005). Grading adaptations for students with disabilities. *Intervention in School and Clinic*, 41, 87.
- Skiba, R. J., Simmons, A. B., Ritter, S., Gibb, A. C., Karega-Rausch, M., Cuadrado, J., Chung, C-G. (2008). Achieving equity in special education: history, status, and current challenges. *Exceptional Children: Journal of the International Council for Exceptional Children*, 74, 264.
- Smith, L. (1954). Letter to the Editor, *New York Times*, 6 June 1954, 10E.
- Smith, T. E. C., Patton, J. R., Polloway, E. A., & Dowdy, C. A. (2004). *Teaching students with special needs in inclusive settings* (4th ed., IDEA 2004 Update Ed.). Boston, MA: Pearson/Allyn and Bacon.
- Smith, T. E. C., Patton, J. R., Polloway, E.A., & Dowdy, C. A. (2006). *Teaching students with special needs in inclusive settings* (4th ed.). Boston, MA: Pearson/Allyn and Bacon.
- Snyder, T. D., & Dillow, S. A. (2010). *Digest of Education Statistics 2009* (NCES 2010-013). Washington, DC: National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education.
- State ex rel. Beattie v. Board of Education of Antigo*, 169 Wis. 231, 232; 172 N.W. 153 (Wis. 1919).

- US Department of Education. (1995). *The Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973*. Washington, DC: Author. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/hq5269.html>
- US Department of Education. (2002, July 26). *The Carl D. Perkins Vocational and Technical Education Act, Public Law 105-332*. Washington, DC: Author. Retrieved from <https://www.ed.gov/offices/OVAE/CTE/perkins.html>
- US Department of Education. (2006a). *Assistance to states for the education of children with disabilities and preschool grants for children with disabilities*. 71 FR 156; 34 CFR 300-301. Retrieved from <http://origin.www.gpo.gov/fdsys/pkg/FR-2006-08-14/pdf/06-6656.pdf>
- US Department of Education. (2006b). *Lead & manage my school – Raising the achievement of students with disabilities: New ideas for IDEA*. Washington, DC: Author. Retrieved from <http://www2.ed.gov/admins/lead/speced/ideafactsheet.html>
- US Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs. (2005). *25th Annual (2003) Report to Congress on the Implementation of the Individuals with Disabilities Education Act* (Vol. 1). Washington, DC: Author. Retrieved from <http://www2.ed.gov/about/reports/annual/osep/2003/25th-vol-1.pdf>
- Vaughan, M. (2009). The three amigos and the supported ride toward a desired civilization. *TTAC Bulletin*, 18(1).
- Watson v. City of Cambridge*, 32 N.E. 864 (Mass. 1893).
- Weber, M. C. (2009). Special education law: Challenges old and new. *Phi Delta Kappan*, 90, 728-732.
- Weintraub, F. J., & Abeson, A. (1974). New education policies for the handicapped: The quiet revolution. *The Phi Delta Kappan*, 55, 526-529.
- Witte, R. S., & Witte, J. S. (2007). *Statistics* (8th ed.). Hoboken, NJ: Wiley.
- Wolfe, M. L. (1978). The vocational education act of 1963, as amended: A background paper. Retrieved from ERIC database. (ED159450)
- Wright, P. W. D., & Wright, P. D. (2007). *Wrightslaw: Special education law*. Hartfield, VA: Harbor House Law Press.
- Yell, M. L. (1995). The least-restrictive-environment mandate and the courts: Judicial activism or judicial restraint? *Exceptional Children: Journal of the International Council for Exceptional Children*, 61, 578-581.

APPENDICES

APPENDIX A: Survey Instrument

Survey of General Education Teachers'
Level of Understanding of
Special Education Law, Processes, and Procedures

This survey is designed to obtain input from general education teachers who have taught students with Individualized Education Plans (IEPs) in classes designed for the general education curriculum.

Please check the appropriate option below:

_____ I have taught students with IEPs in a general education class. (If you check this option, please continue and complete the survey.)

_____ I have not taught students with IEPs in a general education class. (If you check this option, please simply return the survey uncompleted.)

Thank you for your time.

Please check the appropriate boxes and/or fill in the blanks:

Male Female

Education Level

Bachelor's Degree

Advanced Degree – Master's Degree/Education Specialist's Degree/Doctorate

Current Grade Level Teaching Assignment _____

Years of Experience

0-4

5-9

10-14

15+

Current Teaching Assignment – Subject/Area _____

PART I – Special Education Law						
1. I am knowledgeable of the legal responsibilities of educating students with disabilities per IDEA 2004.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
2. I understand the legal responsibilities of educating students with disabilities per IDEA 2004.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
3. I am familiar with litigation that has dealt with issues regarding the education of students with disabilities.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
4. I am familiar with the major mandates that guide the education of students with disabilities (e.g. IDEA 2004, NCLB, etc.).	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
5. I am familiar with the reasons why students with disabilities are now educated in the general education classroom.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA

Key

- 1 SD Strongly Disagree
- 2 D Disagree
- 3 SWD Somewhat Disagree
- 4 SWA Somewhat Agree
- 5 A Agree
- 6 SA Strongly Agree

PART II – Special Education Processes						
6. I understand my legal responsibilities in the <i>Child Find</i> process to help identify students with disabilities.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
7. I understand my legal responsibilities in the eligibility process that determines if a student meets criteria to be served under IDEA 2004.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
8. I understand the assessment process for determining if a student is eligible for special education services under IDEA 2004.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
9. I understand the requirements for determining if a student is eligible for special education services under IDEA 2004.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
10. I am familiar with the role of an Individualized Education Plan.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA

Key

- 1 SD Strongly Disagree
- 2 D Disagree
- 3 SWD Somewhat Disagree
- 4 SWA Somewhat Agree
- 5 A Agree
- 6 SA Strongly Agree

PART III – Special Education Procedures						
11. I understand the legal responsibilities of implementing an Individualized Education Plan.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
12. I feel confident in my ability to implement a student's Individualized Education Plan in the general education classroom.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
13. I understand the difference between accommodations and modifications.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
14. I feel confident in my ability to implement accommodations as prescribed by a student's Individualized Education Plan.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
15. I feel confident in my ability to implement modifications as prescribed by a student's Individualized Education Plan.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
16. I understand the need for documentation necessary for a student with disabilities who fails a general education class.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
17. I understand the special procedures that must be followed when disciplining a student with disabilities.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA
18. I agree with the special procedures that must be followed when disciplining a student with disabilities.	1 SD	2 D	3 SWD	4 SWA	5 A	6 SA

Key

- 1 SD Strongly Disagree
- 2 D Disagree
- 3 SWD Somewhat Disagree
- 4 SWA Somewhat Agree
- 5 A Agree
- 6 SA Strongly Agree

Revised 12/19/2010

APPENDIX B: Letter Sent to the Director of the Sevier County Schools

LETTER TO DIRECTOR OF SCHOOLS

August 5, 2010

Dr. Jack Parton
Director of Schools
Sevier County School System
226 Cedar Street
Sevierville, TN 378862

Dear Dr. Parton:

I respectfully request your permission to utilize general education teachers in the Sevier County School System in order to complete the research needed for my doctorate. I am in the process of completing my dissertation through East Tennessee State University's Educational Leadership and Policy Analysis program.

The title of my dissertation is *General Education Teachers' Perceptions of Their Knowledge of Special Education Law, Processes, and Procedures*. As you know, with the law mandating that students with disabilities be educated in the general education classroom to the greatest extent possible, general educators are now faced with navigating and following laws, processes, and procedures that were once completely foreign to them. My research will determine their perceptions of current knowledge of these topics. Although the practice of inclusion may vary somewhat from school to school, ultimately the practice in one county is somewhat similar. Therefore, it is my desire to gather the data from general education teachers in one county. Since I work in Sevier County, I am obviously curious as to how teachers in our county view their knowledge of these areas.

I have designed a short eighteen-question survey to use as my instrument. I would like to ask principals to have general education teachers complete these surveys during a faculty meeting since this is a time when most teachers are present. With your permission, I will contact principals and ask that they have the questionnaire completed during a faculty meeting.

I look forward to hearing from you in regard to your permission. I am enclosing a self-addressed self-stamped envelope for your convenience to return a signed copy of this letter. Thank you for your time and attention to this matter. I will be happy to share the results of my research upon completion if you so desire.

Sincerely,

Linda K. Tilson
Special Education

I give my permission for the above stated research to be done within the Sevier County School System during the 2010-2011 school year.

Signature _____ Date _____

APPENDIX C: Cover Letter Attached to Each Survey

LETTER TO GENERAL EDUCATION TEACHERS

EAST TENNESSEE STATE UNIVERSITY
Department of Educational Leadership and Policy Analysis
January 2011

January 26, 2011

Dear General Education Teacher,

My name is Linda Tilson and I am currently pursuing my Doctorate in Education at East Tennessee State University in the Department of Educational Leadership and Policy Analysis. The attached survey is the research portion of my dissertation.

The research will be used to determine general education teachers' self-reported knowledge of special education law, processes, and procedures. The survey is designed for general education teachers who have taught students with Individualized Education Plans (IEPs) in general education classes. If you are a general education teacher that matches this description, I am very interested in your responses and would very much appreciate you completing the survey. Completion of the survey is strictly voluntary.

Once you complete the survey, please place it in the envelope provided and seal it. While no personal information is requested on the survey, placing it in the envelope will help assure anonymity.

If you have any questions, please feel free to contact me. My phone number is (XXX) XXX-XXXX.

Thank you very much for your time and your help with my research.

Sincerely,

Linda K. Tilson

