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Public-Private School Cooperation: The Delivery of Special Education in Catholic Elementary Schools

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Public-Private School Cooperation:
The Delivery of Special Education in Catholic Elementary Schools

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A dissertation submitted to the Education Faculty
at the University of St. Thomas in partial fulfillment
of the requirement of the degree of
Doctor of Education
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University of Saint Thomas


Saint Paul, Minnesota

This dissertation for the Education Doctorate degree by

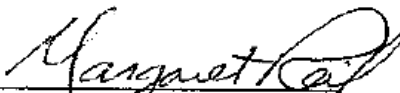
Bonita Ann Jungels

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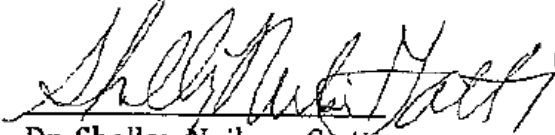
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December 15, 2014
Date

Dedication

I can do all things through Christ who strengthens me.

Philippians 4:13

In gratitude to my God and Savior ~

to You all the glory and honor.

You have given me opportunities to realize dreams I never thought possible!

Acknowledgements

My love and gratitude ~

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Abstract

This is a qualitative case study about how four Catholic schools worked with local public school districts to provide special education services for their students. The study used institutional ethnography both as a method of inquiry and analysis focusing on the power dynamics involved in delivering special education. It recognized how people's lives are "hooked up within institutional relations" (Smith, 2005, p. 207).

Interviews conducted with Catholic school administrators, teachers, and parents as well as public school administrators and teachers showed that public school directors of special education had primary responsibility for interpreting and implementing federal and Minnesota law. Districts in the study complied with the law but tensions surfaced in the variety of methods used to deliver services - particularly choices about location (onsite versus offsite). Catholic school administrators gladly accepted whatever services the district provided; they were reluctant to challenge decisions made by the public school administrators in power fearing consequent undesirable changes.

Decision makers, in their efforts to comply with the law and manage budgets, made assumptions about what students needed, what parents wanted and often what classroom teachers thought important for students. Catholic school administrators, teachers and parents need to be knowledgeable about the law, attentive to the perspective of students and willing to advocate for the most appropriate special education services.

Preface

My three children attended a large Catholic grade school. My two daughters did well in school – academically and socially. My son, however, experienced a rough start to his academic life, struggling through both kindergarten and first grade. Quite bright, he demonstrated an amazing memory and particularly loved science but when he began learning to read and doing simple math in kindergarten he struggled both academically and behaviorally. At the end of his kindergarten year, his teacher suggested retaining him to allow him to developmentally mature another year. After consulting numerous sources, I decided to focus on his high intelligence and love of learning and sent him to first grade.

Things only got worse. As the work got harder, he began to struggle more and more both academically and behaviorally. My little boy who loved to learn started to hate homework and express his frustration in the classroom by refusing to do work and improperly expressing his disapproval with inappropriate behavior. I could see that Trent was not thriving in his classroom environment.

That spring I took him to the University of Minnesota for a full neuropsychological evaluation. The doctors diagnosed my son with dyslexia, i.e. a significant reading disability, and, in addition, generalized anxiety disorder. After discussing the results with his doctor, I called the local public school district's special education personnel. After seeing his University of Minnesota test results, the district special education professionals administered a couple more tests to satisfy their requirements and then called a meeting to discuss his challenges and design an Individualized Services Plan (ISP) detailing my son's disabilities and the

plan of action for his educational future. Public school district personnel, we as parents, his Catholic school teacher and the Catholic school administrator participated. His diagnosis and the areas in which he qualified for special education services included Emotional Behavior Disorder (EBD) and Specific Learning Disability (SLD).

My son started receiving services at his Catholic school from the local school district special education teacher in small pull out groups of 30 minutes three days per week. Had he attended the public school he would have received 45 minutes of service per day, five days per week. However, the number of students in his pull out groups was much smaller than he would have experienced at the public school.

I am currently the principal of a different, smaller Catholic elementary school. Due to my interest in special education services, I have closely watched how the students in my school receive services. Over the years, some of my students with special needs have started their day at the public middle school or ended their day at the public elementary school with only one bus ride involved in their services. Others have two bus trips added to their academic day (to services and back again). The public school special education teachers have been very accommodating with regard to assessing students in our building as well as occasionally having IEP meetings at my school. They are open and willing to serve students in all areas of need no matter their area of qualification.

While working well, this model has been far from ideal. In digging through old files I found reference to older special education programs in the school. At one time a public school special education teacher served students in our building. And

at another time the school hired their own special education teacher but still used the public school staff for assessments and advice. After having more student-friendly options, the program has evolved to its present form.

Because of these personal and professional experiences, I wanted to investigate how some Catholic schools have successfully worked with public school districts in providing services to their special needs students. This curiosity has led to the pursuit of better options for my own school.

Chapter One: Private-Public School Cooperation

This study focused on the implementation of special education mandates at four Minnesota Catholic schools. More specifically, the study examined how those involved in providing services described their work and how they perceived the effectiveness of the public, private school joint efforts.

The following sections provide background on both federal and Minnesota mandates required for private school special education services, research on discrepancies between the law and actual practice, and finally an overview of the dissertation chapters.

Federal and State Mandates

According to federal guidelines, responsibility for finding children who need special services lies in each state with the Local Education Agency (LEA) or local school district where the private school is located. The district receives federal funding based on the count of students found eligible for services. Under Child Find the district must locate, identify and evaluate any child suspected of having a disability, including those in private schools (Doyle, 2008). Public and private school students must be assessed and evaluated in the same way and on the same timeline that is within 60 days of signed parental consent or according to state timelines. Students assessed through a private company for a disability do not have to be accepted for public school services unless they go through the Child Find process (Doyle, 2008).

The local school district is responsible for annually taking a count of parentally placed private school children with disabilities. The Individuals with

Disabilities Education Act (IDEA) money available to serve private school children is the same as the proportion of private school children with disabilities in relation to the total number of children with disabilities in the LEA. For example – if 100 private school children with disabilities are in a district with 900 children with disabilities that totals 1000 students being served. The private school has 10% of the kids with disabilities thus getting 10% of the funding – if the LEA funding is \$1,000,000, the private school gets \$100,000 apportioned to them. All funds for IDEA services are under the LEA's control (Doyle, 2008, slide 17).

Consultation is a required process of communication between the private school representation and public school special education officials. It must begin before decisions are made (be timely and meaningful) and be ongoing. Consultation allows the opportunity for all interested parties to discuss Child Find procedures and results, to identify funds available for services and to plan future meetings. All interested parties must be involved in a discussion of the details of the proposed services including how these services will be carried out, where and by whom.

Students whose parents have chosen to enroll their students in a private school (parentally placed students) and who also receive special education services have an Individualized Services Plan (ISP) (1997 version of law) instead of an Individualized Education Plan (IEP). The ISP includes all interventions funded by IDEA, but it does not include all accommodations made by the private school or any recommended services not being funded by IDEA. According to Michelle Doyle (2008), national educational consultant, many school districts choose to write private school students IEPs even though they are not required to do so. Very rarely

a school district (not parents) will place a student in a private school because they feel it is the best educational environment for that student. School district placed private school students have all of the same rights as the students in the local school district.

A federal guideline stipulates that location of services must be discussed in the public school/private school consultation. Services may be provided on the private school site but may also take place at another location, such as a public school site (Doyle, 2008).

The Federal Government recommends onsite services. I obtained the following information from the document *Questions and Answers on Serving Children with Disabilities Placed by their Parents in Private Schools*, written by the Office of Special Education and Rehabilitative Services (OSERS) in the U. S. Department of Education (April 2011), quoted from IDEA [300.139 (a)]: “Services to parentally placed private school children with disabilities may be provided on the premises of private, including religious, schools to the extent consistent with the law.” In fact, “The Department generally believes that, unless there is a compelling rationale for these services to be provided offsite, LEAs should provide services on-site, at the child’s private school, so as not to duly disrupt the child’s educational experience.” However, almost all districts do not choose this option.

Minnesota law regarding services to students with special needs in private schools is currently (2009) more demanding than federal law. Minnesota law says “(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a

disability” [125A. 03]. Federal law says that no parentally-placed child with a disability has an individual right to receive some or all of the special education and related services as children would receive in a public school [300. 137]. Thus, though federal law does not guarantee that all parentally placed private school students who qualify for special education will receive services, Minnesota law does guarantee these students will be served.

Minnesota legislators have recently focused more attention on the extent of special education services offered to private schools. For some legislators this focus is grounded in a concern to strengthen such services and for others it is a means to decrease the budget by reducing services to align with federal guidelines rather than Minnesota guidelines. The 2007 legislature created a task force to recommend how Minnesota special education provisions exceeding minimum federal requirements might be amended to conform to federal requirements or be made more effective. After meeting for two years, in spring 2009 the task force reconvened to discuss these special education services. The task force issued a report on administrative rules but did not make recommendations regarding statutes in which MN exceeds federal IDEA guidelines. A new task force may be created in the future to again reevaluate the extent of services provided for private schools in Minnesota (Noll, 2009).

I conducted my study at a time when the issue of funding special education repeatedly arose in the Minnesota legislature. In tough economic times special education has become an especially hot issue for public and private schools. Bob Wedl, former Minnesota Commissioner of Education, has recent personal

experience with the relationship between private and public schools in delivering special education services. His grandson who attends a Catholic school must travel to the public school for special education services despite many and varied efforts to change the system. Bob met with a local senator to urge her to sponsor a bill that would give districts the option of using the transportation funding they receive (to transport the student back to the district school for services) for instruction at the non-public school instead of using those funds for transportation. Bob hoped that a bill would be introduced to the legislature in the winter of 2014; however, no one was interested in supporting this bill. The bottom line remains that students with special needs in our private schools must by law receive the best education possible.

Implementation of Mandates

Huge discrepancies exist between what federal law and Minnesota law require and the extent of services delivered to students with special needs in Catholic schools. Studies done at both the national level and in the diocese of St. Paul and Minneapolis, Minnesota highlight those discrepancies.

In 2002, the United States Conference of Catholic Bishops (USCCB) sponsored a study entitled *Catholic School Children with Disabilities*. The study included two Catholic school-based surveys and follow-up interviews with parents as well as local and state educational authorities. The full study sample was comprised of 1,004,886 children who attended 2,864 schools, located within 21 states and 32 dioceses (USCCB, 2002, p. 3). No schools in Minnesota were included in the study. The report did not indicate how the dioceses included in the study were chosen.

Nor did the report indicate any generalizability of their study. I have summarized the findings in the following list.

- Catholic schools serve special needs children in all disability areas.
- The Child Find process is inconsistent and difficult to access for parents of private school children in Catholic schools suspected of having a disability.
- Catholic school children are less likely to be diagnosed with a disability by a public school evaluator than through a private evaluation.
- Catholic school children with disabilities appear to be enrolled in roughly the same proportion by ethnicity as their non-disabled peers.
- Catholic school students diagnosed as having a disability are not receiving services through IDEA sufficient to adequately address their disability.
- Catholic school teachers, counselors, and administrators utilize innovative strategies for accommodating students with disabilities, even in the absence of IDEA services. (USCCB, 2002, p. 10)

The USCCB used data from the U. S. Department of Education, which reported that 11.4 percent of children ages six through 17 in public schools are served under Part B of IDEA (See Appendix C). The USCCB study found that although 7% of Catholic school students are determined to have a disability, less than one percent of those students receive services funded with IDEA monies (p. 10).

Over the 2005-2006 school year, the 2005 Minnesota First Special Session Laws, Chapter 5, Article 3, Section 17, established a Task Force “on Delivery of

Special Education to non-public school students by public school districts to advise the commissioner on the delivery of special education to non-public school students by public school districts” (MN Department of Education). The task force was created to “compare and evaluate how the individual needs of each child (with a disability) are being met, if services are provided in the least restrictive environment, and whether best practices and program efficiencies are being used...” (MN Department of Education, 2006, p. 5).

The Task Force identified two key issues to be addressed from these findings: 1) What can be done to ensure adequate resources for meeting the special education needs of the children with disabilities in non-public schools as required by IDEA and 2) How can the public and non-public schools best work together to identify, locate and evaluate children with special needs?

In response to the Minnesota legislators’ task force, the Archdiocese of St. Paul and Minneapolis conducted their own survey in 2005-2006 to get information on special education services being delivered in their schools. Data from this survey revealed that the Archdiocese of St. Paul and Minneapolis had 37,597 students in 42 public school districts in 68 cities across 11 counties. A reported 2,207 students were receiving special education services from their public school districts, which equated to 1.9% of the MN child count and 2.5 percent of the non-public school enrollment (Archdiocese, 2006, p. 2). Of the 23,127 K-12 students enrolled in responding schools, principals believed 836 students should be served by the public school district, 602 were found eligible through the district, 297 receive services

from the district on the Catholic school site, 391 receive services from the district offsite, and 476 are served by Catholic school staff (Archdiocese, 2006, p. 3).

Within 70 out of 108 schools responding to the survey, “a significant gap existed between those students the school believed had disabilities and those students found eligible by the district” (Archdiocese, 2006, p. 1). Many schools also cited issues with parents unwilling to have their students assessed or not accepting services because their children would have to travel to a public school. One third of the schools said that being bused to the public school for services was an issue for parents in deciding whether their students should receive services (MN Department of Education, 2006, p. 4).

In 2007, the Archdiocese of St. Paul and Minneapolis decided to conduct another survey to gain further knowledge of the students who needed services in its Catholic schools. The survey included questions about the schools’ philosophies/policies regarding special education. The survey also asked schools approximately how many students they serve in each disability area as well as if parents find transportation to be an issue. The survey data showed schools have students in all areas of disability included in IDEA and transportation is an issue for many families. The data also indicated the public school-Catholic school consultations were not happening in most cases. Thus, the Archdiocese survey raised concerns in a number of areas regarding delivery of special education.

The 2002 Bishop’s report clarified that nationally most Catholic schools realize and appreciate the need to serve all children. In addition, many Catholic schools incorporate some form of special education to serve the special needs of

students. However, not all schools have successfully created special education programs for their children with special needs.

Locally, the Archdiocese of St. Paul and Minneapolis has determined that not all of their Catholic schools adequately provide for the needs of all students with special needs. Within the Archdiocese, evidence of a wide disparity exists between what federal and state law allows for delivery of public school services to Catholic school students with special needs and the actual numbers of students being served.

This lack of attention to students with special needs in some of the Catholic schools might be a reflection of what Thomas and Loxley (2007) explained as society's penchant for wanting to exclude those who are different, suggesting that often people look to the children as lacking and not the educational system. Schools retain "the organizational structure that perpetuates exclusionary responses to children who are difficult to teach" (p. 6).

Need for Case Study Research

Recent research on the organizational structures for delivering special education services stressed the importance of cooperation between the public school district and faith-based schools as well as the need for more data on public-private school partnerships (Bello, 2006; Eigenbrood, 2005; Taylor, 2003) (explored more fully in chapter two). Results from both national and Minnesota studies point to the need for case studies on how individual Catholic schools and public schools work together. Rather than focus on schools that have not been successful in establishing partnerships that provide functional services for their schools, I

investigated schools that have succeeded in navigating the convergence of student need, public school services, and legal requirements.

I had many research questions regarding the delivery of services to Catholic schools: How is it that a school establishes and maintains a consultation relationship thus achieving a functioning program? How does such a functioning program get started, and how does it further develop? What hurdles have arisen over the life of the program? What people in the Catholic school e.g. school leadership, staff, and parents, have been most central to establishing and nurturing relationships with public school personnel in both the consultation and delivery process? In addition to relationships, what processes, procedures, and structures exist to sustain a program that creates an environment in which students with special needs can receive services? How do decisions get made regarding the extent and location of services? Who holds the power – the superintendent, special education director or is the process truly consultative? Whose best interest comes first – students, money, or parent advocacy groups? How does the personal philosophy of leaders play a role in the decisions made?

I approached this study from the perspective of institutional ethnography developed by sociologist Dorothy Smith. Smith (2005) stated, “Institutional ethnography begins by locating a standpoint in an institutional order that provides the guiding perspective from which that order will be explored. It begins with some issues, concerns, or problems that are real for people and that are situated in their relationships to an institutional order” (p. 32). I asked how some Catholic schools deliver functional special education programs from the standpoint of Catholic

schools. Smith also said standpoint can be determined by personal experience. My research, prompted by personal experiences and knowledge of studies done, created an opportunity for me to explore special education from the viewpoint of the Catholic school system.

Institutional Ethnography is an entire research package – methodology and theory all wrapped into one. Smith (1999) defined IE as “learning how to address concepts, beliefs, ideology, and other categories of thought or mind as people’s actual practices in the local settings of their everyday lives.... [Using IE], the traditional theory/practice split is avoided” (p. 7). After I gathered and analyzed data from each of the four case studies individually, I used the institutional ethnography lens to see what I could better understand about the delivery of special education services to private schools. Ultimately, analysis of the data uncovered some provocative social justice issues.

In chapter two I discuss the history of special education policy and special education in Catholic schools as well as review literature, related studies and current research. Chapter three explains the qualitative case study method and expands on the use of institutional ethnography used in this study. Chapters four, five, six and seven present the four separate case studies conducted. Finally, chapter eight analyzes the compilation of collected data and makes recommendations for future research and current practice.

Chapter Two: Historical Context and Research Literature

I examined two particular areas of historical context relative to my study: federal special education policy and special education policy in Catholic schools. It is important to understand the evolution of the laws regarding students with special needs in education as well as how current law impacts Catholic schools. In this chapter I also review literature pertaining to how Catholic schools serve students with unique needs, literature of related studies, and current research literature.

Historical Context

Federal special education policy. (See Appendix C for Minnesota Law and Appendix D for Federal Law)

The United States has a lengthy history in addressing the concern of students with special needs. The tenth amendment directs the states to take responsibility for resident children ages seven to eighteen. In 1852 Massachusetts was the first state to pass a compulsory education law and many states followed. However, “children with disabilities were often excluded from public schools” (Yell, 2012, p. 46). “In 1893 the MA Supreme Judicial Court ruled that a child who was ‘weak in mind’ and could not benefit from instruction, was trouble-some to other children, and was unable to take ‘ordinary, decent, physical care of himself’ could be expelled from public school (Watson v. City of Cambridge, 1893)” (Yell, p. 46). “States continued to enact statues that specifically authorized school officials to exclude students with disabilities” (Yell, p. 46). However, in 1954 during the Civil Rights Movement, U. S. Brown v Board of Education emphasized the constitutional guarantee of equal protection in the fourteenth amendment (Yell, p. 49). Equal

protection means that the state cannot deny any person the right of equal protection under the law. In this case, everyone is entitled to equal educational opportunities. No matter who you are, where you are or what your circumstances, you have the right to the same education opportunities available to others.

While Brown argued the fourteenth amendment in order to end racial segregation, many disability advocacy groups began to form across the United States based upon the new laws. One main function of these advocacy groups was to impact legislation through legal action. In 1971 the Pennsylvania Association for Retarded Children (PARC) brought a class action suit against the Commonwealth of Pennsylvania (PA) in Federal District Court (Yell, 2012, p. 50). The case was resolved with an agreement that all children with mental retardation between ages six to twenty-one must be provided a free public education. Students with disabilities gained more and more rights. In 1972, in *Mills v Board of Education* a suit was filed against the District of Columbia's Board of Education on behalf of all out-of-school students with disabilities (Yell, p. 51). The resulting action included a mandated provision requiring all children with disabilities the opportunity for a publicly supported education. The court also clearly outlined due process procedures for labeling, placement, and exclusion of children with disabilities.

The procedural safeguards included the following: the right to a hearing, with representation, a record, and an impartial hearing officer, the right to appeal; the right to have access to records; and the requirement of written notice at all stages of the process. These safeguards became the framework for the due process component of EAHCA. (Yell, p. 51)

Section 504 of the Americans with Disabilities Act (ADA) from 1973 prohibited discrimination against a person with a disability by any agency receiving federal funds (Yell, 2012, p. 52). In 1975 The Education for all Handicapped Children Act (EAHCA), also known as P. L. 94-142, was passed. P. L. 94-142 guaranteed free, appropriate public education (FAPE) to each child with a disability in every state and locality (Yell, p. 53). This law provided federal funding to states to assist them in educating students with disabilities. The following conditions are considered disabilities under IDEA: mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, traumatic brain injury, other health impairments, autism and specific learning disabilities (Doyle, 2008, slide 9). “The EAHCA mandated that qualified students with disabilities had the right to (a) nondiscriminatory testing, evaluation, and placement procedures; (b) be educated in the least restrictive environment; (c) procedural due process, including parent involvement; (d) a free education; and (e) an appropriate education” (Yell, p. 53). Another important piece of this law was the development of the Individualized Education Plan (IEP): Every student in special education must have an IEP stating the goals and objectives for the student’s program as well as placement and evaluation plans.

In 1990, amendments to P. L. 94-142 became the Individuals with Disabilities Education Act (IDEA). The most significant changes included new language emphasizing the person first, for example using the term “person with a disability” rather than “disabled person” (Yell, 2012, p. 56). Another change included

renaming the law Individuals with Disabilities Act. In addition, a plan for transition was required for all students with IEPs before they reach age 16, and children with autism and traumatic brain injuries became identified as a separate class entitled to the same benefits that other students with disabilities receive (Yell, p. 56).

In 1997 IDEA again went through changes. The new law addressed specific aspects of Individualized Learning Plans (IEPs). For instance, IEPs must have a statement of measurable goals and objectives so that progress can easily be identified (Yell, 1998, p. 226). The law addressed discipline issues as well, stating that if a student with disabilities has discipline problems the IEP should detail ways to support this student. School officials may discipline these students the same way they discipline other students except a suspension or change in placement may not exceed ten school days (Yell, p. 226). In the 1997, at the IDEA Amendments signing ceremony President Clinton said, "To the American people we are saying that we do not intend to rest until we have conquered the ignorance and prejudice against disabilities that disable us all" (Yell, p. 227). Finally, this revision required districts to locate, identify, and evaluate all private school students suspected of having a disability.

A very controversial and misunderstood portion of IDEA relates to the location of the delivery of services. Public school personnel may service students on-site, but their services may not supplant what already exists in the Catholic institution. In other words, public school special education teachers can service students in the Catholic school as long as they follow the IDEA guidelines such as they may not teach in a room with a religious cross in it. If services are not offered

on-site, then the district must provide transportation, but the cost of this transportation may be counted towards IDEA funds a non-public school qualifies to receive. The district and non-public school administrators look at the IDEA funds available for the private schools and decide who will receive services and how much. The district is not obligated to service any one qualifying student in a Catholic school. In contrast, if a public school student has an identified need, he or she is entitled to receive services. In other words, IDEA states that public school students have individual entitlement to fully funded programs that will adequately meet their needs. Private school students, although they must be identified, may or may not receive special education services. As a group, Catholic school students are entitled to their share of the IDEA funds, but federally there is no individual entitlement (Defiore, 2006). Many Catholic school students may have identified needs, but the district may decide to provide services or not.

On Dec. 3, 2004 President George W. Bush signed the again reauthorized IDEA into law. The provisions became effective July 1, 2005 (U.S. Department of Education Alignment of IDEA and NCLB Office of Special Education Programs, para. 1). The changes in IDEA included some changes in regulations dealing with private education. The final regulations were published on Aug. 14, 2006 and became effective on Oct. 13th, 2006 (USDE, The Individuals with Disabilities Education Act [IDEA] Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools).

This legislation addressed significant changes in regulations regarding children parentally placed in private schools by their parents as opposed to a

student who could be placed by the district in the most appropriate environment. The main cause for the change was the overly strict interpretation public school districts have applied to IDEA (United States Conference of Catholic Bishops i.e. USCCB). Many school districts discontinued services saying the only way to get services was by enrolling in the public schools. Prior to the 1997 regulations, public school districts provided a broad range of services. Some of the key changes as well as still applicable wording in IDEA 2004 include:

- Responsibility for special education services lies with the district where the private school is located rather than where the student resides (34 CFR 300.137),
- Child Find (the process of identifying students with special needs) must include private schools students (34 CFR 300.131(b) through 300.131(e), 300.111 and 300.201),
- No parentally-placed private school child with a disability has an individual right to receive some or all of the special education services they would receive if enrolled in a public school (34 CFR 300.137), but they are ensured an opportunity for equitable participation in services funded with Federal Part B dollars (34 CFR 300.131(b),
- Equitable services must be provided in accordance with a service plan that describes the specific special education and related services that will be provided (34 CFR 300.320 through 300.324)
- Clarified that IDEA does not prohibit on-premises services (34 CFR 300.139(a),

- Transportation must be provided in some situations (34 CFR 300.139(b) (U. S. Dept. of Education Office of Special Education Programs).

With the reauthorization of IDEA, another key change included new language in the law regarding more specific services. Reauthorization of IDEA section 300.307 of the federal special education regulations included:

(a) General. A State must adopt, consistent with Sec. 300.309, criteria for determining whether a child has a specific learning disability as defined in Sec. 300. 8(c)(10). In addition, the criteria adopted by the State—

- (1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in Sec. 300. 8(c)(10);
- (2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and
- (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in Sec.300.8(c)(10).

(b) Consistency with State criteria. A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability. (Authority: 20 U. S. C. 1221e-3; 1401(30); 1414(b)(6))

The language of the law “must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability” has changed the special education way of thinking. In

the past, students only qualified for services based on the gap between achievement and ability. Now the special education field has started looking at other ways to serve children with special needs. Thus arose the interest in Response to Intervention and goals to improve student learning earlier in their education.

The Response to Intervention process uses multiple tiers of instructional support. Tier 1 is good teaching – benchmarks are established as well as a process for monitoring progress. If students are not making progress, they are referred to a child study team for the next tier. Tier 2 is problem solving, i.e. identifying the problem and figuring out interventions, applying the interventions and then evaluating the progress. If there is no progress, then a child is moved to the next level. Tier 3 is when the special education service process begins. The first meeting would be called to determine what assessments would take place. Once the team has completed the evaluation then lots of options for service can be discussed including a continued general education setting or inclusion. IDEA 2004 refers to special education as a service for children rather than a place where children are sent (Hale, 2008).

Response to Intervention uses research-based activities at each level. Data gained at each level determines whether a student makes the necessary progress or needs a more intense intervention (Hale, 2008). Given RTI is now part of the federal law, and there is a strong interest in accountability in K-12 schools, the overriding culture within special and general education seems to have transformed into data based decision making (Burns and Coolong-Chaffin, 2006).

However, a concern has arisen about making sure that districts do not delay or avoid assessing students suspected of having a disability while using the Response to Intervention process. In fact, the United States Department of Education Office of Special Education and Rehabilitative Services released a document on January 21, 2010 reminding schools districts of their responsibility to assess students when warranted (Memorandum to State Directors of Special Education). It stated:

It has come to the attention of the Office of Special Education Programs (OSEP) that, in some instances, local education agencies (LEAs) may be using Response to Intervention (RTI) strategies to delay or deny a timely initial evaluation for children suspected of having a disability. States and LEAs have an obligation to ensure that evaluations of children suspected of having a disability are not delayed because of implementation of an RTI strategy. (para. 1)

Special education in Catholic schools.

Over the last hundred years American Catholic bishops have strengthened their position on the responsibility of society and the Catholic community towards people living with disabilities as part of a broader focus on social justice. “John Paul II (2000) stated in his homily for the Jubilee of the Disabled that ‘the church is committed to making herself more and more a welcoming home [for the disabled]’ and this welcoming ‘needs to not only care, but first of all love which becomes recognition, respect and integration’ (&4)” (Long & Schuttloffel, 2006, p. 445). In June 2005, the U. S. Catholic Bishops published *Renewing our Commitment to*

Catholic Elementary and Secondary Schools in the Third Millennium. They applauded the school administrators and teachers who have welcomed more special needs students to Catholic schools. In addition, they said that it is the responsibility of the whole Catholic community to work toward making Catholic schools more “available, accessible and affordable” (Long & Schuttloffel, 2006, p. 445) for all students including those with special needs.

Throughout history Catholic schools generally did not accept children with special needs (unless the school was especially designed to service a special population) because of costs and difficulties in servicing these kids (Defiore, 2006). In short, while Catholic schools are not legally obligated to accept children with disabilities, and have not historically done so, it is consistent with church teaching and more recent history to do so (Defiore, 2006; Russo et al., 2002).

Research Literature

In the past, there was little research published about special education in private schools. However, since 2005 many new studies have emerged. Many of the most recent studies include surveys of private schools to assess special education services. A couple studies looked more closely at individual schools. All seek more detailed information on how private schools serve students with special needs.

One study entitled *Including and Serving Students with Special Needs in Catholic Schools: A Report of Practices* (2007) by Patrick Durow surveyed nineteen mid-western dioceses to accumulate information on K-12 special education practices in Catholic schools. The study’s purpose was to determine whether these diocese schools considered service to students with special needs as part of their

mission, the extent to which schools have students with special needs, the types of needs they serve, costs the schools incurred by serving these students, and how they met these costs. Minnesota was included in this study, but the study did not specify which Minnesota dioceses participated.

Durow (2007) found most Catholic schools in the study served all students as part of their mission and thus had an identification process. Anywhere from 1% to 25% of students with a variety of special needs were serviced (p. 476). All schools served special needs with a variety of methods. Fifteen of nineteen diocese representatives reported their elementary schools used services provided by their local public schools. Twelve of nineteen diocese indicated use of federal funds and local public school district funds (p. 478).

The study also addressed barriers to serving students with special needs and the solutions to those issues. A number of superintendents noted special programs existed in their dioceses to help schools serve these students. One of the questions for further study included "To what extent can private schools work with other private schools or public schools to best serve these students?" (Durow, 2007, p. 488).

Another study by Denise Bello (2006) surveyed a random sample of 300 Catholic high schools examining their issues with developing and implementing services for students with special needs. She found all of the schools had some degree of services for students, but the degree varied greatly. The schools noted the most significant challenges to serving students were limited resources, limited knowledge, and limited time (p. 462). Bello pointed out that no formalized system

existed within Catholic education to serve students with special needs and that a centralized system might allow more support and help for schools. She also noted, “It is not just about a place, a structure, or a method of instruction, but rather a philosophy about the very culture of schools” (p. 478). Bello (2006) cited public school collaboration with Catholic schools. She said, “It would be very useful to gain a better understanding of these particular partnerships...examining how these collaborative efforts were established and maintained might lead more Catholic schools to benefit from this type of support” (p. 479).

Rick Eigenbrood (2005) also conducted a survey on special education services provided to students with mild disabilities in faith-based schools. He sampled ten rural mid-western counties and received 42 surveys back – 18 faith-based schools and 24 public schools (p. 19). His survey questions included looking at special education services being provided to students with disabilities, training and qualifications of special education teachers, and instructional activities of teachers for special needs students (p. 19). He found that fewer students were identified in the faith-based schools, less special education training was available for faith-based schoolteachers, and there was less use of related services such as PT in the faith-based schools (p. 20). Eigenbrood’s (2005) concluded, “Public and faith-based schools need to cooperate to ensure that the child-finding requirement if IDEA is fully implemented for students in faith-based schools” (p. 24).

Shannon Taylor, in her article entitled *Special Education and Private Schools: Principals’ Point of View* (2005) reported the results of her mixed-method study on special education services in Tennessee private schools that included both a

quantitative demographic survey as well as a qualitative open-ended questionnaire sent to some of the principals. She explained there has been little research showing the nature of services provided to students in private schools. The survey instrument collected demographic information about the schools as well as their special education services (130 schools responded) (p. 283). Next 77 principals were sent an open-ended set of questions and 22 principals returned responses (p. 283). Taylor discussed her results in terms of systems theory and the complex interactions within schools. She wanted to look at how school culture affects special education services. And, she noted that principals are change agents in the school and pointed out the importance of transformational leadership. The only mention of public schools in this data was when two principals mentioned referring students to the public schools for evaluation. There was no mention of relationships with the public school system.

Most of the recent articles available at this time now focus on the inclusion model (serving students with special needs in the classroom). Two articles by Martin Scanlon, "Moral, Legal, and Functional Dimensions of Inclusive Service Delivery in Catholic Schools" in *Catholic Education: a Journal of Inquiry and Practice* (2009) and "Leadership Dynamics Promoting Systemic Reform for Inclusive Delivery" in *Journal of School Leadership* (2009) discuss the moral, legal and functional obligations of Catholic schools to serve students with special needs. In an overview within "Moral, Legal, and Functional Dimensions of Inclusive Service Delivery in Catholic Schools," Scanlon said,

Morally, Catholic social teaching compels Catholic schools to act in manners that affirm human dignity, serve the common good, and demonstrate a preferential option for the marginalized. Legally, Section 504 of the Rehabilitation Act of 1973 directs Catholic school communities to provide equitable education opportunities for students with special needs.

Functionally, a systematic approach, such as the learning consultant model, empowers schools to cultivate service delivery on strong moral and legal grounds. (p. 536)

The functional piece he referred to is an inclusion model i.e. serving students who have special needs within the classroom. The systemic approach he referred to involves the larger agency, such as an archdiocese, getting involved in the delivery of services by setting up learning consultant models for their schools. The learning consultant model uses Response to Intervention tiers.

Scanlon in “Leadership Dynamics Promoting Systemic Reform for Inclusive Delivery” (2009) also talked about the horizontal, vertical and diagonal relationships necessary to make his plan work. He mentioned having the public school district available as a diagonal relationship to answer questions within the RTI learning consultant model. He did not discuss using the district for providing direct services.

Scanlon quoted Durow (2007) saying that the core barriers impeding Catholic schools from serving students with disabilities and special needs are “inadequate funding, insufficient teacher preparation and confidence, inaccessible buildings, and inconsistent commitment from parishes and boards” (p. 487).

Scanlon went on to say that by understanding the moral, legal and functional models, Catholic school communities will be able to break these barriers.

In 2007, the U. S. Department of Education released a study entitled “Private School Participants in Programs under the *No Child Left Behind Act* and the *Individuals with Disabilities Education Act: Private School and Public School District Perspectives.*” The Urban Institute conducted the study for the Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. In summary,

This report describes participation of private school participants in federal education programs, the consultation process between private schools and public school districts, and public school district allocation of federal funds for services for private school participants. The results presented in this report are based on surveys conducted in 2005-2006 among a nationally representative sample of public school districts with at least one private school located within their boundaries and a nationally representative sample of private schools located within the geographic boundaries and a nationally representative sample of private schools located within the geographic boundaries of the sample districts. (xi)

The key finding regarding IDEA:

Less than half (43%) of private schools had at least one participant in IDEA; 38 percent of private schools reported that the public district engaged in timely and meaningful consultation with private school officials, representatives, or parents regarding participation in IDEA, while 86 percent

of public school districts reported conducting such consultations with appropriate parties. IDEA does not require public school districts to consult with all private schools but rather with private school representatives and representatives of parents of parentally placed students with disabilities attending private schools located in the district. However, the public school district may consult with a representative of the private school and the private school may be unaware of the consultation. (p. xii)

The most common services provided by local school districts were speech and language therapy and special education instruction. Private schools reported a lack of information and communication; however, the public schools said that they made a strong effort to communicate. Possible explanations for this discrepancy included that the school district was communicating with some private schools but not all, or that the district might have been communicating with someone like an archdiocese on behalf of the schools in the district.

In this study, 11% of public school districts reported providing no services to eligible private school students. The most common reason given for not providing services was that the parents turned down services (61%). No reasons were given for why parents turned down services.

This report demonstrates the growing need for national awareness of services in private schools. With such data, the government may even take steps to assure that public school districts are held accountable for services that they must offer to private schools.

Related Studies: Dissertations.

Elizabeth Frangella wrote a dissertation entitled “An Investigation of the Influence of the Reauthorization of the Individuals with Disabilities Act on Catholic School Children with Learning Disabilities in New York” (2007). She conducted a qualitative study investigating how the reauthorization of IDEA affected Catholic Schools in NY. She interviewed thirteen principals in PK-8 schools in outer counties of the Archdiocese of New York (p. 54). She asked questions regarding to what extent students are identified with disabilities, how many students receive services, and what services are available. Her recommendations included encouraging advocating for the rights of children suspected of having disabilities in Catholic elementary schools.

Several other dissertations have been written in the last few years on special education in private schools including: Anna McDonald’s 2008 study on K-2 special education practices in Catholic schools in Northern CA and Erin Servillo’s 2008 study looking at parental satisfaction with special education and reasons parents choose out-of-district schools (including private schools). McDonald gathered information on teacher perceptions of special education as well as roles in special education in Catholic schools. Servillo focused on parent perceptions of special education district programming versus out of district programming and how parents make decisions regarding school choice.

The two most recent dissertations I found focused on inclusion as well. One written by a teacher, Jacqueline Vrdoljak, (2010) created an inclusion model for her school. She carried out her model over a period of time, which provided the research data for her dissertation. After the conclusion of her study, she became an

inclusion specialist in her building (2010). Vrdolijak (2012) later wrote an article in *Momentum* about her research experience.

The doctoral candidate, Jayne Quinn, studied how principals see themselves carrying out the responsibility to run a school that uses inclusion. In her dissertation study she found that most felt qualified and thought they were doing a good job (2009).

Michelle Powell Wechsler from Loyola Marymount University wrote “To Teach as Jesus Would: Inclusive Education in one Catholic Elementary School” (2013). She did a qualitative study on how inclusion worked in one Catholic elementary school in Los Angeles, CA. For many Catholic schools around the country that don’t have services from their local public school districts, inclusion is an important model for serving students with special needs in Catholic schools.

The issue of special education is coming to the forefront in Catholic schools. McDonald (2000) in *Some are More Equal* said, “It is time for parents and educators, as well as disabilities advocates, to become fully informed about the law and insist upon an equal application for all students with disabilities” (p. 64). Educators want to become more knowledgeable about special education in private school settings. Many of these recent researchers suggested focusing on the collaboration between public school districts and their private schools as a future area to research

Chapter Three: Research Methodology

A qualitative research approach using in-depth interviewing and document analysis methods rather than a quantitative approach using methods such as a survey best fit the purpose of this study. I examined the working relationships between four Catholic schools and their public school districts providing services to Catholic school students with special needs.

Anthropologists use qualitative methods to understand a culture. Sociologists, particularly those working within the Chicago School of Sociology tradition, also use a qualitative approach (Bogdan and Biklen, 2003, p. 10). They believe that symbols and personalities come out of social interaction and want to learn about human behavior from its roots i.e., every day lives. According to Bogdan and Biklen (2003) the “qualitative researcher’s goal is to better understand human behavior and experience” (p. 38). Qualitative research attempts to “grasp the process by which people construct meaning and to describe what those meanings are” (p. 38). Those from the Chicago School of thought study the human dimension and focus on those on the margins of society (p. 10).

Qualitative research is inductive, flexible, and tailored to the specific situation being studied (Maxwell, 2005). The design is “emergent and flexible...responsive to the changing conditions of the study in progress” (Merriam, 2009, p. 16). More specifically, in qualitative critical inquiry the goal is to “challenge, transform and empower” (Merriam, 2009, p. 10).

This chapter explains the particular qualitative perspective, institutional ethnography, within which this study was conducted. It describes the study’s multi-

case study design, case selection process, data collection strategies, and finally the data coding and analysis processes.

Institutional Ethnography

I chose institutional ethnography as the qualitative perspective from which to conduct my study. After an overview of the main tenets and intellectual foundations of this method of inquiry, I explain how I found institutional ethnography useful for my study.

Ethnography is an anthropological term for the study of a culture or subculture through first hand encounters with participants. According to Bogdan and Biklen (2003), “The ethnographer’s goals are to share in the meanings that the cultural participants take for granted and then to depict the new understanding for the reader and for outsiders” (p. 28). Institutional ethnography, developed by Canadian sociologist Dorothy Smith (1987, 1990a, 1990b, 1999, 2005, 2006) is a method of inquiry that focuses on institutional culture that pays particular attention to everyday procedures and on how the actualities of people’s lives are coordinated or “hooked up within institutional relations” (2005, p. 207). Smith also said, “Exploration and discovery are central to its project” (2005, p. 50). Institutional ethnography uses information from people’s experiences in the everyday world to figure out how things happen as they do (Smith, 2006). Smith noted, “Institutional ethnography is distinctive among sociologies in its commitment to *discovering* ‘how things are actually put together,’ ‘how it works’” (2006, p. 1).

Smith (1990a) views the everyday world as “problematic” (p. 27) and calls people to pay attention to their everyday lives and go beyond what they know to

find out “how what they are doing is connected with other’s doings in ways they cannot see” (2005, p. 225). Examples of institutional ethnographic studies include Ellen Pence (Smith, 2005, p. 63) examining the 911 processes for domestic abuse cases and Alison Griffith (Smith, 2005, p. 32) looking at the concept of single parent family in the educational system. Other researchers have used institutional ethnography to go beyond feminist roots to study how groups such as the mentally ill are kept outside ruling relations or decision processes that affect their lives (Smith, 1990, p. 12). More recently Lois Andre-Bechely (2005) explored the idea of school choice within the public school system in California using institutional ethnography as a framework.

Institutional ethnography emphasizes sensitivity to what Smith (2005) calls “the relations of ruling” (p. 206) or the power dynamics within an institution that point to often unquestioned systemic power embedded within and woven throughout the institution. Smith (2005) determined, “No institutions, no large scale organizations stand outside laws, government financial organizations, professional and academic discourses, the discourses of the natural sciences, managerial discourses and so on” (p. 206).

Smith’s (2006) development of institutional ethnography is grounded in feminism and influenced by the writings of Marx, Foucault and Garfinkel. DeVault and McCoy (2006) described her approach as “combining Marx’s materialist method and Garfinkel’s ethnomethodology with insights from the feminist practice of consciousness-raising” (p. 16). The feminist recognition of how women are “excluded from the ruling apparatus of society, a society that is manufactured by

those in dominant positions—positions of ruling” (Smith, 2005, xi) is at the core of institutional ethnography.

Drawing from Marx and Garfinkel, Smith (2005) believes that inquiry should be developed in the world in which we live – our everyday lives. Marx thought, as does Smith, that history and society exist only in the actual activities of the people and the cooperation around them (Smith, 2005). Method of inquiry is grounded in Marx and Engels’ *The German Ideology* (1976). Marx proposed that people produce their existence through a social division of labor. Capitalism creates conditions for the social division of labor based on social relationships (1976). Smith said about Marx, “Ideological forms of consciousness are determined by their social base, particularly by their base in class, and that all social forms of consciousness are so determined” (Smith, 1987, p. 79). Pulling from Marx, Smith (1990a) also said, “I’m striving for a sociology that will open up and expand how we know the world of our experience” (p. 200) through social relations.

Smith (1987) has built on Foucault’s notion of discourse as a conversation in and through texts (p. 214). Smith said, “Reading a text is a special kind of conversation in which the reader plays both parts” (2005, p. 105). Texts are likely to be important and yet taken for granted instruments for work. Campbell and Gregor (2002) stated, “Particular use of words, language and texts build organizational versions of what people say, do or know for organizational action” (p. 24). Texts are integral to how an organization functions and what connections exist. Smith (1990a) determined that knowledge is socially organized (p. 62); “its characteristic textual forms bear and replicate social relations” (Smith, 2005, p. 27).

People then activate the texts as they read them and put them into action (Campbell, 2002, p. 148).

Smith (2006) looks at the everyday activities of people who create and use texts. Texts include “material in a form that enables replication (paper/print, film, electronic, and so on) of what is written, drawn, or otherwise reproduced” (Smith, 2005, p. 228). Some of the significant practices involving texts include: who reads it and where it goes from there, what someone needs to know to use it, what someone does with it, how it relates to other texts, and how it has been created and organized (Smith, 2006). Therefore, looking at what texts exist and their purpose as well as the lack of texts available ultimately might say something about how things happen.

I decided institutional ethnography worked as a method of inquiry for my study because of the emphasis on “how” things work and because I wanted to learn about the power dynamics within public-private school partnerships.

Institutional ethnography typically looks at problems within an organization or what’s wrong, so to speak. Marjorie DeVault and Liza McCoy (2006) described institutional ethnographers generally as having critical or liberatory goals; “they undertake research in order to reveal the ideological and social processes that produce experiences of subordination” (p. 18). Initially, I wanted to discover how public-private arrangements for special needs students identified as working well functioned. Drawn to institutional ethnography’s concerns with power, I wanted to know what power issues existed and how the private schools successfully negotiated those issues on behalf of their students. As I collected data, institutional

ethnography's critical and liberatory goals and the concern for ideological and social processes that produce subordination became more useful than I had anticipated.

Multi-Site Case Study Design

Yin (2009) defined case study as “an empirical inquiry that: investigates a contemporary phenomenon in depth and within its real-life context” (p. 18). He explained, “The distinctive need for case studies arises out of the desire to understand complex social phenomena...and allows investigators to retain the holistic and meaningful characteristics of real-life events – such as individual life cycles, small group behavior, organizational and managerial processes” (p. 4). Yin also says that a good case study includes an unusual topic of study or something of general public interest focusing on important issues; a question regarding serving students with special needs fits that criteria. Case studies use a variety of evidence like interviews and documents when trying to answer “how” something works. I used those methods to look at the organizational and managerial processes, the “how” by which public school districts and Catholic schools work together to provide special education services to students with special needs. Merriam (2009) spoke to the purpose of case studies: “An applied field's processes, problems, and programs can be examined to bring about understanding that in turn can affect and perhaps even improve practice” (p. 57).

A multiple case study is undertaken just as a single case study with the perspective of reliability – choosing studies that will offer predicted similar results or contrasting results with anticipated reasons. A multi-case study involves

selecting appropriate cases, conducting each case study separately, writing a report for each case and finally analyzing and drawing conclusions.

Case selection.

I initially chose three Archdiocesan elementary schools in which to do case studies. The Assistant Superintendent of the Archdiocese shared names of Catholic schools (from approximately one hundred schools) that she deemed as having good programs serving students with special needs. She explained her definition of working well: “The district, parents and the Catholic school are communicating and designing a program that is in the best interest of the student’s needs and goals.” I considered several factors when choosing my schools from her short list. I chose schools in the same geographic region (for convenience) – two suburban schools and one rural school all located in a southwest metro area. I chose schools with varying student populations – one school had approximately 160 students, one about 500 students and one close to 750 students. I assumed that school population might play a role in whether public school districts might offer special education services onsite. Her list of schools included both onsite and offsite services, thus I was able to choose both scenarios as well. Two of the schools I chose had public school district staff delivering special education services within their buildings (onsite). Students in the third school received services offsite. All three of the schools originally received their special education services from the Regional Educational Cooperative. As each school district population grew, they each seceded from the co-op to provide their own services. Now each district owns the responsibility to serve private schools within its boundaries.

Late in the data collection process I added a fourth case, a suburban school with approximately 650 students. This school was identified as functional by the Archdiocese Assistant Superintendent and one with services that, because of personal experience, I found to not only be functional but exceptional. I did not initially choose it in my research sample because my son not only attended the school but also received special education services there. However, after more than ten years of onsite services, the public school district administration made a sudden decision to move almost all services for their nonpublic schools offsite. I decided, despite my personal connections, that this school and their public school district would be important to my study.

Data collection: interviews.

I used interviews as the primary tool of data collection for my study. I wanted to conduct interviews with a wide variety of people who had experience with special education services in Catholic schools and particularly those who had decision-making roles. I wanted to know how they talked about their rationale for decisions made. This section explains how I gained access to interviewees, the type of interviews done, and how the data collection process itself influenced whom I decided to interview as well as the content and direction of the interviews.

Having participants sign a consent form assured proper ethics procedures for the research. I provided each participant with a brief statement of the intent of my study and an explanation of the process. Each participant signed a University of St. Thomas Institutional Review Board consent form stating that they understood the

purpose of the study, their role in it, the confidentiality guidelines, the process and options should they want to remove themselves from the study.

I negotiated the times and places for interviews with each participant. All interview locations were conducive to thoughtful conversation. I used both open-ended questions as well as structured questions to engage and encourage participants to talk freely. I started with more exploratory questions in gathering information, usually asking about the participant's knowledge and experience with the special education program and then using probing questions as more specific details emerged. I asked more structured questions about their experiences particularly relating to delivery of special education services to gain more comparable data (Bogdan and Biklen, 2003, p. 96). Interviews are used "not to reveal subjective states, but to locate and trace the points of connection among individuals working in different parts of institutional complexes of activity" (Smith, 2006, p. 8).

After receiving a participant's permission, I digitally recorded interviews which lasted anywhere from twenty to ninety minutes. I also took notes to stay focused in the interview and recorded follow-up questions so that I did not interrupt the conversation. Once transcribed, I incorporated "memos to self" with my own reflections and observations about the interview and the people I met (Bogdan and Biklen, 2003, p. 161). I also recorded "observer's comments" to develop a rich description including my insights regarding appearance, attitude and nonverbal messages during each interview (Bogdan and Biklen, 2003, p. 161). Bogdan and Biklen refer to this process as data "analysis-in-the-field" (p. 148). I

used my notes to formulate new questions for future interviews. For example, when interviewing a veteran teacher at Heart of Mary, I jotted down the history of the special education program at the school; however, she couldn't remember pieces of the history so I wrote notes to myself to follow up with more interviewees to get more specific details about the timeline associated with the services offered.

I needed to gain access to people to interview, first in the selected Catholic schools and then in the public school district in which the school was located. I contacted each Catholic school principal and explained in detail the purpose and goals of the study. When I first visited each school, I asked the administrators to fill out a brief demographic survey (see Appendix A) to get an idea of the population for that school, how many students each year are assessed, how many students qualify for services, and approximately how many students are served through the public district's special education services.

I then interviewed principals (see Appendix B), assistant principals and when applicable, teachers, parents, and any school special education staff (I did not interview students and have not used any specific information about students or revealed the identities of any students with special needs other than my son). I did not have difficulty obtaining interviews with anyone in Catholic schools. In the first school, the administrator initially set up many interviews for me. At the rest of the schools, the principals gave me possible names and contact information. Everyone whom I asked to be interviewed agreed.

I wanted to interview the public school district directors of special education as well as public school district special education teachers responsible for the

special education programs for each of the four private schools. When casually broaching the subject with some public school personnel before I even started my study, I found some verbal reluctance about participation. Because relationships between public and private schools can be sensitive especially when involving public funding, I needed to be very diplomatic in requesting the access I needed as I moved forward with my research. However, through recommendations from other school personnel, or what is referred to as snowball sampling (Bogdan and Biklen, 2003, p. 64), I was able to schedule interviews. I found the public school district staff at the first school at which I did interviews very receptive. After I talked to the special education teacher from the district and then the director of special services, I was able to name drop in the next school district to ask for permission to interview people with similar roles in their districts. With one exception, I found most public school district staff willing to participate when they heard whom I had already interviewed.

Speaking to the exception, Dave, Director of Special Services for four years at Lake Pearson, was very apprehensive about talking to me when I initially made contact with him. He asked a lot of questions about why I wanted to interview him. I mentioned the names of the directors of special services from Nelhart and from the Regional Educational Cooperative whom I had already interviewed, and then he felt comfortable enough to agree to meet with me. When I met him at his office, he seemed somewhat nervous. He wasn't sure about having our conversations recorded and hesitated to sign the consent form. He again asked me about my purpose for the research. He eventually allowed me to turn on the recorder. We

inched ahead with the interview, and it went smoothly. When we finished, he again asked me what I would be doing with the data. I explained that I would be looking at all of the data about the relationships between public and private schools in delivering special education services. He signed the consent form giving me permission to use the data I collected from our interview.

Institutional ethnography, Smith (2006) said, is ever changing. She explained that as the research unfolds the researcher finds new thoughts emerging and new interviews to conduct. Researchers know what they want to discuss, “but only step-by-step can they discover whom they need to interview or what texts and discourses they need to examine” (p. 20) as well as checking on the developing picture and additional questions that need to be asked.

As Smith suggested, after the initial interviews I discovered others who were important to interview. I invited each person whom I interviewed to recommend others who might have helpful information on various aspects of the organization’s special education program including history and evolution of the program. (This technique is similar to what other sociologists refer to as the “snowball” technique.) Many of the people I interviewed felt comfortable sharing names of others they thought would be good resources to contact, which led to more interviews and greater data. For instance, when I interviewed the local public school district special education teacher from Heart of Mary, she recommended that I talk to the director of special services. When I interviewed him, he recommended I talk to the former director of special services who now is executive director of the Regional

Educational Cooperative, the area special education cooperative. These interviews became invaluable in learning about the history of their program.

With each interview I conducted, I gained a better sense of the community, the history of the delivery of special education services, and an understanding of how special education worked within the Catholic school and in conjunction with the local public school district. New areas to explore emerged and different ideas worthy of additional thought surfaced. I heeded Smith's (2005) caveat that each professional involved in decision-making be considered relative to how their activities were coordinated with others (p. 205). As stated previously, Smith, like Marx, views social relations as the coordination of people's activities.

Data collection: documents.

Both prior to conducting interviews and after completion of the interviews, I reviewed any relevant documents that I could locate online (Catholic school websites and/or the local public school district websites) or shared by people interviewed referring to special educational services. Very few documents exist outside of special education forms and procedural required paperwork associated with the special education forms, and procedural paperwork associated with the special education process such as assessments and individualized education plans. The Catholic schools generally did not have any documents outlining the special education process for parents. The public schools districts all have documents on their websites that refer to the special education program.

I have retained many documents associated with the process I went through when the Catholic school my son attended switched from onsite to offsite services

within the district. These documents included mostly letters and emails but also included the school board presentation that initiated the change to offsite services.

The most significant texts referred to in the interviews included the federal and state laws. Minnesota law supersedes the federal law because it guarantees that students in Catholic schools will receive services (if they qualify); federal law does not have the same guarantee. This fact has some important implications for the delivery of special education programs. Additionally, a document written by the Office of Special Education Programs under the U. S. Department of Education umbrella recommends (however, does not mandate) that public school districts provide onsite services to private schools. The way in which the public school district personnel decided to apply their interpretation of the law remains key.

Coding and Analysis

Throughout the data collection process, staff of a data transcription company transcribed my interviews; this company signed a statement of confidentiality. In order to ensure confidentiality, all of my data has been stored in a locked filing cabinet in my home. It has been exclusively accessible and viewed by my chair and me. Additionally, I used pseudonyms for all names and locations of the four case studies to maintain confidentiality.

As described in the interview section, I began the analysis process while collecting data for my study. I continuously used follow-up methods such as phone calls and emails to clarify data or to fill in gaps. At the conclusion of data collection, I discussed preliminary findings with key select participants, with my dissertation chair and with experts in the field such as Michelle Doyle, national educational

consultant; Peter Noll, Education Director for the Minnesota Catholic Conference, and Bob Wedl, former Minnesota Commissioner of Education. Each shared new perspectives on what they saw happening in the field of special education both in Minnesota and in the nation.

Through coding, I looked for common topics as well as general statements that included interpretations of laws and rules and perspectives about the organizational structures and the relationships between public school districts and Catholic schools. I began to identify and understand the social relations discourses and processes that created the school environment and more specifically how the system of delivering services worked. I particularly noted what surfaced in the comments from public school special education directors about policy and practices as well as attitudes toward private schools.

Dorothy Smith (2005) stated the discourse of peoples' doings and the actualities of people's lives organize relationships among people (p. 25). During the research process, the small snapshots from individual interviews in combination created a big picture of how an organization worked. And, through the information and data gathered from the interviews and recorded activities, I constructed a map of the relationships within the system. The data on the discourses and actualities of people's lives revealed in interviews form the basic pieces of my narrative and my analysis showing how four public school districts and four private schools organized special education services.

The following chapters, four to seven, present the four case studies. In chapter eight I review the data from the four cases, present a final analysis in light of

institutional ethnography, make suggestions for future research and finally make recommendations to Catholic school administrators about what they need to consider in providing special education services to their students.

Chapter Four: Onsite Services for a Small School

Chapter four focuses on the smallest private school, Heart of Mary, which receives onsite services from the public school district. This situation is rare both in Minnesota and nationally. The law, interpretations of the law, and relationships among important “players” affected the structures that provided students with special education services. The data gathered from the Heart of Mary revealed the following key areas: delivery of special education services past and present; interpretation of the law, and factors contributing to interpretation and application of the law including dollars and sense; what’s best for kids; and “we are in this together.” Using the sociological perspective of institutional ethnography, I trace the connection of these ideas to the discourses present and the dynamic of power. I discuss the impact and connection of these ideas to the working relationships necessary to and inherent in delivering special education services to students at this Catholic school.

Delivery of Special Education Services Present and Past

Heart of Mary Catholic School resides in a building constructed in 2006 to replace three separate campuses. Not far from the suburbs, yet set in a quiet, country area, the school owns its own buses that run routes across three different, local school districts. A population of approximately 160 students in PK-8th grade, the school is small and tight knit with a warm, family atmosphere.

The local public school district, Nelhart, has a population of approximately 3800 students who come from a variety of smaller surrounding towns, some fairly rural, including Wilson, a town of 1825, and home of Heart of Mary. Nelhart

currently delivers special education services onsite at two Catholic schools in the district, one named St. Walter (located in town) that was not included in this study and the other the focus of this study, Heart of Mary Catholic School (rural location).

Approximately five to seven students at Heart of Mary go through a special education assessment each year with two to three of those students qualifying for special education services. Each year the local public school district serves about nine students at Heart of Mary School who qualify for special education services.

Before moving into the current building, Heart of Mary had three separate campuses in three separate small towns: grades K-2 in Vienna, grades 3-4 in Newtown, and grades 5-8 in Landon. The venues for delivery included onsite in private school classrooms, rented houses and storefronts, and the public schools. These venues changed with different leaders at the Regional Educational Cooperative. The three campuses of Heart of Mary were originally all separate schools that consolidated into one school when their enrollments got low. Sally, a former teacher, said, "It [special education services] changed back and forth about four times in the years [15] I was there."

Sally explained that during the late 1980s and early 1990s the public school district insisted their teacher at the Heart of Mary site serve students with special needs in a back room of the school with no crucifixes. Gerald Ford signed PL 94-142 or Education for All Handicapped Children into law in 1975; it stipulated that no religious artifacts were allowed in the room where the public school teachers served students.

Derek, a former Director of Special Services, commented that before 1997 when the public school delivered services in the private school they had to take down crucifixes and cover up walls that held religious things. He said, "Somehow the holy water was going to get you, you know what I mean?" However, he said that after 1997 (when legislative changes were made to IDEA, the Individuals with Disabilities Act) it was made clear that onsite services were totally permissible and "there was no need for these shenanigans of putting a sheet up on the wall kind of stuff."

In the late 1980s and 1990s, the shifting modes of delivering services affected student participation, future achievement and enrollment at the Catholic school. Sally, a former teacher at Heart of Mary, said she definitely thought that families turned down assessments and ultimately services because they didn't want their kids walking to a different building such as a storefront or rented house a block or more away. She said, "I do know that a lot of parents didn't really – weren't in favor of it a lot because of the idea of having to run down a hill in the winter, to dress up, things like that." Students who opted out of services thus not getting the help they needed struggled academically affecting their achievement in high school. Sally thought that some families even left the school due to this unstable and constantly changing situation. "There wasn't a lot of time that was really given to them [special education students] because of all the travel time. So then they [the family] would leave."

During this same period of time, Abby, a parent and teacher at Heart of Mary said that she knew people who had students with special needs, and they did not

send their children to Catholic school because of the traveling necessary to receive services. She added, "I'm very glad that they [public school district special education teachers] do come to school now." Connie, a current veteran teacher and once a one-year interim principal, talked about the drama that existed during those years in trying to have special education services for a school with three campuses. She said that everyone asked, "'Who's gonna service them?' 'Who's gonna pay?' It was always complicated. It was never simple."

Then the transition happened in 2002 when Nelhart became large enough to run its own onsite special education services instead of contracting with the Regional Educational Cooperative. Its first Director of Special Services, Derek, was a trained lawyer and former Minnesota Department of Education employee.

As incoming Director of Special Services in the Nelhart district, Derek reviewed the services offered in the two Catholic/private schools. He met with principals, Val from Heart of Mary and the principal from St. Walter, the other Catholic school in town. St. Walter located in downtown Nelhart, received services by a Regional Educational Cooperative special education teacher onsite because the Cooperative found it convenient to do so. However, Heart of Mary, a rural school, was not receiving onsite services. Derek said that he heard some parents and Heart of Mary school staff grumbling about the discrepancy, but he did not remember details - no organized efforts, just some complaining.

After much consideration, Derek eventually decided to deliver services onsite at Heart of Mary in 2005. The principal at that time, Val, had experienced difficulties

in the way services had been delivered before Derek's arrival. Val described her relationship with Derek during her principal tenure at Heart of Mary.

When we started working with Derek things seemed to be – I felt like student needs were definitely the top priority. That was the precedent that was what determined how services were delivered. He was an advocate for that and he knew the letter of the law.

He interpreted that law in a manner that he felt best-served students.

Interpretation of the Law

Interpretation of the law is a very important piece in understanding the organizational structures of private schools working with public school special education teams. Even though the law is the law - or an objective element - people have the opportunity to decide what it means to them and how it can and should be carried out - a subjective element. Tom, the current director, said about interpreting the law, "Here is the rule - the law - and there is a lot of gray area." The superintendent and school board are accountable for interpreting the law, making policies and creating procedures that adhere to the law in a local school district. The directors of special services receive some of that power in administering the special education laws. The amount of power bestowed on them depends on the individual superintendent.

When Derek talked about interpreting the law and the decision making power he said,

All district directors in our area (and I would say the vast majority across the state) both work very closely with their respective superintendents and have

great autonomy. The level of autonomy and discretion is really a function of how much the superintendent allows.

Concerning his own status in decision-making, he said,

For example, for me in [Nelhart] at the time I changed how we provided services in the private schools, my then superintendent [Frannie Paulson] expected me to make decisions like that but to keep her informed regarding what I was doing. Had I told her I planned to do this and she strongly objected she could have vetoed the decision.... It is really more about the trust the super has in his/her director than anything else.

Derek's interpretation of the law in his position as Director of Special Services and the Superintendent's trust in him changed the services for Heart of Mary. Tom, the current Director, reiterated this saying, "it [the decisions] is pretty much left up to me."

Derek, Director of Special Services in Nelhart for five years, talked more about the law that he was responsible for interpreting and carrying out,

While I was with the Department of Education, one of the policy interpretations that we made was MN law has two cornerstone elements, one is parent choice, whether it's charter school or traditional public or an ALC option...Minnesota's had a long rich history of giving parents and kids choice.

Derek specifically addressed the legislation in Minnesota saying,

When you couple that with the special ed components, you know, it effectively takes away that choice if you say to a parent, 'well, sure, you have a choice. However, your kid has a disability and need, and is eligible for some

services, and if you make this choice, you give up all of those rights, effectively which happens in the states that don't have full service mandate...Our interpretation was that current state rule in MN requires full service.

Derek felt strongly that parents of students with special needs should still have school choice.

Interpretation of the law by two of the public school directors of special services affected the services available to the Heart of Mary students. Thus Lori, who became Principal in 2006 immediately following Val, understood her role – to trust the public school district's interpretation of the law and accept the services offered. Lori had only known *onsite* special education services at Heart of Mary. “I think [Nelhart's] happy with how it's working and they feel like everything's – they're doing everything they legally are required to do, and that we are very cooperative in working with them.” She understood the balancing act the district had to manage to make everything work thus she appreciated what they offered. She complied with the power that the district had over how services would look and be delivered.

The current Director of Special Services, Tom, who immediately followed Derek starting in 2007, confirmed the Heart of Mary Principal's role, “Lori truly believes, and she walks the talk, and she says these are my kids...she knows what services we are going to provide; she does not ask us for any more.” He appreciated her compliance with the public school district's interpretation of the law and the

manner of services the district offered her school, and the fact that she did not want more.

Not only did the public school directors of special services make decisions based on interpretations of the law, so did the public school special education teacher delivering the services. The former principal Val said, “So much of the laws are left to interpretation and so it [how the law was carried out] depended on a comfort level of certain teachers [public special education program staff].” She saw some district teachers working very closely with the regular education staff in the classrooms. Others worked more independently without the input of classroom teachers. Additionally, the current Principal, Lori, said that the special education teacher “goes into the classroom and collaborates with the classroom teacher” in order to best serve the students who need extra help. The district’s interpretation of the law allowed the special education teacher delivering services at Heart of Mary to do more than she might have elsewhere.

Factors Contributing to Interpretation and Application of the Law

The data from this case study indicate that several factors influenced how people interpret and apply the law in their work in special education. These factors include money/budgets, best decisions for students, and connections between private school and the public school district.

Dollars and sense.

Tom, the current Director of Special Services as of 2007 had different background experiences yet made decisions similar to Derek. He said that when arranging the staff special education schedule, he paid attention to achieving less

“windshield time” for teachers who traveled. Teachers don’t get reimbursed for the time spent driving to and from schools. He stated the monetary reasons why the district shouldn’t deliver services onsite. Yet he continued to do so. He mentioned that he had to be careful not to jeopardize services needed at the public schools.

We do a good job of servicing [private school students], that you know, I got to be careful that I don’t outsource us so much that I am hurting the public school either by pulling our staff more but we have yet to say that we can’t offer as much time as we think that students need.

Tom made it clear that he could not endanger the public school services by offering onsite services and spending extra money on the private schools. He intimated that his job responsibility required that he prioritize the students – public first, private second. Tom continued, “Now I am trying to find that happy medium.”

What’s best for kids?

Derek said he was “Keeping the students’ needs first.” Students as individuals trumped budget considerations for Derek and his successor Tom who made the choice to put students’ needs first by delivering onsite services despite budget pressures. Derek explained his decision to provide onsite services to Heart of Mary.

We weren’t in quite the financial crisis...we just said, well, even though we’re going to lose a little bit of money compared to just transferring the kids, because this is the right thing to do for a multitude of reasons, you know, we just went ahead and identified staff and then provided the services equally at both schools.

Tom continued Derek's philosophy of putting what's best for kids in the application of the law. Tom said, "We are in the business of service, and our service is to the kids and service to the parents." And, "[Derek] came in and he didn't really like the situation [he found] and if you take the kids as a whole, and if your best interest is in the kids, to continue service within the schools is the best for them. He felt that way, and I just continued it because I think that is what is best."

Val, former Heart of Mary Principal, confirmed that the decision to provide services onsite created the best option for students when she said,

I think the one thing about services is that it is so beneficial to have somebody right onsite...I think they believed that was the best interest of the students...and we didn't have to spend time busing; we just had the teacher right there. And I think that that was so effective.

Derek thought academic success was important not only for each special education student but also in the best interest of the district. He said that over the years the families at St. Walter's (the other Catholic school in the district) accepted and participated in onsite special education services, but as teacher Sally had said, Heart of Mary families sometimes opted out or chose not to participate even though the children qualified for services. Derek went on to say that students at Heart of Mary who needed but didn't get services would be behind when reaching the public school. He also added, "For the sake of the public school staff or those four years of high school or for middle school, too, you know, it's better to do a little more to get the services there." In other words, these students with special needs are going to be the public school district's responsibility later; thus, they are important now.

We are in this together.

People involved in special education services for the students at Heart of Mary described having a good relationship with one another. Connie (a long time teacher at Heart of Mary) felt the principals had always made an effort to talk to the school district staff facilitating relationships with Heart of Mary staff. This included Val and Derek's working relationship before onsite services began. Connie said the reason Heart of Mary students received effective services over the years has been "the rapport perhaps that our principal [s]" established with the local public school district.

Tom described a community feeling as well praising Lori in her role. "[Lori] has tried to understand sp ed as a principal and really does understand the students and their capabilities and their needs, and does a great job with the parents, which helps us also." Tom further explained this notion of community when he said, "This isn't a 'us versus them'; it is all of us together."

Nelhart district not only provided individual services in Heart of Mary's building but also provided training for teachers so they could fulfill the IEPs effectively. Nelhart took all of the students' needs throughout a school day seriously including training the teachers. Lori said of the local school district special education personnel,

They are very willing to work with us and provide as much as they can here onsite.... last fall, as part of our in-service, we had two of their staff - a psychologist and autism specialist - come in and deliver an in-service for our

staff. And that was at no cost to us, and they did that out of a desire to work together [with us] and to provide what's best for the kids.

Nicole, the current special education teacher from Nelhart district who works half time at Heart of Mary School did not have any public school district directives drawing lines or boundaries as far as where she could work or with whom she could talk. She valued being treated as one of the staff with an "all of us together" attitude. Nicole explained her relationship with the staff at Heart of Mary. "They did that right away, treated me like one of their staff, you know, invited me to their Christmas party."

The Heart of Mary teachers also felt that they, in conjunction with the public school district, had created the optimal experience for their students in the special education program through their desire to work together. Abby, a teacher at Heart of Mary as well as the parent of a child with special needs at Heart of Mary, talked about the special education teacher placed in their building to provide services. She said, "She's just considered very much to be one of us...as a teacher, she meets with me with the kids that she services. We go through resources together to find what would be the best." Again, seeing themselves as a community is a win-win situation.

Parents also detailed the seemingly solid relationship between the separate entities as leading to functional services in which students got the help they need. Molly, a mother of four boys, three of whom have autism, two of whom attend Heart of Mary, described the school as a "very accepting community." She added, "What I really liked was the cooperating between the special ed staff [and teacher] who come from the public school in [Nelhart]." She went on to say that this did not

happen at another Catholic school that her son attended. Now the special education teacher takes him for math during math, and this schedule is possible because the special education teacher and his regular teacher work together. Doing what is best for kids included creating a schedule that works specifically for them.

Personal convictions made a difference in building relationships/creating a good environment for kids. Ann (a parent) said that the Nelhart staff thinks about the child when they make their administrative decisions. When asked how Heart of Mary School delivers good special educational services, Nicole (the special education teacher from the local district) said, "It might have a little to do with the special education director, you know."

Principal Lori knows a change in personnel could result in an immediate change in services creating an unstable vulnerability for Heart of Mary. When asked if she feared a change in services in the future, Lori said that concerns exist if the numbers of students in the school who qualify for services dips below a certain threshold. Right now they need a district special education teacher half time in the building. If their numbers drop to less than half time, the district might make a decision to change the services to offsite rather than put a teacher in their building for a very short amount of time per day. When asked what she would do, she said that they would probably have to make the situation "work" – keep the relationship with the public school district viable.

Regarding personal bias, an interesting fact surfaced concerning Tom. His children attended St. Walter, the Catholic school in town. However, Tom did not ever state any personal bias in his interview about his decisions regarding services

for the private schools. Perhaps the services could hinge on one personnel choice. However, Derek, who made the initial decision to provide onsite services, did not have any children in private schools but believed strongly in school choice.

Analysis

In this section I look at the data through the lens of Smith's idea of lived actuality as well as the dynamic of power and the impact on relationships within this case.

Marie Campbell and Frances Gregor (2002) in *Mapping Social Relations* conclude, "People who work in a large organization, for instance, will be members of a discourse that has a shared language, beliefs and values, ways of working, and so on" (p. 70). In this case study, institutional lingo such as special education jargon like "windshield time" and administrator talk such as "deliver" and "in-service" can conceal the true picture of the system/organizational functions. Unpacking these terms and understanding the meaning and intent is necessary to uncover the real situation. These terms can be used consciously to hide intent or be used unconsciously as a nuance of a professional occupation. Dorothy Smith subscribes to Foucault's notion that the discourse creates a somewhat false reality (Smith, 2005). Campbell and Gregor (2002) indicate, "Professional language simply obscures what people actually do" (p. 72). People get entrenched in the world that is their job and don't see beyond the professional perspective of their everyday activities.

The directors used "windshield time" to obscure the reality that legislators created law to fund buses used to transport students to other schools for services

yet neglected to fund the expense of teachers driving to a school to serve students in the private school setting (teachers receive mileage but lose “face time” with students during the travel time). In actuality this means that students have to leave their schools to receive services instead of being able to walk down the hall to get the help that they need. Administrators used words like “deliver” and “in-service,” on the other hand, just to show that they belonged to this professional group. Pence (as cited in Campbell and Gregor) stated,

Workers’ tasks are shaped by certain prevailing features of the system, features so common to workers that they begin to see them as natural, as the way things are done and – in some odd way – as the only way that they could be done, rather than as planned procedures and rules developed by individuals ensuring certain ideological ways of interpreting and acting on a case. (p. 70)

These work terms or jargon are part of Smith’s (1990a) “lived actualities” (p. 72). She explained that administrators live in their own world of administration far from the actual lives of the students. Derek knows the norm in Minnesota yet chose to act differently than most administrators. He created a new norm for people to live by and kept himself close to the students’ lives.

Lori knew onsite services as the norm or way things existed. But she also lived in a mode of being ruled by the decisions of the public school district and did not consider any opportunities for questions or changes. Lori lived with complacency, gratitude, and fear of change. People get used to the way things are and don’t recognize that they could advocate for change. Or in this case build a

strong case to prevent change. Campbell and Gregor (2002) conclude, “Not understanding an organization is one form of domination. Understanding it and having it shape a course of action is another” (p. 15).

Principal Lori demonstrated this idea of understanding the power allowing it to control her decisions. If faced with a change in services she said she would “work” with the district to keep their relationship viable instead of advocating for her students. Derek, on the other hand, knew the power and used it to do what he thought was right for students even though it was not typical for other decision-makers.

Smith (2005) referred to Foucault when he said the power present in discourse rules people’s lives (p. 17). Analysis of the discourse and relationships leads to the understanding of power and thus ruling relations. In looking at the data from this case study, although everyone got along and appreciated one another, the relationship between the public school district and Heart of Mary Catholic School was not one of equality but rather one of a ruling power and people who either didn’t have a voice (students) or didn’t use it (Catholic school staff and parents). The district gave the directors autonomy to interpret the law and make decisions. Others involved including Catholic school personnel and parents abided by the decisions made.

The directors exercised power in their decisions via values and philosophy to deliver services onsite. However, the data indicated that many people and circumstances contributed to the power used. For instance, besides the power Lori gave the Public School district in her compliance, the superintendents issued a

power of trust upon the directors. The parents held some power when they pulled their children out of the school or did not enroll at Heart of Mary because the special education services were offered offsite. The legal system allowed reimbursement of busing but not teachers traveling, which gave power to the budget. Campbell and Gregor (2002) determined that power is embedded in the language, texts, organizational talk (p. 24) and that ruling is the “socially-organized exercise of power” (p. 32). The legislators’ decisions continue today without criticism. Smith (2005) wrote, “The ruling relations are a complex and massive coordinating of people’s work” (p. 183). Many have a hand in this structure of power.

In this case study, two separate entities – a public school district and a Catholic school – had to work together per federal law and state law to serve students with special needs. Data illuminate a small town atmosphere with a family feel of mutual respect. It was evident that the philosophy of the public school director of special services guided the system and actions. The district budget, federal reimbursement and responsibility to public school district students as well as fairness and adherence to Minnesota law were all recognized as important in the process of delivering special education services to private school students.

Chapter Five: Always Offsite Services

St. Mathias Catholic School students received offsite special education services from the local school district. The Assistant Superintendent in the Archdiocese identified St. Mathias as delivering effective offsite special education services. My research uncovered data indicating that services provided and relationships between the public school and St. Mathias did not fit the definition of services working well.

Located in a south metropolitan suburb of 22,900 people, St Mathias Church and School stand near a beautiful recreational lake. In terms of Catholic school populations St. Mathias, with approximately 500 students in grades PK-8, is considered a medium-sized school. The school is located in a local school district with a population of about 7000 students.

At the time of my research, the local public school district assessed approximately ten St. Mathias students for special needs and about eight qualified for special services through the special education program. St. Mathias has about twenty-five students each year who receive special education services at a variety of elementary and middle schools through the local public school district, Lake Pearson. When I visited St. Mathias the staff indicated the special education services had been delivered offsite (with variations in schools to which the students were bused as well as the times of the day) as long as anyone could remember – first by the Regional Educational Cooperative and then the local public school district, Lake Pearson.

Dave, the public school district Director of Special Services in his position for four years, said onsite services had never been provided, “Not in this district. No.” Lynn, the Assistant Principal and twenty-three year veteran at St. Mathias, told me the services had always been offsite, but the “process has become more refined so that we know more clearly the steps to take so that our students will get the services they need.” First the Regional Educational Cooperative then Lake Pearson School District made the decisions regarding the delivery of services.

This chapter presents data about the relationships between the public school personnel and private school staff and the way they managed offsite services. Administrative rationales for their choices and decisions regarding interpretation of the law and responsibilities for the budget and needs of the students created some disconnect and tension for teachers, parents and students. “Institutional ethnography draws on local experiences in confronting and analyzing how people’s lives come to be dominated and shaped by forces outside of them and their purposes” (Campbell and Gregor, 2002, p. 12). This chapter specifically addresses the following key themes: application of the law, delivery of services, transportation, classroom experience, and relationships. The chapter concludes with an analysis of the data through the institutional ethnography’s lens of ruling relations and power.

Application of the Law

The public school district Director of Special Services, Dave, applied the district’s interpretation of the law continuing to deliver services offsite as the Regional Educational Cooperative had done in the past. As I mentioned in chapter

three, Dave was apprehensive about talking with me. We had only discussed details of time and place in our brief conversation prior to the interview.

Dave addressed the location of services for private schools and their interpretation of what the law allows without being asked. Dave said,

Once in a while we'll have parents ask us about why don't we provide services to the schools [private] since they're in our community, they pay taxes just like a public parent would. Why can't they get services in their schools just like a public parent would? And, you know, my explanation to them has been that the district has the option of doing that or not doing that. It seems they deliver offsite services because they can. He emphasized that the district owns the options in how to deliver services,

Historically we've chosen that [offsite services], and that's – it's a financial consideration as far as busing people in those buildings for half a day a week or whatever it would be. Though as a district we've not looked at changing that given what the economy is like. There are not plans right now to look at providing services in the non-public schools.

Dave agreed with the decisions made previously by the Regional Educational Cooperative regarding offsite services and continued to carry them out. He defended the public school district's choice citing the financial reality. Without wavering, his focus remained on budget throughout the interview. He knew the law and that it gave the district the option to deliver services offsite. He was following the law and parent concern did not justify change or action. The data did not indicate any concern on the Director's part for the student experience. When I

followed up with, “Do you anticipate any changes or anything that you see that will look different in the coming years?” He answered without hesitation, “No.”

Peter, the St. Mathias Principal in his third year, agreed with Dave’s perspective that the offsite services worked just fine.

The one thing that has remained constant, most of them [public school district staff] are completely identical in their approach to the nonpublic schools, to my face and in public. . . They know that we send the vast majority of our students off to the high school, and it’s in their own best interest to work with us. And we feel the same way, they’re our families, they’re the community families, predominantly...

Dave and Peter agreed the district accomplished its goal through delivering offsite special education services. Dave stated the district must provide service, and it will do so in a fiscally responsible way. Peter said the district provided service because the students become theirs anyway.

Kelly, the kindergarten teacher, said about offsite services working, I haven’t had you know – anything where I felt like they hadn’t held up their end, you know, they have been great. We email and you know when they need to come out – I have some adaptations in my room that I have tried and talked to them about it.

Delivery

It was difficult to nail down the exact process for getting a student referred for assessment, tested and then qualified for the special education program and services. People I talked to had differing stories as to the actual process. Clearly

there was a lack of knowledge and communication within the St. Mathias faculty about the special education program and services.

Lynn, the Assistant Principal, explained the school had two different forms to fill out in the case of a student struggling. Initial interventions went on Form 101 and then if further study was needed Form 103 was filled out based more on certain subject areas. She said that parents joined the conversation in filling out a Form 103.

Becky, a St. Mathias middle school teacher said, "At one point we had a team in our school that was not every 7th and 8th grade teacher, it was a team from a variety of different grades and that is where you brought the individual's information." That multi-grade team did not exist at the time of my research. Instead the 7th and 8th grade teachers met together to discuss concerns about students. Luann explained this process.

We would try several interventions here we have an IHP Intervention History Plan which is our version of the 504 and so we would meet with the parents and one another to come up with a plan of things to do based on how successful that would be if we felt we were still not meeting the students; needs then that is when we would ask the parents to contact the public school. Because one of the first things they would ask the parents is what have they been doing at [St Mathias's] to help.

There were differing stories regarding how students were referred for an assessment. Luann said, "In [Lake Pearson] the contact has to come from the family." Lynn also said that the "parents fill out the forms." However, Kelly, the

kindergarten teacher, said she contacted the public school when she had concerns about a student and wanted an assessment done. "I made the initial contact." Alice, a parent, said, "Then they [St. Mathias teachers] made contact with the special ed" to start the assessments. Different stories about how the process worked showed people were not clear on how to obtain services thus possibly making it difficult to best help students.

Interviewees also gave different explanations about who conducted the assessments when a St. Mathias student needed one. Dave said that the assessments and services used to be provided by the closest public school to the private school. However, he said that the caseloads got too big for the school closest to St. Mathias because St. Mathias was the biggest private school in the district. He said, "What we do now is rotate the assessments so whichever elementary school is working on the fewest number of assessments would get the next assessments that comes up from a nonpublic school." Cheri, the public school district special education teacher, reiterated Dave's story that the schools took turns doing the assessments but that the nearest elementary school delivered services except for the middle school students; as there are two middle school buildings next to each other – they took turns delivering the assessments and services. Peter explained the assessments were spread across the district, but "service will be provided from a school based on their current case loads to keep things fairly evenly spread across the elementary schools." He added, "Every kid that we have that has speech assistance goes to the same school. So that's centralized, it's five blocks, right up the street." Lynn

corrected him, “No, it’s the one – the new one off 13.” Peter definitely lacked basic knowledge about the program.

Transportation

Because services were provided offsite, students needed to be transported to their services every day. The transportation of private school students to public schools to receive special education services created a tension and dissatisfaction for students, parents, and teachers.

When arranging services, the Director tried to have as many middle school students receive services together or not too far apart as possible so “we don’t have too many transportation runs.” St. Mathias students went to different public schools at times convenient for the bus garage so that their services did not involve too many bus trips.

I discussed transportation with the administrators at St. Mathias as well. Peter, the Principal, suggested that parents “have their little bit of anxiety” about it such as, “Is it safe? Is it secure? Is it the connotations that go with that? And why can’t we stay onsite,” but “once they get through that initial stage then I don’t hear much about it.” He implied that parents should “get over” their concerns about their children busing to other schools because the kids don’t mind it. For the kids it was “not a big deal and it gets to be part of their day in general.” He did not share any concerns about the delivery of special education services offsite nor did he think others had valid worries.

Lynn, the St. Mathias Assistant Principal, expressed a different opinion in the joint interview with the principal. She worked more with the teachers and saw a

practical view of the real challenges of students busing to other locations to receive special education services. She responded to a question about whether busing had been an issue for parents by saying, "Very much so. I think it is." She said some parents have a problem with the busing in that "it's added [time]" and "based on that some parents will refuse services," or say, "I'll take care of it privately," for example, hire a private tutor.

A veteran middle school teacher talked about the importance and difficulty of transportation/scheduling the buses to make special education services work. Luann said when scheduling the special education service times with the district, the teachers had to work closely with the bus company to agree on times and acceptable situations such as having more than one student ride at a time to lessen the number of bus routes needed. And, she added, "I have had students very uncomfortable about it. Don't want anyone to know and wanted to keep it a big secret." It became a reputation/self esteem issue for students.

Cheri also brought up transportation saying that managing the transportation issue was "challenging" for the teachers referring to the same issue Luann discussed. She added that the system lacked "flexibility" and scheduling was "difficult." Also, many students struggled with the transitions between schools.

Delia, a parent whose third grade daughter was on the autism spectrum, tried the special education system and then opted out because of the offsite services and again, transportation issues. The mother said she liked the special education people at the public school; however, there were just too many problems.

"Unfortunately we didn't have such a great experience. The first day she was going

to ride the bus and I was gonna take the car behind, and it never showed up.”

Besides the logistical frustration of the bus issue, Delia said, “I don’t see the purpose in pulling her from her environment to another place she doesn’t know, she doesn’t interact with these kids. So, I said ‘I don’t want to do that.’” She went on to say, “I opted to maintain the IEP but discontinued the services over there, and then when I did that they accidently grabbed, like, took Abby. There was some wire disconnect, and she went over, and she wasn’t supposed to go.”

Classroom Experience/Learning

Again, many roadblocks existed in delivering services because of the distance between the private school where the student spent the majority of the day and the public school where he or she received special education services. Communication among all parties within this structure remained difficult.

A kindergarten teacher at St. Mathias, Kelly, shared some insights. Although only in her twenties, she had spent a couple of years as a special education teacher in a nearby public school district. She expressed concerns about offsite services. “I do sometimes wish it [special education services] was in the building you know because sometimes life gets busy and it is hard to stay in touch [with the special education teacher].” She found working with special education staff outside of her own building difficult.

Lynn, the Assistant Principal, felt that although services had always been offsite, their relationship and communication had improved over the years. Lynn said that delivering special education services was a “combination of working

together.” As an example she said that teachers passed a notebook back and forth between schools so teachers could communicate.

Cheri, the public school special education teacher, said she saw communication break down as well. While she found communication with St. Mathias parents similar to communication with the public school parents - the special education teachers held the same annual meetings and completed the same student progress reports for both private and public school students - communication with the teachers of St. Mathias students was very different than the communication with private and public school teachers because of the physical distance between buildings and the many different buildings. She said that the communication must be “purposeful and long range” in order for people to even make the effort.

However, Lynn, Assistant Principal, felt more positive about the communication saying, “When possible the public school district certainly does not turn a deaf ear,” and “if you have a question somebody gets back to you immediately and explains or sends over information and is willing to meet with us if we want more.” Yet, in response to whether or not the kids got what they needed from their special education services Lynn concluded, “not necessarily” and “not always.” She discussed “gaps” in services students received. She also expressed frustration about students who received services “over there.” It seemed that Lynn was trying to be cautious in how she talked about the relationship and services with the public school district. She noted the good and also shared the frustrations.

In discussing the relationship with the public school district, neither Becky nor Luann knew there was a special education director Dave, who had been in his position for four years. Becky and Luann also speculated about whether the Regional Educational Cooperative was still providing services. They thought that Lake Pearson might have taken over the services in the last year. They were not well informed, clearly a sign that they had not been part of the relationship with the public school district nor privy to general information about the program.

Alice said about her experience with communication at St. Mathias, “I had one bad experience one year when he [her child] switched here [St. Mathias] from 5th going into 6th grade and nothing came with him. And I’m like, how can you guys lose that information between the whole one building.”

The lack of communication and little general knowledge of the services had people unclear and frustrated about the special education program.

Relationships: All Together and Yet Not

The discourse used by the administrators involved in the delivery of special education services indicated the public school district and private school were all on the same team and all students, public or private, received the same services. However, the data from teachers and parents did not support this belief. Instead everyone seemed to be working on their own, separate from the rest of the people in the system. The leaders allowed this to happen by presenting the façade that everyone worked together while ignoring the facts of the situation.

Peter, the St. Mathias Principal, mentioned the school district’s goal of receiving well-prepared students. When asked about their relationship with the

public school Peter said, “They appreciate whatever we can do to help kids get set up for success at the high school. So it’s a nice collegial, mutually supportive relationship.”

The Director of Special Services, Dave, claimed that serving students from St. Mathias was a joint effort with everyone on the same team. He had an administrative, practical, business view of the special education services in the district but did not express concern about the individual students and what services looked like for them. Dave explained that special education services worked for the private schools in Lake Pearson.

In my experience, a teacher in a nonpublic school and a teacher in a public school, they have the training. You know, a teacher is a teacher, and they want to both work for the betterment of the kids. So it’s that piece they just happen to work in two different entities...so it’s primarily the teacher collaboration [that makes the services work].

He added, “Most of [St. Mathias’] kids wind up going to our high school anyhow,” and “we treat their kids just like our kids because they are our kids.” As indicated in an earlier quote, Dave saw great collaboration happening when, in fact, the teachers said it was very difficult to collaborate because of the distance and different buildings/staff involved.

When explaining how St. Mathias received special education services, Dave said that the private school kids might get grouped with public school kids (scenarios for services include one-on-one, small groups of private school kids only

or small groups with public school students). Thus “the services would be the same [public and private school students receive the same services].”

Despite the repeated references to everyone being the same, Luann described the relationship with the public school regarding services as “ever-changing and depending on what grade you teach you deal with different schools...depending upon the administration in the public school, sometimes it seemed that the relationship was really good and other times not so great.” Luann was referring to working with different public schools based on where her students were receiving services and which teachers she had to work with.

Alice described her positive yet frustrating experiences with the special education program. She said that she dropped her son off at the public school in the mornings. She explained,

It’s actually more of a classroom situation with, I get there’s probably, maybe six other kids. Maybe eight other kids in the class. But that can be a little tough sometimes, too. It’s an odd mix of children. I should say. One girl has already had a baby and she’s 14. He finds very frustrating because no one else there really wants to try. Do you know what I mean?

She said at the beginning of the year her son went over to the public school with another younger boy, but this trimester he went alone. He was not the same as his counterparts at the school at which he received services.

Analysis

The public school director of special services acknowledged his power in interpreting the law and his options to provide services onsite or offsite. He used

the text of the laws to interpret and implement the law and stated that he had the option to do so. He did not shy away from admitting parents had asked him about offsite delivery, and he explained that the district had chosen to deliver services in this way due to financial circumstances. Campbell and Manicom (1995) concluded, "Working up individual experience so that it is objectively administrable is a practice of domination. Altered irretrievably and subordinated in the process is the experience of the subject about whom the professional was initially concerned" (p. 10). The director had a very business-oriented perspective on the special education program without a strong connection to the individual students who received services.

Dave, the Director of Special Services in Lake Pearson School District, emphasized many times that the private school children were receiving the same services as students at the public schools. Yet, it was not the same experience. None of the public school children had to worry about their bus not showing up nor did the public school parents have to worry their child may be asked to take a bus trip the parents decided they did not want. The services were not delivered in the comfort of a student's own school but rather in an unfamiliar environment. Students had to be taken out of their environment because of their different needs. These students needed more help yet lost classroom time to ride to another school for services. However, from a business standpoint, services were being delivered to the St. Mathias students with special needs.

Peter, Principal of St. Mathias, did not look at services from a practical, individual student standpoint; he also saw the administrative view. Smith (1990a)

determined, “Issues are formulated because they are administratively relevant not because they are significant first in the experience of those who live them” (p. 15). Peter presented the façade of a great situation. He deemed the relationship working for everyone involved – the kids were not the primary reason for the services rather it seemed the administrative organizational system viewed special education services from a business perspective not an educational perspective. Most students needing additional services received some – goal achieved.

The assistant principal expressed concern about the experience of children receiving services. She understood the details of the every day services much better than the principal. She cared about the person who needed and received the services. She tried to share the great picture the principal was painting; however, she communicated some of the negatives as well. It was okay, but it was not okay. She wanted to please the principal in their joint interview and yet share her observations. “Not understanding an organization is one form of domination. Understanding it and having it shape a course of action is another” (Campbell, 2002, p. 15). Additionally, parents not satisfied with offsite services adjusted to what was offered and did not advocate either as individuals or as a group to ask for better services.

The director of special services and the Catholic school principal shared rhetoric of togetherness not shared by others nor did the rhetoric prove to be accurate. Many contradictions existed in what people shared. Fall out from offsite services was extensive. Lynn said that parents hire tutors rather than deal with offsite services. Delia, in fact, said they hired a tutor and declined special education

services from the district rather than deal with transporting their child to another school. Luann said that students' self esteem suffered in having to leave the building in front of their peers.

The discrepancies existing between decision makers and those offering direct service to students pointed to a less than functional special education program - definitely a different outcome than I expected. "The ethnographer must be prepared for and open to finding out that matters are not as she or he may have envisaged them " (Smith, 2005, p. 207). The research told the real story.

Chapter Six: Onsite Services for a Large School

One of the largest Catholic K-8 schools in the state lies on the southwest edge of a large metropolitan area. The suburb grew exponentially over a short period of time and once encompassed three Catholic churches each with a school campus. In 2003 these three schools consolidated into one big, beautiful building with three churches supporting its mission. St. Samuel educates over 800 students in a suburb of 37,000 people with a public school district of approximately 6800 students. A president oversees the large Catholic Education Community, which includes St. Samuel School and Faith Formation for the three churches. A principal leads the large PK-8 school.

This very large Catholic school receives onsite special education services (a rarity) from the local public school district, Southton. However, the other smaller private school in the same school district receives offsite services. Approximately thirteen students from St. Samuel each year receive special education services through the public school district. The themes discussed in this case study include history, delivery of services, money, relationships, and the future. The data offer new insight into how Academy of St. Samuel and the public school district work together to provide special education services to their students. This chapter concludes with data analysis and interpretation of ruling relationships offering new knowledge of where the power in this situation lies and how people respond.

History

Dee, the former Principal now President who has been at the school for more than 20 years said she used to be very involved in decisions made about the special

education program. Dee remembered when the school used to tell parents of students with special needs, “We can’t accommodate you.” She said eventually the school started working with the public school district to figure out how to serve those students. St. Samuel teachers also became more knowledgeable about how to serve special needs even though St. Samuel bused students to the public schools for special education services. Dee said of the offsite services, “It was hard for our teachers to accommodate that [students coming and going].”

Jo, a teacher at St. Samuel reaffirmed Dee’s sentiment about their past offsite services. “We did bus our kids to the public school that was closest that would help service them, and that was very difficult...they were on the bus a long time and this is the kid that really needs more help.”

Eventually when the school got larger Dee decided to hire a Special Services Director to “just work with that process.” She continued, “She [Sheila] has...constant contact with the special education people and works with them every day.”

Sheila, the St. Samuel Special Services Director had similar memories about offsite services. “Years ago our students would...get teased because the kids would be coming off of the school buses and they would be waiting in the cafeteria [the group waiting for special education services].” She explained how complicated the communication process was with offsite services as well. She said some public school teachers were willing to work with the private school teachers and some were not. The special education teachers at the public schools worked on *their* goals, not necessarily the things the classroom teachers saw as needs. She explained

the special education teacher they now have in the building has to balance her goals with the classroom teacher needs.

At the time of offsite services, the St. Samuel students who received special services went to two different schools for services. Kindergarten through 6th grade went to one school and the middle school (grades 7-8) students bused to another. Speech students were bused to yet another school. Kate, the current Southton public school district Director of Special Services, said 7th and 8th grade students went to the junior high for special education services because the St. Samuel middle school students already travelled there for band, choir and science.

Onsite services started in approximately 1995 with a speech teacher who came to St. Samuel. The current total onsite services for learning disabilities (LD) started when the school moved into their new building in 2003. How did this happen? Dee, the President said, “Mostly just, I think conversations and conversations with the superintendent, and conversations with the special education people.” She said that lots of people wanted onsite services, “We’re transporting kids; they’re waiting for kids; someone has to supervise the kids.” The school start time differences between St. Samuel and all of the public schools made scheduling the offsite services complicated as well. She added, “You just have to work hard on that relationship [with the public school district].”

Having lived through both scenarios of offsite services and onsite services, teacher Jo said, “I think onsite is more effective.”

Sheila said when looking back at their special education services over the years, “It’s incredible where we were when I first started to where we are now – I mean I just think we are so fortunate.”

Delivery of Services

Academy of St Samuel and the local public school district of Southton have a clearly defined process for working together. Sheila, the Special Services Director at St. Samuel explained the process for the special education program. She said if a teacher has concerns for a student she/he must first try at least two interventions before referring the student for assessment. Title I is often the first intervention for reading. St. Samuel has a tutor on staff for interventions/pull outs as well.

Once the interventions have been completed, if the teacher still feels that more needs to be done, Sheila helps the teacher with the referral process and paperwork. The paperwork goes to the Southton School District child study team assistant. A team of people including the special education personnel and teachers look at the referral and then start the assessment process.

After the assessment has been completed, the team meets to discuss the results. If the student qualifies for services through the district, then the service is scheduled with the public school district teacher at St. Samuel. Kate, the Southton Director of Special Services, said two public school staff members were placed at St. Samuel: a special education teacher and a speech language pathologist. She said, “They have really grown to love their position there, and have become part of the community there.” At the time of this interview the students were allowed services twice per week, 30 minutes per subject (in other words, their time was capped).

The district teacher used to be able to offer more time, but Southton no longer allowed her to see her students more even though she saw a need.

Sheila, the Director of Special Services, said, "They [the school district administration] say they're doing above what they have to do." She said that she is honest with parents in telling them what type of services their child will get at St. Samuel versus if the student attended the public school.

Penny, a parent, said that her son had shown great growth in the current special education program,

They [special education students] just kind of go down and visit her for the timeframe and then come back, and they just kind of fit back in with the class. It seems to me that it just kind of happens seamlessly. It [the special education process/students receiving services] doesn't seem to be a huge deal.

Sheila said of the public school district special education teacher, "Even though she's a public school employee she really looks out for our kids."

Money

Many people discussed money as an important factor in services: an important reason for the previous offsite services, current onsite services, and uncertain future services. In fact, the subject seemed to dominate all discussion. The people who most often discussed money as a key factor included the director of special services at the public school district and the director of special services at the Catholic school.

The Director of Special Services in Southton, Kate, explained that there are two private schools in Southton. She said, “When we decide how we’re going to...deliver services, we look at the cost effectiveness piece as well as movement of teachers and students. And it just made more sense with the population of that school [St. Samuel] and the population identified with special needs to do onsite services. So at that site we do onsite.”

The other private school in Southton (not a subject in this research) is a smaller K-4 with approximately six to seven students identified as needing services each year. The students have to travel offsite to receive their special education services. When asked about details of the services for the smaller school, Kate thought that the students started their day at the school of services but wasn’t sure. Again, like most of the other administrators, she knew the big picture but not the practical, every day details. But she did know that due to “cost effectiveness” the students with special needs at the smaller school received offsite services.

In reference to making decisions about services for the private schools and cost effectiveness, Kate added,

I also look at what I call windshield time for the teacher, and I don’t like to have them on the road between buildings because that takes away from actual face to face time they can have with students, so that goes into the mix.

She went on to say, “It is evaluated in terms of you know, dollars we’re mandated to spend, but that aside...what is best for – what’s the most cost effective and what’s best for kids.” She made an interesting correction to her priority list.

She added,

It's a federal amount that is monitored in terms of what the public school must spend...and anything, you know, we go above and beyond that, so that actually comes out of the general fund. I mean, that's general fund, tax dollars...we're only mandated to spend that federal amount, and if we stuck to that, we'd actually be reducing the services to the kids...I consult with the superintendent and together we make that final decision.

After they decide, Sheila explains the decision to the private schools.

And then I put that [the decision] together in a letter and I meet every fall with the principal at each of those buildings and present that letter. That outlines what we're going to provide [includes health services, drug and safety and counseling as well].

Sheila, the Special Services Director at St. Samuel, understood the fragility of the St. Samuel onsite services. She acknowledged Kate's perspective that money played a huge role in what services St. Samuel received each year. Sheila said, "They keep talking about you know fiscally is it, you know, it makes sense because she's [the special education teacher serving students at St. Samuel] not driving back and forth and her caseload and that's why they always say it can change from year to year." She clearly understood the district priority of money first.

Relationships

Several people commented on the relationship that existed between the St. Samuel and Southon. Kate, the public school district Director of Special Services, described the public school relationship with St. Samuel. "We have a really good working relationship." Kate really appreciated Sheila, the Special Services Director

at St. Samuel. She said that she was “such a great link” and really helped with communication.

Dee, the St. Samuel President said, “It’s a good relationship with the district...I think that they have good people that are here, but they have a good relationship with us as well.” Dee talked about the “small town sense of fair play.” She felt that the community was known as being cooperative, that is, St. Samuel School shared lots of things like the building and grounds with others in the community.

Shawn, St. Samuel Principal, continued the relationship discourse when he commented, “I think it’s always been a team effort...we’re always talking to the public school to say, you know, what can we do to make this all work better, and honestly whenever something makes sense.” He added,

It always makes the most sense to bring a body into the building instead of all of those kids somewhere else. So I think he [superintendent] and that special education department, they really have the kids’ best interests in mind. Shawn thought their relationship influenced the district in what services the district provided. However, the other private school in the district got offsite services because that was most cost effective.

He also explained how the district listened to them. “It is really nice to work with a district that is open to you. We bring ideas to them sometimes and, you know, if they don’t cost a lot of money and they make total sense, then maybe it’ll work.” He continued, “You get to a point where there’s just that many kids and it doesn’t really pay to put them on a bus and move them somewhere else.” He said

that when he was a principal in another metropolitan area he had to fight for everything. Shawn explained that in the Southton School District they say, “We’ll work it out,” and “What makes the most sense?”

Sheila, the St. Samuel Special Services Director, described their relationship with the district in a different light. She attended the Special Education Parent Advisory Council meetings regularly to build the St. Samuel relationship with the public school district and as a proactive move to save their onsite services. She said, “I think this is huge because you know what, if you’re gonna take the services away you still have to see me every month.” Sheila added, “It’s more personal when you have to take things away versus somebody you don’t know.” She wanted to have a relationship with the district special education team as a preventative effort thinking that building a relationship with them would make it much harder for them to some day take their services away.

Future

The expectations for the future of special services at St. Samuel differed among the interviewees. Some saw a very practical reality of a tenuous situation and others remained highly optimistic. The administrators at St. Samuel didn’t see their services changing. Dee, the President said,

I would hope that would be the case [services stay onsite]. I think it just makes sense, and I think, you know, if you can help people understand that it just makes sense, and it does save people money really. In the long run it saves everyone money. This is sort of that no-nonsense...

Shawn, the Principal, said with regard to the possibility of services changing, “I think only if the money changes. I mean there’s some things that they just won’t be able to control.” He then added that unless there was a “massive leadership change with a whole different vision. I don’t see it changing.” He added, “[Southton] is very good with their money – it doesn’t seem like there’s never a ‘desperation’ thing around here...we all kind of work together.” He also said, “[Jacob Mason] is definitely a Superintendent that gets the big picture of the community of education here.”

However, Sheila, the Director of Special Services at St. Samuel, was much more cautious about the future. She saw uncertainty and fragility. She sounded scared. She said, “I know it comes down to money and like you know, we – it’s pretty wide open conversation on that part. And you know I know that they could go all the way down to consultation.” She thought that the public school district could choose not to provide direct services for their school. However, that actually is not legal in Minnesota. Districts are required by law to give direct services to students who qualify for services – even at the private schools. She added, “They say to us every year at our meeting when we meet as you know they – you know that may change from year to year.” She even had seen evidence of a possible imminent change saying, “I know in the last year she’s [Director of Special Services] made comments where she’s called different districts just to kind of see and compare.”

The Southton Director of Special Services, Kate, said about the future, “When I talk with staff and administrators over there, it [onsite services] seems to be best

for kids, for scheduling, making the best use of the teacher time. Not upsetting students' schedules too much...why change something that's...working. So, as long as we can do that, we'll continue to do that." But in the same conversation she also said future special education services depend on legislation.

According to everyone, the future of the public special education services at St. Samuel depends on money.

Analysis

"Institutional ethnography, as a sociology for people, aims to make visible the forms of ruling that are largely not observable from where we are," explained Dorothy Smith (2005, p. 220). After interviewing key people and analyzing data, the invisible became visible - the school district owned the decision-making power in determining the special education services St. Samuel students received from the district.

However, the administration at St. Samuel including both the President and Principal implied their relationship with the school district made the difference in how the district made their decisions. They discussed the relationship they had built over the years and explained they thought that was the reason Southton gave them great services. Dee, the President said when referring to why they received onsite services, "You just have to work hard on that relationship [with the public school district]." Smith (1990a) concluded, administrators "discard their personal experiences and accept conceptual frameworks. They learn a certain way of thinking about the world" (p.15). They want to believe that they have created a relationship that makes a difference. However, the data showed the public school

Director of Special Services Kate said she determined services by finances and not relationships with people.

Smith (1990a) stated, "Issues are formulated because they are administratively relevant not because they are significant first in the experience those who live them" (p. 15). Kate honestly revealed, "It's evaluated in terms of, you know, dollars we're mandated to spend, but that aside then it's evaluated, you know, what is best for – what's the most cost effective and what's best for kids. We try and keep that in mind, and teacher." Money first. A higher legislative power determines the laws, which in turn determine the dollars the district spends or gets back. The district's interpretation and then actions reveal the power it holds.

Ruling is more than the general notion of the government as political organization; rather, it is the "total complex of activities...by which our society is ruled, managed, and administered" (Smith, 1990a, p. 202). Everyone participates in ruling as it happens. Data showed evidence that the onsite services work incredibly well: Penny, a parent, said about the special education services her son receives, "It seems to me that it just kind of happens seamlessly. It [the special education process/students receiving services] doesn't seem to be a huge deal." Jo, a teacher said, "I think onsite is more effective." Sheila the St. Samuel Director of Special Services said of onsite services, "It's incredible where we were when I first started to where we are now – I mean I just think we are so fortunate." And even the Southton Director of Special Services, Kate, said, "When I talk with staff and administrators over there, it [onsite services] seems to be best for kids, for scheduling, making the best use of the teacher time. Not upsetting students'

schedules too much...why change something that's...working. So, as long as we can do that, we'll continue to do that." Having experienced both offsite and onsite services, *everyone* agreed that onsite services work best.

Yet, Southton District chose to deliver offsite services to the smaller private school in the district. "Our own activities and social relations beyond our control contribute to powers that stand over us" (Smith, 1999, p. 25). Lots of pieces factored into the decisions made by those in power. Many facets of the special education world, including the laws the administrators must follow, affected the decisions that ultimately affected the students in need of special services.

With regard to the power the legislature and the school district hold, the emphasis does not fall on the children, their needs or the services that will best help them. The focus fell on the money being spent and on how to be most cost efficient. The leaders in these positions saw the obvious dollars and cents, and they lost sight of the real workings (and subjects) of their positions. "We may be caught up in the relations of the ruling and be confined, in our knowing to the surfaces of the text" (Smith, 1990a, p. 206).

Chapter 7: Offsite to Onsite to Offsite Services

This case study examined the relationship between a Catholic school and the local public school district as they shifted from typical offsite services to the progressive onsite delivery of services and then to the dramatic removal of onsite services. Even though this Catholic school was getting solid onsite services from the public school district when I chose my case study schools, I did not include it because my son was receiving services at this school. I added this school later as I saw the unique situation developing. I collected data immediately following the new change away from onsite services for the private schools in the district.

This case study includes data collected on getting onsite services, how onsite services worked, the abrupt change away from onsite services, current offsite services, and the future. First-hand data about my son's experience is a key component of this chapter. This self-reporting is called autoethnography in qualitative research literature (Bogdan and Biklen, p. 258). The chapter closes with analysis of this case.

Getting Onsite Services

St. Henry School is situated in what was originally a small farming town turned affluent suburb. The small school of one class per grade grew to two classes per grade and then eventually exploded when a new church and school were built during a time of great growth in the area. When the school moved into a new building in 1997, the school grew to over 700 students in K-8th grade and then added a preschool as well. The public school district, Emerson County, has also

grown, currently hosting approximately 9300 students. This school district includes nine nonpublic schools within its boundaries.

In the 1990s the school district provided special education services to St. Henry at a local public elementary school. And then in 1998 the Principal, Marti, (who started her position in 1995) received communication via letter (she can't remember who it came from) explaining the new IDEA language and stating that the local school districts could decide where to deliver services. The district had a new director of specialized services at the time. She decided to bring this letter to his attention and tell him that he should be providing services to the private schools onsite. She showed him the letter and a short time later the school district put a district special education teacher into the St. Henry building.

In our interview, the out of district representative (a unique position created due to the large size of this district as well as the large number of non-public schools) mentioned that she thought this might have been the first public school teacher in the state of Minnesota to deliver services in a nonpublic school. She said, "I remember when we were busing and then how the very first year, we hired [Chris Walman] to work at [St. Henry]. She was the first one. And I think she might've been the first one in the state to work in a non-public."

The concept of onsite services was considered unique and the exception in the state. Although the director of specialized services who decided to deliver onsite services did not stay in the district long, the onsite services continued for thirteen years.

Onsite Services

Onsite services included a teacher who offered speech services as well as another district teacher who served specialized learning disabilities (SLD), other health impairments (OHI), and emotional behavior disorders (EBD). My son Trent received services from the onsite person for both SLD (he had a reading disability) and EBD (he had generalized anxiety disorder). Three times a week he walked to a classroom at St. Henry designated for the public school staff to use. He received services for thirty minutes a session. Even though he was receiving services for two disabilities the district set the maximum time allotment for any child at ninety minutes per week. This was a rule for St Henry and the other private schools only. Had he been served at the public school, he would not have had any maximum time imposed. After Trent's three-year evaluation, he no longer qualified for LD services but he continued to receive services twice a week for EBD in fifth through seventh grade.

The district held all testing, evaluations and meetings at St Henry. When we had Trent's initial individualized education plan (IEP) meeting in 2006 to discuss the proposed services, I asked the public school representative how much time he would receive at the public school, and she said that he would probably get thirty minutes every day as opposed to three days a week, but his group size at the public school would be larger. Then I asked her which situation would be best for him. She said that even if it were fewer minutes a week he would get better support at St. Henry where he would be in a smaller group setting for his special education time. After this conversation I felt confident that keeping my son at St. Henry to receive special education services would work best for him.

According to the St. Henry Principal Marti, during the time of onsite services the district held annual consultation meetings with all nonpublic administrators as a group at the district office. At these meetings the Director of Specialized Services told the nonpublic school representatives how much their nonpublic entitlement monies would be for health and counseling services as well as what special education services would look like the following year. Marti said, "All of us came together as a group and they told us how much our non-public entitlement monies would be and all that kind of stuff."

The Catholic school staff thought that they had a great relationship with the district. Marti said, "I was always very appreciative of what they we're doing. I always praised them. The relationship was excellent."

The Emerson School District website includes a resource link to a document called *United States Department of Education: The Individuals with Disabilities Education Act* which leads to the document *Provisions related to children with Disabilities Enrolled by their parents in Private Schools* prepared by The Office of Special Education Programs. None of the other public school districts I studied had a link to this site. The out of district representative mentioned this document in our interview when I asked about IEPs versus ISPs (individualized service plans). She seemed very proud to have this document referring to serving private school students in special education linked on their district website. This document includes the following in Section F: Location of Services and Transportation, "Section 300.139(a) of the Part B regulations states that services to parentally placed private school children with disabilities may be provided on the premises of

private, including religious, schools to the extent consistent with law.” Then it goes on to say, “The Department generally believes that, unless there is a compelling rationale for these services to be provided off-site, LEAs should provide services on-site, at the child’s private school, so as not to unduly disrupt the child’s educational experience.” During the thirteen years of delivering onsite services, the district took these recommendations seriously.

As a parent I appreciated the smooth transitions for my son to go to services as well as the ability for him to see his special education teacher during other times of the day if he was struggling emotionally and needed some unscheduled support. Another parent, Polly, also described great services that were available onsite all day long for her daughter who needed extensive help during the day. A teacher who is now an administrator at St. Henry, Pete, said when referring to onsite services, “It was awesome.” He added, “There are several students, Trent included, that are who they are today because we had onsite services.”

Abrupt Change Away from Onsite Services

In the spring of 2011 something changed. The Catholic School Principal Marti said, “I heard it [rumor of an impending change in services] at a special education IEP meeting.” The district representative mentioned that services might be delivered offsite the following year. Then the director of special services, out of district representative and the speech director “came over to meet with me to inform me that we would no longer have special ed services onsite...speech, LD and EBD. Everything was going to be taken offsite.”

Shocked and alarmed, Marti said, "I requested another meeting after that, to express my concerns." She went on to say, "I talked to Leah [Director of Specialized Services] about how this is not in the best interest of our kids. I told her that the majority of our kids that are receiving special education services have anxiety issues." Marti also told Leah, they might be "getting the same services from the person that's servicing them, but it's not the same effect on the child as if it were happening in the environment."

When she scheduled an appointment with the superintendent (she did not bring anyone else with her) she emphasized, "My gripe is you're not looking at what's best for kids." However, "He said that it was a decision that was made by the school board after looking at budget concerns."

I accessed the presentation given to the Emerson County School Board about the impending change. A School Board Work Session presentation created and given to the school board by the director of specialized services included a culmination of her recent research in four areas, one being special education. It included information about many area schools - ten school districts delivering services offsite, six schools delivering services onsite of private schools, and five school districts delivering a combination of services. Sharon, the Out of District Representative, said "They [the school board] gave [Leah] the charge to evaluate it, and asked really good questions along the way, and agreed with how the model changed." In other words the leaders in the district such as the superintendent and director of specialized services made the decisions.

The presentation showed numbers from the last several school years of nonpublic students receiving services and the federal proportionate share amounts of money each year. It also showed salaries of district staff in the non-public schools. The presentation explained the five options that the district could consider – current delivery, K-8 delivery in non-publics and high school in publics, K-8 bused and high school in non-publics, speech in non-publics and the rest of the services in publics, or all services in publics. Listed with each option were positives and negatives.

However, there was no mention in the online school board minutes of a discussion about special education services during this time period. When mentioned to Marti that neither the issue nor any vote was ever published in the school board minutes on the district website, she responded, “What’s that smell like?” The public was not notified or involved in this impending change. Everything was done in closed session.

When asked who made the decisions regarding a change in services, Margaret, the district special education teacher delivering services onsite at St. Henry said, “the board.” She continued, “I know the board was like ‘what are we doing?’ meaning that they were questioning why they were delivering onsite services, but she also said later - contrary to her previous statement, “it just got to the point where the superintendent had to cut.”

Both Catholic school principals from the district felt that money drove this car. When I asked, “Do you think it’s a money issue?” Marti answered, “I think that’s where it began.” Gail, Principal of another Catholic school in the district, said that

the school board researched the issue and determined, “What is the best use of the district’s monies?”

In questioning the district decision to take services offsite, Marti asked the Superintendent, “Isn’t it more expensive to bus these kids back and forth than have somebody onsite here? The response I got to that was that the money that comes from the busing comes from ‘a different bucket so no it would not.’” The superintendent was referring to the different sources of special education money from federal and state “buckets” mentioned in previous cases as well. Some expenses such as transportation get almost fully reimbursed yet others such as teachers traveling to deliver services to students do not.

However, when the district representatives (director of specialized services and out of district representative) were asked about the district motivation behind the changes in special education services to the non-public students in the district, they did not initially talk about money rather they responded with information about numbers - not money numbers but student numbers. Sharon, the Out of District Representative, said of onsite services, “that model works when there’s numbers that support it, and our numbers [students receiving services in the nonpublic] did not support it.” Continuing with the reason for moving services offsite Sharon said, “So our numbers supported bringing these students into our district ‘cause the numbers went down, and they could benefit by the enrichment of more peers.” In other words, she said that the changes made to the delivery of services were due to the decline in nonpublic students qualifying for special

education services. In her view, transporting the students to the public school to receive services would be much more beneficial to their education.

However, in the same interview real honesty about money came out later. Leah said, “we were overspending” their “federal proportionate share” on the non-publics. Sharon added on the same topic,

We were way over the top, spending more than what we were required. And when you’re in budget-cut mode, and things are so tight, in the public schools, and have really what can be considered Cadillac services in the non-publics – the consultation agreements and proportionate funds with the school board. And that was really what brought about the changes.

They tried to avoid talking about money, yet when push came to shove, they revealed their focus and concern about money.

I asked a follow-up question regarding their comments about serving students in larger groups. I wanted to know if they thought serving students in larger groups was really best for students with specific learning disabilities (SLD) (struggles in math and reading). Leah, Director of Specialized Services, said “definitely” and Sharon said “absolutely.” They claimed research supported this idea. When asked what research supported this finding and where I could read about it, neither woman responded. As I said previously, in my son’s initial meeting in 2006 I was told by the district representative that he would be best served staying at St. Henry where he would receive services in a smaller group setting. However, Sharon and Leah firmly expressed the sentiment that teaching students in larger groups was much better for student success than one-on-one with the teacher

or in small peer groups. When again asked in an email about recommendations for research that I could read, neither woman answered.

I have a personal letter from the school district dated April 13, 2011, which was a notification of change in special education services delivery for my son. It detailed the background of the decision including declining enrollment and budget issues. It explained IDEA and said that it did not provide individual entitlement (an accurate statement), but the letter did not explain that in Minnesota students do have individual entitlement. The letter also explained changes in location for the following school year, next steps and follow up. The Director of Specialized Services signed the letter.

Another personal letter regarding my son's services dated May 29, 2011 included a detail of the services for fall – school location for services, days of services, and times. The letter said the district assumed if they didn't hear a response from us, we would accept the new services. And, if we wanted to decline services, we had to notify them in writing to decline services. This mailing included a registration form and a bus ridership agreement.

Like the parents in each of the other Catholic schools, I was never asked my opinion about location of services, consulted about imminent changes or invited to any meetings held by the school district prior to the decision being made. Our only choices were how to respond to the decisions already made.

Current Services

The public school district implemented the changes to special education services for the non-public schools in the fall of 2011. My son adamantly opposed

going to an unfamiliar public middle school to receive his services. In fact, he said he would not do it. As a seventh grade student, I felt that he should definitely have a say in this decision.

During that summer, St. Henry hired the public school district special education teacher who had been delivering services in their building. So, my son would be able to receive services from the same teacher in the building. The catch – he would have to be dismissed from the district program meaning he would no longer have an IEP or ISP in the district. This would not be a problem during his last year at St. Henry – the special education teacher knew him and his needs. The problem would lie in the future.

At the time of my interviews, no St. Henry students traveled to a public school to receive services for an Individualized Education Plan (IEP). Several students who used to be on district ISPs now received services from the school resource teacher (the former district special education teacher hired by the private school to serve students). However, she could not create, maintain or serve district IEPs. So, like my son, the students she served did not have a formal special education plan.

Regarding the changes in services, a former teacher and current Assistant Principal, Pete said, “We did lose several [students] who still wanted to receive services and just with the change, you know, the needs then it would be very hard for us to meet.” He referred to students who needed more services than one resource teacher could provide. He continued, some “chose to stay here and just not accept those services [from their resource teacher without travelling offsite]...they

still found they were getting – they could still have the same services and from talking with some of the parents, services have been better because they've been able to get more minutes this way." During the time of onsite services, the district capped the service time for an individual student at 90 minutes a week regardless of how many needs the student had. Now as the resource teacher she can see an individual student up to 50 minutes, five days per week. The students who opted to receive services from the resource teacher in this situation found some benefits.

At the time of this interview in 2012, five St. Henry students received services for speech articulation from the district onsite. Marti and Margaret referred to the fact that a district speech teacher was allowed to stay onsite at St. Henry – the only district teacher still in a nonpublic school in the district "because of the number of students we have," and "They left speech [in the building] because of numbers."

In discussing current services available for students at St. Henry, Margaret said that she saw "lots of positives" due to fewer rules she had to follow, such as being able to read a religion test for a student with a reading disability, which the district could not allow because of separation of church and state. She also had more freedom to be part of flex grouping within a classroom. She previously could not be in a regular classroom rather she had to work only in the classroom designated for her.

Regarding the relationship that evolved between the private schools and the public school district, people shared many different sentiments about the public school administrators. Marti said, "It appears that they are doing everything they

can to destroy any kind of relationship we have with the public school.” She continued saying, “There just isn’t anybody over there [district] that’s a nonpublic advocate.”

The Principal at the other Catholic school in the district, Gail, supported Marti’s sentiment, “I felt it became less of teamwork between the classroom teacher and the district people, it became well, here’s what we’re doing as the district, and you can do.”

Pete added, “Knowing how it used to be and seeing how successful that partnership once was is very frustrating to me now as an administrator.”

On the contrary, the public district thought that the relationships had always been excellent and continued to be. Sharon said, “We have a really good relationship with all the non-publics, I have to admit that.” Leah added, “I think that relationship has improved over time.” Clearly the various parties saw the changes and the effect on their relationship very differently.

The Effects of Change on one Student

My son was an eighth grader when the services changed at his St. Henry. The following year he would graduate and enter a new school. In the spring of his eighth grade year I visited the public high school to find out what options he would have for services. I talked to the special education teachers and eventually arranged a meeting to discuss options. The out of district representative was also present.

One more personal letter I have, dated June 29, 2011, acknowledged our decision to decline services. It included Prior Written Notice: Revocation of Consent for Special Education Services, which detailed everything we declined.

I knew as an educator that because my son had his three-year evaluation the previous spring that we were within our one-year state guidelines of requesting service back after a dismissal. Additionally, before this meeting I called the Minnesota State Department of Education to confirm that the one-year rule was indeed accurate. When the out of district representative pulled out the dismissal form that we had signed and pointed to a small sentence on the backside of the second page, she said that the district could deny returning him to services because we chose to dismiss him. I, in turn, said that I knew (and had support from the state) that we as parents had one year from the time of my son's evaluation to request that my son return to services.

She backed off of that road when I mentioned the state but continued to say that she wanted to see "least restrictive services," suggested that he start school without services, and we could watch to see whether he succeeded or struggled. In effect we would wait for him to fail and then put him back into services.

I finally proposed that I would go back to St Henry and ask his teachers what they thought we should do. I called a meeting and his teachers all agreed that although they had seen tremendous progress and were so proud of him, they thought he should start the year in a special education scenario with a study skills class and case manager to check in with him each day. I emailed the out of district representative person as well as the high school special education representative and requested my son be put back into the special education system. They responded positively by scheduling an appointment for me to meet with the teacher

who would be his case manager as well as his counselor to set up his schedule for freshman year.

Although he was not very onboard with this idea, my son started his freshman year with a daily study skills class with just three other students in the class. They worked on homework, checked their grades and missing assignments, and prepared for tests. It was a fantastic, successful scenario for him. We don't know how many more semesters he will need this situation, but it definitely got him started in the high school on the right track.

The Future

The people I interviewed agreed that the future for St. Henry students who need special education services will most likely continue to be offsite services from the district as well as services from a resource person offered by the school.

St. Henry will probably continue to have a resource person available to work with students, but the students will not have an IEP or ISP unless they travel to a district school to receive some services. Margaret said that if budget-wise it works, the current plan, to have a resource person at St. Henry would continue. . She said, "It [the district services/situation] will be better next year. I think this year there was just – anger is such a strong word, but I think the principals were so blindsided after budgets and everything were done. I think going into it with more knowledge...but both sides stepped on each other's toes...." Her perception is that the offsite services in combination with the resource services will work well once everyone gets used to it.

The principal at St. Henry, although not happy with the current situation, did not plan to fight this battle further, “I’m not pushing [for onsite services] as hard as I could push with all of these things because I don’t want it to hit transportation [daily busing of students]. That’s the one thing that we have that’s so smooth and is running so well...so we don’t want to say anything.” She continued, “The other reason why I don’t want to raise too much of a ruckus is because I want to keep Lisa here [district articulation] ...They could very easily pull that.” She, however, also said, “At the same time, there’s a justice issue.” Thus out of fear of more being taken away by the district, she will not push for what she considers appropriate services for the students with special needs in her school even if it seems unjust.

Sharon and Leah said that the district would annually review the numbers of students who receive special education services to determine the best scenario for delivering special education services to the non-public schools. Speech, currently served onsite at St. Henry School, will most likely continue onsite because the numbers indicate the best scenario is the teacher traveling to their building.

When I asked Leah and Sharon how a public school employee could build a good relationship with non-publics, Sharon answered, “visibility, trust, answering phone calls right away...sharing resources....” And when asked how a Catholic school administrator could build a good relationship with the public school people Sharon said, “Get to know who your resource person is, who your contact at the district...ask them to stay in touch with you as far as staff development things. Letting them know that you value them, and they’ll reciprocate.” Not surprisingly,

these private school principals felt very distrusting and unhappy with their current relationship with the public school district.

Analysis

Everyone's perspective is reliant on the everyday activities that they are each responsible for in their work. The public school district Director of Specialized Services focused on the numbers – students and money. The teacher focused on the student learning/minutes served. Principals focused on their students, served from a business perspective.

How much power individuals have determines the actions they take. As Smith (1999) determined, "Collecting a variety of experiences from people explains to them the socially organized powers in which their lives are embedded and to which their activities contribute" (p. 8). Leah had almost complete power to determine what services looked like. It is not clear how much participation the superintendent or school board had in her decisions. She said that she had a lot of autonomy. However, several people referred to the school board as the catalyst for the changes (a scapegoat?). The St. Henry principal said that she felt the superintendent had a huge influence on the changes being made. He, however, stayed in the background. The Catholic school principals, feeling absence of power, were too afraid of repercussions to complain about services or advocate for students. They were afraid something else like counseling services or health benefits would be taken away. I, as a parent, felt taken by surprise and quite helpless/without power in how to respectfully disagree with the changes. No one from the district ever solicited opinions or perspectives from the private school staff

or parents. Everyday lives of those who would be affected by the changes did not matter.

The people I interviewed from the district glossed over what they actually did and talked policies and rules in an ideological manner, discussing ideas and ideals not practical details. Leaders sometimes speak of how things should be done – not what actually is done. This makes them part of the insider group and competent at their job. But, Smith (1990a) concluded that ideology is a distorted, biased view by the interests and partial perspectives of those who make the power decisions (p. 31). Campbell and Gregor (2002) noted that for people in positions of authority “describing their work may mean insisting that listeners understand things their way which they see as the only correct way” (p. 71). People do what they are supposed to do according to organizational rules.

This brings to light an interesting dynamic within this district. From the superintendent to the director of specialized services to the out of district representative, they all emphasized the correctness in their way of thinking and tried to convince others of the best practice of their policies and actions. They talked assuredly about students and large groups being the best way to teach special education students, definitely not the usual belief. But they made a convincing argument that gave support for their changes to services for the private schools in the district.

Thus the practices of thinking and writing that are of special concern here are those that convert what people experience directly in their everyday/every night world into forms of knowledge in which people as

subjects disappear and in which their perspectives on their own experience are transposed and subdued by the magisterial forms of objectifying discourse. (Smith, 1990a, p. 104)

Administrators get separated from their subjects – discussing convincing ideas that make the subjects unimportant.

For thirteen years St. Henry celebrated unique special education services provided by a public school district once considered progressive in its manner of delivering onsite services to the many nonpublic schools in the district. However, rather than boast about their uniqueness and recommend these services to other districts, the public school district instead reevaluated the effectiveness and efficiency of its practices in delivering special education services to the private schools. Then after creating convincing ideological arguments about numbers – students and money - for their position of change, the district moved special education services for the nonpublic schools offsite ignoring the subjects - the students they worked to serve.

Chapter 8: Dynamics of Power

Federal and Minnesota laws mandate that special education services be provided to Catholic school students by the public school district in which the school resides. Survey research done at both the national level and in the local Archdiocese pointed to serious discrepancies between the mandates and the extent of services delivered to students with special needs in Catholic schools.

I wanted to learn more about what happens in the delivery of special education services to Catholic schools. I sought out success stories rather than examples of problems to see how Catholic school administrators advocated and negotiated on behalf of their students. The Assistant Superintendent in the local Archdiocese suggested names of schools with services in which the “district, parents and the Catholic school were communicating and designing a program that is in the best interest of the student’s needs and goals.” I chose four of those schools to study in my research.

I used a qualitative case study design within the sociological framework of institutional ethnography to explore how Catholic schools and public school districts coordinated efforts to serve students with unique needs in Catholic schools. Administrators, principals, and parents holding various responsibilities in this process described their decisions, activities, relationships, and points of view during in depth interviews. “Writing the social is always from where the people are” (Smith, 1999, p. 8).

The first section of this chapter provides highlights of the cases showing commonalities and uniqueness in how special education services were delivered.

The next section, using the lens of institutional ethnography, takes a deeper look at the power dynamics the data revealed. The chapter concludes with recommendations for further research and practice.

Case Highlights

Each of the four different Catholic schools had arrangements with their public school districts for identifying students with special needs and for requesting a team meeting with the public school special education staff. Each public school district team decided whether to recommend an assessment. After a student qualified for services, the public school procedures for working with a private school student differed. Although the private schools had assessment observations done in the students' classrooms, the delivery of assessments differed. At Heart of Mary, St. Samuel and St. Henry the assessments were done at the private schools. At St. Mathias the students had to travel to the public school either by bus or parent transportation to take the assessments.

Public school special education directors assigned teachers to deliver services to students in classrooms at both Heart of Mary and St. Samuel. At St. Mathias, the students rode buses to the public schools to receive special services. Because many public schools in the local district served the students at St. Mathias, the Catholic school students went to a variety of schools; the location of services depended on grade level and special education caseload within the school district.

At St. Henry the students receiving speech articulation received services onsite from a district special education teacher, but no other students were on IEPs or travelled to public schools to receive other services (such as services for learning

disabilities) from the district. A resource teacher, a former district special education teacher, served the students requiring extra help in the school – without formal IEPs.

Each of the four Catholic schools had its own unique history in offering special education services in cooperation with their public school districts. Heart of Mary had seen both onsite and offsite services in the past but currently experienced services onsite. St. Mathias had always had their services delivered offsite. St. Samuel had a mixed past but presently received onsite services for their school because of their large size, and St. Henry, although enjoying onsite services for quite some time, had recently seen a switch to offsite services.

Several administrators responsible for implementing special education law expressed satisfaction with how services were provided in compliance with the law and were pleased with cooperative relationships between public school district and Catholic school personnel. However, the data exposed differences, sometimes tensions, between public school district administrators and Catholic schools about how laws were interpreted and implemented. For example, some district special education directors interpreted federal law directives as supporting the delivery of onsite services and others viewed onsite services as too costly or cumbersome.

Dynamics of Relationships and Power Within

My study paid attention to decisions and everyday activities in providing special education. It looked at “how things are actually put together, how they work” (Smith, 2006, p. 1). The study recognized how people’s lives are coordinated or “hooked up within institutional relations” (Smith, 2005, p. 207) and noted,

“ideological and social processes that produce experiences of subordination” (Smith, 2006, p. 18). It was sensitive to power dynamics and “unquestioned systematic power embedded within and woven throughout institutional relations” (Smith, 2005, p. 206). I address three overarching themes from the data that revealed power dynamics – the text of the law, language, and relations of ruling.

The text of the law.

Compliance with federal and state special education laws was a major theme that surfaced in interviews. Within the framework of institutional ethnography, law is a text of “written language that organizes actions, decisions and policies” (Smith, 1990b, p. 11). Although special education laws are public texts open to interpretation by anyone, public school educators, mostly administrators, “activate the texts” (Campbell and Gregor, 2002, p. 148). “Textual realities are...essential features of the relationship and apparatuses of ruling” (Smith, 1990a, p. 83).

Public school special education teachers interpreted the law in the classroom. Val, former principal of Heart of Mary pointed out, “So much of the laws are left to interpretation, and so it depended on the comfort level of certain teachers.” Data in this study showed public school special education directors, working with superintendents, were the primary interpreters of the law. Shawn, the Principal at St. Samuel recognized that special education services could change “if there was a massive leadership change with a whole different vision.”

Issues about interpretation revolved largely around location of services. The federal law states: “IDEA does not prohibit services on the premises of private, including religious schools” (300.139) and further, “The LEA must provide

transportation to allow the child to receive benefits” (300.139). Minnesota law states that every child must be served but does not address location (300.121 paragraph (d)). The appropriate location of services for students in private schools is open for broad interpretation.

Derek, once in a key position in the Minnesota Department of Education, explained key elements of the department’s interpretation. One was parent choice and the other was Minnesota’s requirement for full services... “with the exception stated in...a one sentence clause that says the location of services is at the exclusive discretion of the school district.”

Both Derek and Tom in their roles as district Directors of Special Education determined onsite services to be the most beneficial for students; although Tom admitted, “There is a lot of gray area.” Derek said that he instituted onsite services for Heart of Mary; he felt it was a “fairness” issue because the other private school in the district received onsite services. Dave from Lake Pearson School District interpreted the law as supporting offsite services. He acknowledged parent complaints about not getting onsite services for which they paid taxes, but confident in the power of his role, responded, “The district has the option of doing that or not doing that.”

A federal funding formula played a central role in decisions to provide offsite rather than onsite services. Busing students is funded; whereas, a teacher’s traveling time, “windshield time,” is not. Derek explained, “You get almost 100 percent reimbursement of your special ed transportation costs. You don’t get the full reimbursement of teacher time.”

District budgets matter. Kate, Director of Special Services in Southton School District explained when making decisions, she and the superintendent considered that if the district spent more than what the federal government reimbursed, the excess amount would come from the general fund or tax revenue. "If we stuck to that [mandated funding], we'd actually be reducing the services to kids." As Derek said, "It was dollars and cents."

Catholic school principals did not overtly challenge the district interpretations of the special education laws and did not talk about lobbying to change the transportation funding formula. They accepted, although sometimes reluctantly, public school interpretations and cooperated in their implementation. "Power is understood as arising as people's actual activities are coordinated to give the multiplied effects of cooperation" (Smith, 1990a, p. 70).

Language.

A second theme emerged from the data - the common professional language used by those administering special education services. Smith (2005) referred to this language as "institutional discourse" (p. 120). "Language represents ways of knowing and ways of working" (Smith, 1990, p. 11). The "distinctive forms of coordination that constitute institutions are in language" (Smith, 2005, p. 94).

The language special education directors used when making decisions about special education services was often a language of caring. Three directors of special education and one out-of-district representative talked about working for "what is best for kids." Dave from Lake Pearson emphasized how public and private school teachers alike worked for "the betterment of the kids." Administrators talked of

providing “least restrictive services” so that children would not have their lives disrupted by the special education services provided to them.

Kate, Southton’s Director, put parameters on the language of caring when she spoke about “what’s best for kids” in conjunction with “what’s cost effective” for the district. When Sharon from Emerson County said that students from the Catholic school would “benefit by the enrichment of more peers” she acknowledged that the main reason for bringing those students to the public school was because of “the numbers.” She added, “It is important to make best use of the district’s money.” The language of caring masked decisions made for budgetary reasons.

Recognizing that most children receiving special education services in the Catholic elementary school would enroll in the public high school, directors often referred to the children as “ours.” One said, “We treat the kids like our kids because they are our kids.” They sounded like it would be easier for the high school teachers if an incoming student from the Catholic school were properly prepared. Rather than talk about individual student needs, directors objectified the students as if they were chess pieces.

Practices of thinking and writing... convert what people experience directly in their everyday/everynight world into forms of knowledge in which people as subjects disappear and in which their perspectives on their own experience are transposed and subdued by the magisterial forms of objectifying discourse. (Smith, 1990a, p. 4)

The language used by special education directors expressed an institutional way of knowing and working. “Far more than jargon, these are conceptual systems,

forms of knowledge that carry institutional purposes and reflect a standpoint” (McCoy, 2006, p. 118). Those in positions of power used professional language that made their decisions most palatable. Institutional ethnography cautions the researcher to look beyond institutional language and notice what actually happens in the setting (Smith, 2006, p. 28). Some teachers who worked closely with children expressed frustration that they were not asked what were the “least restrictive services” or “what was best for kids.”

Relations of ruling.

Lastly, a theme of relations of ruling, “translocal social relations that carry and accomplish organization and control” (DeVault and McCoy, 2006, p. 17), appeared in the data. It became apparent that decision makers were distanced from those whom the decisions affected most – the students. In their efforts to comply with the law and manage budgets, decision makers made assumptions about what students needed, what parents wanted, and often what classroom teachers thought important for students.

Working up individual experience so that it is objectively administrable is a practice of domination. Altered irretrievably and subordinated in the process is the experience of the subject about whom the professional was initially concerned. (Campbell and Manicom, 1995, p. 10)

Figure 1 demonstrates how administrative decisions became separated from the people for whom the decisions were made. Those farthest away from the students’ daily lives made decisions without knowing the reality that existed for the students. “Policies are made at the center of formal organizations whereas...the

work of the enterprise is concretely done in large part at the periphery” (Smith, 1990a, p. 97).

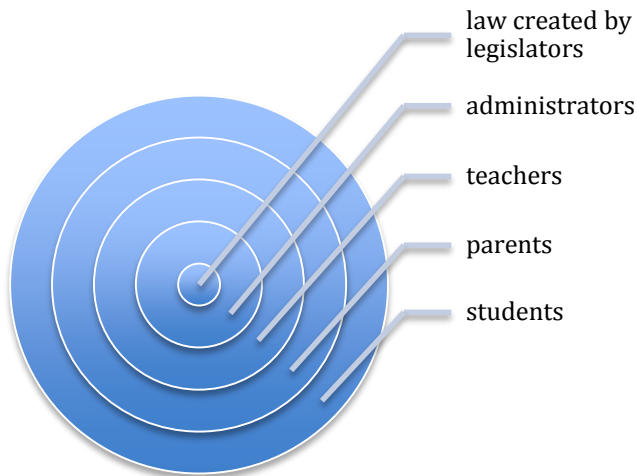


Figure 1. Distance of students from decisions of power

This section looks at the power dynamics that existed from the students on the periphery to the legislators at the center of the special education world. The students stood at the periphery where “the work of the enterprise is concretely done” (Smith, 1990a, p. 97). Data from each of the four cases did not show children being consulted when adults made decisions as to “what is best for kids.” When Emerson County administrators decided to bus Catholic school students to the public school portraying the decision as beneficial to students in many ways, they did not consult with parents or students. My eighth grade son upon hearing the change to offsite services said “no” he would not ride a bus to receive services. His discomfort led us as parents to dismiss him from special education services. Delia, parent at St. Mathias, took her daughter out of the special education program after seeing problems with the transportation. A young man at my own Catholic school missed an exceptional amount of school faking illness because he hated traveling to

services at the public school. His parents dismissed him from services as well. Both students and parents got caught in the repercussions of the lack of respect for the experience of the students.

Teachers felt frustrated about some of the decisions made without regard to student experience. Luann at St. Mathias said when scheduling the special education service times with the district, the teachers had to work closely with the bus company to find acceptable situations to lessen the number of bus routes needed. And she added that leaving the school sometimes created a reputation/self esteem issue for students. "I have had students very uncomfortable about it. Don't want anyone to know and wanted to keep it a big secret." Cheri from Lake Pearson also said managing the transportation issue was "challenging" for the teachers and added that the system lacked "flexibility" and scheduling was "difficult." Also, many students struggled with the transitions between schools. No one at the district office asked teachers about these issues.

Catholic school administrators in this study played an important though limited role in how special education would be delivered. Connie, a current veteran teacher and once a one-year interim principal at Heart of Mary, spoke of the drama that existed. Everyone asked, "Who's gonna service them?" "Who's gonna pay?" It was always complicated...never simple."

Whereas both the principal and president of St. Samuel thought the school's onsite services were the result of a great relationship with the public school personnel, Sheila, St. Samuel's Director of Special Services was aware of the tenuousness of the school's onsite services. She said that at each annual meeting,

Kate, the public school district Director warned of possible changes. “In the last year she’s made comments where she’s called different districts just to kind of see and compare.” Kate confirmed the onsite services provided did not depend on the great relationship with the Catholic school. She said evaluations and decisions were based on “dollars we’re mandated to spend, what’s most cost effective and best for kids.” “Issues are formulated because they are administratively relevant not because they are significant first in the experience of those who live them” (Smith, 1990a, p. 15).

Some principals were critical of the services. They were aware that the local school district must consult with a private school about how children can participate equitably as the federal law states,

With regard to consultation: the LEA must consult with the private school representatives about the child find process (how children suspected of having a disability can participate equitably and how parents, teachers and school officials will be kept informed), determination of the proportionate share of the Federal Funds available, how the process will operate through the school year, how, where and who will provide special education and related services to private school children with disabilities, and provision for the LEA to give written explanation when differences of opinion about special education services with the private school exist. [300.134]

However, they were also aware of the power dynamics they felt left them little negotiating room. Marti, the Principal at St. Henry, explained that she would not protest losing onsite services fearing that district daily bus transportation could be

taken away. “That’s the one thing that we have that’s so smooth...so we don’t want to say anything.” Smith (1999) stated, “Activities and social relations beyond our control contribute to powers that stand over us” (p. 25). By not fighting back, Marti contributed to the control the district could exercise. “The other reason why I don’t want to raise too much of a ruckus is because I want to keep Lisa [district articulation] here....They could very easily pull that.” She, however, also said, “At the same time, there’s a justice issue.” Fear ruled her decisions about not advocating for the students in her building and contributed to the power the district held.

Sheila, St. Samuel’s Director, was critical of the power dynamics and strategized to change them. She understood institutional discourse. “Those who know the institutional discourse can often move with greater ease through its processes; they know what to expect, they can imagine how things work and they have the language to advocate” (McCoy, 2006, p. 119). Sheila worked closely with students. She attended the Special Education Parent Advisory Council meetings regularly to build the Catholic school relationship with the public school district and as a proactive move to save their onsite services. She said, “I think this is huge because you know what, if you’re gonna take the services away you still have to see me every month.” She worked hard at having a relationship with the district special education team as a preventative effort thinking that building a relationship with them would make it harder for them to some day take away their services. She acknowledged and tried to negate the power of the district. Sheila advocated for students in a way that almost no one else in this study did.

The public school special education director's power to interpret and implement the special education law in Catholic schools has been discussed in both the text of the law and language sections. Kate's comments about working with the superintendent indicated the directors all report to superintendents. Marti said as long as the director was the superintendent's "puppy" their offsite services would remain in place. And Derek mentioned the superintendent when he said directors "work very closely with their respective superintendents and have great autonomy. The level of autonomy and discretion is really a function of how much the superintendent allows...my superintendent expected me to make decisions but keep her informed regarding what I was doing." Although not all the directors talked explicitly about the line of accountability to the superintendent and ultimately the school board, the line of responsibility exists.

And, finally the laws. The language of the law does not express the experience of the special education students; rather it is written from a standpoint outside of their experience. Worlds that exist only in the texts (such as laws) "forget the site of the experience, the presence of actual subjects, and the actualities of the world we live" (Smith, 1990a, p. 13).

In looking at the web of relationships in this study, it has become clear that although varying degrees of working together and communication existed, in each situation the public school district held the last word in the delivery of special education services. Wilson and Pence (2006) said, "We found the power we sought was not located in a position that one or more people held but in the processes and structures of the legal system" (p. 207). Who holds the power in the big special

education world? No one person or persons hold the power; the power resides in the institutional process. This includes the laws and statutes that dictate requirements for compliance and financial budgets. The larger domain of special education within the field of education has its own issues with the language of the outliers, the abundance of administrators with managerial views, and the hidden lived actualities of the students. The Catholic school relationships with public school districts are embedded in larger political realities.

Recommendations

I hope the findings from my research will not sit on a shelf but rather be used in conjunction with other research concerning the limitations in the current special education delivery system to Catholic school students. This research should also be used as a prompt for developing productive, balanced relationships between Catholic schools and their local public school districts.

Research.

The perspective of the students receiving services seems crucial. A study including interviews of young adults who received special education services as children might result in important data revealing details of those services and what they thought about their services. Direct research with students poses an ethical dilemma for researchers, but a study of young adults who have recent memories of their schooling may be possible. They could provide critique and suggestions that could inform legislators and school administrators.

Additionally, researching the experiences of parents who have had children in special education programs in Catholic schools would give another important

perspective. Learning about their hopes, frustrations, and decisions regarding refusing services as well as opportunities to build advocacy groups and work toward new district interpretations and legislative changes would add valuable knowledge.

Further research looking at onsite versus offsite services would give more data on the necessity (or not) of reducing travel and transitions for students. Specifically, former students could share their perspective on riding a bus to another school. They could describe what it might have been like to see other students leaving class for special services, how teachers treated them at their own school as well as at the school they may have traveled to as a guest.

Only a few individuals in each public school district influence what services will look like in the private schools. Perhaps a more in depth study of the special education director's position would offer more data on the power that position holds and the influence a director's personal philosophy has on decisions made. Directors could be interviewed with the intent to discover what motivates them to make the decisions they do. And a study of the experiences and beliefs of those who make policy and big decisions regarding services such as school board members, superintendents and legislators would prove fruitful as well. A possible survey of those people with power regarding priorities would give direction for next steps.

Practice

We all participate in actions and support beliefs we simply take for granted. We get caught up in our every day activities and do not take time to understand how ruling entities may have hijacked our belief system. Smith (1999) described her

own situation. "I had participated in decisions and upheld practices that often I had either no personal interest in or at some other level loathed" (p. 47). Perhaps authentic research findings can bring educators to an awareness of situations otherwise unnoticed or ignored.

The Archdiocese education offices should take responsibility for all students in their care who have special needs. They should train principals on the law and dynamics of special education so that they know what to ask for and whom to ask. The Archdiocese should continue to stay in touch with the Minnesota Catholic Conference to understand the possibilities for lobbying legislators about the needs of students in special education programs in Catholic schools. Informing principals about how to advocate for their students on a bigger scale (both state and federal) would be valuable knowledge as well.

Data clearly shows that every Catholic school should work in cooperation with the local public school district to serve their students with special needs. Catholic school principals should know what the laws provide, require, and allow in order to create informed discussions with those holding the power in the school district. Also, Catholic school principals should understand what documents exist detailing or supporting services for private schools in the district. They need to understand the dynamics of their school district special education services. Principals should focus on building strong relationships with the local public school district decision makers. If met with resistance, they could start small: conversation, coffee and kindness. Eventually, requesting onsite services appears to move a school closer to optimal services that best address student needs. Schools creating a

parent group that advocates for special education not only at a district level but also with legislators will create more communication about the needs of Catholic school students.

Additionally, Catholic schools that have their own director of special services benefit greatly from someone in their building and on their own staff who knows and understands the special education system. Their position includes working with the public school district to maintain strong relationships with the decision makers and know what decisions are being made.

Parents need to be informed about the options for services and that they can request what they feel would be best for their child. They garner power by loudly advocating for their children. They need to be good citizens of the school district. This includes knowing who is in charge of district decisions and attending Special Education Advisory Council meetings. Parents can also get involved in legislation at a state level. They can find out which legislators are most involved in spearheading educational decisions and bring personal stories expressing their needs to these decision makers.

Special education services for students in Catholic schools should include a partnership among all involved; students' needs must be central to decisions made. (See Figure 2: How decisions should be made by those in power.) Principals should be in direct contact with teachers and parents so they know the lived experience of students. Administrators at the public school district level should have a direct relationship with the Catholic school principals to ultimately understand the student needs in their buildings. And legislators can only get a genuine picture of what

needs to be done to improve the lives of students in Catholic schools receiving special education services if parents, teachers, principals and administrators share the experiences of students with them.

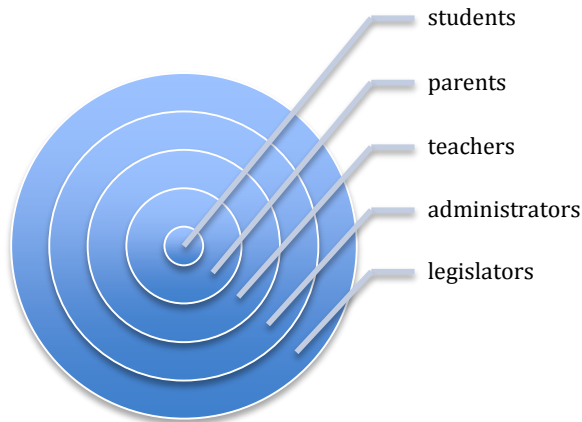


Figure 2. How decisions should be made by those in power

“Institutional ethnography as a sociology for people, aims to make visible the forms of ruling that are largely not observable from where we are” (Smith, 2005, p. 220). The data show all of the school districts are compliant with the law in providing special education services to the Catholic schools. However, working to the rule of law does not guarantee carrying out the spirit of the law. Viewing my data through Dorothy Smith’s lens of institutional ethnography, I discovered the delivery systems of services to Catholic school students are not all equal – not all services best address the needs of students. And, student needs should be the number one priority when making decisions about the delivery of special education services.

Epilogue

Over the period of data collection and analysis, I have been involved both personally and professionally with the issue of the delivery of special education services. I had to intervene to get continued services for my son when changes were made in Emerson County school district. And, as a principal, through building relationships with public school district administrators and understanding new opportunities for communication, I helped leverage a change from offsite to onsite special education services for my Catholic school.

In My Own House

Trent had a great ninth grade year. He attended a small personal communication class four times per week with his case manager. He did well academically and kept fairly organized. He participated on the Speech Team, Knowledge Bowl, Archery and the Sailing team. I was so proud.

Trent was not due for his three-year special education evaluation until spring of his sophomore year. However, during the summer before his sophomore year Trent's case manager called to tell me that a new high school coordinator saw that he had been dismissed from the district special education program in eighth grade (because the district took services offsite at his Catholic school), and he had not been reevaluated when he re-entered the district special education program at the time he entered high school. Not being privy to the meetings that took place to discuss Trent's situation, she did not understand why he did not have an evaluation done at that time. She scheduled an immediate evaluation.

I asked Trent how he felt about being evaluated and the possibility of not qualifying for services. He said that he knew he might not qualify the following year but when I suggested it might happen right away his response was emphatically “this year?”.

I called the new coordinator to explain that Trent was anxious (he is receiving services for anxiety) that he might not qualify and afraid of not having the extra support while facing a much more rigorous tenth grade year. She listened to me and then called the district Director of Special Services (whom I had interviewed for this study) and got permission to keep him in special services until spring when by law his three-year evaluation would be due. I don’t know if my threats of talking to the Minnesota Department of Education, the fact that they know me due to my history of advocating for my son or my research interviews with several people in the district for this study caused them to decide in my favor. Or if they just interpreted the law and district policies that helped my son in a positive way. I won’t ever know. I do know that I will never pass up the opportunity to be an advocate for my children.

Trent is having an excellent sophomore year – doing well both academically and socially!

In My Own Backyard

I am in my eighth year as principal at a small Catholic school in a somewhat rural area. At any point during the last seven years I would have identified my school as having a working special education program in which students received services. Our school has a principal (myself) and teachers who support the

program. Our school also has great public school special education teachers who work hard to help our students.

In the past our students traveled via a bus or van to the public elementary school (grades K-4) or middle school (grades 5 and 6) to receive services. On the surface, I saw students receiving services for learning disabilities or speech making progress - growing and learning. For the most part, neither the students nor their parents complained about the bus ride. Our school had a few parents express concern, particularly the parent of a five-year-old kindergartener leaving our school to receive services. Our administration arranged scheduling so that students rarely missed key moments at our school. The rest of the students accepted the fact that these students left and returned and did not tease them or make them feel less than others. Our students experienced an occasional glitch when the bus didn't show up or our teachers would forget to tell the special education teacher the student was not coming due to a school special event – small blips in a much bigger world.

However, I wondered how much better the services would be for students if they didn't have to leave the building. How much added class time they would have, how much happier they would be without a bus trip interrupting their day, how much more comfortable they would be learning in the environment where they spend their day.

In the last couple years we have had several families who have students with high needs and spend a large amount of time in special education pull their children out of our school to attend the public school because a special education program in house isn't as difficult on students academically, logistically and/or emotionally.

And last year a family declined services but kept their child in our building. He was not getting the services he needed because he didn't want to travel to another building. And, when the little kindergarteners got on a bus to go to the public school for twenty minutes of speech service I knew that the time they traveled was longer than the actual services they received. Students were not getting the services that they deserved or needed.

A couple of years ago I asked the public school district director of special services to consider onsite services, but he told me that we didn't have enough students with special needs to warrant putting a teacher in our building. How ironic – our school had fewer students needing special services because the public school district doesn't offer onsite services. As our families migrated to their building, it seemed to be a great situation for the public school district.

Last spring two members of our School Advisory Council and I met with the new superintendent, new director of special services and middle school principal to discuss a few areas in which the public school district and our private school could partner to deliver the best special education services possible for the students at my school. This meeting was a first in my tenure as a principal in the district. These administrators were extremely receptive, listening to our ideas and suggesting that we plan an annual or semi-annual meeting to discuss ways in which we can partner together to do what is best for our students. We asked if they would take a look at the delivery of our special education services to see if they could make any changes that would create a better situation for our students. They said that they would do so.

A short time later the director of special services requested a meeting with me. He announced that he had found a way to deliver onsite special education services to our school. I didn't know whether to laugh or cry.

This year a public school special education teacher comes to our building every afternoon to see our students who qualify for special services. In addition, a speech teacher comes to our building twice a week to meet with her student – one of our kindergarteners. They teach in a classroom near all of our other rooms so the students just walk a few steps to see their special education teacher and receive services.

The teachers can't believe what a difference onsite services have made. They didn't know what they were missing. They have expressed great appreciation for having someone right in the building to communicate with daily as well as come into the classroom to observe situations in which students are receiving services for social skills.

I am grateful and heartened by the service now provided but am keenly aware of how quickly the service could shift back to offsite. I recognize my responsibility to give feedback to administrators about the program, be sensitive to any issues, like budgetary ones, that district leaders might be facing. I also recognize the importance of setting up regular meetings and arranging protocols should there be a change in district administration. I further recognize I need a plan to educate whoever might follow in my position about the history of special education services in my school and about the tasks necessary to sustain present relationships.

Onsite services are what I deem great services for our Catholic school students with special needs. We now provide much better learning opportunities for our students with special needs in partnership with the public school district – as it should be!

I plan to share my findings with educators and parents through professional and personal opportunities to offer suggestions about how to work together to create optimal experiences for children – experiences including onsite special education services for students in Catholic schools.

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Appendix A
Administrator Questionnaire

School Name:

Administrator Name (person filling out the questionnaire):

Your school's K-8 student population:

Approximately how many students get assessed for special services annually?

Approximately how many students get identified as qualifying for special education each year?

How many students currently receive special education services?

Where do students receive special education services and from whom? Please circle the appropriate choice.

- In your school from public school staff
- In your school from private school staff
- In your school from both private and public school staff
- At the public school
- Other (please describe)

If students receive services at the public school, who is responsible for transportation? Please circle the appropriate choice.

- Public school
- Your school
- Parents
- Other (please describe)

Do you have any school staff trained in special education? If yes, how many?

Also if yes, do they teach in your special education program?

Appendix B Interview Question Guide

Current Special Education Program

- Please explain the process for identifying and assessing students with special needs.
- Share how students identified with special needs receive services.
- Describe how you see IEPs and ISPs being carried out.
- Do you think students get adequately identified or receive adequate services? Please explain.
- How do you think your school is able to deliver functional special education services to students with special needs?

Relationship with the Public School District

- Tell me about the relationship your school has with the local public school district regarding special education services.
- Do your staff members attend school district special education consultative meetings or are they part of the district special education board? If so, how and when did this begin?
- How does this relationship between your school and the public school district remain functional?

Past Special Education Program

- Please tell me what you know about the evolution of special education services in your school over the last decade.
- Have services always looked like they do today or have they changed over the years? What has been the catalyst for change or constant for consistency?

Additional Information

- Are there other people knowledgeable about the past special education programming whom I should contact to get information? Would you be willing to share their names and contact information?
- Are there any documents I could view such as a handbook, meeting minutes, or notes that would give me more information about the past or current special education program?
- Is there anything else you would like to share about your special education program services?

Appendix C

MN statute (125A) and rules (3525) –
Minnesota state law guarantees private school students special education services.

Minnesota Statutes

These are quite important so I have quoted directly from the Minnesota Statutes: http://www.revisor.leg.state.mn.us/revisor/pages/statute/statute_chapter_toc.php?year=2006&chapter=125A.

125A. 03 Special instruction for Children with a Disability

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a disability, including providing required services under Code of Federal Regulations, title 34, section [300. 121, paragraph \(d\)](#), to those children suspended or expelled from school for more than ten school days in that school year, who are residents of the district and who are disabled as set forth in section [125A. 02](#). For purposes of state and federal special education laws, the phrase "special instruction and services" in the state Education Code means a free and appropriate public education provided to an eligible child with disabilities and includes special education and related services defined in the Individuals with Disabilities Education Act, subpart A, section [300. 24](#). (b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section [124D. 68, subdivision 2](#). Local health, education, and social service agencies must refer children under age five who are

known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section [120A. 22](#).

125A. 13 School of Parents' Choice.

Nothing in this chapter must be construed as preventing parents of a child with a disability from sending the child to a school of their choice, if they so elect, subject to admission standards and policies adopted according to sections [125A. 62](#) to [125A. 64](#) and [125A. 66](#) to [125A. 73](#), and all other provisions of chapters 120A to 129C.

MN Human Rights Act Chapter 363A

363A. 02 Public Policy- freedom from discrimination including in education because of a disability.

363A. 13 Educational Institution.

“Subdivision 1. **Utilization; benefit or services.** It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons. For purposes of this subdivision, program access includes but is not limited to providing taped texts, interpreters or other

methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services. Program access does not include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Appendix D

Federal Law

IDEA

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on Dec. 3, 2004 by President George W. Bush. Most provisions became effective July 1, 2005 and the final regulations were published August 14, 2006.

**IDEA 2004
Regulations of Interest to the Nonpublic School Community**

Subpart A		Subpart B (cont.)	
§300. 2	Applicability of this part to State and local agencies.	§300. 195	Decision.
§300. 9	Consent.	§300. 196	Filing requirements.
§300. 18	Highly qualified special education teacher.	§300. 197	Judicial review.
§300. 37	Services plan.	§300. 198	Continuation of a by-pass.
Subpart B		Subpart C	
§300. 111	Child find.	§300. 207	Personnel development.
§300. 116	Placements.	§300. 208	Permissive use of funds.
§300. 118	Children in public or private institutions.	Subpart D	
§300. 129	State responsibility regarding children in private schools.	§300. 300	Parental consent.
§300. 130	Definition of parentally-placed private school children with disabilities.	§300. 301	Initial evaluations.
§300. 131	Child find for parentally-placed private school children with disabilities.	§300. 302	Screening for instructional purposes is not evaluation.
§300. 132	Provision of services for parentally-placed private	§300. 303	Reevaluations.

	school children with disabilities--basic requirement.		
§300.133	Expenditures.	§300.304	Evaluation procedures.
§300.134	Consultation.	§300.305	Additional requirements for evaluations and reevaluations.
§300.135	Written affirmation.	§300.306	Determination of eligibility.
§300.136	Compliance.	§300.307	Specific learning disabilities.
§300.137	Equitable services determined.	§300.308	Additional group members.
§300.138	Equitable Services provided.	§300.309	Determining the existence of a specific learning disability.
§300.139	Location of services and transportation.	§300.310	Observation.
§300.140	Due process complaints and State complaints.	§300.311	Specific documentation for the eligibility determination.
§300.141	Requirement that funds not benefit a private school.	§300.320	Definition of individualized education program.
§300.142	Use of personnel.	§300.321	IEP Team.
§300.143	Separate classes prohibited.	§300.322	Parent participation.
§300.144	Property, equipment, and supplies.	§300.323	When IEPs must be in effect.
§300.145	Applicability of §§300.146-300.147.	§300.324	Development, review, and revision of IEP.
§300.146	Responsibility of SEA.	§300.325	Private school placements by public agencies.
§300.147	Implementation by SEA.		Subpart E
§300.148	Placement of children by parents when FAPE is at issue.	§300.501	Opportunity to examine records; parent participation in meetings.
§300.149	SEA responsibility for general supervision.	§300.502	Independent educational evaluation.
§300.150	SEA implementation of procedural safeguards.	§300.503	Prior notice by the public agency; content of notice.

§300. 156	Personnel qualifications.	§300. 504	Procedural safeguards notice.
§300. 168	Membership.		Subpart F
§300. 174	Prohibition on mandatory medication.	§300. 644	Annual report of children served--criteria for counting children.
§300. 190	By-pass—general.		Subpart G
§300. 191	Provisions for services under a by-pass.	§300. 705	Subgrants to LEAs.
§300. 192	Notice of intent to implement a by-pass.		Subpart H
§300. 193	Request to show cause.	§300. 800	In general.
§300. 194	Show cause hearing.	§300. 816	Allocation to LEAs.

(from <http://ncea.org/public/IDEASpecialEducation.asp>)

Highlights of IDEA Related to Private Schools:

*Parentally-placed private school children with disabilities means students enrolled by parents in private, including religious, schools or facilities. This includes children ages 3-5. [300. 130; 300. 133]

*Responsibility for equitable participation is assigned to the local education agency (LEA) where the private school is located. [300. 142]

*LEAs where private schools are located must conduct child find for children in private schools. The LEAs must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary

schools located in the school district. The process must be completed in a time period comparable to students in public schools. There must be equitable participation of child find for parentally-placed private school children. [300. 131]

*With regard to private schools, LEAs must keep record of: the number of children evaluated, the number of children identified with disabilities and the number of children served. [300. 132]

*No parentally-placed child with a disability has an individual right to receive some or all of the special education and related services a children would receive in a public school. [300. 137]

*A services plan must be developed and implemented for each private school child with a disability who the LEA has designated to receive special education and related services. The LEA must plan and hold meetings to develop, review, and revise a services plan for each who will receive services. A representative from the private school must attend each meeting. The services plan must describe the specific special education and related services the child will receive. [300. 132; 300. 137; 300. 138]

*With regard to consultation: the LEA must consult with the private school representatives about the child find process (how children suspected of having a disability can participate equitably and how parents, teachers and school officials

will be kept informed), determination of the proportionate share of the Federal Funds available, how the process will operate through the school year, how, where and who will provide special education and related services to private school children with disabilities, and provision for the LEA to give written explanation when differences of opinion about special education services with the private school exist. [300. 134]

*The LEAs must determine the number of parentally-placed private school children with disabilities between Oct 1 and Dec 1 each year. This count determines money that must be spent on private school children with disabilities the following year. [300. 133]

*The LEAs must use a formula for funds used for the services of parentally-placed private school children with disabilities. [300. 133]

*State and local funds may supplement but not supplant the proportionate amount of federal funds for parentally-placed private school children. [300. 133]

*The LEA unexpended funds for special education and related services for private school children with disabilities must be carried over for one year. [300. 133]

*Services to parentally-placed children with disabilities must be provided by employees of a public agency or through contract by public agency with third party.

The services must be secular, neutral and nonideological. [300. 138]

*IDEA does not prohibit services on the premises of private, including religious schools. [300. 139]

*The LEA must provide transportation to allow the child to receive benefits. [300. 139]

*A public agency must control and administer the funds used to provide special education and services as well as administer equipment and property purchase to use for special education services. Equipment and supplies may be placed in a private school but they may only be used for Part B, can be removed without remodeling the facility and will be removed if they are no longer needed for Part B. No funds under Part B may be used to repair, remodel or for new construction of the private school facilities. [300. 144]

*The LEA must obtain written affirmation from the representatives of the private schools. If no affirmation occurs the LeA must send documentation to the SEA. [300. 135]

*Private schools have the right to submit a complaint to the SEA about lack of consideration from the LEA. [300. 126]

*Teachers providing services to the parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements. [300. 138]

*Due process complaints must be filed with the LEA in which the private school is located. [300. 140]

*If a student is enrolled in a private school not located in the LEA of their residence, parental consent must be obtained to release information between the two LEAs. If consent is not obtained, the public agency is not required to consider the child eligible for services. [300. 622; 300. 300]

(“Children Enrolled by Their Parents in Private Schools” U. S. Dept of Education Office of Special Education Programs)

Section 504 of the Rehabilitation Act of 1973

Section 504 says that no otherwise qualified individual with a disability in the United States can be excluded from participation in, be denied benefits, or be discriminated against in any program receiving federal financial assistance. The law is very broad and is applicable to private schools. The 504 definition of disability is one “who (i) has a physical or mental impairment which substantially

limits one or more of such a person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment" (Russo, 2002). 504 exists to allow people who have a disability but could participate in a program with a "reasonable modification" be allowed to do so. Some examples of reasonable modifications include being accompanied by a service dog, having a hearing interpreter, having longer time to complete a test, having a test read to the student.... Schools can be excused from making accommodations if: they would result in a major alteration of a program, create undue financial burden or if the student's presence created substantial risk of injury to self or others. All schools must provide "aid, benefits, and/or services that are comparable to those available to students who are not disabled (Russo, 2002, p. 10).

Appendix E

Case Study Interviews Conducted

Heart of Mary/Nelhart Interviews

Private School	Public School
Principal, Lori former Principal, Val former teacher, Sally teacher/parent, Abby parent, Molly teacher, Connie	Director of Special Services, Tom former Director of Special Services, Derek special education teacher, Nicole

St. Mathias/Lake Pearson Interviews

Private School	Public School
Principal, Peter Assistant Principal, Lynn kindergarten teacher, Katie middle school teacher, Betty middle school teacher, Lucy parent, Alice	Director of Special Services, Dave special education teacher, Cherie

St. Samuel/Southton Interviews

Private School	Public School
President, Diane Principal, Scott Special Services Director, Sheila teacher, Jo parent, Penny	Director of Special Services, Katie

St. Henry/Emerson County Interviews

Private School	Public School
Principal, Marti GA Principal, Gail Assistant Principal/teacher, Pete Parent, Polly parent, myself	Director of Special Services, Leah Out of District Representative, Sharon Former special education teacher and current private school resource teacher, Margaret

Other Interviews

Peter Noll	Executive Director of the Minnesota Catholic Conference
Michelle Doyle	National Educational Consultant focusing on private schools accessing public programs, and former Director of the Office of Non-Public Education at the US Department of Education
Bob Wedl	Former MN Commissioner of Education

Appendix F

Descriptions of Case Study Schools

	Heart of Mary	St. Mathias	St. Samuel	St. Henry
Student Population	160	500	750	650
Location of School	south rural	south suburb	south suburb	western suburb
Current Services	onsite	offsite	onsite	onsite/offsite
Public School District Delivering Services	Nelhart	Lake Pearson	Southton	Emerson County
Average Number of Students Each Year who Receive Services	9	25	13	5