

University of Nevada, Reno

**An Examination of Mandated Rights Pursuant to the Individuals with Disabilities
Education Act and Mandated Components Described in an Individualized
Education Plan**

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Education in
Education

by

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THE GRADUATE SCHOOL

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Abstract

The number of students identified as having a disability and requiring special education services in the United States has more than doubled since the authorization of the Individuals with Disabilities Education Act (IDEA) in 1975. Simultaneously, public schools are experiencing a significant shortage in qualified special education teachers. Unqualified teachers are being placed in special education classrooms and given the responsibility of developing, writing and implementing Individualized Education Plans (IEPs). Federal law requires that a student's IEP incorporates mandated rights and components in order to meet compliance. Unqualified teachers may not have the training and/or knowledge to be able to develop, write and implement IEPs that meet compliance standards. In this study, 103 IEPs were examined to determine percentage of compliance for five mandated rights and ten mandated components pursuant to IDEA. Data were also analyzed to determine whether teachers who were fully licensed and had more experience working with students with disabilities wrote IEPs with fewer violations in comparison with teachers who held provisional licenses and had fewer years of experience. Results indicated that out of the 103 IEPs reviewed for the study, none met compliance standards 100% of the time for any mandated right or component. However, mandated rights had higher percentages of compliance than mandated components. Results also suggest that teachers who were fully licensed with fewer years of experience had fewer violations than experienced teachers who were fully licensed, and that teachers who were fully licensed had fewer violations than those teachers who were provisionally licensed.

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CHAPTER I

Introduction

As alternative schooling options become available to students with disabilities, parents are choosing to place their children in charter schools. As charter schools are federally funded, they must adhere to the same federal regulations as public schools. This applies to students with disabilities and their right to receive an education specified to his or her unique instructional needs. Given the growing population of students enrolling in charter schools, it is necessary to determine whether Individualized Education Plans (IEPs) being written in charter schools meet regulations pursuant to the Individuals with Disabilities Education Act (IDEA). Additionally, it is essential to know whether those responsible for writing and implementing IEPs are qualified to do so. Therefore, the primary purpose of the study was to identify whether the mandated rights pursuant to federal law and mandated components described in IEPs met compliance standards pursuant to IDEA. Moreover, the study examined the teaching experience and licensure status of special education teachers working in charter schools.

Educational options, such as charter schools, for students with disabilities have grown since the authorization of the Individuals with Disabilities Education Act in 1975. It was not until 1991 that the State of Minnesota passed legislation permitting the opening of a charter school. Throughout the 1990's, states followed Minnesota's lead. The National Alliance for Public Charter Schools reports that in the 2014-15 school year, there were 6,633 charter schools across the United States. Within the 6,633 charter schools, almost 2.7 million students are receiving an education (National Alliance for Public Charter Schools, 2017).

As our educational system continues to modernize to meet the growing needs of students with disabilities, it is essential that federal laws safeguarding the individual needs of this population are adhered to. Therefore, it is crucial to know whether those responsible for writing IEPs are protecting the rights of students with disabilities. It is also crucial to determine whether there are competent professionals involved in the IEP process. Even though charter schools are an alternative choice for students with disabilities, the requirements to ensure that the educational rights of this population are being met do not change.

Guaranteeing Educational Rights to Students with Disabilities

Under IDEA, students who have been identified as requiring special education services in a federally funded public school must receive an IEP. Each student's IEP must be written to ensure that their individualized educational needs are met. IDEA requires that five mandated rights and ten mandated components of an IEP are afforded to students with disabilities. Mandated rights under IDEA are external factors that impact the development of an IEP and ensure compliance. Mandated components create an IEP roadmap to ensure that the student's right to a free and appropriate public education are being met.

A student's IEP is considered not compliant if any of the five mandated rights pursuant to federal law and ten mandated components of an IEP are violated. The goal of writing and developing IEPs is to deliver individualized instruction that meet the specific needs of students with disabilities. IEPs that do not violate the mandated rights and

components are essential to providing students with equal access to the general education curriculum and a free and appropriate public education (34 CFR § 300 *et seq.*).

The role of special education teachers in guaranteeing educational rights.

Although IDEA requires that a team of individuals, including parents, come together to build an individualized program for the student identified as having a disability, the responsibility of IEP writing often falls on the special education teacher (34 CFR § 300.321(a); Patti, 2016). In order to write a compliant IEP, it is best practice to have a fully licensed and properly trained special education teacher. However, there is a significant shortage of qualified special education teachers. Almost 30,000 special education teachers are being trained in the United States annually; yet, 98% of public school systems report having difficulty filling vacancies in special education. To remedy the shortage, more than 50,000 special education teachers need to graduate from special education teacher preparation programs (Cowan, Goldhaber, Hayes & Theobald, 2016; Zhang, Wang, Losinski & Katsiyannis, 2014).

Because of the shortages, many special education positions are being filled by unlicensed professionals, who only hold provisional licenses (Nance & Calabrese, 2009). These unlicensed professionals are teaching in special education classrooms with little to no experience (Childre, 2014). As such, it is reasonable to examine whether IEPs will be compliant when unqualified teachers are placed in special education classrooms. Unqualified teachers may infringe upon the individual rights of students with disabilities, which could directly impact the educational opportunities afforded to this population. As students with disabilities are entitled to an IEP that meet federal compliance regulations,

it is questionable whether unlicensed professionals are able to effectively and correctly write and implement an IEP.

To ensure compliance with federal regulations, teachers are required to write IEPs that meet the five mandated rights under IDEA and include the ten mandated components of an IEP. Any violation of the five mandated rights under IDEA or ten mandated components of an IEP can lead to a noncompliant IEP. These rights and components are safeguards to ensure that students with disabilities receive an education that meets his or her unique style of learning. Please refer to Tables 1 and 2 for a list of the five mandated rights pursuant to federal law and ten mandated components described in an IEP.

Table 1

Five Mandated Rights Afforded to Students with Disabilities Pursuant to the Individuals with Disabilities Education Act

Mandated Right	Definition Pursuant to IDEA
Valid and Unbiased Assessment	In order for a student to be eligible for special education services, he or she is to be evaluated by trained and knowledgeable personnel using unbiased and valid assessment (34 CFR § 300.304(c)(1)(i-iv))
Eligibility Determination	An individual knowledgeable and trained to interpret data will meet with the required team members to review the results of the evaluation (34 CFR § 300.304(c) (1)(iv)). The evaluation must “draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior” and the team must consider whether the student requires special education and related

services to meet their specific educational needs (34 CFR § 300.306(c)).

Required Participants

In order for an IEP to be considered compliant, the following team members must attend the entirety of the meeting: (a) the parents of the child with a disability, (b) at least one regular education teacher who has knowledge of the student's academic abilities, (c) at least one special education teacher, (d) and a representative from the Local Educational Agency (LEA). It may also be necessary to include an individual who can interpret the evaluation results, an advocate or individual from an outside agency at the request of the parents, and when appropriate, the child (34 CFR § 300.321).

Least Restrictive Environment

Students with disabilities shall be provided with the same educational opportunities as their typically developing peers to the "maximum extent appropriate" (34 CFR § 300.114(a)(2)(i)). As such, children with disabilities are to be educated with children who are not disabled. IEP Teams must consider "any potential harmful effect on the child or on the quality of services that he or she needs" (34 CFR § 300.116(d)).

Annual Review

A student's IEP must be reviewed annually to determine if he or she has made progress towards meeting the IEP goals and objectives and should detail any lack of progress towards goals, re-evaluation assessment results (if applicable), the child's needs for the upcoming school year, or any relevant educational information that may impact the student (34 CFR § 300.324(b)).

Table 2

Ten Mandated Components Afforded to Students with Disabilities Pursuant to the Individuals with Disabilities Education Act

Mandated Component	Definition Pursuant to IDEA
Prior Written Notice	Required whenever the IEP team “proposes to initiate or to change the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student or refuses to initiate or to change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student” (34 CFR § 300.503(1-2)).
Procedural Safeguards	Notice of procedural safeguards is a document provided to parents that describes their rights to a “unilateral placement of a child in a private school at public school, state complaint procedures, parental consent, IEP and prior written notice, mediation, due process complaints, resolution process, impartial due process hearing, and confidentiality of information” (34 CFR § 300.148 <i>et seq.</i>) IDEA specifies that a copy of procedural safeguards must be given to parents, and the student if the age of majority, at least once a year. However, procedural safeguards must also be available prior to an initial or re-evaluation, receipt of a State complaint, during disciplinary procedures and/or at the request of the parent (34 CFR § 300.504). Notice of procedural safeguards must have also been provided to the parent or student if the age of majority in his or her native language (34 CFR § 300.503(c-d)).
Present Levels of Performance	The IEP team must consider the student’s current levels of academic, cognitive, functional and social/emotional needs and how these areas impact his or her performance in the educational environment. The effect on the student’s involvement in the general education curriculum

must fully explain what a student in his or her grade is expected to do and how the student's disability is impacting his or her ability to perform to that level (34 CFR §§ 300.305; 300.320(a)(1)(i)).

Consideration of Special Factors

Five indicators are considered when determining whether the student requires additional assistance in order to fully participate in the general education environment. These include: (a) behavior that impedes his or her learning or the learning of others, (b) limited English proficiency, (c) blind or visual impairment, (d) deaf or hard of hearing, and/or (e) assistive technology. If the student has one or more of the special factors explained above, the IEP must address the area of need by providing appropriate interventions, accommodations and/or modifications within the educational environment (34 CFR § 300.324(a)(2)).

Annual Goals

Annuals goals must be measurable and observable and relate to the student's academic and functional abilities in the educational environment. These goals are based on the data within the student's present levels of performance. The goal that is written not only requires that the child have access the general education curriculum; it must also ensure that the child can make progress within the general and special education environment while still meeting his or her individual needs based on the specified disability. The child's progress in meeting the identified goals must be reported to the parents as specified within the IEP. Options for reporting these data include quarterly IEP progress reports or district report cards (34 CFR § 300.320(a)(2)(i)).

Method for Reporting Progress

The IEP team must identify the form of communication method in which parents will be regularly informed of their child's progress. Parents must be informed of their child's progress as least as often as parents of typically developing peers are. The communication method options include: IEP goals pages, specialized progress report, district report card, parent conferences or other. The frequency of reports can either be sent to parents

quarterly or by semester (34 CFR § 300.320(a)(3)(ii)).

Specially Designed Instruction	General education curriculum must be adapted to fit the unique needs of the student to ensure he or she has equal access to the same educational environment as his or her typically developing peers. When students with disabilities are provided with Specially Designed Instruction that is individualized to his or her needs, he or she is able to “meet the same educational standards that apply to all children” (34 CFR § 300.39(a)(3)).
Supplementary Aids and Services	Supplementary aids and services shall be individualized for the child’s need to maximize his or her learning within the least restrictive environment. (34 CFR § 300.320(a)(4)).
Related Services	Related services include those services that must be provided outside of the expertise of a special education teacher and must offer developmental, corrective, and other supportive services as required to assist a child with a disability to benefit from special education. These services comprise of the following: (a) transportation, (b) speech-language pathology and audiology services, (c) interpreting services, (d) psychological services, (e) physical and occupational therapy, (f) recreation, including therapeutic recreation, early identification and assessment of disabilities in children, (g) counseling services, including rehabilitation counseling, orientation and mobility services, and (h) medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training (34 CFR § 300.34).
Placement	Placement decisions must be made annually and consideration of the following factors must be taken into account: (a) can the student can be educated in his or her homeschool, (b) will removal from the general education environment have a harmful effect on the student, and/or (c) if the student is being removed, is the team making the decision

“solely because of needed modifications in the general education curriculum” (34 CFR § 300.116).

Implications of Noncompliance

Special education teachers must ensure, as a key function of their work, that students receiving special education services are given equal access to the same general education curriculum as their typically developing counterparts (Everhart, 2011). When noncompliant IEPs are developed and implemented, students with disabilities can be negatively impacted. For instance, annual goals, specially designed instruction and supplementary aids and services can be limited when IEPs are noncompliant.

When an IEP is noncompliant, parents of a student with a disability have the option of filing a due process complaint against the school district. When a due process complaint is filed, the burden of proof falls on the party who filed suit (i.e., the parents), unless state law assigns the burden of proof differently. *Schaffer v. Weast*, 546 U.S. 49, 51 (2005). Regardless of the burden of proof, school districts must show evidence that the child had been receiving an individualized education specific to his or her needs. The IEP is a key document in providing that evidence. The emotional cost of fighting a due process complaint is high and often impacts the teacher involved in the development and implementation of the IEP (Yell & Drasgow, 2000). Special education teachers involved in due process complaints can experience a significant amount of stress. High levels of stress have caused teachers to leave the field of special education or not complete his or her licensure requirements (Scheffel, Rude & Bole, 2005; Schanding, Cheramine, Hyatt, Prayor & Yellen, 2017). Lack of teacher retention can lead to more shortages.

The necessity for special education teachers to write compliant IEPs pursuant to the mandated rights and components is critical. A non-compliant IEP limits the ability for students with disabilities to fully access the general education curriculum, which is a violation of their right to a free appropriate public education (FAPE). Therefore, as the litigious climate of special education continues to grow, the need to identify the areas in which special education teachers are failing is crucial.

The role of an IEP is to provide specialized instruction designed to meet the unique way students with disabilities learn. Yet, when an IEP does not follow one or more of the compliance standards set forth by federal law, students with disabilities are impacted.

Charter Schools

As educational options grow and modernize to meet the needs of all students, parents are choosing to place their children in charter schools. Charter schools have grown in popularity since the option became available in 1991, when Minnesota became the first state permitting the opening of charter schools. Since 1991, all but 11 states have passed laws permitting the opening of charter schools (National Alliance for Public Charter Schools, 2017). As of the 2014-15 school year, over 6,600 charter schools have opened and almost 2.7 million students are being educated in charter schools across the United States.

Charter schools must adhere to the same federal regulations as public schools since charter schools receive federal funds. Thus, students with disabilities who attend charter schools are entitled to the same services as students in traditional public schools.

This means that students with disabilities in public and charter schools must receive a free appropriate public education and be provided with an IEP to meet their unique educational needs. As more educational options become available to parents, and students with disabilities and their families are selecting charter schools, it is essential that those involved in the IEP process are knowledgeable of federal regulations protecting this population and prepared to act accordingly.

Statement of the Problem

Under IDEA, students with disabilities are guaranteed a free appropriate public education, which he or she receives through an IEP (34 CFR §§ 300.17(d); 300.101). The purpose of an IEP is to provide students with disabilities with the ability to access the general education curriculum while receiving appropriate supplementary aids and services. An IEP outlines the requirements that must be met in order for the student to receive instruction specifically designed to meet his or her unique educational needs (Bugaj, 2000). Within an IEP, students with disabilities are provided with mandated rights and components (refer to Tables 1 and 2). A student's IEP must show evidence of the five mandated rights and ten mandated components in order for the document to be considered compliant and therefore, an appropriate instructional program of study for a student. To ensure that students with disabilities are provided with a free appropriate public education, IEPs are to be written with fidelity to guarantee that the document fully describes the specific educational needs of the individual student. However, if a student is denied FAPE due to the development and implementation of an IEP that does not meet his or her unique needs, parents of the child have the right to file a due process complaint

(34 CFR § 300.504). Denial of FAPE, as outlined in a child's IEP, has been found to be the most common reason parents file a due process complaint (Schanding et al., 2017). It is critical that educators understand which mandated rights under federal law and mandated components of an IEP are most out of compliance and to identify the areas in which special education teachers fail to meet the educational needs of students with disabilities. Without identifying the areas in which special education teachers are failing to meet compliance standards pursuant to IDEA, the litigious climate in special education will continue to prosper.

Purpose of the Study

The study was conducted in charter schools throughout a large metropolitan city in the Southwestern United States. The charter schools used in the study have been inundated with students transferring from their home public schools within one of the nation's largest school districts. Since the state legislators permitted the development of charter schools in 1997, the number of students who have enrolled has grown from 898 to nearly 30,000 (National Alliance for Public Charter Schools, 2017). As the number of charter schools increase and the population of students with disabilities enrolling in these schools continues to grow, it is crucial to discern whether the IEPs being written are compliant pursuant to IDEA. Moreover, it is vital that that skilled professionals involved in the IEP process improve compliance to ensure that students with disabilities are provided FAPE.

The primary purpose of the study was to determine if mandated rights pursuant to federal law and components described in the IEPs of students with disabilities met

compliance standards per IDEA. This study examined the development of compliant IEPs and not its implementation. Furthermore, due to the teacher shortage in special education and the increase in charter school enrollment, the study also examined the years of teaching experience and licensure status of the individuals responsible for writing and implementing IEPs.

Research Questions

RQ #1: Across three charter schools and in accordance with the Individuals with Disabilities Education Act, which mandated rights of a student's Individualized Education Plan (IEP) are most frequently compliant?

1a. Specifically:

- Which mandated rights under federal law (Valid and Nonbiased Assessment, Eligibility Determination, Required IEP Participants, Least Restrictive Environment, Annual Review) are most likely to be found to be compliant in a student's IEP?

RQ #2: Across three charter schools and in accordance with the Individuals with Disabilities Education Act, which mandated components of an Individualized Education Plan (IEP) are most frequently compliant?

2a. Specifically:

- Which mandated components (Prior Written Notice, Procedural Safeguards, Present Levels of Performance, Consideration of Special Factors, Annual Goals, Method for Reporting Progress, Specially Designed Instruction, Supplementary Aids and Services, Related

Services, and/or Placement) are most likely to be found to be compliant in a student's IEP?

RQ #3: What is the relationship between years of experience and identified violations of a student's IEP?

3a. Specifically:

- Are special education teachers working in charter schools with 2 or less years of experience found to have more mandated rights violations with a student's IEP than teachers with 3 or more years of experience?
- Are special education teachers working in charter schools with 2 or less years of experience found to have more mandated component violations with a student's IEP than teachers with 3 or more years of experience?

RQ #4: What is the relationship between licensure and identified violations of a student's IEP?

4a. Specifically:

- Do fully licensed special education teachers working in charter schools experience fewer mandated rights violations than special education teachers with provisional licenses?
- Do fully licensed special education teachers working in charter schools experience fewer mandated component violations than special education teachers with provisional licenses?

Summary

A student with a disability is afforded the right to an IEP to ensure that he or she is provided with the same educational opportunities given to his or her typically developing peers. The goal of an IEP is to provide students with disabilities with an education that focuses on his or her unique instructional needs (34 CFR § 300.324). If an IEP is written in a way that violates the mandated rights and components guaranteed to students with disabilities, these students will not receive a free and appropriate public education. If a student with a disability does not receive a free and appropriate public education due to a noncompliant IEP, his or her ability to access the general education curriculum and achieve educational advances may be restricted. Therefore, the development of an IEP needs to be a compliant with federal regulations. As a special education teacher often takes on the responsibility of developing IEPs, it is crucial that he or she is familiar with federal laws protecting students with disabilities. The need for trained and knowledgeable special education teachers who can routinely meet all federal mandates will be in high demand as the population of individuals with disabilities continues to grow.

Definitions of Terms

For the purpose of this study, the following terms were defined:

Annual Review: At least once a year, on or before the child's last IEP meeting, the required members of the team hold a meeting to review the child's present levels of performance. The levels of performance must include: (a) if the child is making progress in meeting goals and benchmarks, (b) if changes to specially designed instruction,

accommodations or modifications needs to be made, (c) if related services continue to be needed, and (d) if the child needs adjustments to his or her placement (34 CFR § 300.324(b)(i)).

Compliance: IEPs written for students with disabilities follow the guidelines set forth in in 34 CFR §§ 300.320-324.

Consideration of Special Factors: When a child with a disability has an IEP, the team must determine if special factors exist and the impact on the student's ability to function in an educational environment. These special factors include: (a) behavior impeding the child's learning or the learning of others, (b) limited English proficiency, (c) blind or visual impairment, (d) deaf or hard of hearing, (e) and assistive technology and services (34 CFR § 300.324(a)(2)).

Education for All Handicapped Children's Act (EAHCA): In 1975, this act became the first federal legislation to provide educational opportunities for students with disabilities. Students with disabilities were given the right to receive a free and appropriate public education in the least restrictive environment (34 CFR § 300.17; Russo, Osborne & Borreca, 2005). It was revised in 1990 and became known as the Individuals with Disabilities Education Act.

Eligibility Determination: After a trained and knowledgeable individual completes a "full and individual" evaluation pursuant to 34 CFR § 300.301, a "group of qualified professionals and the parent of the child determines whether the child is a child with a disability" (34 CFR § 300.306(a)(1)). The determination of eligibility draws upon a variety of sources, assessments conducted were required for the disability suspected and all data is compiled together in a multidisciplinary report (34 CFR § 300.306(c)(i)).

Goals and Objectives: Operationally defined and measureable “annual goals and accompanying short-term objectives or benchmarks that are developed for each area of need described in a student’s present levels of performance” (Nevada Administrative Code § 388.284(1)(b); Gartin & Murdick, 2005, p. 328).

Individualized Education Plan (IEP): Developed based on regulations set forth by IDEA. Provides individualized, educational services to students with disabilities. It is a written document that guarantees students with disabilities are provided with instruction that fits his or her developmental, academic, cognitive, and/or social and emotional needs in accordance with IDEA (34 CFR §§ 300.22; 300.320).

Individuals with Disabilities Education Act (IDEA): Federal law enacted in 1990 by President George W. Bush and retroactively renamed EAHCA. Amended in 1997 and 2004. Strengthened the rights of students with disabilities and provided similar rights to parents of children with disabilities (34 CFR § 300 *et seq.*).

Infinite Campus: An online software program that places all enrolled students into a database. This database allows teachers to track attendance, input grades and review student demographics. Additionally, this program creates an IEP template that can be typed into. During IEP meetings, IEP teams can input information and then print the document for review and signatures.

Least Restrictive Environment: The placement of students with disabilities in the educational environment with typically developing peers to the “maximum extent appropriate” (34 CFR § 300.114(a)(2)(i)).

Method for Reporting Progress: The goals and objectives found in a child's IEP must be measured (e.g., IEP report cards, school based report cards, parent conferences) and reported (e.g., quarterly, semester, trimester) to parents based on the method determined by the team. The purpose is to determine whether or not the child has made progress in meeting his or her goals (34 CFR § 300.320(a)(3)(ii)).

Placement: During an IEP meeting for a child with a disability, the team must determine if the child will be educated in the regular education environment, regular education and special education (combined) environment, self-contained program, special school, residential, hospital, or home. Placement decisions are based on educating the student in the least restrictive environment, according to the individualized needs of the student. Additionally, the child should be educated in their homeschool unless previous arrangements were made during the IEP meeting. When considering placement, the team must bear in mind any "potential harmful effects" to the student, as well as accommodations and modifications that need to be made in the educational environment (34 CFR § 300.116).

Prior Written Notice: Notice given to a parent of a child with a disability, or the child if he or she is of majority age, when a school proposes or refuses any changes to an individual's eligibility or IEP (34 CFR § 300.503).

Present Levels of Performance: The current academic, functional, social/emotional and/or behavioral functioning found within the IEP of a child with a disability. The information must relate to how the disability impacts the child's involvement in the general education environment and curriculum (34 CFR § 300.320(a)(1)(i)).

Procedural Safeguards: A copy of the document must be made available to parents of a child with a disability at least annually. Additionally, parents must receive a copy of procedural safeguards (a) prior to an initial evaluation or when a parent requests an evaluation, (b) once a school or school district has received a State or due process complaint, (c) “in accordance with the discipline procedures in 34 CFR § 300.530(h)”, or (d) at the request of the parent (34 CFR § 300.504(a)).

Related Services: Supportive services afforded to a student with a disability within his or her IEP which can include: “speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, social work services, school nurse services, and counseling services” (34 CFR § 300.34).

Required IEP Participants: Based on the 2004 amendments of IDEA, the following participants must be involved in decision making: “the parents and/or guardians of the child, at least one general education teacher and special education teacher, Local Educational Agency (LEA), a person who can interpret the evaluation results (this can be an individual already at the meeting in another capacity), and if the parents choose, an outside individual or agency who can assist the family in making decisions. Whenever it is appropriate, the child should be included in the meeting” (34 CFR § 300.321).

Specially Designed Instruction: IDEA defines this term as “adapting, as appropriate, to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs that result from his or her disability and to ensure access to the general education curriculum” (34 CFR § 300.39(3)).

Supplementary Aids and Services: Aids, services and other support provided to a student with a disability within his or her IEP within the regular education environment to help level the playing field and help “advance appropriately toward attaining the annual goals” (34 CFR § 300.320(a)(4)).

Valid and Nonbiased Assessment: Assessments given to students being evaluated or re-evaluated for special education services that are representative of their “true score.” The assessments used are representative of the student’s abilities and not based on cultural or linguistic differences. Evaluations are to be conducted by “trained and knowledgeable personnel,” and the assessments chosen must be valid, do not discriminate based on race or culture, and are “provided and administered in the child’s native language” (34 CFR § 300.304(C)(1)(i-iv)).

Chapter II

Literature Review

Introduction

The passage of the Education for All Handicapped Children Act (EAHCA) in 1975, retroactively named the Individuals with Disabilities Education Act (IDEA), ensured that all children with a disability were afforded the right to a free and appropriate public education with an Individualized Education Plan (IEP), the number of children receiving special education services has increased from 8% to almost 15% over the past five decades (Keogh, 2007; National Center for Educational Statistics, 2016). Prior to IDEA, those with disabilities were excluded from receiving an education as they were considered unfit. The start of inclusion did not exist in the United States until the “separate but equal” doctrine was deemed unconstitutional in *Brown v. Board of Education*, 347 U.S. 483, 495 (1954). The Supreme Court decision to desegregate schools pushed for the fight to guarantee civil rights for all individuals. Anti-discriminatory practices led to the Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241, which banned discrimination due to “race, color, religion, or national origin”. Even with the passing of the Civil Rights Act of 1964, individuals with disabilities were still not guaranteed educational rights.

The fight for educational equality made strides when the Pennsylvania Association for Retarded Children (PARC) sued the Commonwealth of Pennsylvania for denying educational access to children with mental retardation in 1971. PARC argued that all children have a constitutional right to an education. Through a consent decree, the United States District Court for the Eastern District of Pennsylvania indicated that

excluding students with mental retardation from receiving a public education was unconstitutional. *Pennsylvania Ass'n for Retarded Children v. Commonwealth of Pa.*, 343 F.Supp. 279, 296 (E.D. Pa. 1972). The District Court also declared that a due process hearing must be held before any student could be denied from receiving a public education. *Id.* at 293.

Several years later, the United States Senate and House of Representatives passed IDEA, Pub L. No. 94-142, 89 Stat. 774. IDEA guaranteed that all students, regardless of ability, were provided with a free and appropriate public education (FAPE). To ensure that a student with a disability was provided with FAPE, he or she must receive “personalized instruction with sufficient support services” in order to “benefit educationally from that instruction.” *Board of Educ. of Hendrick Hudson Central Sch. Dist., Westchester County v. Rowley*, 458 U.S. 176, 187 (1982). In 1975, when the Act was passed, three million students with disabilities were assured an education and any related service that met their unique needs (89 Stat. 774 § 3(c); National Center for Educational Statistics, 2016). Since the authorization of the IDEA, the number of students receiving special education services in the United States has more than doubled. In fact, nearly 6.5 million students are currently identified as requiring special education services (National Center for Educational Statistics, 2016).

To protect the growing number of students with disabilities and guaranteeing a free and appropriate public education, the IDEA was reauthorized in 1986, 1990, 1997 and 2004 (34 C.F.R. § 300 *et seq.*; Russo et al., 2005). Each reauthorization of IDEA strengthened the rights of students with disabilities, and those of their parents, while

continuing to mandate that all federally funded public schools adhere to the regulations set forth in order to be compliant with federal law (34 CFR § 300 *et seq.*).

As the number of students with disabilities has increased twofold since the authorization of IDEA and the reauthorizations of this law has expanded to reflect the needs of this special population, there has become an increasing demand for qualified educators. The demand for teachers who are fully licensed and who have the appropriate educational background to work with this special population is high, yet there is a significant shortage (Childre, 2014). Although there are roughly 30,000 special education teachers trained in the United States annually, 98% of public school systems report having difficulty filling vacancies in special education. In order to fix the special education shortage, more than 50,000 teachers need to graduate from special education teacher preparation programs (Zhang et al, 2014; Cowan, Goldhaber, Hayes & Theobald, 2016). To fill vacancies, school districts are placing unqualified teachers into special education classrooms. Research suggests that 6% of teachers placed in special education classrooms are teaching using a provisional license. Teachers with provisional licenses have not met state licensure requirements (Childre, 2014). The significant shortage in special education teachers has directly influenced the increase of using alternative routes to licensure (Quiney, 2010). Teachers who hold provisional licenses are being hired without proper preparation.

Given the increased population of students with disabilities, the evolution of federal laws protecting those students, the shortage of qualified teachers to provide an education and the placement of teachers with provisional licenses in special education

classrooms, students receiving special education services may not be afforded a free and appropriate public education as originally intended.

Special Education Law

With each reauthorization of IDEA, the rights of students with disabilities and parents of children with disabilities increase. When IDEA was reauthorized in 1990, a child's right to access the general education curriculum, and ensuring an unbiased evaluation to reduce disproportionality of minority groups in special education (Yell & Shriner, 1997). When the concept of an IEP was first introduced in 1975, original components included: a statement of the student's current educational functioning, annual goals, specially designed instruction (how the student was going to participate in the general education environment), duration of services, and ways of evaluating the student's progress (89 Stat. 774 § 4(a)(19)).

When IDEA was amended in 1997, related services, accommodations, general education involvement, placement, special factors and transition were added to the required components found within an IEP (Gartin & Murdick, 2005). The 1997 reauthorization also specified which individuals must be present during IEP meetings. A student's IEP team must include: (a) the parent of the child, (b) one regular education teacher, (c) one special education teacher, and (d) Local Educational Agency representative or administrator. When required by the specific needs of the student, related services individuals must attend. To further benefit the student's educational planning, an individual who can interpret the data presented for placement decisions,

including evaluation data, and the child, when and if it is appropriate, may attend (34 C.F.R. § 300.321).

IDEA was reauthorized again in 2004 and changed regulations to include: (a) triannual re-evaluations, (b) highly qualified special education teachers, (c) supplementary aids and services, and (d) disciplinary procedures. Although a student's IEP must be reviewed annually, he or she is to receive a re-evaluation to determine continued eligibility for special education services. Re-evaluations must be conducted tri-annually, unless the parents and/or IEP team determine that the student requires an evaluation sooner than once every three years. However, a re-evaluation must not occur more than once a year (34 C.F.R. § 300.303 *et seq.*). To become a highly qualified special education teacher, federal regulations require that the individual has earned a bachelor's degree and has either passed a state licensing exam, obtained full state certification or received a license to teach. Additionally, the teacher must not have had "special education certification or licensure requirements waived on an emergency, temporary, or provisional basis" (34 C.F.R. § 300.18(b)(1)). Supplementary aids and services provide support to students with disabilities by incorporating appropriate accommodations and modifications to the educational environment. Accommodations and modifications allow the student access to the general education curriculum to the "maximum extent appropriate" (34 C.F.R. § 300.42). Disciplinary procedures allow schools to remove students who have violated "code of student conduct in his or her current placement to an appropriate interim alternative setting" for a maximum of 10 consecutive school days (34 C.F.R. § 300.530(b)). Should a student with a disability be removed from his or her educational placement for more than 10 consecutive school

days, the IEP team must hold a manifestation determination within those 10 days. The manifestation determination meeting mandates that the IEP team determine whether the child's behavior was in "direct or substantial relationship" to his or her disability or due to failure of the IEP team to correctly implement his or her IEP (34 C.F.R. § 300.530(e)).

Even through all of IDEA reauthorizations, the key objective of this federal law has not faltered. Students with disabilities are guaranteed the right to a free appropriate public education and to be educated with their general education peers to the "maximum extent appropriate" (34 C.F.R. §§ 300.17; 300.114(a)(2)(i)).

Complying with special education law. To ensure compliance with IDEA and to follow specific regulations to correctly write and implement IEPs, the 2004 reauthorization put procedural and substantive safeguards in place to protect the rights of children with disabilities and his or her parents. It is crucial for educators to understand the importance of upholding the rights of parents and students with disabilities put in place by IDEA as violating those rights infringes on the student's right to a free appropriate public education. In addition to ensuring that a student's right to a free and appropriate public education is not violated, education professionals must be sure that the student is receiving an education in the least restrictive environment to the "maximum extent appropriate" (34 C.F.R. § 300.114(2)(i)). A child with a disability is entitled to receive an education with his or her typically developing peers and be provided with appropriate support and services.

According to Huefner (2000), the most common compliance mistakes involved the following: (a) failing to report present levels of performance, (b) lack of short-term objectives and evaluation procedures, (c) absence of required team members, and (d)

placement decisions based on the opinion of special education personnel rather than data to support the disability. Any of the abovementioned compliance errors could lead to a violation of the student's right to a free appropriate public education. Should a violation occur, parents are given the right to claim that their child was denied a free appropriate public education.

Violating a child's right to a free appropriate public education has the potential to lead to due process proceedings, which parents have the right to file under 34 C.F.R. § 300.507 *et seq.* A parent of a child with a disability has the right to file a due process complaint within two years of knowledge of the allegation (34 C.F.R. § 507(a)(2)). Although IDEA clearly states compliance requirements that IEP teams must follow, due process litigation continues to occur in schools across the country. According to the Center for Appropriate Dispute Resolution in Special Education, 17,107 due process complaints were filed in the 2014-15 school year. According to Pudelski (2016), over 200 school superintendents were surveyed to gather information regarding the number of due process complaints received over the course of five years. Out of the 200 respondents, 3% reported that they had received 11 or more due process complaints, 7% reported receiving 6 to 10 complaints, 25% receiving two to five due process complaints and 15% received at least one due process complaint within the last five years.

Due process complaints are most often filed when a parent believes that his or her child is not receiving a meaningful education within the school district (Yell & Drasgow, 2000). Although the burden of proof falls on the party seeking relief (i.e., the parents), school districts are often responsible for showing to a hearing office and/or court of law that the education the child was receiving was individually designed to meet his or her

specific and developmental needs and educational gains were met (Yell & Drasgow, 2000; *Schaffer v. Weast*, 546 U.S. 49, 51 (2005)). School districts often lose due process proceedings because they have violated the procedural and/ or substantive rights (e.g., FAPE) of a student with a disability and/or his or her parent (Yell & Drasgow, 2000). If the school district is found in violation, it is vulnerable to compensatory education and/or tuition reimbursement, among other court mandated remedies under the law (Zirkel, 2013). These remedies are expensive as research suggests that school districts spend over 90 million dollars each year on conflict resolutions (Pudelski, 2016). When a student was denied eligibility for special education services, parents sued the Forest Grove School District for denial of a free appropriate public education. The United States Supreme Court ruled in favor of the parents and required the school district to reimburse all expenses that the parents incurred while their child was enrolled in private school. *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 239 (2009).

Due process complaints and resolutions can be emotionally exhausting and can lead to special education teacher burnout. In fact, studies have determined that 95% of special education teachers involved in due process proceedings found the experience stressful (Schanding et al., 2017). The attrition rates of special education teachers is 2.5 times that of general education teachers, often due to burnout directly related to compliance concerns surrounding IEPs (Sweigart & Collins, 2017; Mastropieri, Nougaret & Scruggs, 2005). As qualified special education teachers leave the field due to burnout from due process proceedings and vacancies become open, positions may be being filled by unqualified personnel (Quigney, 2010). Students with disabilities are directly impacted by the placement of unqualified teachers in a special education classroom.

Summary. Students with disabilities have been guaranteed the right to a free appropriate public education since the authorization of the EAHCA in 1975. In 1990, it was reauthorized and retroactively became IDEA. Although there have been several reauthorizations of IDEA, one constant has been that students with disabilities are entitled to an IEP that meets his or her unique educational needs. If a child's educational needs are not met, parents have the right to file due process claiming denial of free appropriate public education. Even though due process complaints are costly to the school district, both monetarily and emotionally, a violation of a child's right to a free appropriate public education has a direct bearing on the student with a disability.

Individualized Education Plans

When IDEA was enacted in 1975, students with disabilities were guaranteed a free and appropriate public education that met their individualized and unique needs (89 Stat. 775 § 3(c)). To ensure that their specific needs were met, IDEA required that students with disabilities be provided with an Individualized Education Plan (IEP).

According to IDEA, an IEP must include:

a statement of the present levels of educational performance of such child, a statement of annual goals, including short-term instructional objectives, a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved (89 Stat. 774 § 4(a)(19)).

Mandated rights and components. Although the Education of All Handicapped Children Act was reauthorized and retroactively became the Individuals with Disabilities Education Act, the IEP requirement stayed the same. Within each IEP written, students

requiring special education services are entitled to five mandated rights pursuant to federal law. Additionally, IEPs must contain 10 mandated components in order to meet compliance standards (34 CFR § 300 *et seq.*).

Prior written notice and procedural safeguards. When a disability is suspected and an assessment is requested, parents must receive a copy of procedural safeguards. Parents are to be fully informed of his or her rights and procedural safeguards are to be provided in their native language (34 C.F.R. §§ 300.504(a); 300.504(d)). Prior Written Notice is a required document that parents are to receive whenever the school district “(a) proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (b) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child” (34 C.F.R. § 300.503(a)(1-2)). Prior Written Notice is to be provided to parents within a reasonable amount of time prior to holding the IEP meeting (34 C.F.R. § 300.503(a)).

The importance of Prior Written Notice is exemplified in *S.Y. v. New York City Dep’t. of Educ.*, 210 F.Supp.3d 556 (N.Y.S.D. 2016). The U.S. District Court for the Southern District of New York recently held that the New York City Department of Education was in violation of a student’s right to a free appropriate public education when parents of a child with a disability did not receive prior written notice of proposed changes to the IEP. *Id.* at 570. The proposed changes to the student’s IEP included a change in placement. *Id.* The student was transferred to a private school since the parents were not given notice of the proposed changes to their child’s IEP and believed that their child would not receive educational benefit from the change of placement. *Id.*

at 564. As the Department of Education was found in violation of the child's right to a free appropriate public education, as failing to provide notice of a proposed IEP change is a violation of IDEA, parents were entitled to reimbursement of private school tuition and attorneys' fees and costs. *Id.* at 579.

Evaluation and eligibility determination. Students with disabilities have the right to be assessed by a trained and knowledgeable evaluator using assessments that are valid and unbiased (34 C.F.R. § 300.304(c)(1)(i-iv)). Cultural and linguistic factors must be taken into account when evaluating a student for special education services as this ensures that the assessment was unbiased and valid. *Diana v. Bd. of Educ.*, No. C-70-37 RFP (N.D. Cal. June 18, 1973).

To determine if a student has a disability requires an IEP to access the general education curriculum, an evaluation must be conducted (34 C.F.R. § 300.15). An evaluation must “draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior” (34 C.F.R. § 300.306(c)(i)). A team of “qualified professionals and the parent of the child determine whether the child is a child with a disability” and consider his or her educational needs (C.F.R. § 300.306(a)(1)). A team of “qualified professionals and the parent of the child determine whether the child is a child with a disability” and consider his or her educational needs (C.F.R. § 300.306(a)(1)). As the goal of an evaluation is to determine if a child has a disability and requires special education to fully access the general education curriculum, a team of qualified professionals have a duty to provide a timely assessment.

Federal law indicates that once parental consent for an evaluation has been received, qualified professionals have 60 days to conduct the assessment (34 C.F.R. § 300.301(c)(1)(i)). In *G.G. ex rel. Gersten v. District of Columbia*, a child with a diagnosis of autism spectrum disorder did not receive a timely evaluation to determine need for special education services. 924 F.Supp.2d 273, 276 (D.D.C. 2013). Although school districts have the obligation to conduct a timely evaluation once a disability is suspected, the evaluation was not completed until four months after the parents first addressed their concerns with the school. *Id.* at 279. As such, not completing a timely evaluation denied the student’s right to receive an IEP. *Id.* The U.S. District Court for the District of Columbia ruled that failing to develop an IEP is a violation of the student’s right to a free appropriate public education. *Id.* at 280. Thus, the parents of the child were entitled to private school reimbursement “from the date that the eligibility determination should have been made ... until such time as the student is provided with an appropriate placement.” *Id.* at 281. Once an evaluation and determination of eligibility has been made, the team must convene an IEP meeting. An IEP meeting must be held within 30 days of the eligibility determination (34 C.F.R. § 300.323(c)(1)).

Required members and annual review. Once eligibility has been determined, an IEP is to be written within 30 days. When conducting a meeting to write an IEP, required members must be in attendance. The required members of an IEP team are the parents, at least one special education teacher, at least one general education teacher who has knowledge of the student and a Local Educational Agency representative (LEA). A trained and knowledgeable individual who is able to interpret the results of the evaluation is recommended. Parents also have the right to include a member from an outside agency

as an advocate. The child is to be included when appropriate (34 C.F.R. § 300.321). A student's IEP is to be reviewed at least once a year to "determine whether the annual goals for the child are being achieved" (34 C.F.R. § 300.324(b)(i)).

Litigation commonly occurs, and rulings often favor the parents, when districts fail to include all required participants of the IEP team. In the case of *W.G. v. Bd. of Tr. of Target Range Sch. Dist.*, the Target Range School District failed to include all required participants in a meeting and were found to be in violation of IDEA. 960 F.2d. 1479, 1484 (9th Cir. 1992). Representatives from the school district independently wrote the student's IEP with no input or participation from the student's general education teacher. *Id.* at 1484. Since the general education teacher could not contribute to the development of the IEP, the student's unique educational needs and current levels of academic functioning were not addressed. *Id.* at 1483. As a result, the parents hired a private tutor to address their child's educational needs. *Id.* at 1480-81. The Ninth Circuit Court of Appeals ruled that failing to include a required IEP team member violated the child's right to a free and appropriate public education. *Id.* at 1484. The parents of the student filing suit against the school district were reimbursed the cost of the private tutoring. *Id.* at 1487.

Present levels of performance. In order to address all the student's specific educational needs, an IEP must include:

a statement of the present levels of educational performance of such child, a statement of annual goals, including short-term instructional objectives, a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and

schedules for determining, on at least an annual basis, whether instructional objectives are being achieved (89 Stat. 774 § 4(a)(19)).

Present Levels of Performance should provide anyone reading the student's IEP, as well as the team writing the IEP, a full understanding of how the child's disability impacts his or her ability to learn and progress in the general education environment without supplementary aids and/or services (Gartin & Murdick, 2005). Present levels of performance must address "how the child's disability affects the child's involvement and progress in the general education curriculum" (34 C.F.R. § 320(a)(1)(i)). Within the present levels of performance, the team must address any areas of need that the child requires to be successful in the general education environment. Input from members of the IEP team are essential in determining the needs of the child and how to address their unique style of learning within the general education environment. For example, a classroom observation from the general education teacher could indicate that the student often loses his or her place during silent reading and this affects how the student comprehends text. Struggling to comprehend written text is an example of one of many impeding factors that would limit the student's ability to access the general education curriculum and must be addressed.

Consideration of special factors. The team must consider any special factors that have the potential to inhibit the child from fully accessing the general education curriculum. Consideration of Special Factors is a mandated component in which five indicators are used to determine whether the student requires additional assistance in order to fully participate in the general education environment. The team must address the following factors: (a) behavior that impedes his or her learning or the learning of

others, (b) limited English proficiency, (c) blind or visual impairment, (d) deaf or hard of hearing, and/or (e) assistive technology (34 C.F.R. § 300.324(a)(2)). If the student has one or more of the special factors explained above, the IEP must address the area(s) of concern. Special factors are often addressed in the student's annual goals to guide the IEP team in developing appropriate strategies to allow the child to gain access to the general education curriculum.

Annual goals. Annual Goals are written into a student's IEP to establish benchmark and objectives for the student with a disability. In a study conducted by Flannery & Hellemn (2015), 17 out of 18 special education teachers struggled to align annual goals to students' present levels of performance or special factors. The goals are to be related to the students' current academic functioning as well as incorporate any special factors that could impact his or her ability to access the general education curriculum. Based on the input from all of the team members and the unique needs of the student, goals are written to assist the student in his or her area(s) of deficit. Annual goals must be related to the student's ability to improve in the educational environment in relation to how the student's disability impacts his or her educational needs while continuing to access the general education curriculum (34 C.F.R. § 320(a)(2)(i)). For example, a student requiring assistance with reading fluency could have an annual goal such as: in a classroom setting, Billy will read grade level texts with fluency, accuracy and speed at a rate of 120 words per minute achieving a criterion of 8 out of 10 trials as measured by observation and documentation as implemented by special education and general education teachers.

Method for reporting progress. Parents must be notified of any progress that their child is making towards meeting the annual goals found within an IEP. The team must determine how often parents are to receive notification of progress (e.g., quarterly) and in what manner (e.g., report cards) (34 C.F.R. § 320(a)(3)). For instance, parents could receive a specialized progress report written by the special education teacher indicating progress towards reaching the annual goals every quarter.

Specially designed instruction. In order for students with disabilities to be educated in the Least Restrictive Environment (LRE) that is specific to his or her individualized needs, instruction must be adapted to allow the child to access the general education curriculum. The goal of Specially Designed Instruction is to provide the same educational opportunities experienced by typically developing peers to those students with disabilities (34 C.F.R. § 300.39(a)(3)). For example, a student who struggles with reading fluency requiring specially designed instruction would receive 120 minutes a month of direct instruction from a special education teacher. The direct instruction would focus on increasing the number of words read per minute to improve the student's fluency.

A rare example of the importance of implementing specially designed instruction in the student's IEP can be found in *Sumter County School Dist. 17 v. Heffernan ex rel. TH*, 642 F.3d 478 (4th Cir. 2011). In this case, the United States Court of Appeals for the Fourth Circuit affirmed the district court's ruling that the school district violated a student's right to free appropriate public education because the child did not receive the specified amount of specially designed instruction as stated in his IEP. *Id.* at 481. The Sumter County School District was providing the student with "7.5–10 hours per week of

ABA therapy instead of the 15 hours required by the IEP.” *Id.* The effect on the student was detrimental as he began to struggle in school and began “exhibiting problematic self-stimulating behavior, such as biting himself (or others) and wiping his nose and face so much that his nose bled and his skin chafed. *Id.* The child also began to wet his pants several times a day while at school.” *Id.*

Supplementary aids and services. Supplementary Aids and Services assist students with disabilities in accessing the general education environment since accommodations and modifications of instruction support the student’s areas of need. The goal of supplementary aids and services is to educate students with disabilities with their typically developing peers to the “maximum extent appropriate” (34 C.F.R. § 300.42). When supplementary aids and services are not considered during the IEP development, parents have the right to file a due process complaint and claim denial of free appropriate public education. *See N.S. ex rel. Stein v. Dist. of Columbia*, 709 F.Supp.2d 57, 62 (D.D.C. 2010). In *Stein*, the parents of a student with a disability claimed that their son required a significant number of supplementary aids and services in the classroom and his IEP never addressed his need. *Id.* at 67. Notes from the student’s IEP meeting did not indicate that a discussion of supplementary aids and services was addressed. *Id.* at 68. The United States District Court for the District of Columbia ruled in favor of the parents stating that the child was denied a free appropriate public education as the student’s IEP was inadequate. *Id.* at 73. As such, parents received private school tuition reimbursement. *Id.*

Related services. Related Services are provided to students with disabilities who are eligible to receive special education services. The IEP team must discuss and

consider whether a student with a disability requires one or more of the following related services to access the general education curriculum:

transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training (34 C.F.R. § 300.34(a)).

In *Stein*, the parents also claimed that their son's IEP failed to include related services. 709 F.Supp.2d at 69. The student with a disability had a hearing impairment and neither speech and language services nor a hearing assessment were considered during the development of the IEP. *Id.* The parents obtained a speech and language therapy expert who indicated that the child "had difficulties discriminating and manipulating sounds in ways that make it hard for him to spell and read fluently." *Id.* Given the expert's opinion, the child may have benefited from related services. *Id.*

Failure to identify the frequency of time the student will receive services from a related services provider can lead to a due process complaint being filed by parents claiming denial of a free appropriate public education. In *O'Toole v. Olathe Dist. Sch. Unified Sch. Dist. No. 233*, 144 F.3d 692, 697 (10th Cir. 1998), parents of a student with a disability claimed that their daughter was denied a free appropriate public education because the frequency of time she would receive related services from a provider was not indicated in the IEP. *Id.* at 705. As it was written, the IEP stated that related services for speech and language, occupational therapy, school social work, school counseling, and a

behavior specialist would be provided “as appropriate.” *Id.* The hearing officer determined that the phrase “as appropriate” was “not a clear indication of the level of services to be provided” and found in favor of the parents. *Id.* at 706. The United States District Court for the District of Kansas reversed the hearing officer’s decision and entered summary judgment for the school district. *Id.* at 697. The Tenth Circuit Court of Appeals affirmed the District Court’s ruling and held that the student’s IEP complied with procedural requirements of IDEA. *Id.* at 709.

Least restrictive environment and placement. The child’s right to a free appropriate public education must be taken into consideration when writing a student’s IEP to ensure that he or she is receiving an education in the Least Restrictive Environment (LRE) to the “maximum extent appropriate” (34 C.F.R. § 300.114(2)(i)). LRE provides students with disabilities the right to be educated with his or her typically developing peers. Yet only 60% of students with disabilities are included in the general education classroom for 80% or more of the school day (U.S. Department of Education, 2013). This indicates that around 40% of students with disabilities are educated in more restrictive settings.

Students with disabilities must be included in the general education environment as much as possible. This is most commonly known as “inclusion”. Federal law specifically indicates that students with disabilities can be placed in a more restricted or self-contained educational environment only “if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily” (34 C.F.R. § 300.114(a)(ii)). All students have the right to be educated with their non-disabled peers to the maximum extent

possible without interfering with the learning of the child or others. Most students with disabilities can and should be educated in a general education environment with supplementary aids and supports as necessary; however, if a student with a disability is placed in a more restrictive environment, the child must continue to receive educational benefits (Thomas & Rapport, 1998; Carson, 2015). Tremblay (2013) conducted a study looking at differences between educational outcomes for students with learning disabilities when placed in inclusive classrooms versus students placed in self-contained classrooms. Students educated in an inclusive setting with general education peers experienced greater educational progression with academic goals whereas the students' academic progression in self-contained classrooms was slower to advance. Should a child be placed in a more restrictive environment, the IEP should "indicate or describe" the alternative placement and specify why the "services cannot be provided in the general education environment". *Brown v. Dist. of Columbia*, 179 F.Supp.3d 15, 19 (D.D.C. 2016).

In summary, the purpose of an IEP is to provide students with disabilities a free appropriate public education that meets his or her unique educational needs. To comply with IDEA, students are afforded mandated rights pursuant to federal law and mandated components described in IEPs to protect their rights to an education. Should any of the mandated rights or components be excluded from the educational programming of a student with a disability, the IEP may violate the child's right to a free appropriate public education.

The Role of Special Education Teachers in IEP Compliance

Despite the number of team members responsible for drafting an IEP, the responsibility of compliance often falls on the shoulders of a special education teacher (Patti, 2016). Historically speaking, special education teachers have always been involved with and responsible for guaranteeing that the individual needs of a student with disabilities are met. Special education teachers are also responsible for: (a) managing a caseload of students eligible for special education services, (b) providing special education support to said students and educational support to general education teachers, (c) working with parents, (d) developing and drafting IEPs, (e) participating in IEP meetings, and (f) implementing IEPs as they are written (Vannest, Soares, Harrison, Brown & Parker, 2010). Vannest et al. (2010) reported that special education teachers spend a minimal amount of time actually teaching students; in fact, special education teachers spend most of their work day “completing paperwork and performing support roles” (p. 86). Federal legislation has supported the concept that teachers are much more effective when they are in the classroom working with students. However, a special education teacher spends the majority of his or her work day on non-instructional tasks. (Vannest et al., 2010). In a study conducted by Reed (2016), nine special education teachers were surveyed about the contributing factor toward teacher burnout. One hundred percent of participants stated that overwhelming paperwork was the reason special education teachers leave the field. Given all the mandated rights pursuant to federal law and mandated components described in IEPs, special education teachers are responsible for ensuring that the rights of students with disabilities, and those of his or her parents, are not being violated. Violating a student’s right denies him or her the right

to receive a free appropriate public education, which limits educational benefits and opportunities to access the general education curriculum. Therefore, special education teachers must have knowledge regarding special education law and writing meaningful and legally sound IEPs.

IEP writing. In a study conducted by Kamens (2004), pre-service teachers participated in a college level course related to planning, designing, and implementing instruction on the basis of the student's IEP. The most common theme that emerged from the study was that IEPs must actually be individualized to the specific student. In fact, pre-service teachers struggled with ensuring that the IEPs were specifically modified to meet the abilities of the students. The most common complaints that surfaced from the study included the following: (a) IEPs took too long to write, (b) were too difficult to write, and (c) writing goals that were reasonable and easy to implement in the classroom became a struggle.

To make the IEP process easier, Capizzi (2008) suggested following a flowchart that focuses on assessment, present levels, annual goals, and short term objectives. It is recommended that special education teachers first focus on gathering data, whether from an initial or re-evaluation assessment. The data must center on the student's abilities and skill level. Once the data is collected, the special education teacher works on developing present levels of performance, specifically focusing on behaviors, performance in school, and the student's current functioning.

Once the student's present levels of performance are completed, and written in a positive way to reflect the student's strengths, a teacher's focus often goes to writing annual goals and objectives (Capizzi, 2008). As special education teachers report that

writing reasonable annual goals that can be implemented in the classroom are difficult to write, researchers have suggested the use of IEP goal banks to simplify the process (Kamens, 2004; Patti, 2016). A web-based system intended to create goal banks can improve how annual goals are written and the length of time it takes to write them. When considering which annual goals best fit the educational needs of the student, special education teachers have access to an extensive library that provide assistance in developing such goals (Kowalski, Aiello, McCall & Lieberman, 2009). It is essential to match the child's current level of functioning to the annual goals and objectives in order to tell the child's story and best meet his or her unique educational needs (Patti, 2016).

Communication. Parents and special education teachers are encouraged to keep an open line of communication as it is the first step in developing rapport and maintaining a relationship amongst IEP team members (Diliberto & Brewer, 2014). Diliberto & Brewer (2014) introduced six key elements to help parents and special education teachers create and maintain a relationship focused on open communication. The first element is to limit pre-meeting planning. In other words, special education teachers should not make decisions prior to meeting with the parents during an IEP meeting. Pre-determination not only keeps parents from assisting in the decision making, it also violates IDEA regulations (34 C.F.R. § 300.322). In *Spielberg by Spielberg v. Henrico County Public Schools*, the school district was found in violation of a student's right to free appropriate public education when the parents of a child with an intellectual disability were not involved in an educational placement decision. 853 F.2d 256, 257 (4th Cir. 1988). The parents claimed that the school district unilaterally moved their child from a residential facility to a local public school. *Id.* The district made the

educational change of placement prior to holding an IEP meeting. *Id.* at 259. The Fourth Circuit Court of Appeals ruled that the child was to remain in a residential facility since the decision was made prior to an IEP meeting and no IEP was written to support a change in placement. *Id.*

A meeting facilitator is the second element recommended by Diliberto & Brewer (2014). A meeting facilitator would ensure that everyone around the table is able to offer his or her opinion which creates an environment for safe and open communication. The third element is a meeting agenda, which would be developed by the meeting facilitator. The agenda will not be used to stop IEP team members from speaking up; rather, it will help focus the group on the IEP rather than drifting off onto irrelevant topics. The agenda would simply outline the steps of the meeting in a concrete and definitive manner. The fourth element is ground rules. The purpose of developing ground rules is to ensure that all IEP team members are spoken to with respect. The goal is positive communication throughout the IEP development process. The fifth element, essential knowledge, requires all IEP team members to have the appropriate level of knowledge to be able to effectively input information into the student's IEP. The sixth and last element is to limit jargon. IEP team members should limit the use of acronyms, as this can turn off individuals that are not familiar with the topics being discussed.

Keeping open communication with parents, or individuals not trained in the field of education, can be difficult for special education teachers. Yet, it is a crucial aspect to ensure IEP compliance as parents are an essential aspect of the IEP development process. Involving parents by communicating “sends a message that school personnel and parents

are members of a real team working together to create a nurturing learning environment” (Staples & Diliberto, 2010, p. 58).

Knowledge. Fish (2008) conducted a study involving parents who have children with disabilities receiving special education services. The goal of the study was to examine the experiences parents have had with IEP meetings and school personnel. Parents were asked to rate their knowledge on the IEP process, language, and law. Less than half of all participants signified that they had any understanding of the IEP process, and many lacked knowledge about special education law and IEP compliance regulations. Parents also stated that the knowledge that they had of special education law and IEP compliance came from self-learning. In other words, parents are not learning from the educators, specifically special education teachers. About one third of parents in the study expressed interested in learning more information regarding IEP compliance and special education law.

Special education teachers should have a wealth of information on how to provide the appropriate services, accommodations, and modifications to students with IEPs. This information should be offered to parents. As such, special educators need to be able to teach parents the basics of IEP compliance and special education law to ensure that everyone sitting around the IEP table has an equal level of understanding. If teachers are not learning the key elements of IEP compliance within special education law in teacher preparation programs, school districts cannot guarantee that IDEA mandates are being followed.

In summary, special education teachers play a fundamental role in writing IEPs since they are responsible for a multitude of tasks in the development process.

Recommendations to assist special education teachers in the IEP writing process include a flowchart so each component builds on the next, maintaining open communication with parents and other IEP team members, and having a wealth of information regarding special education laws and their impact on students with disabilities. Special education teachers should be equipped with the skills to follow federal regulations that contribute to the development of IEPs in order to meet the individual needs of students with disabilities.

Effectiveness of Teacher Preparation Programs

With every passing year, teacher preparation programs are tasked with the responsibility to increase the rigor and improve the effectiveness of the education provided to students (Fuchs, Fahsl & James, 2014). Even though teacher preparation programs graduate nearly 30,000 special education teachers on an annual basis, graduates often enter the field feeling unequipped to handle the responsibility of writing IEPs. Research suggests that newly graduated special education teachers are unfamiliar with and have not had enough exposure to special education law (Zhang et al., 2014). Underprepared special education teachers who are not well-versed in IEP development directly impact students with disabilities from receiving a free and appropriate public education. IEPs that do not follow federal regulations pursuant to IDEA limits a student with disabilities from obtaining educational opportunities unique to his or her needs. In order to provide these opportunities to students with disabilities, special education law and IEP compliance need to be embedded into special education teacher preparation programs. The implications of non-compliance have a significant effect on students with

disabilities, as well as special education teachers, school districts and parents. Therefore, it is essential to investigate the areas in which teachers are struggling to meet the individual needs of students with disabilities. It is also imperative to find ways to improve how the special population receives the appropriate level of services stated within their IEPs.

Teachers who were not exposed to enough preparation in special education within their teacher preparation programs hold the belief that they are ill-prepared to work with students with disabilities (Kosko & Wilkins, 2009). When questioned about their experiences with special education and implementing IEPs to meet the needs of students with disabilities, teachers have stated that coursework in their teacher preparation programs was ineffective and opportunities for practicum with this special population were limited (Kosko & Wilkins, 2009; Roberts, Benedict & Thomas, 2013). Additionally, teachers report that their roles working with students with disabilities were often unclear, as they were unsure of their ability to effectively differentiate instruction (Roberts et al., 2013; Youngs, Jones & Low, 2011). Teachers who were fresh out of their preparation programs requested more experience adapting the curriculum to meet the needs of the entire classroom, writing and implementing IEPs, and complying with federal laws protecting students with disabilities (Youngs et al., 2011).

In order to improve teacher preparation programs, the U.S. Department of Education reformed the Higher Education Opportunity Act of 2008 (Pub. L. 110-315). The goal of revising the Act was to assist beginning teachers in having the knowledge required to be successful in the classroom. The intent of the Act was to improve teacher

preparation programs by increasing educational opportunities for pre-service teachers.

These opportunities included:

(a) increasing student learning, achievement, and the ability to apply knowledge; (b) effectively conveying and explaining academic subject matter; (c) effectively teaching higher-order analytical, evaluation, problem solving and communication skills; (d) employing strategies grounded in the disciplines of teaching and learning, including a focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs; (e) conducting ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation); (f) effectively managing classroom, including the ability to implement positive behavioral interventions and support strategies; (g) communicating and work with parents, and involve parents in their children's education; and (h) using, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early childhood education programs. (Pub. L. 110-315 § 23 *et seq.*).

Although the Act required that teachers become more knowledgeable regarding how to identify and provide academic instruction to students with disabilities, it did not address the need for improving teachers' understanding of special education law, specifically writing compliant IEPs (Pub. L. 110-315 § 23(D)(iii)). Over 6.5 million students in the United States are currently eligible for services under the Individuals with Disabilities Education Act (IDEA); therefore, it is essential that special education teachers are properly educated about the federal regulations surrounding the development, writing, and implementation of IEPs (National Center for Education Statistics, 2016). Compliant IEPs that follow the federal mandates spelled out in IDEA guarantee students with disabilities a free and appropriate public education (34 C.F.R. § 300.17).

In summary, by implementing the law according to its original purpose, students with disabilities will have the same educational opportunities as their typically developing peers (Bugaj, 2000). Yet, when teachers do not have the skills to meet the individualized needs of students with disabilities through the development and implementation of an IEP, the child's right to a free appropriate public education may be violated. Teacher preparation programs must provide ample opportunities for special education teachers to become knowledgeable in the IEP development process and to follow federal regulations pursuant to IDEA.

Parental Role in IEP Compliance

The development of an IEP has been mandatory for students with disabilities in public schools since IDEA was first enacted in 1975. However, parents have not always taken an active role in regards to the writing, implementation, and compliance of IEPs. Parents have become greater advocates for their children since IDEA was reauthorized in 2004. As noted previously, the parent(s) or guardian(s) of the child receiving special education services are required IEP participants (34 C.F.R. § 300.321). Excluding parents is a violation of 34 C.F.R. § 300.321 of IDEA and results in the denial of a student with a disability receiving a free appropriate public education. The United States Court of Appeals for the Ninth Circuit has ruled that scheduling an IEP meeting without parent involvement can lead to educational harm. In *Drobnicki v. Poway Unified Sch. Dist.*, the mother of a student with a disability requested that the team reschedule the IEP meeting as she was unavailable to attend; the meeting was held anyway. 358 Fed.Appx. 788, 789 (9th Cir. 2009). Since the child's mother was not included in the development

of an IEP, the Court of Appeals held that the child was denied a free appropriate public education. *Id.* The Court remanded the case back to district court to determine appropriate relief against the school district. *Id.* at 790.

Although parental participation and collaboration in the development of a child's IEP is required by federal law, parents often feel as though their opinions are not being heard (Williams-Diehm, Brandes, Chesnut & Haring, 2014). In a study conducted by Fish (2008), 51 parents of students with disabilities were surveyed regarding their perceptions and experiences with IEP meetings. When asked if they had a positive experience, 63% agreed or strongly agreed while 12% disagreed and 4% strongly agreed. However, only 47% of participants stated that their child's educational needs were thoroughly discussed during the IEP meeting. When surveyed regarding how effective their participation was in the development of their child's IEP, 57% of participants stated that they would have liked more input with decision making. When asked how school districts could improve relationships between parents and the IEP team, parents reported the following: (a) increasing parental participation, (b) offering educational opportunities for parents to learn special education law, (c) ensuring that special educators follow IEP protocol, (d) building trusting relationships with special education teachers, and (e) stopping predetermination when parents do not attend an IEP meeting. When surveyed about the steps parents can take to improve IEP meetings, participants reported that they should strive to be proactive and ask more questions. Parents reported that becoming more knowledgeable about special education laws would increase their participation in IEP meetings. Results indicate that parents are eager to be involved in IEP meetings and are looking to build positive relationships with members of the IEP team.

Collaboration between parents and staff is best practice and should be maintained to guarantee that the rights of the student are being met throughout the IEP development and implementation process. When collaboration does not occur, or parents believe that their voices are not being heard by the team, there is an increased risk for litigation against the school district (Hoagland-Hanson, 2015). In *Jaynes v. Newport News School Board*, the United States Court of Appeals for the Fourth Circuit ruled in favor of parents of a child with autism, finding that the school district did not offer or provide procedural safeguards. 13 Fed.Appx. 166, 172 (4th Cir. 2001). The school district claimed that the school principal, acting as the Local Educational Agency representative, verbally explained procedural rights to the parents and the parents indicated on the IEP that rights were offered. *Id.* However, the Court of Appeals ruled that parents are to be given the procedural rights form regardless of whether the IEP contains an indication that rights were offered. *Id.* As the procedural rights form was not physically given to the parents, the school district was found in violation of the child's right to a free appropriate public education. *Id.*

In summary, since the reauthorization of IDEA in 2004, parents of children with disabilities are increasing their participation and involvement in IEP development. Parents are educating themselves on the special education laws protecting their children and are becoming greater advocates for their rights. In fact, not including parents in an IEP decision or failing to provide procedural safeguards prior to making an educational decision can leave school districts vulnerable to due process complaints. Building rapport with parents, keeping the lines of communication open, and involving parents in

every step of the IEP process are crucial in protecting the rights of parents and their children.

Consequences of Noncompliant IEPs

School districts are often at risk for being noncompliant with IEPs, especially with a shortage of qualified special education teachers, lack of knowledge regarding special education laws, and limited professional development opportunities. The risk continues to rise as the number of students with disabilities serviced increases. According to National Center for Educational Statistics (2016), more than 6.5 million students with disabilities are receiving special education services in the United States. With more than 6.5 million students with disabilities receiving special education services, parents are becoming more actively involved in their child's educational program. Parents of children with disabilities have the right to file a due process complaint if they believe that the school district has denied their child a free and appropriate public education (Scheffel et al., 2005). There are three levels of resolution according to the Individuals with Disabilities Education Act: (a) mediation, (b) state complaint, and (c) due process (34 CFR §§§ 300.151 *et seq.*; 300.506 *et seq.*; 300.508 *et seq.*).

Mediation. Mediation is a process for parents and school districts to resolve disputes and was added as a resolution option when the Individuals with Disabilities Education Act was reauthorized in 1997. Mediation must be voluntary for all parties and not used to “deny or delay a parent’s right to a hearing on the parent’s due process complaint” (34 CFR § 300.506(b)). Mediation must also be “conducted by a qualified and impartial mediator who is trained in effective mediation techniques” (34 CFR §

300.506(b)). Mediation has shown favorable outcomes for all parties involved and disputes can be resolved quickly and without significant cost. One downfall of mediation is that mediators may not be adequately trained in special education law (Mueller, 2015).

State complaint. If a parent of a child with a disability suspects an IDEA violation, he or she has the right to file a complaint with the State Education Agency. The State Education Agency is tasked with including in its complaint procedures a time limit of 60 days after a complaint is filed to: (a) “carry out an independent on-site investigation” if deemed necessary; (b) “give the complainant the opportunity to submit information, either orally or in writing about the allegations in the complaint”; (c) “review all relevant information and make an independent determination as to whether the public agency” violated federal law; and (d) “issue a written decision to the complainant that addresses each allegation in the complaint” (34 CFR § 300.152(a)).

Due process. When mediation and state complaints cannot be resolved, parties have the right to file a due process complaint. Due process proceedings require that those involved in the education of the child with a disability to provide testimony (Mueller, 2015). Due process proceedings can be very expensive for school districts, and may include paying a fee for an attorney or hearing officer, as well as the cost of expert witnesses or substitute teachers when teachers are needed in court. In addition to the monetary expense of due process proceedings, administrators and teachers experience a roller coaster of emotions and a loss of energy (Scheffel et al., 2005). Research suggests that educators involved find the process to be “unfair, costly, time-consuming, overly technical and emotionally draining” (Mueller, 2015, p. 137). One of the biggest reasons that school districts go to due process proceedings is the result of parents questioning the

level of access children are receiving in the educational environment (Scheffel et al., 2005). A lack of experienced and qualified special education teachers is often listed as one of the main reasons a child with a disability is denied access to a free and appropriate public education (Scheffel et al., 2005).

Procedural and substantive violations. There are two significant reasons that school districts are sued over noncompliance with IEPs: procedural and substantive errors (Yell, Katsiyannis, Ennis & Losinski, 2013). Procedural safeguards are put into place in order to mandate that school personnel follow the guidelines set forth by the Individuals with Disabilities Education Act, while substantive safeguards require school personnel to provide the most educationally beneficial opportunities with students with disabilities (Yell et al., 2013). According to Yell et al. (2013), procedural safeguards include the following: (a) prior written notice to parents, (b) federal timelines, (c) involving parents in the educational decision making of the student, (d) completing comprehensive assessments that are free of bias, (e) ensuring all required team members are present during IEP meetings, (f) including content in the student's IEP is individualized and appropriate, and (g) guaranteeing that the IEP is being implemented as it was written. In a study conducted by Mueller & Carranza (2011), over 570 due process complaints were reviewed from 41 states. The most common reasons why due process complaints were filed include: (a) placement issues, (b) the appropriateness of services provided in the student's IEP, and (c) the student's eligibility. Although procedural violations have the potential to impede the educational opportunities provided to students with disabilities, they do not necessarily deny a student's right to a free appropriate public education. *W.G. v. Bd. of Tr. of Target Range Sch. Dist.*, 960 F.2d. 1479, 1484 (9th Cir. 1992).

In *K.D. ex rel. CL v. Department of Educ., Hawaii*, a student with autism was placed in a more restrictive environment after an IEP team meeting. 665 F.3d 1110, 1128 (9th Cir. 2011). The parents filed a due process complaint claiming that the school district violated the Least Restrictive Environment factor of FAPE. *Id.* at 1126. The parents also requested reimbursement for fees and expenses incurred as they enrolled their child into a specialized private school. *Id.* at 1121. The Court of Appeals for the Ninth Circuit ruled in favor of the school district stating that the child's IEP "offered appropriate placement". *Id.* at 1128.

To guarantee that the substantive safeguards of both the parent and child with a disability are not violated, IEP teams must develop an IEP that examines the child's present levels of performance. Data from present levels of performance is used to develop annual goals and short term objectives that relate to the child's current abilities based on the assessment data and provide the student with appropriate related services (Yell et al., 2013). In *Knable v. Bexley City School Dist.*, the parents of a child with an emotional disturbance claimed that the school district developed an IEP without parental involvement and that the IEP did not "meet the requirements of IDEA or its associated regulations". 238 F.3d 755, 769 (6th Cir. 2001). The parents decided to place their child in a private school which was able to focus on his unique areas of need. *Id.* at 759. The Court of Appeals for the Sixth Circuit ruled that placement in a private school was necessary to meet the educational and behavioral needs of the child. *Id.* at 770. The Court further ruled that the school district denied the child's right to a free appropriate public education since the IEP was developed without parental involvement, which is a

“substantive deprivation of the child's rights under IDEA”. *Id.* at 765. The parents of the child were permitted to recover reasonable costs. *Id.* at 771.

In *M.H. v. New York City Department of Education*, parents of a young child with disabilities filed a due process complaint claiming procedural and substantive violations in the development and implementation of their child’s IEP. 685 F.3d 217, 229 (2nd Cir. 2012). The United States Court of Appeals for the Second Circuit upheld the United States District Court for the Southern District of New York ruling which favored the parents, finding that procedural violations were present in the child’s IEP. *Id.* at 231. These violations denied the student his right to a free appropriate public education. *Id.* The area of concern was short term goals and objectives, which were described by the Court as “vague” and “generic”. *Id.* at 230. Since the goals and objectives were inadequate, the child’s progress could not be measured. *Id.*

When parents file a due process complaint, either for procedural or substantive errors, school districts may end up paying the bill for services rendered. Mueller & Carranza (2011) reported that when compared to school districts, parents are six times more likely to file a due process complaint. Getty & Summy (2004) indicated that due process hearings can cost a school district anywhere between \$13,000 and \$61,000. Yet, the emotional consequences may be more longstanding than the monetary ones. According to Getty & Summy (2004), teachers often experience conflict, either between themselves and administration and/or parents, negative feelings toward the parents, and an increase in burnout. The stress level that culminates from experiencing due process proceedings is often enough to push teachers, especially special educators, out of the business for good (Getty & Summy, 2004). Research suggests that 95% of teachers who

participated in due process proceedings classified their experiences as very stressful (Schanding et al., 2017). Although teachers may not be financially liable for procedural and/or substantive errors found in providing services to a student with a disability, the emotional consequences may be more substantial to his or her livelihood.

Summary of noncompliant IEPs. Noncompliant IEPs have a direct bearing on how a student with a disability will receive a free appropriate public education. When a student is denied a free appropriate public education, school districts often find themselves in litigation. Due process complaints are costly to school districts, both monetarily and personally. While due process proceedings are expensive, special education teachers involved in the litigation find the process stressful and emotionally exhausting. The emotional toll placed on special education teachers can lead to qualified personnel leaving the field.

Shortage of Qualified Special Education Teachers

The shortage of special education teachers in public schools is becoming an epidemic. Ninety-eight percent of public schools report vacancies in special education even though close to 30,000 special education teachers graduate from teacher preparation programs annually (Zhang et al., 2014; Cowan et al., 2016). Shortages are created by not preparing enough teachers and not retaining them. Research suggests that more than a quarter of all special education teachers are leaving the field after only one year of teaching and 2.5 times more likely to leave the profession when compared to general education teachers (Sweigart & Collins, 2017). More than half of special education teachers leave the field entirely within five years (Childre, 2014). Special education

teachers leave the field at a much higher rate than their general education counterparts. In fact, special education teachers are twice as likely to leave the profession compared to general education teachers (Kozleski, Mainzer, Deshler & Coleman, 2000).

The number of students with disabilities has been increasing since the authorization of the Individuals with Disabilities Education Act in 1975. In fact, the number has grown from 3.7 million in 1976 to almost 6.5 million in 2013 (National Center for Educational Statistics, 2016). Yet, the field of special education has experienced a significant teacher shortage causing limitations on students with disabilities from attaining the goals set forth in their IEPs (Brunsting, Sreckovic, & Lane, 2014). The lack of qualified special education teachers, and the high level of burnout, may be directly connected to the legal issues surrounding IEPs and working with students with disabilities (Mastropieri et al., 2005).

Burnout among special education teachers is becoming increasingly more common as the requirements spelled out by federal law become more stringent. The attrition rate among special education teachers is much greater than that of general education teachers (Fore, Martin & Bender, 2002). According to Fore et al. (2002), special education teachers are more likely to leave the profession due to: (a) the overload of paperwork required of them as mandated by federal law, (b) the push for least restrictive environment for students with disabilities, and (c) the recent changes to discipline. Teachers without the appropriate level of training and experience to work with students with disabilities often report that they are “overwhelmed, less effective, and less committed to their positions” (Berry, Petrin, Gravelle & Farmer, 2011, p. 4). Additionally, teacher shortages are more likely to occur in schools with a large

population of high risk students, including those with disabilities (Ludlow, 2011). The burnout of special education teachers leaves the field with an exorbitant amount of vacancies, which results in positions being filled by inexperienced individuals. Placing unqualified teachers in special education classroom limits the “educational equity for students with disabilities” (Mason-Williams, 2014, p. 247).

Alternate routes to licensure. Given the shortage of qualified special education teachers, school districts are placing unqualified personnel in classrooms. According to Mastropieri et al. (2005), teachers are often hired to work in the school system with little to no experience and in some cases, are given provisional licenses. Around 6% of teachers working with students with disabilities currently hold provisional licenses, indicating that they have not met the licensure requirements to be fully licensed (Childre, 2014). The significant shortage in special education teachers has influenced the increase in alternate routes to licensure (Quigney, 2010).

The difference between earning a traditional license and provisional license is significant, especially when the impact is focused on students with disabilities. In order for a teacher to become highly qualified and earn a traditional license, he or she must “pass standardized tests, meet a minimum grade point average requirement, and earn a teacher training degree from an accredited college or university” (Lazaros, Cotton & Brown, 2012, p. 64). A provisional license is given to those individuals who have not earned a degree from an accredited college or university and may have minimal experience teaching. In addition, those who have a provisional license are two to three times more likely to come from a profession outside of education (Sindelar, Dewey, Rosenberg, Corbett, Denslow & Lotfinia, 2012).

Provisional licenses allow teachers up to three years to take the required coursework to become licensed special education teachers. Teachers can continue to work with students with a provisional license, even with no experience or coursework (Mastropieri et al., 2005). Wasburn-Moses & Rosenberg (2008) report that almost a quarter of all new special education teachers are choosing to receive provisional licenses. In addition to provisional licenses, individuals can receive a substitute teaching license in his or her respective state. Research estimates that substitute teachers are placed in classrooms, whether general education or special education, 5% to 10% of the school year (Gershenson, 2012).

In summary, there is a significant impact on the educational opportunities afforded to students with disabilities when unqualified special education teachers are given the responsibility of developing and implementing IEPs. Lack of experience of teachers working with students with disabilities may be directly related to compliance issues with IEPs thus denying a student's right to free appropriate public education.

Summary

Federal laws protecting students with disabilities have evolved since 1975. Since the reauthorization of IDEA in 1990, the rights of students with disabilities and their parents have strengthened. All students with disabilities receiving special education services in a public school are mandated by federal law to receive a Free and Appropriate Public Education (FAPE). While receiving FAPE, children with disabilities are entitled to educational rights, including an Individualized Education Plan (IEP). A student's IEP must follow the specific regulations set forth in IDEA. When a student's IEP violates his

or her educational rights by denying him or her a free appropriate public education, school districts often find themselves involved in due process proceedings (Yell et al., 2013).

There are five mandated rights and ten mandated components afforded to students with disabilities. Mandated rights include: Valid and Nonbiased Assessment (VNA), Eligibility Determination (ED), Required Participants (RP), Least Restrictive Environment (LRE), and Annual Review (AR). Mandated components include: Prior Written Notice (PWN), Procedural Safeguards (PS), Present Levels of Performance (PLOP), Consideration of Special Factors (CSF), Annual Goals (AG), Methods for Reporting Progress (MRP), Specially Designed Instruction (SDI), Supplementary Aids and Services (SAS), Related Services (RS), and Placement (PL).

The role of special education teachers and their involvement in the IEP process is crucial in protecting the rights of students with disabilities. As special education teachers often hold the responsibility of developing, writing, and implementing IEPs, it is essential that they have an understanding of special education law and how these laws impact the educational opportunities afforded to students with disabilities. Although there are an abundance of teacher preparation programs in the United States, not all are effective in providing the necessary education in regards to special education law and IEP compliance. According to Fuchs et al., (2014), teacher preparation programs are failing to meet the needs of teachers working with students with disabilities. Newly graduated special education teachers are unsure of their ability to effectively work with students with disabilities as they require more training regarding how to adapt the curriculum to meet the individual needs of students, writing and implementing IEPs, and complying

with federal laws protecting students with disabilities (Roberts et al., 2014; Youngs et al., 2011).

Parents are also an essential component to following IDEA guidelines and ensuring that the school stays in compliance and out of due process proceedings. Diliberto & Brewer (2014) outlined six key elements to improving the relationship amongst IEP team members and maintaining good rapport with parents. The main theme that came out of the key elements identified by Diliberto & Brewer (2014) was communication. Keeping an open line of communication between parents and teachers can improve relationships amongst IEP team members, assist in the development and implementation of the IEP, and keep schools in compliance with IDEA. Having knowledge of IEP compliance and special education law is essential to improving the relationship with parents. If special education teachers were able to provide parents with an adequate understanding of special education law and IEP compliance, it would begin to assure schools that federal guidelines were being followed as all members of the IEP team would be able to fully understand the IEP process. Non-compliance with federal regulations, incorrectly written IEPs, inexperienced and unqualified special education teachers, lack of professional development opportunities, ineffective teacher preparation programs, and limited parental knowledge of IEP compliance and special education law impact the level of educational access students with disabilities receive in the classroom. Therefore, it is essential that special education teachers are able write compliant IEPs pursuant to IDEA and knowledgeable about the federal mandates afforded to students with disabilities.

When a student with a disability is denied any of the previously reviewed components, the student (who is of the age of majority) or parent has the right to proceed to due process. School districts often find themselves in due process proceedings for two specific reasons: procedural and/or substantive violations (Yell et al., 2013). The most common reason a school district is involved in a due process proceeding is the result of parents questioning the level of educational access his or her child is receiving (Scheffel et al., 2005). For example, a parent may feel as though his or her child is not accessing the most beneficial level of education as the teacher providing instruction is not qualified, under-qualified, or inexperienced. Additionally, a parent may believe that the special education teacher providing services to his or her child with a disability does not have the appropriate level of knowledge or licensure to work with the population within the classroom (Scheffel et al., 2005). Due to the low number of special education teachers available to work in school districts, provisional licenses are provided to individuals with little to no special education experience (Mastropieri et al., 2005). Students with disabilities are significantly impacted when an unqualified teacher is placed in the classroom and given the responsibility of upholding federal laws protecting this population. Therefore, it is imperative that special education teachers are trained and knowledgeable about special education law and the mandated rights and components to develop a compliant IEP. Compliant IEPs that follow federal regulations provide students with disabilities with opportunities to receive a free appropriate public education.

CHAPTER III

Methodology

The primary purpose of this study was to determine if the Individual Education Plans (IEPs) written for students with disabilities were compliant and followed the mandated rights pursuant to federal law and mandated components described in an IEP. The study took place in three charter schools located within one of the largest school districts in the United States. Additionally, the study examined the years of experience and licensure status of special education teachers who hold the responsibility for writing and implementing IEPs. Due to the shortage of special education teachers, schools may have hired long term substitutes, teachers with provisional licenses, or general education teachers with no special education experience. Therefore, the individuals who have been employed with the task of writing and implementing compliant IEPs may not hold the licensure required to be working in the field of special education. Due to the fact that there is minimal information relating to the most common IEP violations by special education personnel, data were needed to pinpoint these areas of compliance. Identifying IEP violations will assist special education teachers in developing compliant IEPs, which in turn ensures that the educational rights of students with disabilities are protected.

Research Questions

RQ #1: Across three charter schools and in accordance with the Individuals with Disabilities Education Act, which mandated rights of a student's Individualized Education Plan (IEP) are most frequently compliant?

1a: Specifically:

- Which mandated rights under federal law (Valid and Nonbiased Assessment, Eligibility Determination, Required IEP Participants, Least Restrictive Environment, Annual Review) are most likely to be found to be compliant in a student's IEP?

RQ #2: Across three charter schools and in accordance with the Individuals with Disabilities Education Act, which mandated components of an Individualized Education Plan (IEP) are most frequently compliant?

2a. Specifically:

- Which mandated components (Prior Written Notice, Procedural Safeguards, Present Levels of Performance, Consideration of Special Factors, Annual Goals, Method for Reporting Progress, Specially Designed Instruction, Supplementary Aids and Services, Related Services, and/or Placement) are most likely to be found to be compliant in a student's IEP?

RQ #3: What is the relationship between years of experience and identified violations of a student's IEP?

3a. Specifically:

- Are special education teachers working in charter schools with two or less years of experience found to have more mandated rights violations with a student's IEP than teachers with three or more years of experience?
- Are special education teachers working in charter schools with two or less years of experience found to have more mandated component

violations with a student's IEP than teachers with three or more years of experience?

RQ #4: What is the relationship between licensure and identified violations of a student's IEP?

4a. Specifically:

- Do fully licensed special education teachers working in charter schools experience fewer mandated rights violations than special education teachers with provisional licenses?
- Do fully licensed special education teachers working in charter schools experience fewer mandated component violations than special education teachers with provisional licenses?

Description of Schools

The IEPs reviewed in this study were selected from three charter schools found within the fifth largest school district in the United States. Two of the charter schools were within the same charter system while the third was district sponsored. Two of the three charter schools (Lansing Prep and Bloomington Academy) in which the study was conducted were part of a charter system with five campuses. Lansing Prep offers kindergarten to eighth grade education while Bloomington Academy offers schooling for grades kindergarten to twelfth grade. The third charter school, Reno Academy, is a district sponsored charter school and offers kindergarten to twelfth grade instruction. Its education is on-site and the school has its own building and personnel. This charter

school was chosen to participate in the study as it is district sponsored. The three charter schools in this study have been given pseudonyms.

During the 2016-17 school year, Lansing Prep had 1200 students enrolled with grades ranging from kindergarten to eighth. Seven hundred and fifty students were enrolled in elementary (K-5) while 450 were enrolled in middle school (6-8). Out of 1,200 students, 82 (6.8%) had current special education eligibility. Speech and Language Impairment was not included in this number, as IEPs for students eligible under this category are written by a Speech and Language Pathologist.

According to enrollment numbers for the 2016-17 school year, Bloomington Academy had 734 elementary students and 541 middle school students. Of the 1,275 students enrolled, 118 (9%) had special education designation (not including Speech and Language Impairment).

Reno Prep had 750 elementary and middle school aged students enrolled during the 2016-17 year. Out of the 750 students, 475 were enrolled in elementary school and 275 were enrolled in middle school. In elementary school, 92 (12%) students were designated as requiring special education services. As with the other two schools reviewed, eligibility did not include Speech and Language Impairment.

Fourteen special education teachers across three charter schools were included in this study. Four special education teachers taught at Lansing Prep, eight taught at Bloomington Academy and two taught at Reno Prep. Reno Prep had three special education teachers employed at the beginning of the year but due to disciplinary purposes, one teacher was dismissed from his or her duties. The range for years of experience was less than one year to twenty six years ($M = 4.79$, $SD = 7.18$). Ten special

education teachers were fully licensed and four were provisionally licensed. Licensing information was obtained at the beginning of the 2016-17 school year based upon data collected from the Nevada Department of Education Teacher Licensure Search website. Although the maximum number of students allowed on a teacher's caseload is 16 (Nevada Administrative Code § 388.150), the average number of students on a caseload for Lansing Prep was 20.5, Bloomington Academy was 14.75, and Reno Prep was 46 students.

IEP Sample

In order to gather sufficient data to determine the most commonly found compliance issues, 103 IEPs were used for this study. There were 30 IEPs reviewed from Lansing Prep, 41 from Bloomington Academy and 32 from Reno Academy. IEPs were chosen according to annual review dates or three year re-evaluation dates (whichever came first) and secured from three separate school campuses. See Table 3 for a calendar of when IEPs were coded. The IEPs reviewed were divided into three groups: (a) primary (K-2), (b) intermediate (3-5), and (c) middle (6-8). High school IEPs were not used in this study. The reviewer ensured that written permission was obtained from each principal prior to beginning the coding process.

Five mandated rights and ten mandated components were coded based on IEP drafts written by fourteen special education teachers across three campuses. All IEPs analyzed in this study were voluntarily given to the reviewer by the special education facilitator. The IEPs were reviewed prior to an IEP meeting and were considered drafts by the IEP team. IEP drafts were coded for this study as it represented the best efforts of

the fourteen special education teachers. It was imperative that each IEP coded was written by a special education teacher with no revisions from the IEP team.

Table 3

Calendar of When IEPs Were Coded

	Total # of IEPs Coded	Primary (Grades K-2)	Intermediate (Grades 3-5)	Middle (Grades 6-8)
September	12	3	6	3
October	22	3	6	13
November	18	5	4	9
December	8	2	4	2
January	10	2	4	4
February	14	3	3	8
March	19	9	9	1

Research Design

Quantitative data were gathered to answer the four research questions. Data were collected using a categorical coding method to gather information relating to violations found in a student's IEP. IEPs were examined by the reviewer, who holds several degrees in the fields of school psychology and education, and nearly a decade long career in special education. The reviewer determined compliance and violations based on the mandated rights pursuant to federal law and mandated components described in IEPs. A coding system was developed and used to identify compliance issues. Descriptive statistics were run to determine the percentage of compliance of five mandated rights and ten mandated components provided to students with disabilities in IEPs. Additionally, Pearson correlation was used to determine whether a relationship existed between

licensure status of a special education teacher, years of experience working in the field of special education, and the number of mandated rights and components violations.

Procedures

This study used a researcher developed coding form to gather data on the compliance levels of 103 IEPs across three charter schools. Two sets of data were coded for this study: mandated rights pursuant to federal law and mandated components described in IEPs. The coding form for mandated rights can be found in Appendix A and the coding form for mandated components can be found in Appendix B. The coding form included student identification numbers, teacher identification numbers, and a list of mandated rights and components pursuant to the Individuals with Disabilities Education Act (IDEA). A pilot study was completed to practice coding and make appropriate revisions to the coding form. After the pilot study, the reviewer made two revisions to the coding form. First, a teacher identification column was placed next to student identification to facilitate matching the teacher to the student. Secondly, in order to identify students who were coded as English Language Learners in his or her IEP, a star asterisk was placed next to the respective ID number. The notation for English Language Learners was added to gather additional information related to the mandated right of Valid and Nonbiased Assessment.

Data collection. All IEPs used in this study were kept in a locked filing cabinet and documentation was placed in a confidential folder. Each student who was eligible for special education services and had an IEP also had a confidential folder that was secured in the special education classroom. IEPs were chosen based on the annual

review or three year re-evaluation date (whichever came first). Once the IEPs were selected, students were assigned an identification number. This identification number indicated which IEP was being reviewed and coded for violations without revealing the student's personal information. Once identification numbers were assigned, the mandated rights were coded according to the coding form found in Appendix A while mandated components were coded according to the coding form found in Appendix B. Teacher data were not added to the coding form until mandated rights and components data were coded. After mandated rights and components data were coded, teacher identification data from Appendix C were added to each coding form. This matched the student's IEP to the special education teacher of record. Teacher information was identified based on the Nevada Department of Education Teacher Licensure website, which can be retrieved at the following website: <http://nvteachersearch.doe.nv.gov/>. Teacher information was used to determine whether years of experience and/or level of licensure impacted the number of IEP compliance violations related to the five mandated rights and ten mandated components reviewed in this study. Therefore, there were two separate and independent phases for this study.

To determine licensure requirements, the reviewer followed regulations in the state in which the conducted was study. A special education teacher was considered licensed if he or she met each of the following requirements: successful score on the Praxis Core Academic Skills for Educators, Principles of Learning and Teaching K-6 or Praxis Content Area Test, and completion of at least three semester credits focusing on "parental involvement and family engagement" (Nevada Administrative Code § 391.373). Additionally, a teacher must have earned a bachelor's or master's degree in

special education and completed at least eight semester credits of student teaching, a special education teacher preparation program which has been approved by the Board, one year of verifiable special education teaching experience or hold a license or certification from another state with an endorsement in special education (Nevada Administrative Code § 391.343). Teachers who are provisionally licensed in the state in which the study was conducted must hold at least a bachelor's degree from an accredited postsecondary institution and pass a competency test in "basic reading, writing and mathematics". Moreover, the individual must hold a "major or minor in the desired area of licensure" or pass the Praxis II Subject Area Assessment (Nevada Administrative Code § 391.057). However, teachers with provisional licenses must be enrolled in a program to meet the requirements of becoming a special education teacher. Teacher data were collected by visiting the Nevada Department of Education Teacher Licensure website, which can be retrieved by going to <http://nvteachersearch.doe.nv.gov/>.

Coding process. Once a draft IEP was received, the reviewer entered information into Student and Teacher Identification Page (refer to Appendix C). For example, the reviewer coded the first IEP as #1 then entered the student's name, grade level, and eligibility category. The special education teacher's name was written under the appropriate column and an ID number was assigned. Years of experience and licensure status were not researched or added into the Student and Teacher Identification Page until the IEPs were coded according to the compliance criteria for mandated rights and components. After the Student and Teacher Identification Page was filled in, the reviewer inputted the appropriate teacher identification number next to the respective student identification number in the mandated rights coding form (Appendix A) and

mandated components coding form (Appendix B). For example, student ID #1 according to the Student and Teacher Identification Page was also student ID #1 into the coding forms for mandated rights and mandated components. In addition, the special education teacher who wrote the IEP for student ID #1 was given the ID # 101. That number was then transferred to the coding forms for mandated rights and mandated components under the appropriate columns.

Once student and teacher data were transferred to the coding forms for mandated rights and mandated components, the reviewer began coding mandated rights. On average, it took between 45 minutes to 1 hour to code an IEP. The reviewer used a highlighter to identify the rights and components that were compliant (highlighted yellow) and those that were not compliant (highlighted pink). When a mandated right or component was compliant, the reviewer wrote in “0.” However, when a mandated right or component was not compliant, the reviewer wrote in “1.” Once all 103 IEPs were coded, the sum of how many times an area was compliant or not compliant was totaled. To ensure that the coding was reliable, interrater reliability was used for the first two research questions.

Securing data for mandated rights. Five mandated rights were analyzed for this study and include: Valid and Nonbiased Assessment, Eligibility Determination, Required Participants, Annual Review and Least Restrictive Environment. The coding form for mandated rights could be found in Appendix A.

Valid and nonbiased assessment. Valid and Nonbiased Assessment (VNA) was the first mandated right coded. The reviewer turned to page 1 of the IEP and read the line “student primary language.” If “English” was written as the student’s primary language,

then the reviewer highlighted this section yellow. However, if a language other than “English” was written, the reviewer put an asterisk next to the student’s name on Appendices A and B. This indicated that this student had been identified as not being a native English speaker. Since it is best practice to use nonverbal assessment while evaluating students who are not native English speakers, the reviewer turned to the Present Levels of Performance page to determine whether a verbal or nonverbal assessment was used (see Figures 1 and 2).

If an assessment was classified as “nonverbal,” then the reviewer placed a yellow star next to the data on the Present Levels of Performance page. However, if the assessment was classified as “verbal,” a pink star was placed next to the data. For example, student #9 was identified as a native Spanish speaker and, therefore, was given a KABC-II Nonverbal evaluation to assess his or her intellectual abilities. Therefore, a yellow star was placed next to the evaluation data on the Present Levels of Performance page and the reviewer entered “0” into the VNA column of Appendix B. On the other hand, student #12 had been identified as a native Japanese speaker but was assessed using the WISC-V, which is a verbal assessment. The reviewer placed a pink star next to the evaluation data on the Present Levels of Performance page and entered “1” into the VNA column of the mandated rights coding form.

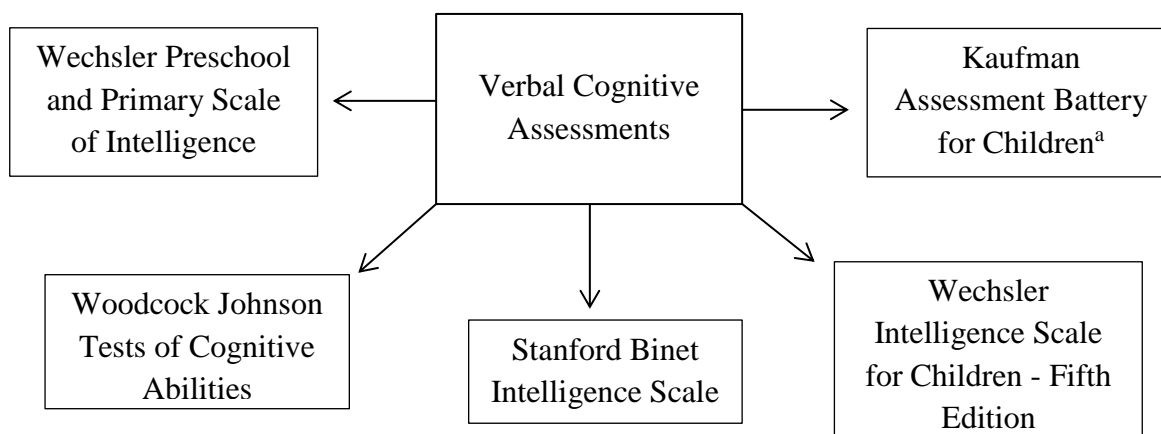


Figure 1. Verbal Cognitive Assessments

^a Consult protocol to determine

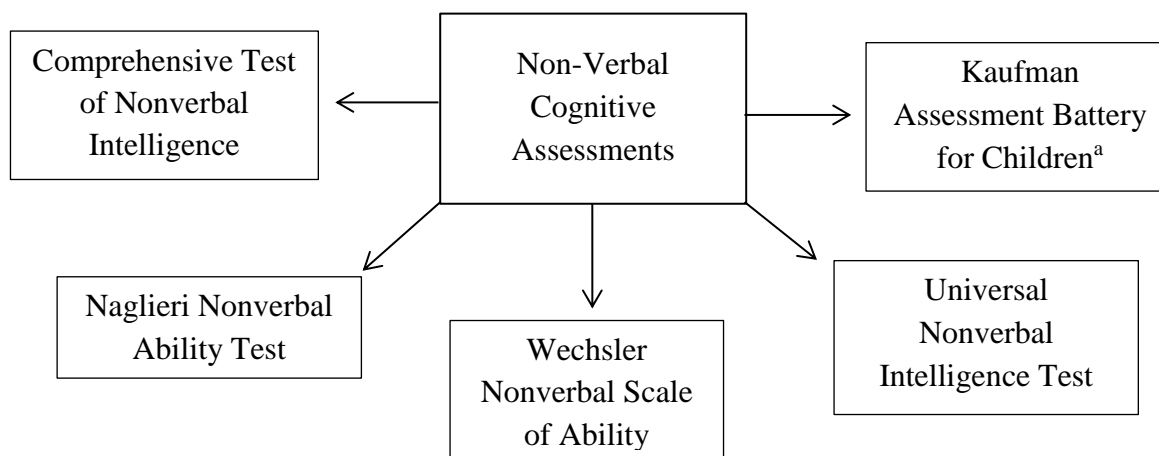


Figure 2. Non-Verbal Cognitive Assessments

^a Consult protocol to determine

Eligibility determination. Identifying Eligibility Determination (ED) required the reviewer to follow a multitude of steps. The first step was to turn to page 1 of the student's IEP to determine what eligibility box was checked under the header "Eligibility Category". Once eligibility was identified, the reviewer turned to the Present Levels of Performance (PLOP) page. On the PLOP page, the reviewer determined whether there was a statement in the assessment results column stating the eligibility category that the

student qualified for. For example, on the first page of Student #4's IEP, the box for "autism spectrum disorder" was checked. Therefore, the reviewer looked on the Present Levels of Performance page to identify whether or not there was a statement indicating that the student's eligibility was autism spectrum disorder. If the eligibility category did not match the statement on the Present Levels of Performance page or there was no statement of eligibility, then the reviewer highlighted the header "Eligibility Category" on page 1 pink and moved on to the next mandated right. However, if the statement matched the eligibility category from page 1, then the reviewer rechecked whether or not the IEP was written for an initial, annual, or three year re-evaluation meeting. If the IEP was written for an annual meeting, then the reviewer highlighted the header "Eligibility Category" on page 1 yellow and wrote "0" in the ED column of the mandated rights coding form, which is located in Appendix A. On the other hand, if the IEP was written for an initial or three year re-evaluation meeting, then the reviewer reviewed the evaluation data in the assessments conducted and assessment results columns of the Present Levels of Performance page. The assessment data had to match eligibility criteria found in Appendix D. For instance, since Student #4 was identified under autism spectrum disorder, the reviewer pulled out Appendix D and found the page that specified the required evaluation procedures for autism. The reviewer then compared the required evaluation procedures from Appendix D to the information in the assessments conducted and assessment results columns of the Present Levels of Performance page.

Required participants. To locate and code Required Participants (RP), the reviewer first identified the eligibility that the student qualified under pursuant to IDEA. This information was found under the header of "Eligibility Category" on page 1. Once

the eligibility category was determined, the reviewer then examined the three Prior Written Notices that had been sent to the parents. Pursuant to 34 CFR § 300.503(a)(1-2), parents are required to receive notice of any proposals or refusals to “initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child”. Therefore, any time an IEP meeting is held, parents must receive Prior Written Notice. The charter school system in which this study was conducted requires that when Prior Written Notice is sent to parents, any individual who will be participating in the IEP meeting must be identified. For example, as a Speech and Language Pathologist is a required member for the IEP of a student identified under autism spectrum disorder, the Speech and Language Pathologist’s name and job title must be written on the Prior Written Notice (34 C.F.R. § 300.344; NAC 388.387). This indicates that the Speech and Language Pathologist will be attending the IEP meeting and parents have been notified of such. According to the list of required participants pursuant to IDEA and Nevada Administrative Code (refer to Appendix E), the individuals name and job title must have appeared on all three of the Prior Written Notices sent to parents in order for this mandated right to be compliant. If the names and job titles of required participants were not written on each Prior Written Notice, then this mandated right was coded as not compliant.

Annual review. To determine compliance for Annual Review (AR), the reviewer had to identify whether the IEP was written for an annual, initial, or three year re-evaluation meeting. If the IEP was written for an initial meeting, then the reviewer highlighted the header “Meeting Information” yellow, wrote “0” in the AR column of Appendix B and moved on to the last mandated right. However, if the box for annual or

three year re-evaluation was checked, the reviewer had to find the meeting date under the header “Meeting Information.” The “Date of Meeting” had to be on or before the “Date of Last IEP Meeting” for this component to be in compliance. The “Date of Meeting” specified the exact date the IEP team met to review and/or revise the IEP while the “Date of Last IEP meeting” indicated the previous date that the IEP was reviewed and/or revised by the team. If “Date of Meeting” was on or before “Date of Last IEP Meeting,” then the reviewer highlighted the header “Meeting Information” yellow and wrote “0” in the AR column in Appendix B. Conversely, if “Date of Meeting” was past the date indicated on the “Date of Last IEP Meeting,” the reviewer highlighted the header “Meeting Information” pink and wrote “1” in the AR column of the mandated rights coding form. For example, the IEP for Student #1 was an annual review with a Date of Last IEP Meeting of September 10, 2015. Therefore, the annual review meeting had to be held on or before September 10, 2016 in order for the IEP to be compliance. However, the team did not meet until September 16, 2016. Since the annual review was held after September 10th, this mandated right was considered out of compliance.

Least restrictive environment. To code Least Restrictive Environment, the reviewer turned to the Placement page of each IEP and found the header “Percentage of Time in Regular Education Environment.” If the percentage was 100%, then the reviewer highlighted the header yellow and wrote “0” in the LRE column of the mandated components coding form. One hundred percent indicated to the reviewer that the student will spend his or her entire school day in the regular education environment. On the other hand, if the student was to spend any portion of his or her school day outside of the regular education environment, the percentage would be less than 100%. The

reviewer had to determine how the IEP team obtained the specified percentage by reviewing the Specially Designed Instruction and Related Services sections of the IEP. While looking over the Specially Designed Instruction section of each IEP, the reviewer first identified any instance in which the student was to be educated outside of the general education environment. The review found this information by looking under the “Location of Services.” If the location stated “regular education classroom” or “general education classroom,” the reviewer then turned to the Related Services section of the IEP. The reviewer read the “Frequency of Services” column to determine whether or not the student was receiving one or more related service. The number of minutes from the “Frequency of Services” column for each related service was then written underneath the percentage found on the Placement page. The reviewer used the formula to determine Least Restrictive Environment (see Figure 3) and then compared the percentage to the percentage written on the Placement page.

$$\frac{\text{\# of minutes per week student spends in gen ed environment}}{\text{Total minutes per week of regular instructional time}} \times 100$$

Figure 3. Calculating LRE Percentage

If the percentages matched, the reviewer highlighted the header “Percentage of Time in Regular Education Environment” yellow and moved on to the justification section. However, if the percentages did not match, the reviewer highlighted the header

pink and wrote “1” in the LRE column of the mandated rights coding form (Appendix A). The reviewer used the following regular instruction time to determine LRE percentages: 2,075 minutes per week for primary grades and 2,175 minutes per week for middle school.

For example, according to the Related Services page for Student #1, he or she was to receive 30 minutes of Speech and Language services every week. Therefore, the reviewer wrote 30 minutes/week under the percentage on the Placement page. As the percentage indicated how many minutes per day the student would be pulled out of their regular education environment, the reviewer divided 30 minutes by 5 days ($30/5=6$). On average, the student would be pulled out of the regular education classroom to receive speech and language therapy 6 minutes per school day. Additionally, as the student was in a primary grade, he or she was in school for 2,075 minutes per week, which equaled 415 minutes a day. The reviewer subtracted 6 (minutes in speech and language therapy) from 415 (minutes in each school day). The student, on average, spent 409 minutes of his or her school day in the regular education environment. The reviewer divided 409 by 415 and multiplied the answer by 100 to calculate the percentage. This indicated that Student #1 spent 98% of his or her school day in the regular education classroom. Since the percentage calculated by the reviewer matched the percentage in the student’s IEP, the reviewer highlighted the header “Percentage of Time in Regular Education Environment” yellow.

After determining the percentage, the reviewer moved on to the justification portion of the IEP (see Figure 4). The reviewer first identified whether there was an explanation as to why the IEP goals and objectives would not be implemented in the

regular education environment. If this statement was included in the justification portion, the reviewer highlighted the sentence(s) yellow and moved on to the reason why the team rejected a less restrictive placement. If this statement was not included, the reviewer highlighted the header “Justification for Placement Involving Removal from Regular Education Environments” pink and wrote “1” in the LRE column of Appendix A. This procedure continued for the remainder required statements.

- 1) There is an explanation as to why the IEP goals and objectives cannot be implemented in the regular education environment
- 2) There is at least one reason as to why the team rejected a less restrictive placement
- 3) There is an explanation of any harmful effect on the learning of this or other students that a more restrictive environment may have

Figure 4. IEP Justification Statement

An example of a justification statement that was considered compliant is as follows: STUDENT requires intervention in a highly structured setting to allow for multiple opportunities to practice reading comprehension, phonemic awareness and speech and language. This setting facilitates his or her ability to focus on reading comprehension and phonemic awareness, as well as allows for frequent checks of understanding of social conduct. This setting also provides STUDENT with freedom from the embarrassment that might occur with redirection and verbal prompting that might be intrusive to the general education environment. STUDENT continues to show delays in these areas, which have impeded his or her ability to derive academic and non-academic benefits within the general education setting despite interventions in his or her regular education classroom. The specific strategies employed require the need for immediate feedback, cueing and/or redirection. The potential harmful effect of this

placement is the reduction of interaction with typically developing peers and exposure to the general education curriculum.

Securing data for mandated components. Ten mandated components were coded for compliance and include: Prior Written Notice (PWN), Procedural Safeguards (PS), Present Levels of Performance (PLOP), Consideration of Special Factors (CSF), Annual Goals (AG), Methods for Reporting Progress (MRP), Specially Designed Instruction (SDI), Supplementary Aids and Services (SAS), Related Services (RS), and Placement (PL).

Prior written notice. To check for compliance, the reviewer identified that at least three Prior Written Notices were placed in the confidential folder. The reviewer highlighted each notice found in the confidential folder yellow. For example, when coding student #1, there was only one Prior Written Notice so only one form was highlighted. The reviewer then wrote “1” in the PWN column of the mandated components coding form indicating that this component was not compliant.

To ensure that at least 10 school days had been given to the parents, the date of PWN #1 and the date of the future meeting were examined. The reviewer determined whether or not the parent was provided a minimum of 10 school days. Additionally, the parent had to be given information regarding the date, time and location of the IEP meeting. The name of each individual attending the IEP had to be provided on the PWN (the role of the individual was not considered to be compliant). The parent also had to be given the option to indicate whether or not they could attend the meeting based on the specified date and time. In order to hold the IEP meeting on the date and time specified on the IEP, the parent had to sign and date the bottom of any three of the PWNs. A

special education teacher could not write on the bottom of any of the three PWNs that the parent waived their right to receive notice at least 10 school days prior to the meeting. If this statement was on any of the forms, even if a parent signature was next to it, the IEP was considered not compliant as the parent was not given the required 10 school days.

Procedural safeguards. To ensure that parents were offered a copy of the procedural safeguards packet and the document was reviewed, the reviewer looked under the header of “Procedural Safeguards.” This header was found on the second or third page of the IEP. Under the header “Procedural Safeguards,” the reviewer determined whether the box for “I have received a statement of procedural safeguards under the Individuals with Disabilities Education Act (IDEA) and these rights have been explained to me in my primary language” had a typed “x” in it. If the box was blank, then the reviewer highlighted the box yellow. However, if the box had a typed “x” in it, then the reviewer highlighted the box pink.

Present levels of performance. For each category written in the column titled “assessments conducted,” the reviewed verified that there was related information in the column titled “assessment results.” For example, the reviewer looked to see if “MDT report” and the date of the MDT meeting were written under assessments conducted. The reviewer then identified whether the effect of the student’s disability on his or her involvement and progress in the general education curriculum was explained in the third column. If the abovementioned information was listed at the top of the PLOP page, then the reviewer highlighted that portion yellow.

The reviewed then identified whether the IEP was written for an initial, annual, or three year re-evaluation meeting. If the IEP was written as an initial or three year re-

evaluation, the reviewer looked for the most recent evaluation data in the “assessment results” column. Although recommended, an annual IEP does not require recent evaluation data. For an initial IEP, the reviewer turned to page four to identify where the most recent evaluation data was written. Under the assessments conducted column, the reviewer identified and highlighted the assessments used for the evaluation. Then, under the assessment results section, the reviewer checked to see whether the data matched the assessments conducted. If the assessment name matched the results, then the reviewer highlighted this portion yellow. If an assessment was written in the “assessments conducted” column but there was not data relaying the results in the “assessment results” section, the reviewer highlighted the portion pink. In the effects column, the reviewer then determined whether or not a statement as to how the results of the assessment impacted the students’ involvement and progress in the general education environment was present. If an explanation of effects was written in the third column and it related to the assessment results, then the reviewer highlighted that portion yellow. However, if there was no effect statement or the statement did not pertain to or match the evaluation data, then the reviewer highlighted that portion pink.

For instance, while reviewing the initial IEP for Student #1, the following information was written in the assessments conducted column: MDT Report, KTEA-III, WISC-IV, BASC-3, classroom observation, intervention (Aimsweb) data, Measurement of Academic Progress (MAP) data, regular teacher input, parent input, and functional skills. All nine of the assessments (not including MDT report) were highlighted yellow as the requirement for this component was met. Under the assessment results section, the evaluation result for each assessment was explained. In this example, data were broken

into sections and included information such as: standard scores, percentiles, and classifications (e.g., average, below average) for all standardized assessments. The BASC-3, classroom observation, intervention data, MAP data, teacher input, parent input and functional skills were written in narrative. Therefore, all of the evaluation data was highlighted yellow. The reviewer then moved onto the third column, which explained the effect of the results on the student's involvement and progress in the general education curriculum. However, the effect statements in the third column did not match each set of data in the assessment results section. Although Student #1 was found to have a deficit in written expression based on the information outlined in the assessment results column, the IEP stated that there was no effect in writing in the effects column. This implied to the reviewer that the student was meeting grade level expectations in writing which contradicted the area of deficit statement and evaluation data in the assessment results section. Therefore, this portion was highlighted pink.

Consideration of special factors. Consideration of Special Factors (CSF) was coded by reviewing page 7 and determining whether any of the following boxes were checked "yes:" student's behavior impedes his or her behavior or the learning of others, student requires assistive technology devices and services, student has limited English proficiency, student is blind or visual impairment, student is deaf or hard of hearing and/or student has been identified as having a Specific Learning Disability and Dyslexia (34 CFR § 300.324(a)(2)). If any of the boxes were checked "yes," then the reviewer read the Present Levels of Performance page to determine whether it was addressed. Since all six of these special factors have an effect on the student's involvement and progress accessing the general education curriculum, if any of the boxes were checked

“yes,” then there should have been a statement in the Present Levels of Performance page. If the box for “student’s behavior impedes their learning or the learnings of others” was checked “yes,” then the reviewer turned to the Present Levels of Performance page to determine whether any concerns regarding behavior were written. If behavior was not addressed in the Present Levels of Performance page but the box was checked “yes,” then the reviewer highlighted this section pink. However, if behavior was written as a concern in the Present Levels of Performance page and the box was checked “yes,” then the reviewer highlighted this section yellow. If all of the boxes were checked “no,” then the reviewer highlighted this section yellow indicating that the mandated component area was in compliance. For example, while reviewing the IEP for Student #10, the reviewer found that the box for behavior was checked “yes.” When the reviewer read the Present Levels of Performance page, there was no mention of the student’s behavior impeding his or her learning and/or the learning of others. In fact, when behavior was mentioned in the assessment results section of the Present Levels of Performance page, it read “STUDENT works well with others and is a strong leader in the classroom.” Therefore, the effect statement was “behavior is not affecting STUDENT’s learning at this time.” Given that the box was checked “yes” but the IEP did not address any behavior concerns, this IEP was coded as not compliant.

Annual goals. While coding the Annual Goals (AG) section of IEPs, the reviewer read the measurable annual goals one by one. Measurable annual goals had to be observable such that the individual could count or “measure” the goal found within the IEP. For example, Johnny will increase his mathematical calculation skills without the use of a calculator to a 5th grade level with 80% accuracy. After one goal was read, the

reviewer turned back to the Present Levels of Performance page to determine whether or not this area of need was identified. For example, one of the goals for Student #1 read “by annual review date, in a classroom setting, STUDENT will be able to organize, complete, and submit his work by the specified deadline, achieving a criterion of 80% as measured by teacher observation and documentation and implemented by Regular Education and Special Education teaching staff.” Once this goal was read, the reviewer went to the Present Levels of Performance page and identified where in the assessment results section this area of deficit was addressed. As the regular education input narrative stated that Student #1 required assistance in the area of organization and there was a measureable goal addressing this deficit, the reviewer highlighted that specific annual goal yellow. The reviewer continued this process for all of the annual goals written in each IEP.

Method for reporting progress. To code Method for Reporting Progress (MRP), the reviewer determined whether one or more of the following boxes were checked: IEP Goals Pages, Specialized Progress Report, District Report Card, Parent Conference or Other. If “Other” was checked, there had to be specified method for reporting progress to parents. If at least one box was checked, the reviewer highlighted this section yellow. However, if “Other” was checked, but no statement was made as to how progress was to be reported to parents, then the reviewer highlighted this section pink. A box also had to be checked under the header of “Projected Frequency of Reports” indicating that the parents will receive progress reports quarterly, twice each school year, or three times each school year. If at least one of the above-mentioned boxes were checked, then the

reviewer highlighted this portion yellow. However, if none of those boxes were checked, then the reviewer highlighted the header “Method for Reporting Progress” pink.

Specially designed instruction. Specially Designed Instruction (SDI) was written into each reviewed IEPs to ensure that the students with disabilities were provided with individualized education that met his or her specific area(s) of need. SDI could be found under the header “Special Education Services.” The reviewer coded SDI by first identifying the area(s) of instruction that the student would be receiving and comparing it to the annual goals. If the area of instruction matched the annual goals, then the reviewer highlighted that section yellow. For example, in the IEP for student #2, behavior was written as an area of need for Specially Designed Instruction. There was an annual goal stating that “by annual review date, in a classroom setting, STUDENT will independently focus on the task at hand, achieving a criterion of 4 out of 5 trials over 5 consecutive days as measured by teacher observation and documentation as implemented by Regular Education and Special Education teaching staff.” Therefore, within the Specially Designed Instruction section of the IEP, the reviewer highlighted the behavior goal yellow. The reviewer continued to review each area of instruction identified in this section of the IEP and determined whether or not there was an annual goal to match. Once the area of instruction was completed, the reviewer moved on to the column titled “beginning and ending dates.” The beginning date had to match what was written on the “IEP Services Will Begin” line on Page 1 of the IEP while the ending date had to match the date for “Anticipated Duration of Services.” For instance, specially designed instruction for behavior in the IEP for Student #2 stated a beginning date of September 16, 2016 while the ending date was written as September 16, 2017. These dates matched

the same dates written on Page 1 of the IEP and, therefore, the reviewer highlighted this portion yellow. Frequency of Services was coded based on whether or not the amount of time was explicit (e.g., 100 minutes per week). If Frequency of Services reported that instruction would be “as needed” or “to be determined,” then the section was highlighted pink. If the time was explicit, then the section was highlighted yellow. Location of Services also had to be very clear and could not state “to be determined” or “in the school building.” For example, if the student was to receive behavior instruction, the IEP had to state what classroom (e.g., regular education classroom) or area of the school (e.g., elementary school cafeteria) this instruction would take place. If the Location of Services was explicit, then the reviewer highlighted the area yellow. If it was not explicit, the area was highlighted pink.

Supplementary aids and services. Much like Specially Designed Instruction, the beginning and ending dates, frequency of services, and location of services in the Supplementary Aids and Services (SAS) section had to be clear-cut. However, SAS also had to include the modifications, accommodations, and/or support the student was to receive based on his or her need(s). The modifications, accommodations, and/or supports needed to be explained in a measurable and observable manner in order to be in compliance. An example of a clearly defined modification, accommodation and/or support is as follows: seat STUDENT within five feet of teacher instruction to allow for redirection, prompting and to reduce distractions. On the other hand, frequently monitor independent work is not a measurable or observable modification, accommodation and/or support, as each individual implementing the IEP could interpret “frequently” in many different ways. The reviewer went through each modification, accommodation, and/or

support to determine how measurable and observable it was and highlighted the statement accordingly. The same procedure was followed for beginning and ending dates, frequency of services, and location of services.

Related services. If the If the IEP team decided that the student required support from a Related Services provider, then this portion of the IEP must have been completed in order for the document to be compliant. While coding for RS, the reviewer first checked to see if any of the boxes in this section of the IEP were checked. If none of the boxes were checked, then the reviewer highlighted the section header “Related Services” yellow, wrote “0” into the RS column of the mandated components coding form and moved on to the next component. However, if one or more of the boxes were checked, then the reviewer first highlighted the type of service yellow. For example, if the box for Speech/Language was checked, it was highlighted yellow. The reviewer then determined whether an A (Assessment), C (Consultative) or D (Direct) was placed in the “Service Type and/or Description” header. If one of the aforementioned letters was written in the correct column, it was highlighted yellow. If the row was left blank, then the reviewer highlighted the section pink. Similar to Specially Designed Instruction and Supplementary Aids and Services, beginning and ending dates, frequency of services, and location of services had to be clearly explained in order for the reviewer to highlight the sections yellow.

Placement. Placement (PL), which is where the student received his or her education, must have been determined by the IEP team. The reviewer turned to the second to last page of each IEP and reviewed the information under the header “Placement Considerations.” The team had eight options to choose from when deciding

placement, and those included: regular class with supplementary aids and services, regular class with special education (resource room), self-contained program, special school, residential, hospital, home, or other. Next to the options were boxes titled “selected” or “rejected.” At least one of those options must have been selected and rejected for the IEP to be compliant. For example, regular class with supplementary aids and services was checked “rejected” while regular class with special education (resource room) was checked “selected.” This indicated that the IEP team chose to educate the student in a regular education classroom with special education support. Once the reviewer identified that one of the boxes was checked as “selected,” it was highlighted yellow. The same procedure was used when the reviewer found a box checked as “rejected.” Only one box could be checked “selected” and at least one box had to be checked “rejected” for the component to be in compliance.

Interrater Reliability

Interrater reliability was used in this study to diminish subjectivity during the coding process. The individual who voluntarily participated in the interrater reliability portion of this study, hereby referred to as Reviewer #2, has been employed as a special education facilitator within the public school system. Reviewer #2 was a special education teacher prior to becoming a special education facilitator. As Reviewer #2 did not have access to the IEPs as she was not an employee of any of the three charter schools, all identifying information in IEPs used for the purpose of interrater reliability was redacted. Identification numbers were placed on each IEP prior to sending the documents to Reviewer #2, as this allowed Reviewer #1 and Reviewer #2 to classify

which IEPs were being coded for interrater reliability while protecting the identities of the students.

Out of the 103 IEPs reviewed for this study, 27 were randomly chosen to test for interrater reliability. Reviewer #1 (researcher and author of this study) and Reviewer #2 randomly pulled nine IEPs in September 2016, nine IEPs in December 2016 and nine IEPs in March 2017. For every nine that were pulled, there were three primary, three intermediate and three middle school IEPs. A rolling procedure was used to allow the two reviewers to meet, discuss and correct any issues with coding. These meetings permitted the reviewers to clarify any issues and ensure consistency.

The same instrumentation and coding forms were used. Percentage of agreement was used to determine interrater reliability. In order to use percentage of agreement, Reviewer #1 and Reviewer #2 independently reviewed each randomly chosen IEP and coded based on their perceptions of compliance of mandated rights and components. The IEPs that were randomly pulled for compliance review were coded to match the student identification number found on the coding form. Once Reviewer #1 and Reviewer #2 independently completed each set of IEP compliance checks, they met to review coding material and discuss any compliance concerns. The purposes of these meetings were to ensure that Reviewer #1 and Reviewer #2 were following the same coding forms and compliance checklists. To find percentage of agreement, the number of times Reviewer #1 and Reviewer #2 agreed was divided by the total number reviewed for each compliance area. For instance, while measuring interrater reliability for procedural safeguards, Reviewer #1 either stated “0” or “1” for the three reviewed IEPs. Reviewer #2 then stated “0” or “1” for the same IEPs. The number of times Reviewer #1 and

Reviewer #2 agreed was added together and divided by 3 (total number reviewed for the compliance area). This number indicated the percentage of agreement between Reviewer #1 and Reviewer #2. The same procedure was followed for every compliance area during each interrater reliability meeting (e.g., September 2016, December 2016 and March 2017).

In September 2016, Reviewer #1 and Reviewer #2 had 100% agreement for three of the five mandated rights and five of the ten mandated components. When comparing percentage of agreement for the mandated components, the reviewers were least likely to agree on Present Levels of Performance (see Table 4).

Table 4

September 2016 - Using Percentage of Agreement to Conduct Interrater Reliability

Checks for Nine Randomly Chosen IEPs

	Primary Grades K-2	Intermediate Grades 3-5	Middle Grades 6-8
Prior Written Notice	100	100	100
Procedural Safeguards	100	66.6	66.6
Present Levels of Performance	66.6	33.3	100
Consideration of Special Factors	100	66.6	66.6
Annual Goals	100	66.6	66.6
Method for Reporting Progress	100	100	100
Specially Designed Instruction	100	100	100
Supplementary Aids and Services	100	100	100
Related Services	100	100	100
Placement	100	66.6	100
Valid and Nonbiased Assessment	100	100	100
Eligibility Determination	100	100	66.6
Required Participants	100	100	100
Least Restrictive Environment	100	100	66.6
Annual Review	100	100	100

In December 2016, all five mandated rights had 100% agreement. Annual Goals (AG) and Present Levels of Performance (PLOP) were two of the ten mandated components with the lowest percentage of agreement (see Table 5). To increase percentage of agreement for PLOP prior to the March 2017 interrater reliability check, Reviewer #1 and Reviewer #2 reexamined their coding process and discussed how the component was coded for each IEP.

Table 5

December 2016 - Using Percentage of Agreement to Conduct Interrater Reliability Checks for Nine Randomly Chosen IEPs

	Primary Grades K-2	Intermediate Grades 3-5	Middle Grades 6-8
Prior Written Notice	66.6	100	100
Procedural Safeguards	100	100	100
Present Levels of Performance	66.6	66.6	33.3
Consideration of Special Factors	100	66.6	100
Annual Goals	66.6	66.6	100
Method for Reporting Progress	100	100	100
Specially Designed Instruction	100	100	100
Supplementary Aids and Services	100	100	100
Related Services	100	100	100
Placement	100	100	100
Valid and Nonbiased Assessment	100	100	100
Eligibility Determination	100	100	100
Required Participants	100	100	100
Least Restrictive Environment	100	100	100
Annual Review	100	100	100

In March 2017, all five mandated rights had 100% agreement. Nine of the ten mandated components also had 100% agreement. Present Levels of Performance was the

only component that did not have 100% agreement across both reviewers. However, primary and middle IEPs coded for Present Levels of Performance compliance had 100% agreement, while the intermediate IEPs had 33.3% agreement (see Table 6).

Table 6

March 2017 - Using Percentage of Agreement to Conduct Interrater Reliability Checks for Nine Randomly Chosen IEPs

	Primary Grades K-2	Intermediate Grades 3-5	Middle Grades 6-8
Prior Written Notice	100	100	100
Procedural Safeguards	100	100	100
Present Levels of Performance	100	33.3	100
Consideration of Special Factors	100	100	100
Annual Goals	100	100	100
Method for Reporting Progress	100	100	100
Specially Designed Instruction	100	100	100
Supplementary Aids and Services	100	100	100
Related Services	100	100	100
Placement	100	100	100
Valid and Nonbiased Assessment	100	100	100
Eligibility Determination	100	100	100
Required Participants	100	100	100
Least Restrictive Environment	100	100	100
Annual Review	100	100	100

As IEPs were reviewed in draft form only, no IEPs were recoded after interrater reliability checks. This was due to the IEP meetings already being held and the IEP was considered to be in final form.

Data Analysis

This study was descriptive and designed to examine the total sample of IEPs (N = 103). For RQ #1 and RQ #2, percentage of compliance was calculated to determine which mandated rights and components were most out of compliance pursuant to the Individuals with Disabilities Education Act. Total compliance was divided in four groups: (a) total IEP sample (N = 103), (b) primary grade level IEPs (n = 27), (c) intermediate grade level IEPs (n = 36), and (d) middle school grade level IEPs (n = 40). Analysis of Variance was used to determine whether there was a significant difference among means. For RQ #3, data were analyzed using descriptive statistics and Pearson correlation. Pearson correlation was used to determine if a relationship existed between licensure status and number of violations. Descriptive statistics and Pearson correlation were also used to determine if a relationship existed between years of experience and number of violations for RQ #4.

CHAPTER IV

Results

Overview of Study

The purpose of the study was to determine whether Individualized Education Plans (IEPs) written for students with disabilities enrolled in charter schools were compliant according to the mandated rights pursuant to federal law and components described in an IEP. Additionally, the study examined compliance of mandated rights and components based on licensure status and years of experience of 14 special education teachers. The three charter schools that participated in the study are located in the Southwest region of the United States and part of one of the largest schools districts in the nation. Charter schools in this large metropolitan area have grown from 898 to nearly 30,000 students (National Alliance of Public Charter Schools, 2017). This overall student population growth includes an increase in the number of students with disabilities. Charter schools are federally funded and therefore must adhere to the federal legislation protecting the rights of students with disabilities. Accordingly, a free and appropriate public education is required and charter schools must provide an IEP that fits the unique needs of each student with a disability (34 CFR §§ 300.17(d); 300.101).

Compliance for Mandated Rights

Research Question #1 examined which mandated rights pursuant to IDEA were found to be most compliant in ensuring a student's right to a lawful and compliant IEP. The five mandated rights reviewed for this study were: Valid and Nonbiased Assessment (VNA), Eligibility Determination (ED), Required Participants (RP), Least Restrictive

Environment (LRE), and Annual Review (AR). Analysis of Variance (ANOVA) was used to determine if there was a significant difference between the numbers of violations across three charter schools. Results produced no significant effect, $F(2, 12) = .213, p > .05$; therefore, data are reported for the total sample. Data were also analyzed using descriptive statistics.

Analyzing the total sample ($N = 103$ IEPs) showed that the highest percentage of compliance was Valid and Nonbiased Assessment while the lowest percentage of compliance was Eligibility Determination (see Table 7).

Table 7

Compliance Percentages for Mandated Rights Pursuant to the Individuals with Disabilities Education Act

	Total % (N = 103)
Valid and Nonbiased Assessment	96.1
Eligibility Determination	76.7
Required Participants	89.3
Least Restrictive Environment	87.4
Annual Review	83.5

Note. Total % indicates percentage of compliance for the entire sample.

The entire sample ($N = 103$ IEPs) were also divided by grade level: (a) primary ($n = 27$ IEPs), (b) intermediate ($n = 36$ IEPs), and (c) middle ($n = 40$ IEPs). ANOVA was used to determine if there was a significant difference between grade levels. Results produced no significant effect, $F(2, 12) = 2.769, p > .05$. While there was no significant difference between grade levels, the descriptive data suggest that reporting data at the

grade level can be informative. Analyzing mandated rights by grade level showed that all primary, intermediate, and middle school IEPs had high compliance rates for Valid and Nonbiased Assessment; however, intermediate grade IEPs were the only ones to have met compliance criteria 100% of the time. Middle school IEPs had the lowest compliance percentage for Annual Review and Eligibility Determination compared to primary and intermediate level IEPs. Overall, intermediate grade level IEPs had the highest levels of compliance and middle school grade level IEPs had the lowest levels of compliance (see Table 8).

Table 8

Compliance Percentages for Mandated Rights Pursuant to the Individuals with Disabilities Education Act for Three Grade Levels

	Primary Grades K-2 (n = 27)	Intermediate Grades 3-5 (n = 36)	Middle Grades 6-8 (n = 40)
Valid and Nonbiased Assessment	92.6	100	95
Eligibility Determination	85.2	91.7	57.5
Required Participants	88.9	91.7	87.5
Least Restrictive Environment	92.6	88.9	82.5
Annual Review	92.6	86.1	75

In summary, out of the 103 IEPs analyzed for this study, Valid and Nonbiased Assessment had the highest percentage of compliance and Eligibility Determination had the lowest percentage of compliance. When data were examined by grade level, intermediate level IEPs had the highest percentage of compliance while middle school grade level IEPs had the lowest percentage of compliance.

Compliance for Mandated Components

Research Question #2 examined which mandated components pursuant to IDEA were found to be most compliant in ensuring a student's right to a lawful and compliant IEP. The ten mandated components reviewed for compliance were: Prior Written Notice (PWN), Procedural Safeguards (PS), Present Levels of Performance (PLOP), Consideration of Special Factors (CSF), Annual Goals (AG), Methods for Reporting Progress (MRP), Specially Designed Instruction (SDI), Supplementary Aids and Services (SAS), Related Services (RS), and Placement (PL). Analysis of Variance (ANOVA) was used to determine if there was a significant difference between three charter schools. Results produced no significant effect, $F(2, 27) = .673, p > .05$; therefore, data are reported for the total sample. Data were analyzed using descriptive statistics.

Across the entire sample ($N = 103$), Method for Reporting Progress was the only mandated component found to be in compliance 100% of the time. The mandated component with the lowest compliance percentage was Prior Written Notice (see Table 9).

Table 9

Compliance Percentages for Mandated Components Described in Individualized

Education Plans

	Total % (N = 103)
Prior Written Notice	53.4
Procedural Safeguards	88.3
Present Levels of Performance	69.9
Consideration of Special Factors	85.4

Annual Goals	85.4
Method for Reporting Progress	100
Specially Designed Instruction	90.3
Supplementary Aids and Services	81.6
Related Services	93.2
Placement	92.2

Note. Total % indicates percentage of compliance for the entire sample.

The entire sample (N = 103 IEPs) were also divided by grade level: (a) primary (n = 27 IEPs), (b) intermediate (n = 36 IEPs), and (c) middle (n = 40 IEPs). ANOVA was run to determine if there was a difference among grade levels. Results produced no significant effect, $F(2, 27) = .353, p > .05$.

When examining mandated components, intermediate IEPs had the lowest percentage of compliance for Prior Written Notice, compared to primary and middle school IEPs. Conversely, immediate IEPs met compliance criteria for Present Levels of Performance more often than primary and middle school IEPs. Primary IEPs met compliance criteria for Specially Designed Instruction 100% of the time, whereas intermediate and middle school IEPs met compliance criteria 88.9% and 87.8% of the time, respectively. Overall, primary school IEPs had the highest percentage of compliance and middle school IEPs had the lowest percentage of compliance for mandated components (see Table 10).

Table 10

Compliance Percentages for Mandated Components Described in Individualized Education Plans per Three Grade Levels

	Primary Grades K-2 (n = 27)	Intermediate Grades 3-5 (n = 36)	Middle Grades 6-8 (n = 40)
Prior Written Notice	66.7	47.2	50
Procedural Safeguards	88.9	91.7	85
Present Levels of Performance	74.1	72.2	62.5
Consideration of Special Factors	77.8	83.3	90
Annual Goals	88.9	83.3	85
Method for Reporting Progress	100	100	100
Specially Designed Instruction	100	88.9	87.8
Supplementary Aids and Services	85.2	80.6	82.5
Related Services	92.6	97.2	90
Placement	96.3	94.4	86.1

In summary, out of the 103 IEPs reviewed for this study, Method for Reporting Progress had the highest percentage of compliance while Prior Written Notice had the lowest percentage of compliance. When all mandated rights and components were examined by grade level, on average, primary level IEPs had the highest percentages of compliance while middle school IEPs had the lowest percentages of compliance.

Relationship between Years of Experience and Identified Violations

Research Question #3 examined the relationship between years of teaching experience of a special education teacher and the violations found for required mandated rights and components pursuant to the Individuals with Disabilities Education Act. The

following five mandated rights were examined: Valid and Nonbiased Assessment (VNA), Eligibility Determination (ED), Required Participants (RP), Least Restrictive Environment (LRE), and Annual Review (AR). The following ten mandated components were also analyzed for this question: Prior Written Notice (PWN), Procedural Safeguards (PS), Present Levels of Performance (PLOP), Consideration of Special Factors (CSF), Annual Goals (AG), Methods for Reporting Progress (MRP), Specially Designed Instruction (SDI), Supplementary Aids and Services (SAS), Related Services (RS), and Placement (PL).

Data were divided into three groups: (a) total number of violations, (b) violations of mandated rights, and (c) violations of mandated components. Results were analyzed using descriptive statistics and Pearson correlation to determine if a relationship existed between years of experience and number of violations.

Across all IEPs ($N = 103$) examined for the purpose of this question, there were 232 violations for both mandated rights and components. The IEPs reviewed were considered drafts written by special education teachers ($N = 14$). As special education teachers are no longer considered probationary after three years of teaching in the state in which the study was conducted, the sample ($N = 14$) was divided into two groups: two or less years of experience ($n = 8$) and three or more years of experience ($n = 6$). Teachers with three or more years of experience had fewer violations than teachers with two or less years of experience. However, the means suggest that teachers in both groups had similar numbers of violations. When looking at number of violations for both mandated rights and components, having more years of experience did not impact compliance. The

correlation between experience and violations was found to be weak and not statistically significant, $r(12) = .103$, $p > .05$.

When data were examined for years of experience and mandated rights violations, teachers with three or more years of experience ($n = 6$) had more violations than teachers with two or less years of experience ($n = 8$). Conversely, when data were examined for years of experience and mandated component violations, teachers with three or more years of experience ($n = 6$) had fewer violations than teachers with two or less years of experience ($n = 8$). However, the means suggest that teachers in both groups had similar numbers of violations. The extra years of experience did not reduce the number of mandated rights or component violations (see Table 11).

Table 11

Years of Experience of Special Education Teachers (N = 14) and Total Number of Mandated Rights and Mandated Component Violations

Variable	2 or Less Years (n = 8 teachers)	3 or More Years (n = 6 teachers)
# of Violations		
Total	125	107
Mandated Rights	33	35
Mandated Components	92	72
% of Violations		
Total	53.9	46.1
Mandated Rights	26.4	32.7
Mandated Components	73.6	67.3

The highest number of mandated rights and component violations came from two teachers in the more experienced group. A teacher with 26 years of experience in special education had 38 mandated rights and component violations while the other teacher, with 4 years of experience, had 25 mandated rights and component violations (see Table 12).

Table 12

Special Education Teachers with Three or More Years of Experience (n = 6) and the Number and Percentage of Mandated Rights and Mandated Component Violations

	Years of Experience	Mandated Rights		Mandated Components	
		#	%	#	%
Teacher 101	4	2	5.7	23	32
Teacher 106	3	4	11.4	7	9.7
Teacher 109	3	4	11.4	6	8.3
Teacher 111	15	0	0	1	1.4
Teacher 112	26	14	40	24	33.3
Teacher 113	10	11	31.5	11	15.3

Conversely, a teacher in their first year of working in special education only had three mandated rights and component violations (see Table 13).

Table 13

Special Education Teachers with Two or Less Years of Experience (n = 8) and the Number and Percentage of Mandated Rights and Mandated Component Violations

	Years of Experience	Mandated Rights		Mandated Components	
		#	%	#	%
Teacher 102	1	2	6.1	12	13
Teacher 103	2	4	12.1	21	22.8
Teacher 104	1	8	24.2	10	10.9
Teacher 105	1	3	9.1	12	13
Teacher 107	<1	2	6.1	4	4.4
Teacher 108	<1	1	3	2	2.2
Teacher 110	<1	5	15.2	18	19.6
Teacher 114	1	8	24.2	13	14.1

In summary, when years of experience and number of mandated rights and components were analyzed, data suggest that teachers with three or more years of experience and teachers with two or less years of experience had similar numbers of violations. Having more years of experience did not suggest a lower rate of compliance.

Relationship between Licensure Status and Identified Violations

Research Question #4 examined the relationship between licensure status (full and provisional) and the violations found for required mandated rights and components pursuant to the Individuals with Disabilities Education Act. Five mandated rights were examined and those include: Valid and Nonbiased Assessment (VNA), Eligibility Determination (ED), Required Participants (RP), Least Restrictive Environment (LRE), and Annual Review (AR). Ten mandated components were also analyzed for this

question and those include: Prior Written Notice (PWN), Procedural Safeguards (PS), Present Levels of Performance (PLOP), Consideration of Special Factors (CSF), Annual Goals (AG), Methods for Reporting Progress (MRP), Specially Designed Instruction (SDI), Supplementary Aids and Services (SAS), Related Services (RS), and Placement (PL).

Licensure status was analyzed by three groups: (a) total number of violations, (b) mandated rights violations, and (c) mandated component violations. Results were analyzed using descriptive statistics and Pearson correlation to determine if a relationship existed between licensure status and number of mandated rights and component violations.

Across all IEPs ($N = 103$) examined for the purpose of this question, there were 232 violations for both mandated rights and components. The IEPs reviewed were written by special education teachers ($N = 14$) and divided into two groups: fully licensed ($n = 10$) and provisionally licensed ($n = 4$). Although the correlation between licensure and violations was found to be moderate, it was not statistically significant, $r(12) = .339$, $p > .05$. Data suggest that licensure status did reduce the number of mandated rights and component violations (see Table 14).

Table 14

Licensure Status of Special Education Teachers (N = 14) and Total Number of Mandated Rights and Mandated Component Violations

Variable	Fully Licensed (n = 10 teachers)	Provisionally Licensed (n = 4 teachers)
# of Violations		
Total	155	77
Mandated Rights	44	24
Mandated Components	111	53
% of Violations		
Total	66.8	33.2
Mandated Rights	28.4	31.2
Mandated Components	71.6	68.8

Data were also analyzed to determine whether fully licensed special education teachers with two or less years of experience (n = 4) had more or less mandated rights and component violations than fully licensed special education teachers with three or more years of experience (n = 6). Fully licensed special education teachers with three or more years of experience had an average of 17.83 mandated rights and component violations whereas fully licensed special education teachers with two or less years of experience had an average of 9.5 mandated rights and component violations. The means suggest that teachers who are less experienced but fully licensed have fewer violations than their more experienced counterparts. Other than one fully licensed special education teacher with 15 years of experience having zero mandated rights violations and one mandated component violation, two fully licensed special education teachers with less

than one year of experience had the fewest number of mandated rights and component violations. More experience did not reduce the number of mandated rights or component violations.

In summary, when licensure status (full and provisional) and number of violations were examined, results indicated that licensure status did reduce the number of mandated rights and component violations. Whereas, when data were analyzed to determine if fully licensed special education teachers with three or more years of experience had fewer mandated rights and component violations than their less experienced counterparts, results indicated that being fully licensed and having more experience did not reduce the number of violations.

Summary

This study included four research questions that examined compliance of five mandated rights pursuant to federal law and ten mandated components described in an IEP. Results for RQ #1 indicated that the mandated right with the highest percentage of compliance was Valid and Nonbiased Assessment while the mandated right with the lowest percentage of compliance was Eligibility Determination. Results for RQ #2 indicated that the mandated component with the highest percentage of compliance was Method for Reporting Progress while the mandated component with the lowest percentage of compliance was Prior Written Notice. When the number of mandated rights and component violations was compared to the years of experience of special education teachers, results for RQ #3 indicated that having more years of experience did not suggest a lower rate of compliance. However, when licensure status of special

education teachers was compared to the number of mandated rights and component violations for RQ #4, results indicated that licensure status reduced the number of mandated rights and component violations.

Chapter V

Discussion

Significance of the Study

There is a gap in literature focused on IEP compliance and how compliance of mandated rights pursuant to federal law and mandated components described in an IEP impact educational opportunities for students with disabilities. As students with disabilities are protected under federal law, an IEP that is out of compliance violates the right for this population to receive a free and appropriate public education (34 CFR § 104.33). A violation of the right to a free and appropriate public education limits a student's ability to receive instruction specific to his or her unique styles of learning and, therefore, restricts access to the general education curriculum. As more research is needed relating to IEP compliance errors, and where IEPs errors are being made, this study examined compliance of mandated rights pursuant to federal law and mandated components described in IEPs. Although this study examined a student's right to a free appropriate public education, it did not analyze implementation or quality of IEPs.

Additionally, skillful practitioners who understand the mandated rights pursuant to federal law and the mandated components described in IEPs are essential if students with disabilities are to meet rigorous instructional outcomes. Therefore, this study also examined whether special education teachers, who often hold the responsibility of writing IEPs, were fully licensed according to state guidelines. Years of teaching experience working in the field of special education were also analyzed.

As alternative school options grow in popularity, more students are being educated in charter schools. Charter schools must adhere to the same federal regulations

as public schools, as they receive federal funds. While there is a significant amount of research related to the mandated rights and components afforded to students with disabilities, minimal research has been conducted regarding the impact of charter school growth and compliance of special education laws. Specifically, there is limited research regarding whether special education teachers working in charter schools are competent in writing IEPs in accordance with IDEA. IEP compliance concerns are becoming widespread throughout the United States, as the number of students with disabilities has increased and parents are quickly gaining knowledge of their rights.

Key Findings for Mandated Rights

Results from the study indicated that the mandated right most frequently in compliance was Valid and Nonbiased Assessment. This indicates that the process for evaluating students with disabilities is being done correctly. The evaluation process is a historical issue for students with disabilities and is a key contributor to ensuring that the appropriate educational decisions are being made. The precedent for culturally and linguistically competent evaluations was set by *Diana v. Board of Education*, No. C-70-37 RFP (N.D. Cal. June 18, 1973), and has evolved throughout the past few decades to meet the growing population of students with disabilities. Given that students are being evaluated using appropriate methods of assessment, it can be determined that trained professionals, who understand the diverse needs of this population, are working in the field of special education. This finding suggests that as the IEP process moves forward, the teams in these schools do not have to worry about whether the evaluation results are valid and representative of the student's abilities.

Results indicated that Eligibility Determination had the lowest percentage of compliance. IEPs written for students with disabilities may not appropriately reflect the eligibility category he or she is eligible to receive special education for. As an eligibility category is the precursor to the story that an IEP tells, the IEP may not include the required information necessary to meet the child's specific educational needs. Identifying the specific area(s) of need is essential regardless of the eligibility category under which that the student qualifies pursuant to IDEA. Incorrectly identifying the eligibility category, or not specifying the eligibility category for which a student qualifies, may limit a child's access to specially designed instruction and/or supplementary aids and services required to be successful in accessing the general education curriculum. Special education teachers must be more diligent in correctly identifying the eligibility category for which a student is eligible pursuant to IDEA.

Annual Review was also a mandated right frequently out of compliance. As federal law mandates that IEPs be reviewed on or before the previous meeting date, a low percentage of compliance for this mandated right indicates that special education teachers are missing deadlines. To meet the annual review date does not require knowledge of the field; rather, it requires teachers to develop better time management strategies. A low percentage of compliance for this mandated right can be improved by offering special education teachers with opportunities to increase the time allotted to develop IEPs. For instance, school administrators could designate special education preparation periods specifically focused on writing IEPs. Technology could also improve compliance in this area. For example, a school wide calendar system—either a separate program or integrated into school district Infinite Campus software—could be used to monitor annual

review dates. This calendar system would allow special education teachers to input annual review dates upon the conclusion of an IEP. The calendar would automatically send a reminder email to the special education teacher at least one month prior to the next annual review date. This calendar system would decrease the likelihood that an annual review date is missed and, in doing so, would increase compliance of this mandated right.

As the ANOVA results produced no significant effect, there was no difference between the three charter schools. This indicates that results are not idiosyncratic to a specific school. What one school is doing correctly, all schools are doing correctly. Conversely, what one school is doing poorly, all schools are doing poorly.

Key Findings for Mandated Components

The mandated component with the highest percentage of compliance was Method for Reporting Progress. This indicates that special education teachers are properly identifying the means in which parents will be notified of their child's progress meeting IEP goals, benchmarks, and objectives. Unfortunately, the only reason that this component met compliance 100% of the time was due to technology. With technological advances, the Method for Reporting Progress section of IEPs is completed by clicking a button. Through Infinite Campus, a software program that special education teachers use to develop IEPs, the document cannot be saved unless all required areas have a checkmark. This ensures that all IEPs meet compliance standards for Method for Reporting Progress. Given that technology guarantees compliance for Method for Reporting Progress, additional advances should be made to improve the remaining mandated rights and components.

The mandated component with the lowest percentage of compliance was Prior Written Notice. This result indicates that parents are not receiving proper notification when the IEP team proposes or refuses any changes to their child's eligibility or IEP. Parents are required to receive three Prior Written Notices at least 10 school days prior to the proposed changes to their child's eligibility or IEP. Not receiving proper notification can limit parental participation in decisions regarding their child's education. Just as technological advances improved compliance for Method for Reporting Progress, a similar concept can be created for Prior Written Notice. To increase compliance for Prior Written Notice, Infinite Campus, the software program teachers use to develop IEPs, should have a system similar to Method for Reporting Progress. Technological advances should require that three Prior Written Notices be inputted into the system before the document can be locked. Additionally, as parents are required to receive notice at least 10 school days before any changes to their child's identification, evaluation, or educational placement, technology should be developed so that the dates can be monitored (34 CFR § 300.503(1-2)). This would ensure that parents receive the required three notices within the federally mandated time frame.

Present Levels of Performance was found to be the second least compliant mandated component. Present Levels of Performance is a vital component of every IEP as it provides the team with detailed information regarding the students' current level of academic, cognitive, functional, and social/emotional needs, as well as how these areas impact his or her performance in the educational environment (Gartin & Murdick, 2005). A student's current functioning provides a roadmap for the team to develop the rest of the IEP. Failing to meet compliance standards for Present Levels of Performance can affect

how the student receives an individualized education that best fits his or her unique style of learning. If Present Levels of Performance is written in a way that does not best represent the child, all further decision making can be impacted. Annual Goals, Specially Designed Instruction, Supplementary Aids and Services, Related Services, and Placement are reliant on the student's current levels of functioning and the tools he or she requires to access the general education curriculum. Present Levels of Performance often acts as a guide to how the rest of the IEP is developed to represent the child's learning style. Therefore, if this mandated component is not in compliance, it directly impacts the child's ability to receive special education services specific to his or her needs.

Mandated Rights and Components per Grade Level

Although there was no statistically significant difference between grade levels, there are descriptive differences that warrant discussion. Results suggest that middle school IEPs had the lowest percentage of compliance for both mandated rights and components. It was anticipated that primary level IEPs would have had the lowest percentage of compliance as students in these grades are often receiving special education services for the first time. This was assumed for two reasons: (a) parents of students in primary grades may be less experienced or knowledgeable of the special education process compared to parents of middle school aged students, and (b) special education teachers writing primary level IEPs often have to construct an IEP based solely on one eligibility evaluation whereas special education teachers writing IEPs for middle school students likely have several years of data to assist in the development process.

IEPs being written for middle school students may include a culmination of previous evaluation data which could be impacting compliance. Having too much data

may be overwhelming and could limit a special education teacher's ability to focus solely on the current needs of the student. To improve compliance of middle school IEPs, special education teachers should be utilizing similar methods used to develop primary level IEPs. As such, it is recommended that teachers should not be able to access data from previous evaluations.

Another explanation as to why middle school students have the least compliant IEPs is that teachers are using previous IEPs, which do not reflect current levels of functioning. Special education teachers may be copying and pasting from prior IEPs or from other student's IEPs. Technological advances are critical in this area as compliance can be improved by removing the teacher's ability to cut and paste from former IEPs. This would limit the likelihood that previous data and/or data from another student is being used.

Mandated Rights vs. Mandated Components

Examining the difference in compliance percentages for mandated rights pursuant to federal law and mandated components described in IEPs indicated that special education teachers are more likely to meet compliance standards for mandated rights. This shows that special education teachers are knowledgeable of the mandated rights afforded to students with disabilities and acknowledge the importance of protecting their educational opportunities. Mandated components can be procedurally taught to special education teachers through teacher training programs and professional development opportunities. Understanding the importance of mandated rights is a personal disposition that cannot be taught. These findings suggest that special education teachers are joining the field with the anticipation of protecting the rights of students with disabilities.

Key Findings for Years of Experience and Licensure Status

Special education teachers who were fully licensed with less experience had fewer compliance errors than their more experienced counterparts. This result is significant as it indicates that recently graduated special education teachers are incorporating what they have learned in their teacher preparation programs into professional practice. Fully licensed special education teachers with more experience may not be using their special education training effectively. Too much time may have lapsed and they could have forgotten the mandated rights and components required in the IEP development process. Professional development opportunities focused on IEP compliance could immensely benefit this population of teachers. Additionally, these teachers may also be experiencing exhaustion and burn out. Comparing attrition rates of special education teachers to general education teachers, special education teachers are 2.5 times more likely to leave the profession. This is often due to burnout directly related to IEP compliance (Mastropieri et al., 2005; Sweigart & Collins, 2017). Professional fatigue may be influencing IEP development, which in turn impacts compliance.

Limitations

All IEPs coded in this study were drafts and had not been reviewed by the IEP team. The drafts represented the special education teachers' best efforts to meet compliance standards pursuant to IDEA. However, all IEPs in this study were found to have an area out of compliance. Therefore, after the IEPs were analyzed, any mandated right or component out of compliance was addressed and fixed. This ensured that the IEP

presented to parents met compliance standards according to the five mandated rights and ten mandated components described in this study.

This generalizability of the findings was limited by the sample of charter schools. However, there is limited research of this population and, therefore, new data were collected related to charter schools and students with disabilities. Yet, using only charter schools in this study limited the generalizability to district public schools. Instead of being educated in their home schools, parents are voluntarily placing students in charter schools as an alternative schooling choice. This restricts the true population of students, as the charter schools participating in this study choose enrollment based on a lottery system. Compared to public schools, where students are guaranteed an education in their zoned school regardless of classroom size, charter schools are limited in the number of students permitted to enroll.

The sample size of special education teachers participating in this study is a limitation. Due to the teacher shortage in special education, there have been vacancies among special education positions in the charter schools participating in this study. Therefore, only 14 teachers participated in the study. A larger sample size may have impacted the data analysis and results.

Using draft IEPs is another limitation of this study. Although the draft IEPs represented the special education teacher's best effort and encompassed the spirit of the law, the results did not focus on the implementation of the document. Therefore, it cannot be concluded that the IEPs used in this study were meaningful and truly represented the child's ability to learn in the educational environment.

The coding of Present Levels of Performance was found to be subjective and difficult to code. It was the only mandated component that did not receive 100 percent of agreement during interrater reliability checks. Therefore, it is unclear whether the coding process of Present Levels of Performance for all 103 IEPs was objective.

Operationalizing how to code this component would have been more beneficial to the researcher and may have increased the percentage of agreement for interrater reliability.

Another limitation is the researcher's professional career as a school psychologist. The methodology of this study may not be generalizable to an individual with limited exposure to special education. The research methods required knowledge of special education law and IEP compliance standards. Although the methodology was written in a measurable and observable manner, it was difficult to remove past experience working in the field of special education. Therefore, interrater reliability was used to mitigate bias and improve methodology replication.

Recommendations for Future Research

Research focused on IEP compliance is needed as the results from this study indicate that special education teachers in charter schools are struggling to write compliant IEPs. The field of special education could benefit from a study focusing on professional development topics addressing the need to increase knowledge of special education law and IEP compliance for special education teachers. Specifically, future studies could examine whether special education teachers are more likely to participate in professional development opportunities when given a choice in topic(s) and offered a chance to present. One of the main reasons for teachers not participating in professional development is lack of topics (Hammel, 2007). When professional development sessions

are offered to teachers, topics are often limited and do not relate to the needs of special education teachers. According to Hammel (2007), professional development topics are chosen by administrators or lawyers, instead of teachers. Furthermore, permitting special education teachers to put on an in-service could increase teacher buy in and develop interest in future professional development opportunities. If special education teachers are graduating from teacher preparation programs feeling underprepared to tackle the legality of special education, school districts should be offering professional development sessions focused on increasing knowledge of special education law and writing compliant IEPs. Although professional development opportunities have the potential to lead to greater IEP compliance for students with disabilities, research suggests that only a quarter of licensed special education teachers in the United States participate in professional development (National Center for Educational Statistics, 2006). A study conducted by Ruiz, Rueda, Figueroa & Boothroyd (1995) found that a teacher's belief in their ability to affect the educational needs of students improved with professional development sessions. Therefore, providing teachers with opportunities to participate in professional development sessions may positively impact students with disabilities.

Research in technological advances to improve IEP compliance would also benefit the field of special education. Results indicated that technology singlehandedly increased compliance for Method for Reporting Progress, as all 103 IEPs examined in this study had 100% compliance. Therefore, a study focused on how technology can increase compliance rates for mandated rights and components is necessary. As many areas of compliance reviewed for this study were procedural, developing a software program that requires all mandated rights and components to be compliant is essential.

IEPs that meet the five mandated rights pursuant to federal law and ten mandated components described in IEPs are vital to protecting the educational rights of students with disabilities.

Special education teachers should have the opportunity to utilize a peer review system for IEPs. A peer review IEP process would allow for more opportunities to identify any compliance errors and permit special education teachers to discuss any questions or concerns regarding IEP development. A follow up study should be conducted; however, instead of only a portion of the IEPs reviewed by a peer, all of the IEPs included in the study would be peer reviewed. Percentage of agreement should be used for each IEP reviewed.

Summary

In this study, 103 IEPs from three charter schools were reviewed for compliance to determine if the five mandated rights pursuant to federal law and ten mandated components described in an IEP were met. At the start of the study, it was assumed that the majority of IEPs reviewed would have 100% compliance. However, results indicated that not one IEP reviewed was compliant according to the federally mandated rights and components. One area of noncompliance has the potential to affect how students with disabilities access the general education curriculum and receive a free appropriate public education. Special education teachers are placed with the responsibility of safeguarding the educational rights of students with disabilities, regardless of whether it is a charter school. Yet, when IEPs are not compliant, educational opportunities afforded to students with disabilities are limited. Noncompliant IEPs set students with disabilities up to fail.

As the shortage of special education teachers continues to impact school districts across the country, the number of unqualified personnel placed in special education classrooms is rising. As the results of this study indicated, teachers who hold provisional licenses have more IEP violations than their fully licensed counterparts. Yet, school districts continue to place unqualified teachers into classrooms and hand them the responsibility of writing and implementing IEPs. This endless cycle of IEP noncompliance directly impacts students with disabilities and their right to receive a free appropriate public education.

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Appendix A

Data Collection

Mandated Rights Coding Form

Student ID	Teacher ID	VNA	ED	RP	LRE	AR
1	101	0	0	0	0	0
2	102	0	0	0	0	0
3	102	0	0	0	0	0
4	101	0	0	0	0	0
5	101	0	0	0	1	1
6	104	0	0	0	0	1
7	101	0	0	0	1	0
8	104	0	1	1	1	0
9*	103	1	0	0	0	0
10	102	0	0	0	0	0
11	105	0	1	0	0	0
12*	106	0	0	0	0	0
13	107	0	1	0	0	1
14	103	0	0	0	0	0
15	103	0	0	0	0	1
16	109	0	0	0	0	0
17	106	0	0	0	0	0
18	103	0	0	0	0	0
19	104	0	1	0	0	0
20	108	0	0	0	0	0

21	106	0	0	0	0	0
22	107	0	0	0	0	0
23	109	0	1	0	0	0
24	105	0	0	1	0	0
25	106	0	0	0	0	0
26	104	0	0	1	0	0
27	108	0	0	1	0	0
28	103	0	0	0	0	0
29	101	0	0	0	0	0
30	109	0	0	0	1	1
31	110	0	1	0	1	1
32	101	0	0	0	0	0
33	101	0	0	0	0	0
34	104	0	1	0	1	0
35	108	0	0	0	0	0
36	104	0	0	0	0	0
37	103	0	0	0	0	0
38	101	0	0	0	0	0
39	103	0	0	0	0	0
40*	101	0	0	0	1	0
41	105	0	0	0	0	0
42	110	0	0	0	0	1
43	110	0	0	0	0	1
44	109	0	0	1	0	0
45	105	0	0	0	0	0
46	102	0	0	0	0	0
47	102	0	0	0	0	0

48*	106	0	0	0	0	0
49	105	0	0	0	0	0
50	105	0	0	0	0	0
51	110	0	0	0	0	1
52	110	0	0	0	0	0
53	109	0	0	0	0	0
54	109	0	0	0	0	0
55*	103	0	0	0	0	0
56	103	0	0	0	1	1
57	103	0	0	0	0	0
58	109	0	1	0	1	1
59	109	0	1	0	1	1
60	105	0	0	0	0	0
61	111	0	0	0	0	0
62	102	0	0	0	0	0
63	105	0	0	0	1	0
64	103	0	0	0	0	0
65	103	0	0	0	0	0
66	106	0	0	0	0	0
67	112	0	0	0	0	0
68	112	0	0	0	0	0
69	112	0	0	0	0	0
70	112	0	0	0	0	1
71	106	0	1	1	0	0
72	112	0	1	1	0	0
73	112	1	0	0	0	0
74	112	0	0	0	0	0

75	112	0	0	0	0	0
76	112	0	0	0	0	0
77	103	0	0	0	0	0
78	102	0	0	0	1	1
79*	109	0	0	0	0	0
80	113	0	1	0	0	1
81	113	0	1	0	0	0
82*	113	1	1	0	0	0
83	113	0	1	0	0	0
84	113	0	0	0	0	0
85	113	0	0	0	0	0
86	113	0	1	0	0	0
87	113	0	1	0	0	0
88	113	0	1	0	0	0
89	113	0	1	1	0	0
90	112	0	0	0	0	0
91	103	0	0	0	0	0
92	112	0	1	0	0	1
93	112	0	1	0	0	0
94	112	0	0	0	0	0
95	112	0	1	0	0	1
96	112	0	0	0	0	0
97	112	0	0	0	0	0
98	112	0	0	0	0	0
99	112	0	0	0	0	0
100	112	0	0	1	0	0
101	112	0	0	0	1	0

102	112	0	0	1	0	0
103	112	0	1	1	0	0

Completed by Reviewer

Data Collection

Mandated Rights Coding Form

Student ID	Teacher ID	VNA	ED	RP	LRE	AR
1	101	0	0	0	0	0
2	102	0	0	0	0	0
3	102	0	0	0	0	0
4						
5						
6	104	0	0	0	0	1
7	101	0	0	0	1	0
8						
9*	103	1	0	0	0	0
10						
11						
12	106	0	0	0	0	0
13						
14	103	0	0	0	0	0
15						
16						
17	106	0	1	0	0	0
18						
19						
20						

21	106	0	0	0	0	0
22	107	0	0	0	0	0
23	109	0	1	0	0	0
24	105	0	0	1	0	0
25	106	0	0	0	0	0
26						
27	108	0	0	1	0	0
28						
29						
30						
31						
32						
33	101	0	0	0	0	0
34						
35						
36						
37	103	0	0	0	0	0
38						
39						
40						
41	105	0	0	0	0	0
42						
43						
44						
45						
46						
47						

48*	106	0	0	0	0	0
49						
50						
51						
52						
53						
54						
55						
56						
57	103	0	0	0	0	0
58	114	0	1	0	1	1
59	114	0	1	0	1	1
60						
61						
62	102	0	0	0	0	0
63	105	0	0	0	1	0
64	103	0	0	0	0	0
65						
66	106	0	0	0	0	0
67						
68						
69						
70						
71						
72						
73						
74						

75						
76						
77	103	0	0	0	0	0
78						
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102						
103						

49	105	1	0	0	0	0	0	0	0	0	0
50	105	1	0	0	0	0	0	0	0	0	0
51	110	1	0	0	0	0	0	1	1	0	1
52	110	1	1	0	0	0	0	0	0	0	0
53	109	1	0	0	0	0	0	0	0	0	0
54	109	1	0	0	0	0	0	0	0	0	0
55*	103	1	0	0	0	0	0	0	0	0	0
56	103	1	0	1	0	1	0	0	0	0	0
57	103	1	1	0	0	0	0	0	0	0	0
58	109	1	0	1	0	1	0	1	1	0	0
59	109	1	1	0	0	1	0	1	0	0	0
60	105	1	0	0	1	0	0	0	0	0	0
61	111	1	0	0	0	0	0	0	0	0	0
62	102	1	0	0	0	0	0	0	0	0	0
63	105	1	0	1	0	0	0	0	0	0	1
64	106	1	0	0	0	0	0	0	0	0	0
65	106	1	1	0	0	0	0	0	0	0	0
66	106	1	0	0	0	0	0	0	0	0	0
67	112	0	0	0	0	1	0	0	1	0	0
68	112	0	0	0	0	0	0	0	0	0	0
69	112	0	0	0	0	0	0	0	1	0	0
70	112	1	0	0	0	0	0	0	1	0	0
71	106	0	1	0	0	0	0	0	0	0	0
72	112	1	0	0	1	0	0	0	0	0	0
73	112	0	0	1	0	0	0	0	0	0	0
74	112	0	0	0	0	0	0	0	0	0	0
75	112	0	1	1	0	0	0	0	1	0	0

103	112	0	0	1	1	0	0	0	1	0	0
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Appendix C

Student & Teacher Identification

ID Number	Student Name	Disability	SET Name	ID #	Years of Experience	Licensure Status
1	██████████	SLD	██████████	101	4	Fully
2	██████████	SLD	██████████	102	1	Fully
3	██████████	OHI	██████████	102	1	Fully
4	██████████	SLD	██████████	101	2	Fully
5	██████████	ASD	██████████	101	4	Fully
6	██████████	SLD	██████████	104	1	Provisional
7	██████████	SLD	██████████	101	4	Fully
8	██████████	ASD	██████████	104	1	Provisional
9	██████████	ASD	██████████	103	2	Fully
10	██████████	OHI	██████████	102	1	Fully
11	██████████	SLD	██████████	105	1	Provisional
12	██████████	SLD	██████████	106	3	Fully
13	██████████	SLD	██████████	107	<1	Fully

14	██████████	SLD	██████████	103	2	Fully
15	██████████	SLD	██████████	103	2	Fully
16	██████████████	SLD	██████████	109	3	Fully
17	██████████████	SLD	██████████	106	3	Fully
18	██████████████	SLD	██████████████	103	2	Fully
19	██████████████	OHI	██████████	104	1	Provisional
20	██████████████	SLD	██████████	108	<1	Fully
21	██████████████	OHI	██████████	106	3	Fully
22	██████████████████	SLD	██████████	107	<1	Fully
23	██████████████	SLD	██████████████	109	3	Fully
24	██████████████	OHI	██████████████	105	1	Provisional
25	██████████████	DD	██████████████	106	3	Fully
26	██████████████	OHI	██████████████	104	1	Provisional
27	██████████████████	ASD	██████████████	108	<1	Fully
28	██████████████	SLD	██████████████████	103	2	Fully
29	██████████████████	ASD	██████████████	101	4	Fully

30	██████████	SLD	██████████	114	1	Provisional
31	██████████	ASD	██████████	110	<1	Provisional
32	██████████	SLD	██████████	101	4	Fully
33	██████████	OHI	██████████	101	4	Fully
34	██████████	SLD	██████████	104	1	Provisional
35	██████████	SLD	██████████	108	<1	Fully
36	██████████	SLD	██████████	104	1	Provisional
37	██████████	SLD	██████████	103	2	Fully
38	██████████	ASD	██████████	101	4	Fully
39	██████████	DD	██████████	103	2	Fully
40	██████████	ASD	██████████	101	4	Fully
41	██████████	OHI	██████████	105	1	Provisional
42	██████████	SLD	██████████	110	<1	Provisional
43	██████████	SLD	██████████	110	<1	Provisional
44	██████████	OHI	██████████	109	3	Fully
45	██████████	OHI	██████████	105	1	Provisional

46	██████████	SLD	██████████	102	1	Fully
47	██████████	SLD	██████████	102	1	Fully
48	██████████	DD	██████████	106	3	Fully
49	██████████	OHI	██████████	105	1	Provisional
50	██████████	SLD	██████████	105	1	Provisional
51	██████████	ASD	██████████	110	<1	Provisional
52	██████████	ED	██████████	110	<1	Provisional
53	██████████	ASD	██████████	109	3	Fully
54	██████████	OHI	██████████	109	3	Fully
55	██████████	SLD	██████████	103	2	Fully
56	██████████	DD	██████████	103	2	Fully
57	██████████	SLD	██████████	103	2	Fully
58	██████████	SLD	██████████	114	1	Provisional
59	██████████	SLD	██████████	114	1	Provisional
60	██████████	SLD	██████████	105	1	Provisional
61	██████████	OHI	██████████	111	15	Fully

62	██████████	SLD	██████████	102	1	Fully
63	██████████	OHI	██████████	105	1	Provisional
64	██████████	SLD	██████████	106	3	Fully
65	██████████	ASD	██████████	106	3	Fully
66	██████████	SLD	██████████	106	3	Fully
67	██████████	SLD	██████████	112	26	Fully
68	██████████	SLD	██████████	112	26	Fully
69	██████████	SLD	██████████	112	26	Fully
70	██████████	SLD	██████████	112	26	Fully
71	██████████	OHI	██████████	106	3	Fully
72	██████████	OHI	██████████	112	26	Fully
73*	██████████	SLD	██████████	112	26	Fully
74	██████████	OHI	██████████	112	26	Fully
75	██████████	SLD	██████████	112	26	Fully
76	██████████	SLD	██████████	112	26	Fully
77	██████████	SLD	██████████	103	2	Fully

78	██████████	OHI	██████████	102	1	Fully
79	██████████████████	SLD	██████████	109	3	Fully
80	██████████	SLD	██████████	113	10	Fully
81	██████████	SLD	██████████	113	10	Fully
82*	██████████████████	SLD	██████████	113	10	Fully
83	██████████████████	SLD	██████████	113	10	Fully
84	██████████████████	ASD	██████████	113	10	Fully
85	██████████	ASD	██████████	113	10	Fully
86	██████████	OHI	██████████	113	10	Fully
87	██████████████████	SLD	██████████	113	10	Fully
88	██████████	ASD	██████████	113	10	Fully
89	██████████████████	OHI	██████████	113	10	Fully
90	██████████	SLD	██████████████████	112	26	Fully
91	██████████████████	SLD	██████████████████	103	2	Fully
92	██████████	OHI	██████████████████	112	26	Fully
93	██████████████████	SLD	██████████████████	112	26	Fully

94	██████████	SLD	██████████	112	26	Fully
95	██████████████	ASD	██████████	112	26	Fully
96	██████████	SLD	██████████	112	26	Fully
97	██████████	SLD	██████████	112	26	Fully
98*	██████████████	SLD	██████████	112	26	Fully
99	██████████	ASD	██████████	112	26	Fully
100	██████████████	SLD	██████████	112	26	Fully
101	██████████	ASD	██████████	112	26	Fully
102	██████████████	SLD	██████████	112	26	Fully
103	██████████████	ASD	██████████	112	26	Fully

Appendix D

Eligibility Criteria

Nevada Administrative Code § 388

<http://www.leg.state.nv.us/NAC/NAC-388.html#NAC388Sec390>

Autism (NAC 388.387)

- Evaluation must include:
 - Health;
 - Developmental history;
 - Cognitive abilities;
 - Social and emotional condition across multiple settings;
 - Academic achievement;
 - Adaptive skills; and
 - Speech, language and other communication skills

Hearing Impairment (NAC 388.390)

- Evaluation must include:
 - Audiology or the interpretation of an audiological report;
 - Health, including a comprehensive examination of vision;
 - Academic achievement; and
 - Speech, language, and other communication skills

Visual Impairment (NAC 388.395)

- Evaluation must include:
 - Comprehensive examination of vision, performed by an eye specialist;
 - Health; and
 - Academic achievement
- Evaluation **may** include:
 - Cognitive abilities; and
 - Social and emotional condition

Orthopedic Impairment (NAC 388.400)

- Evaluation must include:
 - Health, including a physical examination; and
 - Functional limitations in relations to the demands of a classroom
- Evaluation **may** include:
 - Cognitive abilities;
 - Social and emotional condition; and
 - Academic achievement

Health Impairment (NAC 388.402)

- Evaluation must include:
 - Health; and
 - Analyze the student's ability to meet the demands and perform in a regular classroom
- Evaluation **may** include:
 - Developmental history;

- Cognitive abilities;
- Social and emotional condition;
- Academic achievement; and
- Language and motor skills

Traumatic Brain Injury (NAC 388.407)

- Evaluation must include:
 - Health; and
 - Developmental history;
 - Cognitive abilities;
 - Social and emotional condition;
 - Academic achievement;
 - Language and motor skills;
 - Sensory and perceptual abilities; and
 - Attention, comprehension, judgment and problem solving skills.

Intellectual Disability (NAC 388.410)

- Evaluation must include:
 - Cognitive abilities;
 - Adaptive skills;
 - Health, including developmental history;
 - Academic achievement; and
 - Speech, language and other communication skills

Serious Emotional Disturbance (NAC 388.415)

- Evaluation must include:
 - Social and emotional condition;
 - Health;
 - Cognitive abilities;
 - Academic achievement; and
 - Any intervention on behalf of the pupil

Specific Learning Disability (NAC 388.420)

- Evaluation must include:
 - Cognitive abilities, including the existence of a severe discrepancy between achievement and intellectual ability if intervention method was not used;
 - Social and emotional condition;
 - Academic achievement;
 - Performance of student in his or her current educational setting;
 - Health and developmental history; and
 - A classroom observation

Multiple Impairment (NAC 388.425)

- Evaluation must include:
 - Eligibility for intellectual disability and eligibility for any additional condition, other than specific learning disability, developmental delay or speech and language impairment

Developmental Delay (NAC 388.430)

- Evaluation must include:
 - Receptive or expressive language;
 - Cognitive abilities;
 - Gross or fine motor function;
 - Self-help; and
 - Social or emotional condition

Appendix E

IEP Required Participants Pursuant to the Individuals with Disabilities Education Act 34 CFR § 300.321

Specific Learning Disability	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), and Local Educational Agency
Other Health Impairment	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist)
Developmental Delay	Special Education Teacher, General Education Teacher, Parent, Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist)
Orthopedic Impairment	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist)
Traumatic Brain Injury	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist)

Visual Impairment	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist, Vision Specialist)
Hearing Impairment	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist, Hearing Specialist)
Intellectual Disability	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist)
Multiple Impairment	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Vision Specialist, Hearing Specialist, Physical Therapist)
Autism Spectrum Disorder	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist)
Serious Emotional Disturbance	Special Education Teacher, General Education Teacher, Parent, Student (if over the age of 16 & when appropriate), Local Educational Agency, and

any Related Services appropriate to the eligibility (e.g., School Nurse, Occupational Therapist, Speech and Language Pathologist, Physical Therapist, Behavior Specialist)